THE SEVENTY-FIFTH DAY

CARSON CITY (Friday), April 17, 2009

Assembly called to order at 11:15 a.m.
Madam Speaker presiding.
Roll called.
All present.
Prayer by the Chaplain, Pastor Albert Tilstra.

Give us open eyes, our Father, to see the beauty all around us and to see it in Your handiwork. Let all lovely things fill us with gladness and let them lift up our hearts in true worship. Give us this day, a strong and vivid sense that You are by our side. By Your grace, let us go nowhere this day where You cannot come nor court any companionship that would rob us of You.

AMEN.

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.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 436, 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.

MARCUS CONKLIN, *Chairman*

Madam Speaker:

Your Committee on Corrections, Parole, and Probation, to which were referred Assembly Bills Nos. 85, 252, 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*

m Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 181, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BONNIE PARNELL, *Chair*

Madam Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 352, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARILYN K. KIRKPATRICK, *Chair*

Madam Speaker:

Your Committee on Health and Human Services, to which were referred Assembly Bills Nos. 52, 101, 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 were referred Assembly Bills Nos. 207, 335, 388, 476, 495, 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 Judiciary, to which was referred Assembly Bills Nos. 45, 65 has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, without recommendation, and rerefer to the Committee on Ways and Means.

BERNIE ANDERSON, *Chairman*

Madam Speaker:

Your Committee on Taxation, to which was referred Assembly Bill No. 146, 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 was referred Assembly Bill No. 345, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended and rerefer to the Committee on Ways and Means.

KATHY MCCLAIN, *Chair*

Madam Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 441, 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*

Madam Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 13, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 16, 2009

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 136, 137, 250; Senate Bills Nos. 273, 362.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 79, 82, 110, 185, 206, 263, 266, 276, 280, 300, 325, 349, 360; Senate Joint Resolution No. 3.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Assembly Bills Nos. 13, 45, 52, 65, 85, 101, 146, 181, 207, 252, 335, 345, 352, 388, 441, 476, 495, just reported out of committee, be placed on the appropriate reading file.

Motion carried.

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

Assemblyman Oceguera moved that Assembly Bill No. 436, just reported out of committee, be rereferred to the Committee on Ways and Means.
Motion carried.

Senate Joint Resolution No. 3.
Assemblyman Oceguera moved that the resolution be referred to the Committee on Government Affairs.
Motion carried.

NOTICE OF EXEMPTION

April 16, 2009

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bill No. 57.

GARY GHIGGERI
Fiscal Analysis Division

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 79.
Assemblyman Oceguera moved that the bill be referred to the Committee on Health and Human Services.
Motion carried.

Senate Bill No. 82.
Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.
Motion carried.

Senate Bill No. 110.
Assemblyman Oceguera moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.
Motion carried.

Senate Bill No. 185.
Assemblyman Oceguera moved that the bill be referred to the Committee on Education.
Motion carried.

Senate Bill No. 206.
Assemblyman Oceguera moved that the bill be referred to the Committee on Transportation.
Motion carried.

Senate Bill No. 263.
Assemblyman Oceguera moved that the bill be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.
Motion carried.

Senate Bill No. 266.

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

Motion carried.

Senate Bill No. 273.

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

Motion carried.

Senate Bill No. 276.

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

Motion carried.

Senate Bill No. 280.

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

Motion carried.

Senate Bill No. 300.

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

Motion carried.

Senate Bill No. 325.

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

Motion carried.

Senate Bill No. 349.

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

Motion carried.

Senate Bill No. 360.

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

Motion carried.

Senate Bill No. 362.

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

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 186, 430, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARCUS CONKLIN, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Assembly Bills Nos. 186 and 430, just reported out of committee, be placed on the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 13.

Bill read second time.

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

Amendment No. 514.

AN ACT relating to education; authorizing the board of trustees of a school district to request a waiver from the required minimum expenditure for textbooks, instructional supplies and instructional hardware during an economic hardship; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Education to develop a formula for determining the minimum amount of money that each school district is required to expend each fiscal year for textbooks, instructional supplies and instructional hardware. (NRS 387.206) **Section 1** of this bill authorizes a school district to request a waiver from all or a portion of the minimum expenditure requirements when a school district experiences an economic hardship. A request for a waiver must be reviewed by the Department of Education and the State Board of Examiners. The Interim Finance Committee makes the final determination regarding whether to grant a waiver. A school district that is granted a waiver is prohibited from using the money for collective bargaining with its licensed employees or for an adjustment of salaries and benefits of district employees.

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

Section 1. Chapter 387 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The board of trustees of a school district that experiences an economic hardship may submit a written request to the Department on a form prescribed by the Department for a waiver of all or a portion of the amount of money the school district is required to expend for textbooks, instructional supplies and instructional hardware pursuant to NRS 387.206 for the fiscal year.

2. Upon receipt of a written request pursuant to subsection 1, the Department shall consider the request and determine whether an economic hardship exists for the school district. The Department may request additional information from the school district in making the determination. If the Department determines that an economic hardship exists for the school district, the Department shall forward the request to the Interim Finance Committee and the State Board of Examiners, including the basis for its determination and any recommendations of the Department for the amount of a waiver.

3. Upon receipt of a written request from the Department pursuant to subsection 2, the State Board of Examiners shall consider the request and determine whether an economic hardship exists for the school district. If the State Board of Examiners determines that an economic hardship exists, it shall determine whether the hardship justifies a waiver of all or a portion of the expenditure requirements established for that school district for the fiscal year pursuant to NRS 387.206. The State Board of Examiners may request additional information from the school district in making the determination. If the State Board of Examiners determines that an economic hardship exists for the school district and that a waiver from all or a portion of the expenditure requirements is justified, the State Board of Examiners shall forward the request to the Interim Finance Committee, including the basis for its determination and its recommendation for the amount of the waiver. The Interim Finance Committee is not bound to follow the recommendations of the State Board of Examiners.

4. Upon receipt of a written request from the State Board of Examiners pursuant to subsection 3, the Interim Finance Committee shall consider the request and determine whether an economic hardship exists for the school district. If the Interim Finance Committee determines that an economic hardship exists, it shall determine whether the hardship justifies a waiver of all or a portion of the expenditure requirements established for that school district for the fiscal year pursuant to NRS 387.206. The Interim Finance Committee may request additional information from the school district in making the determination. If the Interim Finance Committee grants a waiver, the Committee shall by resolution set forth the:

(a) Grounds for its determination;

(b) Amount of the waiver; and

(c) Period for which the waiver is effective.

5. The board of trustees of a school district that is granted a waiver by the Interim Finance Committee pursuant to this section shall, upon expiration of the period for which the waiver is granted, provide a written accounting to the Interim Finance Committee and the Department that includes a ~~[reconciliation]~~ :

(a) Reconciliation of the ~~[actual]~~ revenue and expenditures with the projections of revenue and expenditures that were used to determine whether an economic hardship existed for the school district ~~[.]~~ ; and

(b) Description of how the money from the waiver was used.

6. If the Interim Finance Committee grants a waiver pursuant to this section and subsequently the economic hardship to the school district is mitigated because the actual revenue attributable to the school district exceeds projections or the actual expenses incurred by the school district are less than anticipated:

(a) The amount of the waiver must be reduced accordingly by the school district; and

(b) The amount of money the school district is required to expend for textbooks, instructional supplies and instructional hardware in the next fiscal year, as determined pursuant to subsection 1 of NRS 387.206, must be adjusted accordingly.

7. A school district that is granted a waiver pursuant to this section shall not use the money that would have otherwise been expended by the school district to meet the requirements of NRS 387.206 for the fiscal year to:

(a) Settle or arbitrate disputes or negotiate settlements between an organization that represents licensed employees of the school district and the school district.

(b) Adjust the schedules of salaries and benefits of the employees of the school district.

8. For purposes of this section, an economic hardship exists for a school district if:

(a) Projections of ~~*[actual]*~~ ***revenue do not meet or exceed the revenue anticipated at the time the basic support guarantees are established for the fiscal year pursuant to NRS 387.122; or***

(b) The school district incurs unforeseen expenses, including, without limitation, expenses related to a natural disaster.

Sec. 2. NRS 387.206 is hereby amended to read as follows:

387.206 1. On or before July 1 of each year, the Department, in consultation with the Budget Division of the Department of Administration and the Fiscal Analysis Division of the Legislative Counsel Bureau, shall develop or revise, as applicable, a formula for determining the minimum amount of money that each school district is required to expend each fiscal year for textbooks, instructional supplies and instructional hardware. The formula must be used only to develop expenditure requirements and must not be used to alter the distribution of money for basic support to school districts.

2. Upon approval of the formula pursuant to subsection 1, the Department shall provide written notice to each school district within the first 30 days of each fiscal year that sets forth the required minimum combined amount of money that the school district must expend for textbooks, instructional supplies and instructional hardware for that fiscal year. ***If a school district is granted a waiver pursuant to section 1 of this act, the Department shall provide written notice to the school district within 30 days after the Interim Finance Committee grants the waiver setting forth the***

revised amount of money that the school district must expend for textbooks, instructional supplies and instructional hardware for the fiscal year.

3. On or before January 1 of each year, the Department shall determine whether each school district has expended, during the immediately preceding fiscal year, the required minimum amount of money set forth in the notice ***or the revised notice, as applicable,*** provided pursuant to subsection 2. In making this determination, the Department shall use the report submitted by the school district pursuant to NRS 387.303.

4. Except as otherwise provided in subsection 5, if the Department determines that a school district has not expended the required minimum amount of money set forth in the notice ***or the revised notice, as applicable,*** provided pursuant to subsection 2, a reduction must be made from the basic support allocation otherwise payable to that school district in an amount that is equal to the difference between the actual combined expenditure for textbooks, instructional supplies and instructional hardware and the minimum required combined expenditure set forth in the notice ***or the revised notice, as applicable,*** provided pursuant to subsection 2. A reduction in the amount of the basic support allocation pursuant to this subsection:

(a) Does not reduce the amount that the school district is required to expend on textbooks, instructional supplies and instructional hardware in the current fiscal year; and

(b) Must not exceed the amount of basic support that was provided to the school district for the fiscal year in which the minimum expenditure amount was not satisfied.

5. If the actual enrollment of pupils in a school district is less than the enrollment included in the projections used in the school district's biennial budget submitted pursuant to NRS 387.303, the required expenditure for textbooks, instructional supplies and instructional hardware pursuant to this section must be reduced proportionately.

Sec. 3. This act becomes effective on July 1, 2009.

Assemblywoman Smith moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that Assembly Bill No. 502 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 45.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 395.

SUMMARY— ~~[Requires the State Public Defender to provide defense services to indigent persons in counties without county public defender offices and to fully fund such services.]~~ **Makes various changes to provisions governing public defenders.** (BDR 20-457)

AN ACT relating to public defenders; authorizing ~~[the creation and discontinuation of county]~~ **all counties to create an office of** public defender **;** ~~[offices;]~~ requiring the State to reimburse counties for ~~[expenditures made in providing defense services to indigent persons;]~~ **operating such an office;** requiring the State Public Defender to establish branch offices in counties that do not ~~[have a county]~~ **create an office of** public defender **;** ~~[office;]~~ requiring, under certain circumstances, that the State Public Defender provide defense services to indigent persons in counties with a county public defender office; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, any county whose population is 100,000 or more (currently Washoe and Clark Counties) must create an office of public defender to provide defense services to indigent persons, and any county whose population is less than 100,000 may, but is not required to, create such an office. (NRS 260.010) The State Public Defender provides defense services to indigent persons in counties that do not have a county public defender and may charge those counties, in amounts not to exceed limits previously set by the Legislature, for providing those services. (NRS 180.110) The State Public Defender and any county with a county public defender may contract with each other for the State Public Defender to provide defense services to indigent persons in that county if a court, for cause, has disqualified the county public defender or if the county public defender is otherwise unable to provide representation. (NRS 180.060, 260.065)

Section 2 of this bill removes the requirement that counties whose population is 100,000 or more create an office of public defender and instead authorizes any county to create such an office by ordinance. **Section 2 further provides that once created by the county, the office of public defender may not be discontinued.** In addition, **section 8** of this bill repeals the authority of the State Public Defender to charge counties for expenses related to the defense of indigent persons in counties that do not have a county public defender. **Section 1** of this bill ~~[authorizes]~~ **requires** a county that has established the office of public defender to submit a claim for reimbursement to the State Public Defender for the cost of operating the office. **Section 4** of this bill requires the State Public Defender to prescribe the form and time for filing such claims and further requires the State Public Defender to reimburse the counties from money appropriated for that purpose at least once every 3 months.

Section 5 of this bill requires the State Public Defender to establish at least one branch office in each county that does not have a county public defender. If **,** thereafter **,** the State Public Defender is notified that a county intends to

create an office of public defender, the State Public Defender is required to discontinue the branch office in that county on June 30 of the year in which it is notified, which notice must be received by March 1 of an odd-numbered year pursuant to **section 2** of this bill.

Section 6 of this bill revises the provision authorizing a county to contract with the State Public Defender to provide representation for a defendant when the county public defender is disqualified from providing or unavailable to provide representation so that the State Public Defender is required to provide representation in those circumstances.

Section 9 of this bill requires each county to notify the State Public Defender by October 1, 2009, whether it will have an office of county public defender, and the State Public Defender must create a branch office in each county without a county public defender by July 1, 2010. After July 1, 2010, a county may only create ~~[or discontinue]~~ an office of county public defender ~~[if]~~ **in the manner set forth in section 2 of this bill which requires** the county ~~[notifies]~~ **to notify** the State Public Defender by March 1 of an odd-numbered year of its intent to do so.

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

Section 1. Chapter 260 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A county whose board of county commissioners has:

(a) Created an office of county public defender pursuant to NRS 260.010; or

(b) Joined with one or more other counties pursuant to NRS 260.020 to establish one office of county public defender to serve those counties,

➥ ~~[may]~~ must submit a claim for reimbursement to the State Public Defender for the costs associated with operating the office of county public defender.

2. A claim for reimbursement submitted pursuant to subsection 1 must be made in the form and at such times as prescribed by the State Public Defender pursuant to section 4 of this act.

Sec. 2. NRS 260.010 is hereby amended to read as follows:

260.010 1. ~~[In counties whose population is 100,000 or more, the boards of county commissioners shall create by ordinance the office of public defender.~~

~~2. Except as otherwise provided by subsection 4, in counties whose population is less than 100,000, boards]~~ ***A board*** of county commissioners may ~~[in their respective counties create]~~ ~~[:~~

~~*(a) Create,]~~ ***create,*** by ordinance, at the beginning of a fiscal year, the office of ***county*** public defender.

~~[3. Except as otherwise provided in subsection 4, if]~~

~~[(b) If the county has an office of county public defender, discontinue, by ordinance, at the beginning of a fiscal year, the office of county public defender.]~~

2. ***If*** a board of county commissioners intends to create the office of county public defender, the board ~~[shall]~~ ***must*** notify the State Public Defender in writing on or before March 1 of any odd-numbered year and the office may not be created before July 1 of the same year in which the notice was given.

~~[4. If the county contribution approved by the Legislature exceeds the estimate provided to the county on December 1 by more than 10 percent for either year of the biennium, the]~~

3. ***A*** board of county commissioners ~~[may create]~~ ***that has created*** the office of county public defender ~~[on July 1 of the next even-numbered year if]~~ ***pursuant to this section or NRS 260.020 shall not discontinue*** ~~*[the]*~~ ***that office .*** ~~*[of county public defender:*~~

~~*(a) Unless* the board notifies the State Public Defender on or before March 1]~~ ~~[of the same year in which the office is to be created.~~

~~5.]~~ ~~*[of an odd-numbered year that the board intends to discontinue the office of county public defender; and*~~

~~*(b) Before July 1 of the same year in which the notice is given.]*~~

4. The office of ***county*** public defender when created must be filled by appointment by the board of county commissioners.

~~[6.]~~ ***5.*** The ***county*** public defender serves at the pleasure of the board of county commissioners.

Sec. 3. NRS 260.065 is hereby amended to read as follows:

260.065 Any county in which the office of ***county*** public defender has been created may ~~[contract for]~~ ***use*** the services of the State Public Defender in providing representation for indigent persons when the court, for cause, disqualifies the county public defender or when the county public defender is otherwise unable to provide representation.

Sec. 4. Chapter 180 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The State Public Defender shall prescribe the form and time of filing for counties to submit claims for reimbursement for the costs associated with operating an office of county public defender established pursuant to NRS 260.010 or 260.020.

2. At least once every 3 months, and upon verification of a claim for reimbursement submitted by a county to the State Public Defender pursuant to section 1 of this act, the State Public Defender shall authorize reimbursement to the county by the State from money appropriated for that purpose.

Sec. 5. NRS 180.040 is hereby amended to read as follows:

180.040 1. The Office of the State Public Defender shall be in Carson City, Nevada, and the Buildings and Grounds Division of the Department of Administration shall provide necessary office space.

2. The ~~*[Subject to the provisions of subsection 3, the]*~~ State Public Defender ~~[may establish branch offices necessary to perform his duties. He shall designate]~~ ***shall establish at least one branch office in each county that*** ~~*[:*~~

~~*(a) Has]*~~ ***has not established an office of county public defender.***

~~*[(b) Has established an office of county public defender but the board of county commissioners in such county has notified the State Public Defender pursuant to subsection 3 of NRS 260.010 that the board will discontinue the office of county public defender.*~~

~~*3. A branch office established pursuant to paragraph (b) of subsection 2 must be established as of July 1 of the same year that the State Public Defender is notified that the board of county commissioners intends to discontinue the office of county public defender.*~~

~~*4.]*~~ ***3. Except as otherwise provided in subsection*** ~~*[5,]*~~ ***4, the State Public Defender shall maintain each branch office established pursuant to this section.***

~~*[5.]*~~ ***4. If the State Public Defender is notified pursuant to subsection 2 of NRS 260.010 that a board of county commissioners intends to create an office of county public defender, the State Public Defender shall discontinue each branch office in that county on June 30 of the same year in which it is notified.***

~~*[6.]*~~ ***5. The State Public Defender shall designate*** a deputy state public defender to supervise each ~~[such office.]~~ ***branch office established and maintained pursuant to this section.***

Sec. 6. NRS 180.060 is hereby amended to read as follows:

180.060 1. The State Public Defender may, before being designated as counsel for that person pursuant to NRS 171.188, interview an indigent person when he has been arrested and confined for a public offense or for questioning on suspicion of having committed a public offense.

2. The State Public Defender shall, when designated pursuant to NRS 62D.030, 62D.100, 171.188 or 432B.420, and within the limits of available money, represent without charge each indigent person for whom he is appointed.

3. When representing an indigent person, the State Public Defender shall:

(a) Counsel and defend him at every stage of the proceedings, including revocation of probation or parole; and

(b) Prosecute any appeals or other remedies before or after conviction that he considers to be in the interests of justice.

4. In cases of postconviction proceedings and appeals arising in counties in which the office of ***county*** public defender has been created pursuant to the provisions of chapter 260 of NRS, where the matter is to be presented to the Supreme Court, the State Public Defender shall prepare and present the case and the public defender of the county shall assist and cooperate with the State Public Defender.

5. The State Public Defender ~~[may contract with]~~ ***shall provide to*** any county in which the office of ***county*** public defender has been created ~~[to provide]~~ representation for indigent persons when the court, for cause, disqualifies the county public defender or when the county public defender is otherwise unable to provide representation.

Sec. 7. NRS 180.090 is hereby amended to read as follows:

180.090 Except as ***otherwise*** provided in ***NRS 180.040,*** subsections 4 and 5 of NRS 180.060 ~~[,]~~ ***and section 4 of this act,*** the provisions of this chapter apply only to counties in which the office of public defender has not been created pursuant to the provisions of chapter 260 of NRS.

Sec. 8. NRS 180.110 is hereby repealed.

Sec. 9. 1. Subject to the provisions of subsections 2 and 3 and chapter 260 of NRS, a board of county commissioners for a county that does not have an office of county public defender on July 1, 2009, may create, by ordinance, the office of county public defender.

2. Except as otherwise provided in NRS 260.010, a board of county commissioners may not create an office of county public defender unless it notifies the State Public Defender in writing on or before October 1, 2009, that it intends to create such an office.

3. A board of county commissioners that notifies the State Public Defender pursuant to subsection 2 ~~[:~~

~~(a) Shall]~~ **shall** create the office as of July 1, 2010 **.** ~~[; and~~

~~(b) May not discontinue the office except pursuant to the provisions of NRS 260.010.]~~

4. Subject to the provisions of subsections 5 and 6, a board of county commissioners for a county that has an office of county public defender on July 1, 2009, may, by ordinance, discontinue that office.

5. Except as otherwise provided in NRS 260.010, a board of county commissioners may not discontinue an office of county public defender unless it notifies the State Public Defender, in writing, on or before October 1, 2009, that it intends to discontinue the office.

6. A board of county commissioners that notifies the State Public Defender pursuant to subsection 5 **that it intends to discontinue the office of public defender** shall discontinue the office as of July 1, 2010.

7. On July 1, 2010, the State Public Defender shall establish at least one branch office in each county that:

(a) Does not have an office of county public defender on July 1, 2009, and whose board of county commissioners does not notify the State Public Defender pursuant to subsection 2 that it intends to create the office; and

(b) Has an office of county public defender on July 1, 2009, and whose board of county commissioners notifies the State Public Defender pursuant to subsection 5 that it intends to discontinue the office.

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

TEXT OF REPEALED SECTION

180.110 Collection of charges to counties for services.

1. Each fiscal year the State Public Defender may collect from the counties amounts which do not exceed those authorized by the Legislature for use of his services during that year.

2. The State Public Defender shall submit to the county an estimate on or before the first day of May and that estimate becomes the final bill unless the county is notified of a change within 2 weeks after the date on which the county contribution is approved by the Legislature. The county shall pay the bill:

(a) In full within 30 days after the estimate becomes the final bill or the county receives the revised estimate; or

(b) In equal quarterly installments on or before the 1st day of July, October, January and April, respectively.

➥ The counties shall pay their respective amounts to the State Public Defender who shall deposit the amounts with the Treasurer of the State of Nevada and shall expend the money in accordance with his approved budget.

Assemblyman Segerblom moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Segerblom moved that upon return from the printer, Assembly Bill No. 45 be rereferred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 65.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 345.

AN ACT relating to courts; providing for the collection and disposition of additional court fees; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 2 of this bill: (1) authorizes a district court to charge and collect certain additional filing fees; (2) requires the fees to be deposited into a special county account maintained for the benefit of the court; and (3) provides that the fees may be used only for court staffing, capital costs, debt service, renovation, furniture, fixtures, equipment and technology.

Section 3 of this bill authorizes a board of county commissioners to impose by ordinance a filing fee of not more than $20 to be paid on the commencement of any civil action or proceeding in the district court and provides that the fee may be used only for programs for court security **or for reimbursement of capital costs for maintaining new judicial**

departments and must not supplant existing budgets for court security. **Section 5 of this bill requires a county clerk to collect a fee of $50 upon the filing of any notice of default and election to sell and provides that such fees must be deposited in a special account to support a program of foreclosure mediation established by Supreme Court Rule. (NRS 107.080)**

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

Section 1. Chapter 19 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. Except as otherwise provided by specific statute and in addition to any other fee required by law, each clerk of the court or county clerk, as appropriate, shall charge and collect the following fees:***

(a) On the commencement of any action or proceeding in the district court, other than those listed in paragraphs (c), (e) and (f) [~~and (g)~~], or on the transfer of any action or proceeding from a district court of another county, to be paid by the party commencing the action, proceeding or transfer $99

(b) On the appearance of any defendant or any number of defendants answering jointly, to be paid upon the filing of the first paper in the action by him or them $99

(c) On the filing of a petition for [~~setting aside an estate without administration,~~] letters testamentary, letters of administration or a guardianship, which fee does not include the court fee prescribed by NRS 19.020, to be paid by the petitioner:

(1) Where the stated value of the estate is $200,000 or more $352

(2) Where the stated value of the estate is more than $20,000 but less than $200,000 ..... $99

(3) Where the stated value of the estate is $20,000 or less, no fee may be charged or collected.

(d) On the filing of a motion for summary judgment or a joinder thereto $200

(e) [~~On the filing of a motion other than a motion for summary judgment or a joinder thereto $35~~]

[~~(f)~~] On the commencement of an action defined as a business matter pursuant to the local rules of practice and on the answer or appearance of any party in any such action or proceeding, to be paid by the party commencing, answering or appearing in the action or proceeding thereto..... $1,359

[~~(g)~~] (f) On the commencement of:

(1) [~~A class action;~~]

[~~(2)~~] An action for a constructional defect pursuant to NRS 40.600 to 40.695, inclusive; or

[~~(3)~~] (2) Any other action defined as "complex" pursuant to

the local rules of practice,

➥ and on the answer or appearance of any party in any such action or proceeding, to be paid by the party commencing, answering or appearing in the action or proceeding $349

[(h)] (g) On the filing of a third-party complaint, to be paid by the filing party $135

[(i)] (h) On the filing of a motion to certify or decertify a class, to be paid by the filing party ..... [$250] $349

[(j) On the filing of a petition for leave to compromise the claim of a minor, to be paid by the petitioner $250]

(i) For the issuance of any writ of attachment, writ of garnishment, writ of execution or any other writ designed to enforce any judgment of the court $10

2. [The] Except as otherwise provided in subsection 4, fees collected pursuant to this section must be deposited into a special account maintained for the benefit of the court. The money in that account must be used only:

(a) To offset the costs for adding and maintaining new judicial departments, including, without limitation, the cost for additional staff; and

(b) If any money remains in the account in a fiscal year after satisfying the purposes set forth in paragraph (a), to:

(1) Reimburse the county for any capital costs incurred for maintaining any judicial departments that are added by the 75th Session of the Nevada Legislature;

(2) Acquire land on which to construct additional facilities for the district court or a regional justice center that includes the district court;

[(2)] (3) Construct or acquire additional facilities for the district court or a regional justice center that includes the district court;

[(3)] (4) Renovate or remodel existing facilities for the district court or a regional justice center that includes the district court;

[(4)] (5) Acquire furniture, fixtures and equipment necessitated by the construction or acquisition of additional facilities or the renovation of an existing facility for the district court or a regional justice center that includes the district court ; [, except that money in the account may not be used to acquire furniture, fixtures or equipment for judicial chambers;

(5)] (6) Acquire advanced technology;

[(6)] (7) Pay debt service on any bonds issued pursuant to subsection 3 of NRS 350.020 for the acquisition of land or facilities or the construction or renovation of facilities for the district court or a regional justice center that includes the district court; or

[(7) Enter into long-term interlocal agreements to pay for capital costs incurred by the county.]

(8) Be carried forward to the next fiscal year.

3. Except as otherwise provided by specific statute, all fees prescribed in this section are payable in advance if demanded by the clerk of the court or county clerk.

4. Each clerk of the court or county clerk shall, on or before the fifth day of each month, account for and pay to the county treasurer ~~[all]~~ :

(a) An amount equal to $20 of each fee collected pursuant to paragraphs (a) and (b) of subsection 1 during the preceding month. The county treasurer shall remit quarterly to the organization operating a program for legal services as set forth in NRS 19.031 all the money received from the clerk of the court or county clerk pursuant to this subsection.

(b) All remaining fees collected pursuant to this section during the preceding month.

Sec. 3. ***1. In any county, the board of county commissioners may, in addition to any other fee required by law, impose by ordinance a filing fee of not more than $20 to be paid on the commencement of any civil action or proceeding in the district court for which a filing fee is required and on the filing of any answer or appearance in any such action or proceeding for which a filing fee is required, except as otherwise required pursuant to NRS 19.034.***

2. On or before the fifth day of each month, in a county where a fee has been imposed pursuant to subsection 1, the clerk of the court shall account for and pay over to the county treasurer any such fees collected by him during the preceding month for credit to an account for programs for court security in the county general fund. The money in that account ~~[may]~~ :

(a) May be used only for programs for court security ~~[and must]~~ or to reimburse the county for any capital costs incurred for maintaining any judicial departments that are added by the 75th Session of the Nevada Legislature;

(b) Must not be used to supplant existing budgets for court security ~~[. Any remaining balance in the account]~~ ; and

(c) If any balance remains, may be carried forward to the next fiscal year.

3. As used in this section, "programs for court security" includes, without limitation:

(a) Funding for additional positions for bailiffs, marshals, security guards or similar personnel;

(b) Supplementing existing funding used to pay bailiffs, marshals, security guards and similar personnel;

(c) Acquiring necessary capital goods for court security;

(d) Providing security training and education to personnel;

(e) Conducting security audits; and

(f) Acquiring or using appropriate technology relating to court security . ~~[; and~~

~~*(g) Other purposes relating to court security, as approved by the chief judge or his designee.]*~~

Sec. 4. ~~[~~NRS 41.200 is hereby amended to read as follows:

~~41.200 1. If an unemancipated minor has a disputed claim for money against a third person, either parent, or if the parents of the minor are living separate and apart, then the custodial parent, or if no custody award has been made, the parent with whom the minor is living, or if a general guardian or guardian of the estate of the minor has been appointed, then that guardian, has the right to compromise the claim. Such a compromise is not effective until it is approved by the district court of the county where the minor resides, or if the minor is not a resident of the State of Nevada, then by the district court of the county where the claim was incurred, upon a verified petition in writing, regularly filed with the court.~~

~~2. The petition must set forth:~~

~~(a) The name, age and residence of the minor;~~

~~(b) The facts which bring the minor within the purview of this section, including:~~

~~(1) The circumstances which make it a disputed claim for money;~~

~~(2) The name of the third person against whom the claim is made; and~~

~~(3) If the claim is the result of an accident, the date, place and facts of the accident;~~

~~(c) The names and residence of the parents or the legal guardian of the minor;~~

~~(d) The name and residence of the person or persons having physical custody or control of the minor;~~

~~(e) The name and residence of the petitioner and the relationship of the petitioner to the minor;~~

~~(f) The total amount of the proceeds of the proposed compromise and the apportionment of those proceeds, including the amount to be used for:~~

~~(1) Attorney's fees and whether the attorney's fees are fixed or contingent fees, and if the attorney's fees are contingent fees , the percentage of the proceeds to be paid as attorney's fees;~~

~~(2) Medical expenses; and~~

~~(3) Other expenses,~~

~~, and whether these fees and expenses are to be deducted before or after the calculation of any contingency fee;~~

~~(g) Whether the petitioner believes the acceptance of this compromise is in the best interest of the minor; and~~

~~(h) That the petitioner has been advised and understands that acceptance of the compromise will bar the minor from seeking further relief from the third person offering the compromise.~~

~~3. If the claim involves a personal injury suffered by the minor, the petitioner must submit all relevant medical and health care records to the court at the compromise hearing. The records must include documentation of:~~

~~(a) The injury, prognosis, treatment and progress of recovery of the minor; and~~

~~(b) The amount of medical expenses incurred to date, the nature and amount of medical expenses which have been paid and by whom, any amount owing for medical expenses and an estimate of the amount of medical expenses which may be incurred in the future.~~

~~4. If the court approves the compromise of the claim of the minor, the court must direct the money to be paid to the father, mother or guardian of the minor, with or without the filing of any bond, or it must require a general guardian or guardian ad litem to be appointed and the money to be paid to the guardian or guardian ad litem, with or without a bond, as the court, in its discretion, deems to be in the best interests of the minor.~~

~~5. Upon receiving the proceeds of the compromise, the parent or guardian to whom the proceeds of the compromise are ordered to be paid [,] shall establish a blocked financial investment for the benefit of the minor with the proceeds of the compromise. Money may be obtained from the blocked financial investment only pursuant to subsection 6. Within 30 days after receiving the proceeds of the compromise, the parent or guardian shall file with the court proof that the blocked financial investment has been established. If the balance of the investment is more than $10,000, the parent, guardian or person in charge of managing the investment shall annually file with the court a verified report detailing the activities of the investment during the previous 12 months. If the balance of the investment is $10,000 or less, the court may order the parent, guardian or person in charge of managing the investment to file such periodic verified reports as the court deems appropriate. The court may hold a hearing on a verified report only if it deems a hearing necessary to receive an explanation of the activities of the investment.~~

~~6. The beneficiary of a block financial investment may obtain control of or money from the investment:~~

~~(a) By an order of the court which held the compromise hearing; or~~

~~(b) By certification of the court which held the compromise hearing that the beneficiary has reached the age of 18 years, at which time control of the investment must be transferred to the beneficiary or the investment must be closed and the money distributed to the beneficiary.~~

~~7. [The clerk of the district court shall not charge any fee for filing a petition for leave to compromise or for placing the petition upon the calendar to be heard by the court.~~

~~8.] As used in this section, the term "blocked financial investment" means a savings account established in a depository institution in this State, a certificate of deposit, a United States savings bond, a fixed or variable annuity contract [,] or another reliable investment that is approved by the court.]~~ **(Deleted by amendment.)**

Sec. 5. **NRS 107.080 is hereby amended to read as follows:**

107.080 1. Except as otherwise provided in NRS 107.085, if any transfer in trust of any estate in real property is made after March 29, 1927, to secure the performance of an obligation or the payment of any debt, a power of sale is hereby conferred upon the trustee to be exercised after a breach of the obligation for which the transfer is security.

2. The power of sale must not be exercised, however, until:

(a) In the case of any trust agreement coming into force:

(1) On or after July 1, 1949, and before July 1, 1957, the grantor, or his successor in interest, a beneficiary under a subordinate deed of trust or any other person who has a subordinate lien or encumbrance of record on the property, has for a period of 15 days, computed as prescribed in subsection 3, failed to make good the deficiency in performance or payment; or

(2) On or after July 1, 1957, the grantor, or his successor in interest, a beneficiary under a subordinate deed of trust or any other person who has a subordinate lien or encumbrance of record on the property, has for a period of 35 days, computed as prescribed in subsection 3, failed to make good the deficiency in performance or payment;

(b) The beneficiary, the successor in interest of the beneficiary or the trustee first executes and causes to be recorded in the office of the recorder of the county wherein the trust property, or some part thereof, is situated a notice of the breach and of his election to sell or cause to be sold the property to satisfy the obligation; and

(c) Not less than 3 months have elapsed after the recording of the notice.

3. The 15- or 35-day period provided in paragraph (a) of subsection 2 commences on the first day following the day upon which the notice of default and election to sell is recorded in the office of the county recorder of the county in which the property is located and a copy of the notice of default and election to sell is mailed by registered or certified mail, return receipt requested and with postage prepaid to the grantor, and to the person who holds the title of record on the date the notice of default and election to sell is recorded, at their respective addresses, if known, otherwise to the address of the trust property. The notice of default and election to sell must describe the deficiency in performance or payment and may contain a notice of intent to declare the entire unpaid balance due if acceleration is permitted by the obligation secured by the deed of trust, but acceleration must not occur if the deficiency in performance or payment is made good and any costs, fees and expenses incident to the preparation or recordation of the notice and incident to the making good of the deficiency in performance or payment are paid within the time specified in subsection 2.

4. The trustee, or other person authorized to make the sale under the terms of the trust deed or transfer in trust, shall, after expiration of the 3-month period following the recording of the notice of breach and election to sell, and before the making of the sale, give notice of the time and place thereof by recording the notice of sale and by:

(a) Providing the notice to each trustor and any other person entitled to notice pursuant to this section by personal service or by mailing the notice by registered or certified mail to the last known address of the trustor and any other person entitled to such notice pursuant to this section;

(b) Posting a similar notice particularly describing the property, for 20 days successively, in three public places of the township or city where the property is situated and where the property is to be sold; and

(c) Publishing a copy of the notice three times, once each week for 3 consecutive weeks, in a newspaper of general circulation in the county where the property is situated.

5. Every sale made under the provisions of this section and other sections of this chapter vests in the purchaser the title of the grantor and his successors in interest without equity or right of redemption. A sale made pursuant to this section may be declared void by any court of competent jurisdiction in the county where the sale took place if:

(a) The trustee or other person authorized to make the sale does not substantially comply with the provisions of this section;

(b) Except as otherwise provided in subsection 6, an action is commenced in the county where the sale took place within 90 days after the date of the sale; and

(c) A notice of lis pendens providing notice of the pendency of the action is recorded in the office of the county recorder of the county where the sale took place within 30 days after commencement of the action.

6. If proper notice is not provided pursuant to subsection 3 or paragraph (a) of subsection 4 to the grantor, to the person who holds the title of record on the date the notice of default and election to sell is recorded, to each trustor or to any other person entitled to such notice, the person who did not receive such proper notice may commence an action pursuant to subsection 5 within 120 days after the date on which the person received actual notice of the sale.

7. The sale of a lease of a dwelling unit of a cooperative housing corporation vests in the purchaser title to the shares in the corporation which accompany the lease.

8. The county clerk shall, in addition to any other fee, at the time of recording a notice of default and election to sell collect the sum of $50 for deposit in the Account for Foreclosure Mediation, which is hereby created in the State General Fund. The fees collected must be paid over to the county treasurer by the county clerk on or before the fifth day of each month for the preceding calendar month, and must be placed to the credit of the Account. The county treasurer shall, on or before the 15th day of each month, remit the fees deposited by the county clerk to the State Controller for credit to the Account. The Account must be administered by the Court Administrator, and the money in the Account may be expended only for the purpose of supporting a program of foreclosure mediation established by Supreme Court Rule.

~~[Sec. 5.]~~ ***Sec. 6.*** This act becomes effective on July 1, 2009.

Assemblyman Segerblom moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Segerblom moved that upon return from the printer, Assembly Bill No. 65 be rereferred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 85.

Bill read second time.

The following amendment was proposed by the Committee on Corrections, Parole, and Probation:

Amendment No. 254.

SUMMARY—~~[Revises provisions relating to sex offenders.]~~ **Provides for the formation of a committee to study laws concerning sex offender registration.** (BDR 14-259)

AN ACT relating to ~~[public safety; revising the applicability of certain restrictions regarding residency imposed on a person who is convicted of a sexual offense; revising certain definitions relating to sex offenders;]~~ **crimes; establishing the Advisory Committee to Study Laws Concerning Sex Offender Registration; prescribing the duties of the Committee; requiring the Committee to prepare and submit to the Legislative Commission a biennial report;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Sections 1, 4 and 5 of this bill amend existing law to provide that the restrictions on the location of a residence of a person convicted of certain sexual offenses apply only to a person who establishes a residence at a location on or after October 1, 2007. (NRS 176A.410, 213.1243, 213.1255)~~

~~Section 2 of this bill amends existing law, which defines the term "sex offender" for the purposes of certain statutes, to provide that the term means a person who is convicted of certain sexual offenses after July 1, 1961, rather than July 1, 1956. (NRS 179D.095)~~

~~Section 3 of this bill amends the existing definition of the term "sexual offense," which is defined for the purposes of certain statutes relating to sex offenders, to include specific definitions of the terms "sexual act" and "sexual conduct." (NRS 179D.097)~~]

Existing law requires certain sex offenders to register with certain law enforcement agencies. (Chapter 179D of NRS) This bill creates an advisory committee to study state and federal laws concerning sex offender registration. The advisory committee must consist of the Attorney General, one member of the Assembly appointed by the

Speaker of the Assembly, one member of the Senate appointed by the Senate Majority Leader, representatives of law enforcement agencies, district attorneys' offices and public defenders' offices and a representative of the American Civil Liberties Union and any other organization authorized by the Attorney General to appoint a member of the advisory committee. The advisory committee must prepare and submit to the Legislative Commission a biennial report of its findings and recommendations for proposed legislation concerning sex offender registration.

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

Section 1. ~~[NRS 176A.410 is hereby amended to read as follows:~~

~~176A.410 1. Except as otherwise provided in subsection 6, if a defendant is convicted of a sexual offense and the court grants probation or suspends the sentence, the court shall, in addition to any other condition ordered pursuant to NRS 176A.400, order as a condition of probation or suspension of sentence that the defendant:~~

~~(a) Submit to a search and seizure of his person, residence or vehicle or any property under his control, at any time of the day or night, without a warrant, by any parole and probation officer or any peace officer, for the purpose of determining whether the defendant has violated any condition of probation or suspension of sentence or committed any crime.~~

~~(b) Reside at a location only if:~~

~~(1) The residence has been approved by the parole and probation officer assigned to the defendant.~~

~~(2) If the residence is a facility that houses more than three persons who have been released from prison, the facility is a facility for transitional living for released offenders that is licensed pursuant to chapter 449 of NRS.~~

~~(3) The defendant keeps the parole and probation officer assigned to the defendant informed of his current address.~~

~~(c) Accept a position of employment or a position as a volunteer only if it has been approved by the parole and probation officer assigned to the defendant and keep the parole and probation officer informed of the location of his position of employment or position as a volunteer.~~

~~(d) Abide by any curfew imposed by the parole and probation officer assigned to the defendant.~~

~~(e) Participate in and complete a program of professional counseling approved by the Division.~~

~~(f) Submit to periodic tests, as requested by the parole and probation officer assigned to the defendant, to determine whether the defendant is using a controlled substance.~~

~~(g) Submit to periodic polygraph examinations, as requested by the parole and probation officer assigned to the defendant.~~

~~(h) Abstain from consuming, possessing or having under his control any alcohol.~~

~~(i) Not have contact or communicate with a victim of the sexual offense or a witness who testified against the defendant or solicit another person to engage in such contact or communication on behalf of the defendant, unless approved by the parole and probation officer assigned to the defendant, and a written agreement is entered into and signed in the manner set forth in subsection 5.~~

~~(j) Not use aliases or fictitious names.~~

~~(k) Not obtain a post office box unless the defendant receives permission from the parole and probation officer assigned to the defendant.~~

~~(l) Not have contact with a person less than 18 years of age in a secluded environment unless another adult who has never been convicted of a sexual offense is present and permission has been obtained from the parole and probation officer assigned to the defendant in advance of each such contact.~~

~~(m) Unless approved by the parole and probation officer assigned to the defendant and by a psychiatrist, psychologist or counselor treating the defendant, if any, not knowingly be within 500 feet of any place, or if the place is a structure, within 500 feet of the actual structure, that is designed primarily for use by or for children, including, without limitation, a public or private school, a school bus stop, a center or facility that provides day care services, a video arcade, an amusement park, a playground, a park, an athletic field or a facility for youth sports, or a motion picture theater. The provisions of this paragraph apply only to a defendant who is a Tier III offender.~~

~~(n) Comply with any protocol concerning the use of prescription medication prescribed by a treating physician, including, without limitation, any protocol concerning the use of psychotropic medication.~~

~~(o) Not possess any sexually explicit material that is deemed inappropriate by the parole and probation officer assigned to the defendant.~~

~~(p) Not patronize a business which offers a sexually related form of entertainment and which is deemed inappropriate by the parole and probation officer assigned to the defendant.~~

~~(q) Not possess any electronic device capable of accessing the Internet and not access the Internet through any such device or any other means, unless possession of such a device or such access is approved by the parole and probation officer assigned to the defendant.~~

~~(r) Inform the parole and probation officer assigned to the defendant if the defendant expects to be or becomes enrolled as a student at an institution of higher education or changes the date of commencement or termination of his enrollment at an institution of higher education. As used in this paragraph, "institution of higher education" has the meaning ascribed to it in NRS 179D.045.~~

~~2. Except as otherwise provided in subsection 6, if a defendant is convicted of an offense listed in subsection 6 of NRS 213.1255 against a~~

~~child under the age of 14 years, the defendant is a Tier III offender and the court grants probation or suspends the sentence of the defendant, the court shall, in addition to any other condition ordered pursuant to subsection 1, order as a condition of probation or suspension of sentence that the defendant:~~

~~(a) Reside at a location only if the residence is not located within 1,000 feet of any place, or if the place is a structure, within 1,000 feet of the actual structure, that is designed primarily for use by or for children, including, without limitation, a public or private school, a school bus stop, a center or facility that provides day care services, a video arcade, an amusement park, a playground, a park, an athletic field or a facility for youth sports, or a motion picture theater. ***The provisions of this paragraph apply to a defendant who establishes a residence at a location on or after October 1, 2007.***~~

~~(b) As deemed appropriate by the Chief Parole and Probation Officer, be placed under a system of active electronic monitoring that is capable of identifying his location and producing, upon request, reports or records of his presence near or within a crime scene or prohibited area or his departure from a specified geographic location.~~

~~(c) Pay any costs associated with his participation under the system of active electronic monitoring, to the extent of his ability to pay.~~

~~3. A defendant placed under the system of active electronic monitoring pursuant to subsection 2 shall:~~

~~(a) Follow the instructions provided by the Division to maintain the electronic monitoring device in working order.~~

~~(b) Report any incidental damage or defacement of the electronic monitoring device to the Division within 2 hours after the occurrence of the damage or defacement.~~

~~(c) Abide by any other conditions set forth by the Division with regard to his participation under the system of active electronic monitoring.~~

~~4. Except as otherwise provided in this subsection, a person who intentionally removes or disables or attempts to remove or disable an electronic monitoring device placed on a defendant pursuant to this section is guilty of a gross misdemeanor. The provisions of this subsection do not prohibit a person authorized by the Division from performing maintenance or repairs to an electronic monitoring device.~~

~~5. A written agreement entered into pursuant to paragraph (i) of subsection 1 must state that the contact or communication is in the best interest of the victim or witness~~ **[,]** ~~and specify the type of contact or communication authorized. The written agreement must be signed and agreed to by:~~

~~(a) The victim or the witness;~~

~~(b) The defendant;~~

~~(c) The parole and probation officer assigned to the defendant;~~

~~(d) The psychiatrist, psychologist or counselor treating the defendant, victim or witness, if any; and~~

~~(e) If the victim or witness is a child under 18 years of age, each parent, guardian or custodian of the child.~~

~~6. The court is not required to impose a condition of probation or suspension of sentence listed in subsections 1 and 2 if the court finds that extraordinary circumstances are present and the court enters those extraordinary circumstances in the record.~~

~~7. As used in this section, "sexual offense" has the meaning ascribed to it in NRS 179D.097.]~~ **(Deleted by amendment.)**

Sec. 2. ~~[NRS 179D.095 is hereby amended to read as follows:~~

~~179D.095 1. "Sex offender" means a person who, after July 1,~~ **[**~~1956,~~**]** ***1961,*** ~~is or has been:~~

~~(a) Convicted of a sexual offense listed in NRS 179D.097; or~~

~~(b) Adjudicated delinquent by a court having jurisdiction over juveniles of a sexual offense listed in NRS 62F.200 if the offender was 14 years of age or older at the time of the offense.~~

~~2. The term includes, without limitation, a sex offender who is a student or worker within this State but who is not otherwise deemed a resident offender pursuant to subsection 2 or 3 of NRS 179D.460.]~~ **(Deleted by amendment.)**

Sec. 3. ~~[NRS 179D.097 is hereby amended to read as follows:~~

~~179D.097 1. "Sexual offense" means any of the following offenses:~~

~~(a) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.~~

~~(b) Sexual assault pursuant to NRS 200.366.~~

~~(c) Statutory sexual seduction pursuant to NRS 200.368.~~

~~(d) Battery with intent to commit sexual assault pursuant to subsection 4 of NRS 200.400.~~

~~(e) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this section.~~

~~(f) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence pursuant to NRS 200.408, if the crime of violence is an offense listed in this section.~~

~~(g) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.~~

~~(h) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.~~

~~(i) Incest pursuant to NRS 201.180.~~

~~(j) Solicitation of a minor to engage in acts constituting the infamous crime against nature pursuant to NRS 201.195.~~

~~(k) Open or gross lewdness pursuant to NRS 201.210.~~

~~(l) Indecent or obscene exposure pursuant to NRS 201.220.~~

~~(m) Lewdness with a child pursuant to NRS 201.230.~~

~~(n) Sexual penetration of a dead human body pursuant to NRS 201.450.~~

~~(o) Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony.~~

~~(p) Any other offense that has an element involving a sexual act or sexual conduct with another.~~

~~(q) An attempt or conspiracy to commit an offense listed in paragraphs (a) to (p), inclusive.~~

~~(r) An offense that is determined to be sexually motivated pursuant to NRS 175.547 or 207.193.~~

~~(s) An offense committed in another jurisdiction that, if committed in this State, would be an offense listed in this section. This subsection includes, without limitation, an offense prosecuted in:~~

~~(1) A tribal court.~~

~~(2) A court of the United States or the Armed Forces of the United States.~~

~~(t) An offense of a sexual nature committed in another jurisdiction, whether or not the offense would be an offense listed in this section, if the person who committed the offense resides or has resided or is or has been a student or worker in any jurisdiction in which the person is or has been required by the laws of that jurisdiction to register as a sex offender because of the offense. This subsection includes, without limitation, an offense prosecuted in:~~

~~(1) A tribal court.~~

~~(2) A court of the United States or the Armed Forces of the United States.~~

~~(3) A court having jurisdiction over juveniles.~~

~~2. The term does not include an offense involving consensual sexual conduct if the victim was:~~

~~(a) An adult, unless the adult was under the custodial authority of the offender at the time of the offense; or~~

~~(b) At least 13 years of age and the offender was not more than 4 years older than the victim at the time of the commission of the offense.~~

3. As used in this section:

(a) "Sexual act" means any of the following acts or any combination thereof:

(1) Contact between the penis and the vulva or the penis and the anus. For the purposes of this subparagraph, contact involving the penis occurs upon penetration, however slight.

(2) Contact between the mouth and the penis, the mouth and the vulva or the mouth and the anus.

(3) Any intrusion, however slight, of the anal or genital opening of another person by a hand or finger or by any object, with an intent to abuse, humiliate, harass, degrade or arouse or gratify the sexual desire of any person.

(4) The intentional touching, not through the clothing, of the genitalia of another person under the age of 16 years, with an intent to abuse, humiliate, harass, degrade or arouse or gratify the sexual desire of any person.

(b) "Sexual conduct" means acts of masturbation, homosexuality, sexual intercourse or physical conduct with a person's unclothed genitals or pubic area.] **(Deleted by amendment.)**

Sec. 4. ~~[NRS 213.1243 is hereby amended to read as follows:~~

~~213.1243 1. The Board shall establish by regulation a program of lifetime supervision of sex offenders to commence after any period of probation or any term of imprisonment and any period of release on parole. The program must provide for the lifetime supervision of sex offenders by parole and probation officers.~~

~~2. Lifetime supervision shall be deemed a form of parole for:~~

~~(a) The limited purposes of the applicability of the provisions of NRS 213.1076, subsection 9 of NRS 213.1095, NRS 213.1096 and subsection 2 of NRS 213.110; and~~

~~(b) The purposes of the Interstate Compact for Adult Offender Supervision ratified, enacted and entered into by the State of Nevada pursuant to NRS 213.215.~~

~~3. Except as otherwise provided in subsection 9, the Board shall require as a condition of lifetime supervision that the sex offender reside at a location only if:~~

~~(a) The residence has been approved by the parole and probation officer assigned to the person.~~

~~(b) If the residence is a facility that houses more than three persons who have been released from prison, the facility is a facility for transitional living for released offenders that is licensed pursuant to chapter 449 of NRS.~~

~~(c) The person keeps the parole and probation officer informed of his current address.~~

~~4. Except as otherwise provided in subsection 9, the Board shall require as a condition of lifetime supervision that the sex offender, unless approved by the parole and probation officer assigned to the sex offender and by a psychiatrist, psychologist or counselor treating the sex offender, if any, not knowingly be within 500 feet of any place, or if the place is a structure, within 500 feet of the actual structure, that is designed primarily for use by or for children, including, without limitation, a public or private school, a school bus stop, a center or facility that provides day care services, a video arcade, an amusement park, a playground, a park, an athletic field or a facility for youth sports, or a motion picture theater. The provisions of this subsection apply only to a sex offender who is a Tier 3 offender.~~

~~5. Except as otherwise provided in subsection 9, if a sex offender is convicted of a sexual offense listed in subsection 6 of NRS 213.1255 against a child under the age of 14 years, the sex offender is a Tier 3 offender and the~~

~~sex offender is sentenced to lifetime supervision, the Board shall require as a condition of lifetime supervision that the sex offender:~~

~~(a) Reside at a location only if the residence is not located within 1,000 feet of any place, or if the place is a structure, within 1,000 feet of the actual structure, that is designed primarily for use by or for children, including, without limitation, a public or private school, a school bus stop, a center or facility that provides day care services, a video arcade, an amusement park, a playground, a park, an athletic field or a facility for youth sports, or a motion picture theater.~~ ***The provisions of this paragraph apply to a sex offender who establishes a residence at a location on or after October 1, 2007.***

~~(b) As deemed appropriate by the Chief, be placed under a system of active electronic monitoring that is capable of identifying his location and producing, upon request, reports or records of his presence near or within a crime scene or prohibited area or his departure from a specified geographic location.~~

~~(c) Pay any costs associated with his participation under the system of active electronic monitoring, to the extent of his ability to pay.~~

~~6. A sex offender placed under the system of active electronic monitoring pursuant to subsection [4]~~ ***5*** ~~shall:~~

~~(a) Follow the instructions provided by the Division to maintain the electronic monitoring device in working order.~~

~~(b) Report any incidental damage or defacement of the electronic monitoring device to the Division within 2 hours after the occurrence of the damage or defacement.~~

~~(c) Abide by any other conditions set forth by the Division with regard to his participation under the system of active electronic monitoring.~~

~~7. Except as otherwise provided in this subsection, a person who intentionally removes or disables or attempts to remove or disable an electronic monitoring device placed on a sex offender pursuant to this section is guilty of a gross misdemeanor. The provisions of this subsection do not prohibit a person authorized by the Division from performing maintenance or repairs to an electronic monitoring device.~~

~~8. Except as otherwise provided in subsection 7, a sex offender who commits a violation of a condition imposed on him pursuant to the program of lifetime supervision is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than $5,000.~~

~~9. The Board is not required to impose a condition pursuant to the program of lifetime supervision listed in subsections 3, 4 and 5 if the Board finds that extraordinary circumstances are present and the Board states those extraordinary circumstances in writing.~~

~~10. If a court issues a warrant for arrest for a violation of this section, the court shall cause to be transmitted, in the manner prescribed by the Central Repository for Nevada Records of Criminal History, notice of the issuance of~~

~~the warrant for arrest in a manner which ensures that such notice is received by the Central Repository within 3 business days.~~

~~11. For the purposes of prosecution of a violation by a sex offender of a condition imposed upon him pursuant to the program of lifetime supervision, the violation shall be deemed to have occurred in, and may only be prosecuted in, the county in which the court that imposed the sentence of lifetime supervision pursuant to NRS 176.0931 is located, regardless of whether the acts or conduct constituting the violation took place, in whole or in part, within or outside that county or within or outside this State.]~~ **(Deleted by amendment.)**

Sec. 5. ~~[NRS 213.1255 is hereby amended to read as follows:~~

~~213.1255 1. Except as otherwise provided in subsection 4, in addition to any conditions of parole required to be imposed pursuant to NRS 213.1245, as a condition of releasing on parole a prisoner who was convicted of committing an offense listed in subsection 6 against a child under the age of 14 years and who is a Tier 3 offender, the Board shall require that the parolee:~~

~~(a) Reside at a location only if the residence is not located within 1,000 feet of any place, or if the place is a structure, within 1,000 feet of the actual structure, that is designed primarily for use by or for children, including, without limitation, a public or private school, a school bus stop, a center or facility that provides day care services, a video arcade, an amusement park, a playground, a park, an athletic field or a facility for youth sports, or a motion picture theater.~~ ***The provisions of this paragraph apply to a parolee who establishes a residence at a location on or after October 1, 2007.***

~~(b) As deemed appropriate by the Chief, be placed under a system of active electronic monitoring that is capable of identifying his location and producing, upon request, reports or records of his presence near or within a crime scene or prohibited area or his departure from a specified geographic location.~~

~~(c) Pay any costs associated with his participation under the system of active electronic monitoring, to the extent of his ability to pay.~~

~~2. A parolee placed under the system of active electronic monitoring pursuant to subsection 1 shall:~~

~~(a) Follow the instructions provided by the Division to maintain the electronic monitoring device in working order.~~

~~(b) Report any incidental damage or defacement of the electronic monitoring device to the Division within 2 hours after the occurrence of the damage or defacement.~~

~~(c) Abide by any other conditions set forth by the Division with regard to his participation under the system of active electronic monitoring.~~

~~3. Except as otherwise provided in this subsection, a person who intentionally removes or disables or attempts to remove or disable an electronic monitoring device placed on a parolee pursuant to this section is guilty of a gross misdemeanor. The provisions of this subsection do not~~

~~prohibit a person authorized by the Division from performing maintenance or repairs to an electronic monitoring device.~~

~~4. The Board is not required to impose a condition of parole listed in subsection 1 if the Board finds that extraordinary circumstances are present and the Board states those extraordinary circumstances in writing.~~

~~5. In addition to any conditions of parole required to be imposed pursuant to subsection 1 and NRS 213.1245, as a condition of releasing on parole a prisoner who was convicted of committing an offense listed in subsection 6 against a child under the age of 14 years, the Board shall, when appropriate:~~

~~(a) Require the parolee to participate in psychological counseling.~~

~~(b) Prohibit the parolee from being alone with a child unless another adult who has never been convicted of a sexual offense is present.~~

~~6. The provisions of subsections 1 and 5 apply to a prisoner who was convicted of:~~

~~(a) Sexual assault pursuant to paragraph (c) of subsection 3 of NRS 200.366;~~

~~(b) Abuse or neglect of a child pursuant to subparagraph (1) of paragraph (a) of subsection 1 or subparagraph (1) of paragraph (a) of subsection 2 of NRS 200.508;~~

~~(c) An offense punishable pursuant to subsection 2 of NRS 200.750;~~

~~(d) Solicitation of a minor to engage in acts constituting the infamous crime against nature pursuant to subparagraph (1) of paragraph (a) of subsection 1 of NRS 201.195;~~

~~(e) Lewdness with a child pursuant to NRS 201.230;~~

~~(f) Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony; or~~

~~(g) Any combination of the crimes listed in paragraphs (a) to (f), inclusive.]~~ **(Deleted by amendment.)**

Sec. 5.1. **Chapter 179D of NRS is hereby amended by adding thereto the provisions set forth as 5.3 to 5.7, inclusive, of this act.**

Sec. 5.3. ***As used in sections 5.3 to 5.7, inclusive, of this act, "Committee" means the Advisory Committee to Study Laws Concerning Sex Offender Registration.***

Sec. 5.4. ***1. The Advisory Committee to Study Laws Concerning Sex Offender Registration is hereby created.***

2. The Committee consists of the following members:

(a) The Attorney General or his designee;

(b) One member of the Assembly appointed by the Speaker of the Assembly;

(c) One member of the Senate appointed by the Majority Leader of the Senate;

(d) One member appointed by the Nevada Sheriffs' and Chiefs' Association, or a successor organization;

(e) One member appointed by the Nevada District Attorneys Association, or a successor organization;

(f) One member who is a public defender, appointed by the governing body of the State Bar of Nevada;

(g) One member appointed by the American Civil Liberties Union, or a successor organization; and

(h) Any member appointed by an organization that has been authorized by the Attorney General to appoint a member of the Committee pursuant to section 5.5 of this act.

3. The Attorney General or his designee is the Chairman of the Committee.

4. Each member who is appointed to the Committee serves a term of 2 years. Except as otherwise provided in subsection 3 of section 5.5 of this act:

(a) Members may be reappointed for additional terms of 2 years in the same manner as the original appointments; and

(b) Any vacancy occurring in the membership of the Committee must be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs.

5. The Committee shall meet at least twice each year and may meet at such further times as deemed necessary by the Chairman.

6. A majority of the members of the Committee constitutes a quorum for the transaction of business, and a majority of those members present at any meeting is sufficient for any official action taken by the Committee.

7. The Committee shall comply with the provisions of chapter 241 of NRS, and all meetings of the Committee must be conducted in accordance with that chapter.

8. For each day or portion of a day during which a member of the Committee who is a Legislator attends a meeting of the Committee or is otherwise engaged in the business of the Committee, except during a regular or special session of the Legislature, he is entitled to receive the:

(a) Compensation provided for a majority of the members of the Legislature during the first 60 days of the preceding regular session;

(b) Per diem allowance provided for state officers generally; and

(c) Travel expenses provided pursuant to NRS 218.2207.

➥ The compensation, per diem allowances and travel expenses of the members of the Committee who are Legislators must be paid from the Legislative Fund.

9. While engaged in the business of the Committee, to the extent of legislative appropriation, the members of the Committee who are not Legislators are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

10. A member of the Committee who is an officer or employee of this State or a political subdivision of this State must be relieved from his duties without loss of his regular compensation so that he may prepare for and

attend meetings of the Committee and perform any work necessary to carry out the duties of the Committee in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the Committee to:

(a) Make up the time he is absent from work to carry out his duties as a member of the Committee; or

(b) Take annual leave or compensatory time for the absence.

11. The Attorney General shall provide the Committee with such staff as is necessary to carry out the duties of the Committee.

Sec. 5.5. 1. An organization which is concerned with state and federal laws concerning the registration of sex offenders and which wishes to appoint a member to the Committee pursuant to paragraph (h) of subsection 2 of section 5.4 of this act may apply to the Attorney General, or his designee, for authorization to appoint a member to the Committee. At his discretion, the Attorney General may authorize the organization to appoint a member to the Committee.

2. At any time after the Attorney General has authorized an organization to appoint a member to the Committee, the Attorney General may revoke the organization's authorization to appoint a member to the Committee.

3. If, after receiving authorization to appoint a member to the Committee, an organization ceases to exist or has its authorization to appoint a member to the Committee revoked by the Attorney General, any member of the Committee appointed by the organization may complete the term to which he was appointed, and upon the completion of that term, the organization, or a successor organization, may not appoint a member to the Committee.

Sec. 5.6. The Committee shall:

1. Identify and study issues relating to state and federal law concerning the registration of sex offenders and any litigation concerning those laws.

2. Prepare a report of the activities and findings of the Committee and any recommendations for proposed legislation concerning the registration of sex offenders developed by the Committee.

3. On or before September 1 of each even-numbered year, submit the report prepared pursuant to subsection 2 to the Director of the Legislative Counsel Bureau for submission to the Legislative Commission.

Sec. 5.7. 1. The Attorney General may apply for and accept any available grants and may accept any bequests, devises, donations or gifts from any public or private source to carry out the provisions of sections 5.3 to 5.7, inclusive, of this act.

2. Any money received pursuant to this section must be deposited in the Special Account for the Support of the Committee, which is hereby created in the State General Fund. Interest and income earned on money in the Account must be credited to the Account. Money in the Account may only

be used for the support of the Committee and its activities pursuant to sections 5.3 to 5.7, inclusive, of this act.

Sec. 5.9. **Not later than July 15, 2009:**

1. The Nevada Sheriffs' and Chiefs' Association, or a successor organization, shall appoint the member described in paragraph (d) of subsection 2 of section 5.4 of this act;

2. The Nevada District Attorneys Association, or a successor organization, shall appoint the member described in paragraph (e) of subsection 2 of section 5.4 of this act;

3. The governing board of the State Bar of Nevada shall appoint the member described in paragraph (f) of subsection 2 of section 5.4 of this act; and

4. The American Civil Liberties Union, or a successor organization, shall appoint the member described in paragraph (g) of subsection 2 of section 5.4 of this act.

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

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 101.

Bill read second time.

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

Amendment No. 341.

AN ACT relating to the support of children; ~~[requiring certain counties]~~ **authorizing each county in this State** to participate ~~[fully]~~ in the Program for the Enforcement of Child Support; ~~[authorizing other counties to participate in the Program;]~~ requiring each county that participates in the Program to pay the cost of the Program in that county; revising certain provisions governing the administration and enforcement of the Program; deleting provisions relating to the placement and confidentiality of certain records concerning the support of a dependent child; requiring a district court to review, on the record, certain recommendations of a master; revising provisions governing the failure of an employer to deliver money that is withheld from the income of an employee for child support; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill ~~[requires]~~ **authorizes** each county ~~[whose population is 100,000 or more (currently Clark and Washoe Counties)]~~ **in this State** to participate ~~[fully]~~ in the Program for the Enforcement of Child Support created under federal law **.** ~~[and to]~~ **If a county participates in the Program, the county must** pay for the cost of the Program in that county. **Section 1** also authorizes ~~[any other]~~ **a** county ~~[to participate]~~ **that participates** in the Program ~~[. If such a county participates in the Program,~~

~~the county must pay for the cost of~~] **to withdraw from** the Program [~~in that county.~~] **after providing a notice of withdrawal to the Division of Welfare and Supportive Services of the Department of Health and Human Services.**

Section 2 of this bill provides that any payment of public assistance made by the Division [~~of Welfare and Supportive Services of the Department of Health and Human Services~~] for the support of a child creates a debt against the responsible parent, regardless of any court order for custody or support of the child to the contrary. (NRS 425.360)

Section 3 of this bill specifies that the Administrator of the Division or his designee is responsible for and is required to supervise the Program. (NRS 425.365)

Sections 5, 7, 10, 14 and 15 of this bill specify that the approval by a district court of a recommendation made by a master concerning the support of a dependent child must be made in accordance with certain procedural requirements. (NRS 425.382, 425.383, 425.3836, 425.540)

Sections 6, 11, 12, 19 and 21 of this bill delete provisions of existing law that require a master, after making a recommendation for the support of a dependent child, or a district court to ensure that the social security numbers of the parents or legal guardians of the child and the person to whom support is paid are placed in the records relating to the matter and remain confidential. (NRS 425.3828, 425.3844, 425.3855, 125.230, 125B.055)

Section 8 of this bill authorizes a master who conducts a hearing relating to the support of a dependent child to conduct the hearing by telephone or by any audiovisual or other electronic means outside the judicial district in which the master is appointed. (NRS 425.3832)

Section 9 of this bill provides that if a district court reviews a recommendation of a master concerning the support of a dependent child, the review must be conducted on the record of the case before the master. (NRS 425.3834)

Under existing law, a master who makes a recommendation concerning the support of a dependent child must furnish the recommendation to each party in the case before the master. Each party may then file an objection to the recommendation within 10 days after receiving the recommendation. If a notice of objection is not filed, the district court must accept the recommendation and may enter judgment thereon. **Section 11** of this bill provides that if a notice of objection is not filed, the recommendation of the master shall be deemed approved by the district court and the clerk of the court may file the recommendation. (NRS 425.3844)

Section 13 of this bill provides that a financial institution which is doing business in Nevada and which receives notification of a lien against a responsible parent from an agency for the enforcement of child support located in another state is required to encumber all assets held by the financial institution on behalf of the responsible parent and surrender those assets upon the enforcement of the lien. **Section 13** also provides immunity

from liability for the agency located in another state for disclosing information and providing assets to certain other persons. (NRS 425.460)

Sections 16 and 17 of this bill set forth penalties that may be imposed against an employer who fails to deliver to the appropriate enforcing authority any money that the employer is required to withhold from an employee's wages for child support owed by the employee. The penalties include, without limitation, the payment of punitive damages to the person to whom the child support is owed. (NRS 31A.095, 31A.120)

Section 18 of this bill deletes provisions of existing law that require a court that grants a decree of divorce to ensure that the social security numbers of both parties to the decree are provided to the Division. (NRS 125.130)

Section 22 of this bill revises provisions governing the amounts paid by a parent for medical support for a child pursuant to a court order requiring the payment of that support. (NRS 125B.085)

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

Section 1. Chapter 425 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each county ~~*[whose population is 100,000 or more shall]*~~ ***may participate*** ~~*[fully]*~~ ***in the Program*** ~~*.*~~ ~~*[and]*~~ ***If a county participates in the Program, the county shall pay the cost of the Program in that county. Any services provided by the county under the Program must be provided in accordance with:***

(a) Part D of Title IV of the Social Security Act, 42 U.S.C. §§ 651 et seq., and any regulations adopted pursuant thereto; ~~*[and]*~~

(b) Any regulations adopted pursuant to NRS 425.365 ~~*[.*~~

~~*2. Each county whose population is less than 100,000 may participate in the Program. If such a county participates in the Program, the county shall pay the cost of the Program in that county in accordance with a]*~~ ***; and***

(c) A contract entered into with the Division ~~*[.]*~~ ***for that purpose.***

2. If a county participates in the Program pursuant to subsection 1, the county may, on or before September 1 of each even-numbered year, elect to withdraw from the Program by submitting a notice of withdrawal to the Division. If a county submits a notice of withdrawal pursuant to this subsection, the withdrawal becomes effective on July 1 of the next following year.

Sec. 2. NRS 425.360 is hereby amended to read as follows:

425.360 1. Any payment of public assistance pursuant to this chapter creates a debt for support to the Division by the responsible parent, ~~[whether or not]~~ ***regardless of:***

(a) Any court order for custody or support to the contrary, including, without limitation, an order for joint physical custody; or

(b) Whether the parent received prior notice that his child was receiving public assistance.

2. The Division is entitled to the amount to which a dependent child or a person having the care, custody and control of a dependent child would have been entitled for support, to the extent of the assignment of those rights to support pursuant to NRS 425.350, and may prosecute or maintain any action for support or execute any administrative remedy existing under the laws of this State to obtain reimbursement of money expended for public assistance from any liable third party, including ***, without limitation,*** an insurer, group health plan as defined in section 607(1) of the Employee Retirement Income Security Act of 1974, 29 U.S.C.A. § 1167(1), service benefit plan, self-insured plan or health maintenance organization. If a court enters judgment for an amount of support to be paid by a responsible parent, the Division is entitled to the amount of the debt created by that judgment to the extent of the assignment of rights to support pursuant to NRS 425.350, and the judgment awarded shall be deemed to be in favor of the Division to that extent. This entitlement applies to, but is not limited to, a temporary order for spousal support, a family maintenance order or an alimony order, whether or not allocated to the benefit of the child on the basis of providing necessaries for the caretaker of the child, up to the amount paid by the Division in public assistance to or for the benefit of a dependent child. The Division may petition the appropriate court for modification of its order on the same grounds as a party to the action.

3. If there is no court order for support, or if the order provides that no support is due but the facts on which the order was based have changed, the amount due is the amount computed pursuant to NRS 125B.070 and 125B.080, using the Nevada average wage, determined by the Employment Security Division of the Department of Employment, Training and Rehabilitation, if the gross income of the responsible parent cannot be otherwise ascertained.

4. Debts for support may not be incurred by a parent or any other person who is the recipient of public assistance for the benefit of a dependent child for the period when the parent or other person is a recipient.

5. If a state agency is assigned any rights of a dependent child or a person having the care, custody and control of a dependent child who is eligible for medical assistance under Medicaid, the person having the care, custody and control of the dependent child shall, upon request of the state agency, provide to the state agency information regarding the dependent child or a person having the care, custody and control of a dependent child to determine:

(a) Any period during which the dependent child or a person having the care, custody and control of a dependent child may be or may have been covered by an insurer; and

(b) The nature of any coverage that is or was provided by the insurer, including, without limitation, the name and address of the insured dependent

child or a person having the care, custody and control of a dependent child and the identifying number of the policy, evidence of coverage or contract.

6. As used in this section, "joint physical custody" means the physical custody of a dependent child for which the time spent by the dependent child with each responsible parent or with the responsible parent and a custodian of the child is equal.

Sec. 3. NRS 425.365 is hereby amended to read as follows:

425.365 ***1.*** The Administrator ***or his designee is responsible for and shall supervise the Program, subject to administrative supervision by the Director of the Department of Health and Human Services.***

2. The Administrator may adopt such regulations and take such actions as are necessary to carry out the provisions of this chapter.

Sec. 4. NRS 425.370 is hereby amended to read as follows:

425.370 ***Subject to administrative supervision by the Director of the Department of Health and Human Services pursuant to NRS 425.365:***

1. Whenever the Division provides public assistance on behalf of a child, the Division and the prosecuting attorney shall take appropriate action to carry out the Program with regard to that child.

2. As to any other child, the Division and the prosecuting attorney shall, when such action is required by the Social Security Act ***,*** ~~[(]~~ 42 U.S.C. §§ 301 et seq. ***,*** ~~[),]~~ take appropriate action to carry out the Program.

Sec. 5. NRS 425.382 is hereby amended to read as follows:

425.382 1. Except as otherwise provided in NRS 425.346, the Chief may proceed pursuant to NRS 425.3822 to 425.3852, inclusive, after:

(a) Payment of public assistance by the Division; or

(b) Receipt of a request for services to carry out the Program.

2. Subject to approval by the district court ~~[,]~~ ***pursuant to NRS 425.3844,*** a master may:

(a) Take any action authorized pursuant to chapter 130 of NRS, including any of the actions described in subsection 2 of NRS 130.305.

(b) Except as otherwise provided in chapter 130 of NRS and NRS 425.346:

(1) Issue and enforce an order for the support of a dependent child, and modify or adjust such an order in accordance with NRS 125B.145;

(2) Require coverage for health care of a dependent child;

(3) Establish paternity;

(4) Order a responsible parent to comply with an order for the support of a dependent child, specifying the amount and the manner of compliance;

(5) Order the withholding of income;

(6) Determine the amount of any arrearages and specify a method of payment;

(7) Enforce orders by civil or criminal contempt, or both;

(8) Set aside property for satisfaction of an order for the support of a dependent child;

(9) Place liens and order execution on the property of the responsible parent;

(10) Order a responsible parent to keep the master informed of his current residential address, telephone number, employer, address of employment and telephone number at the place of employment;

(11) Issue a bench warrant for a responsible parent who has failed after proper notice to appear at a hearing ordered by the master and enter the bench warrant in any local and state computer system for criminal warrants;

(12) Order the responsible parent to seek appropriate employment by specified methods;

(13) Order the responsible parent to participate in a program intended to resolve issues that prevent the responsible parent from obtaining employment, including, without limitation, a program for the treatment of substance abuse or a program to address mental health issues;

(14) Upon the request of the Division, require a responsible parent to:

(I) Pay any support owed in accordance with a plan approved by the Division; or

(II) Participate in such work activities, as that term is defined in 42 U.S.C. § 607(d), as the Division deems appropriate;

(15) Award reasonable attorney's fees and other fees and costs; and

(16) Grant any other available remedy.

Sec. 6. NRS 425.3828 is hereby amended to read as follows:

425.3828 1. If a written response setting forth objections and requesting a hearing is received by the office issuing the notice and finding of financial responsibility within the specified period, a hearing must be held pursuant to NRS 425.3832 and notice of the hearing must be sent to the parent by regular mail.

2. If a written response and request for hearing is not received by the office issuing the notice and finding of financial responsibility within the specified period, the master may enter a recommendation for the support of a dependent child in accordance with the notice and shall:

(a) Include in that recommendation:

(1) If the paternity of the dependent child is established by the recommendation, a declaration of that fact.

(2) The amount of monthly support to be paid, including directions concerning the manner of payment.

(3) The amount of arrearages owed.

(4) Whether coverage for health care must be provided for the dependent child.

(5) Any requirements to be imposed pursuant to subparagraph (14) of paragraph (b) of subsection 2 of NRS 425.382 ~~[.]~~ regarding a plan for the payment of support by the parent or the participation of the parent in work activities.

(6) The names of the parents or legal guardians of the child.

(7) The name of the person to whom, and the name and date of birth of the dependent child for whom **,** support is to be paid.

(8) A statement that the property of the parent is subject to an attachment or other procedure for collection, including, but not limited to, withholding of wages, garnishment, liens and execution on liens.

(9) A statement that objections to the recommendation may be filed with the district court and served upon the other party within 10 days after receipt of the recommendation.

(b) Ensure that the social security numbers of the parents or legal guardians of the child and the person to whom support is to be paid are ~~[~~**[**:

~~(1) Provided~~] ***provided*** to the enforcing authority.

~~[~~**[**~~(2) Placed in the records relating to the matter and, except as otherwise required to carry out the provisions of NRS 239.0115 or any other specific statute, maintained in a confidential manner.~~]

3. The parent must be sent a copy of the recommendation for the support of a dependent child by regular mail addressed to the last known address of the parent, or if applicable, the last known address of the attorney for the parent.

4. The recommendation for the support of a dependent child is final upon approval by the district court pursuant to NRS 425.3844. The Chief may take action to enforce and collect upon the order of the court approving the recommendation, including arrearages, from the date of the approval of the recommendation.

5. If a written response and request for hearing is not received by the office issuing the notice and finding of financial responsibility within the specified period, and the master enters a recommendation for the support of a dependent child, the court may grant relief from the recommendation on the grounds set forth in paragraph (b) of Rule 60 of the Nevada Rules of Civil Procedure.

Sec. 7. NRS 425.383 is hereby amended to read as follows:

425.383 1. After the entry of a recommendation for the support of a dependent child by the master that has been approved by the district court ~~[.]~~ ***pursuant to NRS 425.3844,*** or after entry of an order for the support of a dependent child by a district court regarding which the Chief is authorized to proceed pursuant to NRS 425.382 to 425.3852, inclusive, the responsible parent, the person entitled to support or the enforcing authority may move for the amount of the child support being enforced to be modified or adjusted in accordance with NRS 125B.145.

2. The motion must:

(a) Be in writing.

(b) Set out the reasons for the modification or adjustment.

(c) State the address of the moving party.

(d) Be served by the moving party upon the responsible parent or the person entitled to support, as appropriate, by first-class mail to the last known address of that person.

3. The moving party shall mail or deliver a copy of the motion and the original return of service to the Chief.

4. The Chief shall set the matter for a hearing within 30 days after the date of receipt of the motion unless a stipulated agreement between the parties is reached. The Chief shall send to the parties and person with physical custody of the dependent child a notice of the hearing by first-class mail to the last known address of those persons.

5. A motion for modification or adjustment requested pursuant to this section does not prohibit the Chief from enforcing and collecting upon the existing order for support of a dependent child unless so ordered by the district court.

6. The only support payments that may be modified or adjusted pursuant to this section are monthly support payments that:

(a) A court of this State has jurisdiction to modify pursuant to chapter 130 of NRS; and

(b) Accrue after the moving party serves notice that a motion has been filed for modification or adjustment.

7. The party requesting the modification or adjustment has the burden of showing a change of circumstances and good cause for the modification or adjustment, unless the request is filed in accordance with subsection 1 of NRS 125B.145.

Sec. 8. NRS 425.3832 is hereby amended to read as follows:

425.3832 1. Except as otherwise provided in this chapter, a hearing conducted pursuant to NRS 425.382 to 425.3852, inclusive, must be conducted in accordance with the provisions of this section by a qualified master appointed pursuant to NRS 425.381.

2. Subpoenas may be issued by:

(a) The master.

(b) The attorney of record for the office.

➥ Obedience to the subpoena may be compelled in the same manner as provided in chapter 22 of NRS. A witness appearing pursuant to a subpoena, other than a party or an officer or employee of the Chief, is entitled to receive the fees and payment for mileage prescribed for a witness in a civil action.

3. Except as otherwise provided in this section, the master need not observe strict rules of evidence ~~[.]~~ but shall apply those rules of evidence prescribed in NRS 233B.123.

4. The affidavit of any party who resides outside of the judicial district is admissible as evidence regarding the duty of support, any arrearages and the establishment of paternity. The master may continue the hearing to allow procedures for discovery regarding any matter set forth in the affidavit.

5. The physical presence of a person seeking the establishment, enforcement, modification or adjustment of an order for the support of a dependent child or the establishment of paternity is not required.

6. A verified petition, an affidavit, a document substantially complying with federally mandated forms and a document incorporated by reference in

any of them, not excluded under NRS 51.065 if given in person, is admissible in evidence if given under oath by a party or witness residing outside of the judicial district.

7. A copy of the record of payments for the support of a dependent child, certified as a true copy of the original by the custodian of the record, may be forwarded to the master. The copy is evidence of facts asserted therein and is admissible to show whether payments were made.

8. Copies of bills for testing for paternity, and for prenatal and postnatal health care of the mother and child, furnished to the adverse party at least 20 days before the hearing, are admissible in evidence to prove the amount of the charges billed and that the charges were reasonable, necessary and customary.

9. Documentary evidence transmitted from outside of the judicial district by telephone, telecopier or other means that do not provide an original writing may not be excluded from evidence on an objection based on the means of transmission.

10. The master may ~~[permit]~~ ***:***

(a) Conduct a hearing by telephone, audiovisual means or other electronic means outside of the judicial district in which he is appointed.

(b) Permit a party or witness residing outside of the judicial district to be deposed or to testify by telephone, audiovisual means or other electronic means before a designated court or at another location outside of the judicial district.

➥ The master shall cooperate with courts outside of the judicial district in designating an appropriate location for the ***hearing,*** deposition or testimony.

11. If a party called to testify at a hearing refuses to answer a question on the ground that the testimony may be self-incriminating, the master may draw an adverse inference from the refusal.

12. A privilege against the disclosure of communications between husband and wife does not apply.

13. The defense of immunity based on the relationship of husband and wife or parent and child does not apply.

Sec. 9. NRS 425.3834 is hereby amended to read as follows:

425.3834 1. Upon issuance by a district court of an order approving a recommendation entered by a master pursuant to NRS 425.382 to 425.3852, inclusive, the Chief shall enforce and collect upon the order, including arrearages.

2. A recommendation entered by a master pursuant to NRS 425.382 to 425.3852, inclusive, is final upon approval by the district court pursuant to NRS 425.3844. Upon such approval, the recommendation is in full force and effect while any judicial review is pending unless the recommendation is stayed by the district court.

3. The district court may review ~~[, pursuant to the rules adopted therefor by the district judges of the judicial district in which the court is located,]~~ a recommendation entered by a master pursuant to NRS 425.382 to 425.3852,

inclusive. ***If a review is conducted, the district court shall review the recommendation on the record of the case before the master.***

Sec. 10. NRS 425.3836 is hereby amended to read as follows:

425.3836 1. After the issuance of an order for the support of a dependent child by a court, the Chief may issue a notice of intent to enforce the order. The notice must be served upon the responsible parent in the manner prescribed for service of summons in a civil action or mailed to the responsible parent by certified mail, restricted delivery, with return receipt requested.

2. The notice must include:

(a) The names of the person to whom support is to be paid and the dependent child for whom support is to be paid.

(b) The amount of monthly support the responsible parent is required to pay by the order for support.

(c) A statement of the arrearages owed pursuant to the order for support.

(d) A demand that the responsible parent make full payment to the enforcing authority within 14 days after the receipt or service of the notice.

(e) A statement that the responsible parent may be required to provide coverage for the health care of the dependent child when coverage is available to the parent at a reasonable cost.

(f) A statement of any requirements the Division will request pursuant to subparagraph (14) of paragraph (b) of subsection 2 of NRS 425.382 ~~[.]~~ regarding a plan for the payment of support by the responsible parent or the participation of the responsible parent in work activities.

(g) A statement that if the responsible parent objects to any part of the notice of intent to enforce the order, he must send to the office that issued the notice a written response within 14 days after the date of receipt of service that sets forth any objections and includes a request for a hearing.

(h) A statement that if full payment is not received within 14 days or a hearing has not been requested in the manner provided in paragraph (g), the Chief is entitled to enforce the order and that the property of the responsible parent is subject to an attachment or other procedure for collection, including, but not limited to, withholding of wages, garnishment, liens and execution on liens.

(i) A reference to NRS 425.382 to 425.3852, inclusive.

(j) A statement that the responsible parent is responsible for notifying the office of any change of address or employment.

(k) A statement that if the responsible parent has any questions, he may contact the appropriate office or consult an attorney.

(l) Such other information as the Chief finds appropriate.

3. If a written response setting forth objections and requesting a hearing is received within the specified period by the office issuing the notice of intent to enforce the order, a hearing must be held pursuant to NRS 425.3832 and notice of the hearing must be sent to the responsible parent by regular mail. If a written response and request for hearing is not received within the

specified period by the office issuing the notice, the master may enter a recommendation for the support of a dependent child in accordance with the notice and shall include in that recommendation:

(a) The amount of monthly support to be enforced, including directions concerning the manner of payment.

(b) The amount of arrearages owed and the manner of payment.

(c) Whether coverage for health care must be provided for the dependent child.

(d) Any requirements to be imposed pursuant to subparagraph (14) of paragraph (b) of subsection 2 of NRS 425.382 ~~[.]~~ regarding a plan for the payment of support by the parent or the participation of the parent in work activities.

(e) A statement that the property of the parent is subject to an attachment or other procedure for collection, including, but not limited to, the withholding of wages, garnishment, liens and execution on liens.

4. After the district court approves the recommendation for the support of a dependent child, the recommendation is final. The Chief may take action to enforce and collect upon the order of the court approving the recommendation, including arrearages, from the date of the approval of the recommendation.

5. This section does not prevent the Chief from using other available remedies for the enforcement of an obligation for the support of a dependent child at any time.

6. The master may hold a hearing to enforce a recommendation for the support of a dependent child after the recommendation has been entered and approved by the district court ~~[.]~~ ***pursuant to NRS 425.3844.*** The master may enter a finding that the parent has not complied with the order of the court and may recommend to the district court that the parent be held in contempt of court. The finding and recommendation is effective upon review and approval of the district court.

Sec. 11. NRS 425.3844 is hereby amended to read as follows:

425.3844 1. A recommendation entered by a master pursuant to NRS 425.382 to 425.3852, inclusive, including a recommendation establishing paternity, must be furnished to each party or his attorney at the conclusion of the proceedings or as soon thereafter as possible.

2. Within 10 days after receipt of the recommendation, any party may file with the district court and serve upon the other parties a notice of objection to the recommendation. The notice must include:

(a) A copy of the master's recommendation;

(b) The results of any blood tests or tests for genetic identification examined by the master;

(c) A concise statement setting forth the reasons that the party disagrees with the master's recommendation, including any affirmative defenses that must be pleaded pursuant to the Nevada Rules of Civil Procedure;

(d) A statement of the relief requested;

(e) The notice and finding of financial responsibility if the Chief issued such a notice and finding; and

(f) Any other relevant documents.

3. ~~[The district court shall:~~

~~(a)]~~ If ***, within 10 days after receipt of the recommendation,*** a notice of objection is ~~[not]~~ ***:***

(a) Not filed, ~~[accept]~~ the recommendation entered by the master ~~[, including a recommendation establishing paternity, unless clearly erroneous,]~~ ***shall be deemed approved by the district court,*** and ***the clerk of the district court may file the recommendation pursuant to subsection 7 and*** judgment may be entered thereon; or

(b) ~~[If a notice of objection is filed within the 10-day period,]~~ ***Filed, the district court shall*** review the matter pursuant to NRS 425.3834.

4. A party who receives a notice of objection pursuant to subsection 2 is not required to file an answer to that notice. The district court shall review each objection contained in the notice.

5. If a notice of objection includes an objection to a recommendation establishing paternity, the enforcement of any obligation for the support of the child recommended by the master must, upon the filing and service of the notice, be stayed until the district court rules upon the determination of paternity. The obligation for the support of the child continues to accrue during the consideration of the determination of paternity and must be collected as arrears after the completion of the trial if the court approves the recommendation of the master.

6. If a recommendation entered by a master ***,*** ~~[pursuant to NRS 425.382 to 425.3852, inclusive,]~~ including a recommendation establishing paternity, ***is deemed approved by the district court pursuant to paragraph (a) of subsection 3 and the recommendation*** modifies or adjusts a previous order for support issued by any district court in this State, that district court ~~[shall review the recommendation and approve or reject the recommendation issued]~~ ***must be notified of the recommendation*** by the master.

7. Upon approval by the district court of a recommendation entered by a master pursuant to NRS 425.382 to 425.3852, inclusive, including a recommendation establishing paternity, a copy of the recommendation, with the approval of the court endorsed thereon, must be filed:

(a) In the office of the clerk of the district court;

(b) If the order of the district court approving the recommendation of the master modifies or adjusts a previous order issued by any district court in this State, with the original order in the office of the clerk of that district court; and

(c) With any court that conducts a proceeding related thereto pursuant to the provisions of chapter 130 of NRS.

8. A district court that approves a recommendation pursuant to this section shall ensure that, before the recommendation is filed pursuant to

subsection 7, the social security numbers of the parents or legal guardians of the child are ~~[~~:

~~(a) Provided]~~ ***provided*** to the enforcing authority.

~~[(b) Placed in the records relating to the matter and, except as otherwise required to carry out the provisions of NRS 239.0115 or any other specific statute, maintained in a confidential manner.]~~

9. Upon the approval and filing of the recommendation as provided in subsection 7, the recommendation has the force, effect and attributes of an order or decree of the district court, including, but not limited to, enforcement by supplementary proceedings, contempt of court proceedings, writs of execution, liens and writs of garnishment.

Sec. 12. NRS 425.3855 is hereby amended to read as follows:

425.3855 A district court that enters an order pursuant to NRS 425.382 to 425.3852, inclusive, or an order approving a recommendation for the support of a dependent child made by a master shall ensure that the social security numbers of the parents or legal guardians of the child are ~~[~~:

~~1. Provided]~~ ***provided*** to the enforcing authority.

~~[2. Placed in the records relating to the matter and, except as otherwise required to carry out the provisions of NRS 239.0115 or any other specific statute, maintained in a confidential manner.]~~

Sec. 13. NRS 425.460 is hereby amended to read as follows:

425.460 1. The Administrator shall enter into agreements with financial institutions doing business in this State to coordinate the development and operation of a system for matching data, using automated exchanges of data to the maximum extent feasible.

2. A financial institution doing business in this State shall:

(a) Cooperate with the Administrator in carrying out subsection 1.

(b) Use the system to provide to the Division for each calendar quarter the name, address of record, social security number or other number assigned for taxpayer identification, and other identifying information for each responsible parent who maintains an account at the financial institution, as identified by the Division by name and social security number or other number assigned for taxpayer identification.

(c) In response to the receipt from the Division ***or an agency for the enforcement of child support located in another state*** of:

(1) Notification of a lien against a responsible parent which:

(I) Arises pursuant to NRS 125B.142; or

(II) Is entitled to full faith and credit pursuant to NRS 125B.144,

➥ encumber ~~[such]~~ ***all*** assets held by the financial institution on behalf of the responsible parent ~~[as may be required by the Chief.]~~ ***and surrender those assets upon the enforcement of the lien pursuant to those sections.***

(2) A notice of attachment pursuant to subsection 2 of NRS 425.470, surrender to the Chief such assets held by the financial institution on behalf of the responsible parent as may be required by the Chief.

(d) Except as otherwise provided in paragraph (c), in response to the receipt of notice of a lien which is entitled to full faith and credit pursuant to NRS 125B.144 or notice of a levy on such a lien, encumber or surrender, as the case may be, such assets held by the financial institution on behalf of the responsible parent as may be required to enforce the lien.

➥ A financial institution doing business in this State which receives from the Division ***or an agency for the enforcement of child support located in another state*** a notice of lien, notice of attachment or notice of levy on a lien is not required to encumber or surrender any assets received by the financial institution on behalf of the responsible parent after the financial institution received the notice of lien, notice of attachment or notice of levy on a lien.

3. A financial institution may not be held liable in any civil or criminal action for:

(a) Any disclosure of information to the Division ***or an agency for the enforcement of child support located in another state*** pursuant to this section.

(b) Encumbering or surrendering any assets held by the financial institution pursuant to this section.

(c) Any other action taken in good faith to comply with the requirements of this section.

4. If a court issues an order to return to a responsible parent any assets surrendered by a financial institution pursuant to subsection 2, the Division ***or an agency for the enforcement of child support located in another state*** is not liable to the responsible parent for any of those assets that have been provided to another person or agency in accordance with the order for the payment of support.

Sec. 14. NRS 425.540 is hereby amended to read as follows:

425.540 1. If a master enters a recommendation determining that a person:

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

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

➥ and the district court issues an order approving the recommendation of the master ~~[.]~~ ***pursuant to NRS 425.3844,*** the court shall provide a copy of the order to all agencies that issue professional, occupational or recreational licenses, certificates or permits.

2. A court order issued pursuant to subsection 1 must provide that if the person named in the order does not, within 30 days after the date on which the order is issued, submit to any agency that has issued a professional, occupational or recreational license, certificate or permit to that person a letter from the district attorney or other public agency stating that the person has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560, the professional, occupational or recreational licenses issued to the person by that agency will be automatically suspended.

Such an order must not apply to a license, certificate or permit issued by the Department of Wildlife or the State Land Registrar if that license, certificate or permit expires less than 6 months after it is issued.

3. If a court issues an order pursuant to subsection 1, the district attorney or other public agency shall send a notice by first-class mail to the person who is subject to the order. The notice must include:

(a) If the person has failed to comply with a subpoena or warrant, a copy of the court order and a copy of the subpoena or warrant; or

(b) If the person is in arrears in the payment for the support of one or more children:

(1) A copy of the court order;

(2) A statement of the amount of the arrearage; and

(3) A statement of the action that the person may take to satisfy the arrearage pursuant to NRS 425.560.

Sec. 15. NRS 425.540 is hereby amended to read as follows:

425.540 1. If a master enters a recommendation determining that a person who is issued a professional or occupational license, certificate or permit pursuant to title 54 of NRS:

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

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

➥ and the district court issues an order approving the recommendation of the master ~~[.]~~ ***pursuant to NRS 425.3844,*** the court shall provide a copy of the order to all agencies that issue professional or occupational licenses, certificates or permits pursuant to title 54 of NRS.

2. A court order issued pursuant to subsection 1 must provide that if the person named in the order does not, within 30 days after the date on which the order is issued, submit to any agency that has issued a professional or occupational license, certificate or permit pursuant to title 54 of NRS to that person a letter from the district attorney or other public agency stating that the person has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560, any professional or occupational license, certificate or permit issued pursuant to title 54 of NRS to the person by that agency will be automatically suspended.

3. If a court issues an order pursuant to subsection 1, the district attorney or other public agency shall send a notice by first-class mail to the person who is subject to the order. The notice must include:

(a) If the person has failed to comply with a subpoena or warrant, a copy of the court order and a copy of the subpoena or warrant; or

(b) If the person is in arrears in the payment for the support of one or more children:

(1) A copy of the court order;

(2) A statement of the amount of the arrearage; and

(3) A statement of the action that the person may take to satisfy the arrearage pursuant to NRS 425.560.

Sec. 16. NRS 31A.095 is hereby amended to read as follows:

31A.095 1. If an employer ~~[wrongfully]~~ ***:***

(a) Wrongfully refuses to withhold income as required pursuant to NRS 31A.025 to 31A.190, inclusive, after receiving a notice to withhold income that was sent by certified mail pursuant to subsection 2 of NRS 31A.070 ~~[,]~~ ***;***

(b) Fails to deliver to the enforcing authority any money required pursuant to NRS 31A.080; or ~~[knowingly]~~

(c) Knowingly misrepresents the income of an employee,

➥ the enforcing authority may apply for and the court may issue an order directing the employer to appear and show cause why he should not be subject to the penalty prescribed in subsection 2 of NRS 31A.120.

2. At the hearing on the order to show cause, the court, upon a finding that the employer wrongfully refused to withhold income as required ***, failed to deliver money to the enforcing authority as required*** or knowingly misrepresented an employee's income:

(a) May order the employer to comply with the requirements of NRS 31A.025 to 31A.190, inclusive;

(b) May order the employer to provide accurate information concerning the employee's income;

(c) May fine the employer pursuant to subsection 2 of NRS 31A.120; and

(d) Shall require the employer to pay the amount the employer failed or refused to withhold from the obligor's income ~~[.]~~ ***or failed to deliver to the enforcing authority.***

Sec. 17. NRS 31A.120 is hereby amended to read as follows:

31A.120 1. It is unlawful for an employer to use the withholding of income to collect an obligation of support as a basis for refusing to hire a potential employee, discharging the employee or taking disciplinary action against him. Any employer who violates this section shall hire or reinstate the employee with no loss of pay or benefits, is liable for any payments of support not withheld ~~[.]~~ and shall be fined $1,000. If an employee prevails in an action based on this section, the employer is liable, in an amount not less than $2,500, for payment of the employee's costs and attorney's fees incurred in that action.

2. If an employer ~~[wrongfully]~~ ***:***

(a) Wrongfully refuses to withhold from the income of an obligor as required pursuant to NRS 31A.025 to 31A.190, inclusive ~~[.]~~ ***;***

(b) Fails to deliver to the enforcing authority any money required pursuant to NRS 31A.080; or ~~[knowingly]~~

(c) Knowingly misrepresents the income of the employee,

➥ he shall pay the amount he refused to withhold ***or failed to deliver*** to the enforcing authority and may be ordered to pay punitive damages to the person to whom support is owed in an amount not to exceed $1,000 for each

pay period he failed to withhold income as required ***, failed to deliver money to the enforcing authority as required*** or knowingly misrepresented the income of the employee.

Sec. 18. NRS 125.130 is hereby amended to read as follows:

125.130 1. A judgment or decree of divorce granted pursuant to the provisions of this chapter is a final decree.

2. Whenever a decree of divorce from the bonds of matrimony is granted in this State by a court of competent authority, the decree fully and completely dissolves the marriage contract as to both parties.

3. A court that grants a decree of divorce pursuant to the provisions of this section shall ensure that the social security numbers of both parties are ~~[~~:

~~(a) Provided to the Division of Welfare and Supportive Services of the Department of Health and Human Services.~~

~~(b) Placed~~] ***placed*** in the records relating to the matter and, except as otherwise required to carry out a specific statute, maintained in a confidential manner.

4. In all suits for divorce, if a divorce is granted, the court may, for just and reasonable cause and by an appropriate order embodied in its decree, change the name of the wife to any former name which she has legally borne.

Sec. 19. NRS 125.230 is hereby amended to read as follows:

125.230 1. The court in such actions may make such preliminary and final orders as it may deem proper for the custody, control and support of any minor child or children of the parties.

2. A court that enters an order pursuant to subsection 1 for the support of any minor child or children shall ensure that the social security numbers of the parties are ~~[~~:

~~(a) Provided~~] ***provided*** to the Division of Welfare and Supportive Services of the Department of Health and Human Services.

~~[(b) Placed in the records relating to the matter and, except as otherwise required to carry out a specific statute, maintained in a confidential manner.]~~

Sec. 20. NRS 125.510 is hereby amended to read as follows:

125.510 1. In determining the custody of a minor child in an action brought pursuant to this chapter, the court may, except as otherwise provided in this section ***,*** ~~[and]~~ chapter 130 of NRS ~~[:]~~ ***and NRS 425.360:***

(a) During the pendency of the action, at the final hearing or at any time thereafter during the minority of any of the children of the marriage, make such an order for the custody, care, education, maintenance and support of the minor children as appears in their best interest; and

(b) At any time ***,*** modify or vacate its order, even if the divorce was obtained by default without an appearance in the action by one of the parties.

➥ The party seeking such an order shall submit to the jurisdiction of the court for the purposes of this subsection. The court may make such an order upon the application of one of the parties or the legal guardian of the minor.

2. Any order for joint custody may be modified or terminated by the court upon the petition of one or both parents or on the court's own motion if

it is shown that the best interest of the child requires the modification or termination. The court shall state in its decision the reasons for the order of modification or termination if either parent opposes it.

3. Any order for custody of a minor child or children of a marriage entered by a court of another state may, subject to the jurisdictional requirements in chapter 125A of NRS, be modified at any time to an order of joint custody.

4. A party may proceed pursuant to this section without counsel.

5. Any order awarding a party a limited right of custody to a child must define that right with sufficient particularity to ensure that the rights of the parties can be properly enforced and that the best interest of the child is achieved. The order must include all specific times and other terms of the limited right of custody. As used in this subsection, "sufficient particularity" means a statement of the rights in absolute terms and not by the use of the term "reasonable" or other similar term which is susceptible to different interpretations by the parties.

6. All orders authorized by this section must be made in accordance with the provisions of chapter 125A of NRS and must contain the following language:

PENALTY FOR VIOLATION OF ORDER: THE ABDUCTION, CONCEALMENT OR DETENTION OF A CHILD IN VIOLATION OF THIS ORDER IS PUNISHABLE AS A CATEGORY D FELONY AS PROVIDED IN NRS 193.130. NRS 200.359 provides that every person having a limited right of custody to a child or any parent having no right of custody to the child who willfully detains, conceals or removes the child from a parent, guardian or other person having lawful custody or a right of visitation of the child in violation of an order of this court, or removes the child from the jurisdiction of the court without the consent of either the court or all persons who have the right to custody or visitation is subject to being punished for a category D felony as provided in NRS 193.130.

7. In addition to the language required pursuant to subsection 6, all orders authorized by this section must specify that the terms of the Hague Convention ***on the Civil Aspects of International Child Abduction*** of October 25, 1980, adopted by the 14th Session of the Hague Conference on Private International Law, apply if a parent abducts or wrongfully retains a child in a foreign country.

8. If a parent of the child lives in a foreign country or has significant commitments in a foreign country:

(a) The parties may agree, and the court shall include in the order for custody of the child, that the United States is the country of habitual residence of the child for the purposes of applying the terms of the Hague Convention as set forth in subsection 7.

(b) Upon motion of one of the parties, the court may order the parent to post a bond if the court determines that the parent poses an imminent risk of wrongfully removing or concealing the child outside the country of habitual

residence. The bond must be in an amount determined by the court and may be used only to pay for the cost of locating the child and returning him to his habitual residence if the child is wrongfully removed from or concealed outside the country of habitual residence. The fact that a parent has significant commitments in a foreign country does not create a presumption that the parent poses an imminent risk of wrongfully removing or concealing the child.

9. Except where a contract providing otherwise has been executed pursuant to NRS 123.080, the obligation for care, education, maintenance and support of any minor child created by any order entered pursuant to this section ceases:

(a) Upon the death of the person to whom the order was directed; or

(b) When the child reaches 18 years of age if he is no longer enrolled in high school, ***or*** otherwise, when he reaches 19 years of age.

10. As used in this section, a parent has "significant commitments in a foreign country" if he:

(a) Is a citizen of a foreign country;

(b) Possesses a passport in his name from a foreign country;

(c) Became a citizen of the United States after marrying the other parent of the child; or

(d) Frequently travels to a foreign country.

Sec. 21. NRS 125B.055 is hereby amended to read as follows:

125B.055 1. A court that, on or after October 1, 1998, issues or modifies an order in this State for the support of a child shall ~~[~~:

~~(a) Obtain~~] ***obtain*** and provide to the Division of Welfare and Supportive Services of the Department of Health and Human Services such information regarding the order as the Division of Welfare and Supportive Services determines is necessary to carry out the provisions of 42 U.S.C. § 654a.

~~[(b) Ensure that the social security numbers of the child and the parents of the child are placed in the records relating to the matter and, except as otherwise required to carry out a specific statute, maintained in a confidential manner.]~~

2. Within 10 days after a court of this State issues an order for the support of a child, each party to the cause of action shall file with the ~~[court that issued the order and the]~~ Division of Welfare and Supportive Services:

(a) His social security number;

(b) His residential and mailing addresses;

(c) His telephone number;

(d) His driver's license number; and

(e) The name, address and telephone number of his employer.

➥ Each party shall update the information filed with the ~~[court and the]~~ Division of Welfare and Supportive Services pursuant to this subsection within 10 days after that information becomes inaccurate.

3. The Division of Welfare and Supportive Services shall adopt regulations specifying the particular information required to be provided pursuant to subsection 1 to carry out the provisions of 42 U.S.C. § 654a.

Sec. 22. NRS 125B.085 is hereby amended to read as follows:

125B.085 1. Except as otherwise provided in NRS 125B.012, every court order for the support of a child issued or modified in this State on or after June 2, 2007, must include a provision specifying that one or both parents are required to provide medical support for the child and any details relating to that requirement.

2. As used in this section, "medical support" includes, without limitation, coverage for health care under a plan of insurance ~~[,]~~ ***that is reasonable in cost and accessible,*** including, without limitation, the payment of any premium, copayment or deductible and the payment of medical expenses. ***For the purpose of this subsection:***

(a) Payments of cash for medical support or the costs of coverage for health care under a plan of insurance are "reasonable in cost" if:

(1) In the case of payments of cash for medical support, the cost to each parent who is responsible for providing medical support is not more than 5 percent of the gross monthly income of the parent; or

(2) In the case of the costs of coverage for health care under a plan of insurance, the cost of adding a dependent child to any existing coverage for health care or the difference between individual and family coverage, whichever is less, is not more than 5 percent of the gross monthly income of the parent.

(b) Coverage for health care under a plan of insurance is "accessible" if the plan:

(1) Is not limited to coverage within a geographical area; or

(2) Is limited to coverage within a geographical area and the child resides within that geographical area.

Sec. 23. ~~[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.]~~ **(Deleted by amendment.)**

Sec. 24. 1. This section and sections 1 to 14, inclusive, and 16 to 23, inclusive, of this act become effective on October 1, 2009.

2. Section 14 of this act expires by limitation on the date of the repeal of the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.

3. Section 15 of this act becomes effective on the date of the repeal of the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.

Assemblywoman Smith moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 146.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 476.

AN ACT relating to business; providing for the establishment of a state business portal by the Secretary of State; revising the provisions relating to the issuance of state business licenses and transferring **[**~~the~~**]** **certain** responsibilities concerning state business licenses from the Department of Taxation to the Secretary of State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 2 of this bill provides for the establishment of a state business portal by the Secretary of State to facilitate interaction among businesses and governmental agencies in this State by allowing businesses to conduct necessary transactions with governmental agencies in this State through use of the state business portal. The Secretary of State is required to: (1) **establish, through cooperative efforts, the standards and requirements necessary to design, build and implement the state business portal; (2)** establish the standards and requirements necessary for a state or local agency to participate in the state business portal; **[**~~(2)~~**]** **(3)** authorize a state or local agency to participate in the state business portal if the Secretary of State determines that the agency meets the standards and requirements necessary for such participation; **[**~~(3) prescribe the appropriate forms and format~~**]** **(4) determine the appropriate requirements** to be used by businesses and governmental agencies conducting transactions through use of the state business portal; and **[**~~(4)~~**]** **(5)** adopt regulations and take any appropriate action as necessary to provide for the establishment, operation and maintenance of the state business portal.

Section 3 of this bill authorizes the Secretary of State, within the limit of money **[**~~available~~**]** **authorized** to him and subject to the approval of the State Board of Examiners, to enter into contracts and other lawful agreements with private or public entities to assist the Secretary of State in establishing, operating or maintaining the state business portal.

Section 4 of this bill provides that the Secretary of State may apply for and accept any gift, donation, bequest, grant or other source of money to provide for the establishment, operation and maintenance of the state business portal.

Sections 6-18 of this bill transfer **[**~~the~~**]** **certain** duties and responsibilities concerning the issuance of state business licenses from the Department of Taxation to the Secretary of State. (NRS 360.760-360.798)

WHEREAS, Historically, various state and local governmental agencies have often required businesses to submit various applications for necessary

licenses, permits and approvals, through the use of numerous forms and formats and multiple web sites, as determined by those separate agencies; and

WHEREAS, Advances in information technology enable governmental agencies to make the exchange of information from business to government, from government to business, and across governmental agencies more efficient and effective for all parties; and

WHEREAS, States that make required transactions among businesses and governmental agencies faster, easier and cheaper than other states provide a competitive advantage for businesses under their jurisdiction and thereby encourage economic development within their jurisdiction; and

WHEREAS, The State of Nevada should strive to become the national leader for online interaction between business and government; and

WHEREAS, The establishment of a state business portal by the Secretary of State would provide a single, secure portal for the transaction of business and would improve efficiency, eliminate redundancy, streamline the establishment of businesses, improve accountability and enhance economic development in this State; now, therefore,

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

Section 1. Title 7 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. ***1. The Secretary of State shall provide for the establishment of a state business portal to facilitate interaction among businesses and governmental agencies in this State by allowing businesses to conduct necessary transactions with governmental agencies in this State through use of the state business portal.***

2. The Secretary of State shall:

(a) Establish, through cooperative efforts, the standards and requirements necessary to design, build and implement the state business portal;

(b) Establish the standards and requirements necessary for a state or local agency to participate in the state business portal;

~~*[(b)]*~~ ***(c) Authorize a state or local agency to participate in the state business portal if the Secretary of State determines that the agency meets the standards and requirements necessary for such participation;***

~~*[(c) Prescribe the appropriate forms and format]*~~

(d) Determine the appropriate requirements to be used by businesses and governmental agencies conducting transactions through use of the state business portal; and

~~*[(d)]*~~ ***(e) Adopt such regulations and take any appropriate action as necessary to carry out the provisions of this chapter.***

Sec. 3. ***Within the limit of money*** ~~*[available]*~~ ***authorized to him and subject to the approval of the State Board of Examiners, the Secretary of***

State may enter into contracts and other lawful agreements with private or public entities to assist the Secretary of State in establishing, operating or maintaining the state business portal and carrying out the provisions of this chapter.

Sec. 4. ***The Secretary of State may apply for and accept any gift, donation, bequest, grant or other source of money to carry out the provisions of this chapter.***

Sec. 5. Title 7 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 6 to 18, inclusive, of this act.

Sec. 6. ***As used in sections 6 to 18, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 7 to 10, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 7. ***1. Except as otherwise provided in subsection 2, "business" means:***

(a) Any person, except a natural person, that performs a service or engages in a trade for profit;

(b) Any natural person who performs a service or engages in a trade for profit if the person is required to file with the Internal Revenue Service a Schedule C (Form 1040), Profit or Loss From Business Form, or its equivalent or successor form, a Schedule E (Form 1040), Supplemental Income and Loss Form, or its equivalent or successor form, or a Schedule F (Form 1040), Profit or Loss From Farming Form, or its equivalent or successor form, for that activity; or

(c) Any ~~[business]~~ entity organized pursuant to this title, including, without limitation, those ~~[business]~~ entities required to file with the Secretary of State ~~[.]~~ , whether or not the entity performs a service or engages in a business for profit.

2. The term does not include:

(a) A governmental entity.

(b) A nonprofit religious, charitable, fraternal or other organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c).

(c) A person who operates a business from his home and whose net earnings from that business are not more than 66 2/3 percent of the average annual wage, as computed for the preceding calendar year pursuant to chapter 612 of NRS and rounded to the nearest hundred dollars.

(d) A natural person whose sole business is the rental of four or fewer dwelling units to others.

(e) A business whose primary purpose is to create or produce motion pictures. As used in this paragraph, "motion pictures" has the meaning ascribed to it in NRS 231.020.

(f) A business organized pursuant to chapter 82 or 84 of NRS.

Sec. 8. ***~~[~~"Exhibition" means a trade show or convention, craft show, sporting event or any other similar event involving the exhibition of***

~~*property, products, goods, services or athletic or physical skill.]*~~ **(Deleted by amendment.)**

Sec. 9. ***"State business license" means the business license required pursuant to this chapter.***

Sec. 10. ***"Wages" means any remuneration paid for personal services, including commissions, and bonuses and remuneration payable in any medium other than cash.***

Sec. 11. ***1.*** ~~*[Except as otherwise provided in subsection 7, a]*~~ ***A person shall not conduct a business in this State unless and until the person obtains a state business license issued by the Secretary of State. If the person is:***

(a) ~~*[A business]*~~ ***An entity required to file an initial or annual list with the Secretary of State pursuant to this title, the person must obtain the state business license at the time of filing the initial or annual list.***

(b) Not ~~*[a business]*~~ ***an entity required to file an initial or annual list with the Secretary of State pursuant to this title, the person must obtain the state business license before conducting a business in this State.***

2. An application for a state business license must:

(a) Be made upon a form prescribed by the Secretary of State;

(b) Set forth the name under which the applicant transacts or intends to transact business, or if the applicant is ~~*[a business]*~~ ***an entity organized pursuant to this title and on file with the Secretary of State, the exact name on file with the Secretary of State, the entity number as assigned by the Secretary of State, if known, and the location in this State of his place or places of business;***

(c) Be accompanied by a fee of $100; and

(d) Include any other information that the Secretary of State deems necessary.

➥ If the applicant is ~~*[a business]*~~ ***an entity organized pursuant to this title and on file with the Secretary of State and the applicant has no location in this State of its place of business, the address of its registered agent shall be deemed to be the location in this State of its place of business.***

3. The application must be signed pursuant to NRS 239.330 by:

(a) The owner ~~*[, if the]*~~ ***of a business that is owned by a natural person*** ~~*[.]*~~ ***.***

(b) A member or partner ~~*[, if the business is owned by]*~~ ***of an association or partnership*** ~~*[, or]*~~ ***.***

(c) A general partner of a limited partnership.

(d) A managing partner of a limited-liability partnership.

(e) A manager or managing member of a limited-liability company.

(f) An officer of a corporation or some other person specifically authorized by the corporation to sign the application ~~*[, if the business is owned by a corporation.*~~ ***.***

~~*4. If the application is signed pursuant to paragraph (c) of subsection 3, written evidence of the signer's authority must be attached to the application.*~~

~~*5.]*~~ ***4. If the application for a state business license is defective in any respect or the fee required by this section is not paid, the Secretary of State may return the application for correction or payment.***

5. The state business license required to be obtained pursuant to this section is in addition to any license to conduct business that must be obtained from the local jurisdiction in which the business is being conducted.

6. For the purposes of this chapter, a person shall be deemed to conduct a business in this State if a business for which the person is responsible:

(a) Is organized pursuant to this title, other than a business organized pursuant to chapter 82 or 84 of NRS;

(b) Has an office or other base of operations in this State;

(c) Has a registered agent in this State; or

(d) Pays wages or other remuneration to a natural person who performs in this State any of the duties for which he is paid.

7. ~~*[A person who takes part in an exhibition held in this State for a purpose related to the conduct of a business is not required to obtain a state business license specifically for that event if the operator of the facility where the exhibition is held pays the licensing fee on behalf of that person pursuant to section 15 of this act.*~~

~~*8.]*~~ ***As used in this section, "registered agent" has the meaning ascribed to it in NRS 77.230.***

Sec. 12. ***If a person fails to obtain a state business license and pay the fee required pursuant to section 11 of this act*** ~~*[in a timely manner]*~~ ***before conducting a business in this State and the person is:***

1. ~~*[A business]*~~ ***An entity required to file an annual list with the Secretary of State pursuant to this title, the person:***

(a) Shall pay a penalty of $100 in addition to the ~~*[initial]*~~ ***annual state business license fee;***

(b) Shall be deemed to have not complied with the requirement to file an annual list with the Secretary of State; and

(c) Is subject to all applicable provisions relating to the failure to file an annual list, including, without limitation, the provisions governing default and revocation of its charter or right to transact business in this State, except that the person is required to pay the penalty set forth in paragraph (a).

2. Not ~~*[a business]*~~ ***an entity required to file an*** ~~*[initial or]*~~ ***annual list with the Secretary of State, the person shall pay a penalty in the amount of $100 in addition to the*** ~~*[initial]*~~ ***annual state business license fee.***

Sec. 13. ***1. A natural person is not required to obtain more than one state business license for any combination of activities conducted by that person which are reported to the Internal Revenue Service for any federal tax year on two or more of the forms described in paragraph (b) of subsection 1 of section 7 of this act.***

2. As used in this section, "federal tax year" means any period of 12 months for which a person is required to report income, tax deductions and tax credits pursuant to the provisions of the Internal Revenue Code and any regulations adopted pursuant thereto.

Sec. 14. ***1. [Except as otherwise provided in subsection 2, a] A person who [has been issued] applies for renewal of a state business license shall submit a fee of $100 to the Secretary of State:***

(a) If the person is an entity required to file an annual list with the Secretary of State pursuant to this title, at the time the person submits the annual list to the Secretary of State [;] , unless the person submits a certificate or other form evidencing the dissolution of the entity; or

(b) If the person is not an entity required to file an annual list with the Secretary of State pursuant to this title [:

(1) On] , on the last day of the month in which the anniversary date of issuance of the state business license occurs in each year [; or

(2) At such other annual date as the Secretary of State and person may mutually agree,

→] , unless the person submits a written statement to the Secretary of State, at least 10 days before that date, indicating that the person will not be conducting a business in this State after that date.

2. The Secretary of State [may reduce the amount of any initial fee required pursuant to subparagraph (2) of paragraph (b) of subsection 1 to allow credit for the remaining portion of a year for which the fee has been paid for the state business license pursuant to subparagraph (1) of paragraph (b) of subsection 1 or section 11 of this act.] shall, 90 days before the last day for filing an application for renewal of the state business license of a person who holds a state business license, provide to the person a notice of the state business license fee due pursuant to this section and a reminder to file the application for renewal required pursuant to this section. Failure of any person to receive a notice does not excuse the person from the penalty imposed by law.

3. If a person fails to submit the annual state business license fee required pursuant to this section in a timely manner and the person is:

(a) [A business] An entity required to file an annual list with the Secretary of State pursuant to this title, the person:

(1) Shall pay a penalty of $100 in addition to the annual state business license fee;

(2) Shall be deemed to have not complied with the requirement to file an annual list with the Secretary of State; and

(3) Is subject to all applicable provisions relating to the failure to file an annual list, including, without limitation, the provisions governing default and revocation of its charter or right to transact business in this State, except that the person is required to pay the penalty set forth in subparagraph (1).

(b) Not ~~[a business]~~ an entity required to file an annual list with the Secretary of State, the person shall pay a penalty in the amount of $100 in addition to the annual state business license fee. The Secretary of State shall provide to the person a written notice that:

(1) Must include a statement indicating the amount of the fees and penalties required pursuant to this section and the costs remaining unpaid.

(2) May be provided electronically, if the person has requested to receive communications by electronic transmission, by electronic mail or other electronic communication.

Sec. 15. ***~~[1. A person or governmental entity that operates a facility at which one or more exhibitions are held is responsible for the payment of a licensing fee pursuant to this section on behalf of the persons who do not have a state business license but who take part in the exhibition for a purpose related to the conduct of a business.~~***

~~2. The operator of the facility shall pay the licensing fee required by subsection 1 either:~~

~~(a) On an annual basis by remitting to the Secretary of State the sum of $5,000 on or before July 1 for all the exhibitions held at that facility during the fiscal year beginning on that day; or~~

~~(b) On a quarterly basis by remitting to the Secretary of State an amount equal to the product of the total number of businesses taking part in each exhibition at the facility during a calendar quarter who do not have a state business license multiplied by the number of days on which the exhibition is held at the facility during the calendar quarter, multiplied in turn by $1.25 for each exhibition held at the facility during the calendar quarter.~~

~~3. If the operator of a facility at which an exhibition is held has not paid the licensing fee as provided in paragraph (a) of subsection 2, the operator of the facility shall, on or before the last day of each calendar quarter in which an exhibition is held at that facility, remit to the Secretary of State the licensing fee in the amount required by paragraph (b) of subsection 2 for all the exhibitions held at that facility during that calendar quarter.~~

~~4. The licensing fees due pursuant to this section must be calculated, reported and paid separately from any other fees due from the operator of the facility pursuant to this chapter.~~

~~5. The Secretary of State may adopt such regulations as it deems necessary to carry out the provisions of this section.]~~ **(Deleted by amendment.)**

Sec. 15.5. The Secretary of State may adopt such regulations as are necessary to carry out the provisions of this chapter.

Sec. 16. ***1. The Secretary of State shall deposit all money received pursuant to this chapter with the State Treasurer for credit to the Account for Operation of the State Business Portal.***

2. The money in the Account may be used, to the extent of legislative authorization, only for the costs of ~~[establishing,]~~ :

(a) Establishing, operating and maintaining the state business portal established pursuant to sections 2, 3 and 4 of this act, including, without limitation, the payment of any fixed sum or any percentage of revenue that is required to be paid under the terms of any contract or agreement entered into by the Secretary of State and a private or public entity pursuant to section 3 of this act [.] ; and

(b) Administering the provisions of this chapter.

3. Any money remaining in the Account at the end of a fiscal year in excess of the amount authorized for expenditure during that fiscal year must be transferred to the State General Fund.

Sec. 17. ***1. Except as otherwise provided in this chapter and NRS 239.0115, the records and files of the Secretary of State concerning the administration of this chapter are confidential and privileged. The Secretary of State, and any employee of the Secretary of State engaged in the administration of this chapter or charged with the custody of any such records or files, shall not disclose any information obtained from those records or files. Neither the Secretary of State nor any employee of the Secretary of State may be required to produce any of the records, files and information for the inspection of any person or for use in any action or proceeding.***

2. The records and files of the Secretary of State concerning the administration of this chapter are not confidential and privileged in the following cases:

(a) Testimony by a member or employee of the Secretary of State and production of records, files and information on behalf of the Secretary of State or a person in any action or proceeding pursuant to the provisions of this chapter if that testimony or the records, files or information, or the facts shown thereby, are directly involved in the action or proceeding.

(b) Delivery to a person or his authorized representative of a copy of any document filed by the person pursuant to this chapter.

(c) Publication of statistics so classified as to prevent the identification of a particular business or document.

(d) Exchanges of information with the Internal Revenue Service in accordance with compacts made and provided for in such cases.

(e) Disclosure in confidence to any person authorized to audit the accounts of the Secretary of State in pursuance of an audit, or to the Attorney General or other legal representative of the State in connection with an action or proceeding pursuant to this chapter, or to any agency of this or any other state charged with the administration or enforcement of laws relating to workers' compensation, unemployment compensation, public assistance, taxation, labor or gaming.

(f) Exchanges of information pursuant to subsection 3.

(g) Disclosure of information concerning whether or not a person conducting a business in this State has a state business license.

3. The Secretary of State may agree with any county fair and recreation board or the governing body of any county, city or town for the continuing exchange of information concerning taxpayers.

4. The Secretary of State shall periodically, as he deems appropriate, but not less often than annually, transmit to the Administrator of the Division of Industrial Relations of the Department of Business and Industry a list of the businesses of which he has a record. The list must include the mailing address of the business as reported to the Secretary of State.

Sec. 18. ***1. If a person who holds a state business license fails to comply with a provision of this chapter or a regulation of the Secretary of State adopted pursuant thereto, the Secretary of State may revoke or suspend the state business license of the person.*** ~~*[Before so doing, the Secretary of State must hold a hearing after 10 days' written notice to the licensee. The notice must specify the time and place of the hearing and require the licensee to show cause why his license should not be revoked.]*~~

2. If the license is suspended or revoked, the Secretary of State shall ~~*[give]*~~ ***provide written notice of the action to the person who holds the state business license.***

3. ~~*[The notices required by this section may be served personally, by mail or, if the person has agreed to receive communications by electronic transmission, by electronic mail or other electronic communication.*~~

~~*4.]*~~ ***The Secretary of State shall not issue a new license to the former holder of a revoked state business license unless the Secretary of State is satisfied that the person will comply with the provisions of this chapter and the regulations of the Secretary of State adopted pursuant thereto.***

Sec. 19. NRS 78.150 is hereby amended to read as follows:

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

(a) The name of the corporation;

(b) The file number of the corporation, if known;

(c) The names and titles of the president, secretary and treasurer, or the equivalent thereof, and of all the directors of the corporation;

(d) The address, either residence or business, of each officer and director listed, following the name of the officer or director;

(e) The information required pursuant to NRS 77.310; and

(f) The signature of an officer of the corporation certifying that the list is true, complete and accurate.

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

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

(a) A declaration under penalty of perjury that the corporation:

(1) Has complied with the provisions of ~~[NRS 360.780;]~~ ***sections 6 to 18, inclusive, of this act;*** and

(2) Acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing with the Office of the Secretary of State.

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

4. Upon filing the list required by:

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

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

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

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

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

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

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

8. An annual list for a corporation not in default which is received by the Secretary of State more than 90 days before its due date shall be deemed an amended list for the previous year and must be accompanied by the

appropriate fee as provided in subsection 4 for filing. A payment submitted pursuant to this subsection does not satisfy the requirements of subsection 2 for the year to which the due date is applicable.

Sec. 20. NRS 80.110 is hereby amended to read as follows:

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

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

(b) The information required pursuant to NRS 77.310; and

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

2. Each list filed pursuant to subsection 1 must be accompanied by:

(a) A declaration under penalty of perjury that the foreign corporation has complied with the provisions of ~~[NRS 360.780]~~ ***sections 6 to 18, inclusive, of this act*** and which acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing with the Office of the Secretary of State.

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

3. Upon filing:

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

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

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

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

4. If a director or officer of a corporation resigns and the resignation is not reflected on the annual or amended list of directors and officers, the

corporation or the resigning director or officer shall pay to the Secretary of State a fee of $75 to file the resignation.

5. The Secretary of State shall, 90 days before the last day for filing each annual list required by subsection 1, cause to be mailed to each corporation which is required to comply with the provisions of NRS 80.110 to 80.175, inclusive, and which has not become delinquent, the blank forms to be completed and filed with him. Failure of any corporation to receive the forms does not excuse it from the penalty imposed by the provisions of NRS 80.110 to 80.175, inclusive.

6. An annual list for a corporation not in default which is received by the Secretary of State more than 90 days before its due date shall be deemed an amended list for the previous year and does not satisfy the requirements of subsection 1 for the year to which the due date is applicable.

Sec. 21. NRS 82.523 is hereby amended to read as follows:

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

(a) The name of the foreign nonprofit corporation;

(b) The file number of the foreign nonprofit corporation, if known;

(c) The names and titles of the president, the secretary and the treasurer, or the equivalent thereof, and all the directors of the foreign nonprofit corporation;

(d) The address, either residence or business, of the president, secretary and treasurer, or the equivalent thereof, and each director of the foreign nonprofit corporation;

(e) The information required pursuant to NRS 77.310; and

(f) The signature of an officer of the foreign nonprofit corporation certifying that the list is true, complete and accurate.

2. Each list filed pursuant to this section must be accompanied by a declaration under penalty of perjury that the foreign nonprofit corporation:

(a) Has complied with the provisions of ~~[NRS 360.780;]~~ ***sections 6 to 18, inclusive, of this act;*** and

(b) Acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing with the Office of the Secretary of State.

3. Upon filing the initial list and each annual list pursuant to this section, the foreign nonprofit corporation must pay to the Secretary of State a fee of $25.

4. The Secretary of State shall, 60 days before the last day for filing each annual list, cause to be mailed to each foreign nonprofit corporation which is required to comply with the provisions of NRS 82.523 to 82.5239, inclusive,

and which has not become delinquent, the blank forms to be completed and filed with him. Failure of any foreign nonprofit corporation to receive the forms does not excuse it from the penalty imposed by the provisions of NRS 82.523 to 82.5239, inclusive.

5. If the list to be filed pursuant to the provisions of subsection 1 is defective or the fee required by subsection 3 is not paid, the Secretary of State may return the list for correction or payment.

6. An annual list for a foreign nonprofit corporation not in default that is received by the Secretary of State more than 90 days before its due date shall be deemed an amended list for the previous year and does not satisfy the requirements of subsection 1 for the year to which the due date is applicable.

Sec. 22. NRS 86.263 is hereby amended to read as follows:

86.263 1. A limited-liability company shall, on or before the last day of the first month after the filing of its articles of organization with the Secretary of State, file with the Secretary of State, on a form furnished by him, a list that contains:

(a) The name of the limited-liability company;

(b) The file number of the limited-liability company, if known;

(c) The names and titles of all of its managers or, if there is no manager, all of its managing members;

(d) The address, either residence or business, of each manager or managing member listed, following the name of the manager or managing member;

(e) The information required pursuant to NRS 77.310; and

(f) The signature of a manager or managing member of the limited-liability company certifying that the list is true, complete and accurate.

2. The limited-liability company shall thereafter, on or before the last day of the month in which the anniversary date of its organization occurs, file with the Secretary of State, on a form furnished by him, an annual list containing all of the information required in subsection 1.

3. Each list required by subsections 1 and 2 must be accompanied by a declaration under penalty of perjury that the limited-liability company:

(a) Has complied with the provisions of ~~[NRS 360.780;]~~ ***sections 6 to 18, inclusive, of this act;*** and

(b) Acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State.

4. Upon filing:

(a) The initial list required by subsection 1, the limited-liability company shall pay to the Secretary of State a fee of $125.

(b) Each annual list required by subsection 2, the limited-liability company shall pay to the Secretary of State a fee of $125.

5. If a manager or managing member of a limited-liability company resigns and the resignation is not reflected on the annual or amended list of managers and managing members, the limited-liability company or the

resigning manager or managing member shall pay to the Secretary of State a fee of $75 to file the resignation.

6. The Secretary of State shall, 90 days before the last day for filing each list required by subsection 2, cause to be mailed to each limited-liability company which is required to comply with the provisions of this section, and which has not become delinquent, a notice of the fee due under subsection 4 and a reminder to file a list required by subsection 2. Failure of any company to receive a notice or form does not excuse it from the penalty imposed by law.

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

8. An annual list for a limited-liability company not in default received by the Secretary of State more than 90 days before its due date shall be deemed an amended list for the previous year.

Sec. 23. NRS 86.5461 is hereby amended to read as follows:

86.5461 1. Each foreign limited-liability company doing business in this State shall, on or before the last day of the first month after the filing of its application for registration as a foreign limited-liability company with the Secretary of State, and annually thereafter on or before the last day of the month in which the anniversary date of its qualification to do business in this State occurs in each year, file with the Secretary of State a list on a form furnished by him that contains:

(a) The name of the foreign limited-liability company;

(b) The file number of the foreign limited-liability company, if known;

(c) The names and titles of all its managers or, if there is no manager, all its managing members;

(d) The address, either residence or business, of each manager or managing member listed pursuant to paragraph (c);

(e) The information required pursuant to NRS 77.310; and

(f) The signature of a manager or managing member of the foreign limited-liability company certifying that the list is true, complete and accurate.

2. Each list filed pursuant to this section must be accompanied by a declaration under penalty of perjury that the foreign limited-liability company:

(a) Has complied with the provisions of ~~[NRS 360.780;]~~ ***sections 6 to 18, inclusive, of this act;*** and

(b) Acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing with the Office of the Secretary of State.

3. Upon filing:

(a) The initial list required by this section, the foreign limited-liability company shall pay to the Secretary of State a fee of $125.

(b) Each annual list required by this section, the foreign limited-liability company shall pay to the Secretary of State a fee of $125.

4. If a manager or managing member of a foreign limited-liability company resigns and the resignation is not reflected on the annual or amended list of managers and managing members, the foreign limited-liability company or the resigning manager or managing member shall pay to the Secretary of State a fee of $75 to file the resignation.

5. The Secretary of State shall, 90 days before the last day for filing each annual list required by this section, cause to be mailed to each foreign limited-liability company which is required to comply with the provisions of NRS 86.5461 to 86.5468, inclusive, and which has not become delinquent, the blank forms to be completed and filed with him. Failure of any foreign limited-liability company to receive the forms does not excuse it from the penalty imposed by the provisions of NRS 86.5461 to 86.5468, inclusive.

6. If the list to be filed pursuant to the provisions of subsection 1 is defective or the fee required by subsection 3 is not paid, the Secretary of State may return the list for correction or payment.

7. An annual list for a foreign limited-liability company not in default which is received by the Secretary of State more than 90 days before its due date shall be deemed an amended list for the previous year and does not satisfy the requirements of this section for the year to which the due date is applicable.

Sec. 24. NRS 87.510 is hereby amended to read as follows:

87.510 1. A registered limited-liability partnership shall, on or before the last day of the first month after the filing of its certificate of registration with the Secretary of State, and annually thereafter on or before the last day of the month in which the anniversary date of the filing of its certificate of registration with the Secretary of State occurs, file with the Secretary of State, on a form furnished by him, a list that contains:

(a) The name of the registered limited-liability partnership;

(b) The file number of the registered limited-liability partnership, if known;

(c) The names of all of its managing partners;

(d) The address, either residence or business, of each managing partner;

(e) The information required pursuant to NRS 77.310; and

(f) The signature of a managing partner of the registered limited-liability partnership certifying that the list is true, complete and accurate.

➥ Each list filed pursuant to this subsection must be accompanied by a declaration under penalty of perjury that the registered limited-liability partnership has complied with the provisions of ~~[NRS 360.780, an acknowledgment]~~ ***sections 6 to 18, inclusive, of this act and acknowledges*** that pursuant to NRS 239.330 **,** it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State.

2. Upon filing:

(a) The initial list required by subsection 1, the registered limited-liability partnership shall pay to the Secretary of State a fee of $125.

(b) Each annual list required by subsection 1, the registered limited-liability partnership shall pay to the Secretary of State a fee of $125.

3. If a managing partner of a registered limited-liability partnership resigns and the resignation is not reflected on the annual or amended list of managing partners, the registered limited-liability partnership or the resigning managing partner shall pay to the Secretary of State a fee of $75 to file the resignation.

4. The Secretary of State shall, at least 90 days before the last day for filing each annual list required by subsection 1, cause to be mailed to the registered limited-liability partnership a notice of the fee due pursuant to subsection 2 and a reminder to file the annual list required by subsection 1. The failure of any registered limited-liability partnership to receive a notice or form does not excuse it from complying with the provisions of this section.

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

6. An annual list that is filed by a registered limited-liability partnership which is not in default more than 90 days before it is due shall be deemed an amended list for the previous year and does not satisfy the requirements of subsection 1 for the year to which the due date is applicable.

Sec. 25. NRS 87.541 is hereby amended to read as follows:

87.541 1. Each foreign registered limited-liability partnership doing business in this State shall, on or before the last day of the first month after the filing of its application for registration as a foreign registered limited-liability partnership with the Secretary of State, and annually thereafter on or before the last day of the month in which the anniversary date of its qualification to do business in this State occurs in each year, file with the Secretary of State a list, on a form furnished by him, that contains:

(a) The name of the foreign registered limited-liability partnership;

(b) The file number of the foreign registered limited-liability partnership, if known;

(c) The names of all its managing partners;

(d) The address, either residence or business, of each managing partner;

(e) The information required pursuant to NRS 77.310; and

(f) The signature of a managing partner of the foreign registered limited-liability partnership certifying that the list is true, complete and accurate.

2. Each list filed pursuant to this section must be accompanied by a declaration under penalty of perjury that the foreign registered limited-liability partnership:

(a) Has complied with the provisions of ~~[NRS 360.780;]~~ ***sections 6 to 18, inclusive, of this act;*** and

(b) Acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State.

3. Upon filing:

(a) The initial list required by this section, the foreign registered limited-liability partnership shall pay to the Secretary of State a fee of $125.

(b) Each annual list required by this section, the foreign registered limited-liability partnership shall pay to the Secretary of State a fee of $125.

4. If a managing partner of a foreign registered limited-liability partnership resigns and the resignation is not reflected on the annual or amended list of managing partners, the foreign registered limited-liability partnership or the managing partner shall pay to the Secretary of State a fee of $75 to file the resignation.

5. The Secretary of State shall, 90 days before the last day for filing each annual list required by subsection 1, cause to be mailed to each foreign registered limited-liability partnership which is required to comply with the provisions of NRS 87.541 to 87.544, inclusive, and which has not become delinquent, the blank forms to be completed and filed with him. Failure of any foreign registered limited-liability partnership to receive the forms does not excuse it from the penalty imposed by the provisions of NRS 87.541 to 87.544, inclusive.

6. If the list to be filed pursuant to the provisions of subsection 1 is defective or the fee required by subsection 3 is not paid, the Secretary of State may return the list for correction or payment.

7. An annual list for a foreign registered limited-liability partnership not in default which is received by the Secretary of State more than 90 days before its due date shall be deemed an amended list for the previous year and does not satisfy the requirements of subsection 1 for the year to which the due date is applicable.

Sec. 26. NRS 87A.290 is hereby amended to read as follows:

87A.290 1. A limited partnership shall, on or before the last day of the first month after the filing of its certificate of limited partnership with the Secretary of State, and annually thereafter on or before the last day of the month in which the anniversary date of the filing of its certificate of limited partnership occurs, file with the Secretary of State, on a form furnished by him, a list that contains:

(a) The name of the limited partnership;

(b) The file number of the limited partnership, if known;

(c) The names of all of its general partners;

(d) The address, either residence or business, of each general partner;

(e) The information required pursuant to NRS 77.310; and

(f) The signature of a general partner of the limited partnership certifying that the list is true, complete and accurate.

➥ Each list filed pursuant to this subsection must be accompanied by a declaration under penalty of perjury that the limited partnership has complied

with the provisions of ~~[NRS 360.780]~~ ***sections 6 to 18, inclusive, of this act*** and which acknowledges that pursuant to NRS 239.330 **,** it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State.

2. Except as otherwise provided in subsection 3, a limited partnership shall, upon filing:

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

(b) Each annual list required by subsection 1, pay to the Secretary of State a fee of $125.

3. A registered limited-liability limited partnership shall, upon filing:

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

(b) Each annual list required by subsection 1, pay to the Secretary of State a fee of $125.

4. If a general partner of a limited partnership resigns and the resignation is not reflected on the annual or amended list of general partners, the limited partnership or the resigning general partner shall pay to the Secretary of State a fee of $75 to file the resignation.

5. The Secretary of State shall, 90 days before the last day for filing each annual list required by subsection 1, cause to be mailed to each limited partnership which is required to comply with the provisions of this section, and which has not become delinquent, a notice of the fee due pursuant to the provisions of subsection 2 or 3, as appropriate, and a reminder to file the annual list. Failure of any limited partnership to receive a notice or form does not excuse it from the penalty imposed by NRS 87A.300.

6. If the list to be filed pursuant to the provisions of subsection 1 is defective or the fee required by subsection 2 or 3 is not paid, the Secretary of State may return the list for correction or payment.

7. An annual list for a limited partnership not in default that is received by the Secretary of State more than 90 days before its due date shall be deemed an amended list for the previous year and does not satisfy the requirements of subsection 1 for the year to which the due date is applicable.

8. A filing made pursuant to this section does not satisfy the provisions of NRS 87A.240 and may not be substituted for filings submitted pursuant to NRS 87A.240.

Sec. 27. NRS 87A.560 is hereby amended to read as follows:

87A.560 1. Each foreign limited partnership doing business in this State shall, on or before the last day of the first month after the filing of its application for registration as a foreign limited partnership with the Secretary of State, and annually thereafter on or before the last day of the month in which the anniversary date of its qualification to do business in this State occurs in each year, file with the Secretary of State a list, on a form furnished by him, that contains:

(a) The name of the foreign limited partnership;

(b) The file number of the foreign limited partnership, if known;

(c) The names of all its general partners;

(d) The address, either residence or business, of each general partner;

(e) The information required pursuant to NRS 77.310; and

(f) The signature of a general partner of the foreign limited partnership certifying that the list is true, complete and accurate.

2. Each list filed pursuant to this section must be accompanied by a declaration under penalty of perjury that the foreign limited partnership:

(a) Has complied with the provisions of ~~[NRS 360.780;]~~ ***sections 6 to 18, inclusive, of this act;*** and

(b) Acknowledges that pursuant to NRS 239.330 **,** it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State.

3. Upon filing:

(a) The initial list required by this section, the foreign limited partnership shall pay to the Secretary of State a fee of $125.

(b) Each annual list required by this section, the foreign limited partnership shall pay to the Secretary of State a fee of $125.

4. If a general partner of a foreign limited partnership resigns and the resignation is not reflected on the annual or amended list of general partners, the foreign limited partnership or the resigning general partner shall pay to the Secretary of State a fee of $75 to file the resignation of the general partner.

5. The Secretary of State shall, 90 days before the last day for filing each annual list required by subsection 1, cause to be mailed to each foreign limited partnership, which is required to comply with the provisions of NRS 87A.560 to 87A.600, inclusive, and which has not become delinquent, the blank forms to be completed and filed with him. Failure of any foreign limited partnership to receive the forms does not excuse it from the penalty imposed by the provisions of NRS 87A.560 to 87A.600, inclusive.

6. If the list to be filed pursuant to the provisions of subsection 1 is defective or the fee required by subsection 3 is not paid, the Secretary of State may return the list for correction or payment.

7. An annual list for a foreign limited partnership not in default which is received by the Secretary of State more than 90 days before its due date shall be deemed an amended list for the previous year and does not satisfy the requirements of subsection 1 for the year to which the due date is applicable.

Sec. 28. NRS 88.395 is hereby amended to read as follows:

88.395 1. A limited partnership shall, on or before the last day of the first month after the filing of its certificate of limited partnership with the Secretary of State, and annually thereafter on or before the last day of the month in which the anniversary date of the filing of its certificate of limited partnership occurs, file with the Secretary of State, on a form furnished by him, a list that contains:

(a) The name of the limited partnership;

(b) The file number of the limited partnership, if known;

(c) The names of all of its general partners;

(d) The address, either residence or business, of each general partner;

(e) The information required pursuant to NRS 77.310; and

(f) The signature of a general partner of the limited partnership certifying that the list is true, complete and accurate.

➥ Each list filed pursuant to this subsection must be accompanied by a declaration under penalty of perjury that the limited partnership has complied with the provisions of ~~[NRS 360.780]~~ ***sections 6 to 18, inclusive, of this act*** and which acknowledges that pursuant to NRS 239.330 **,** it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State.

2. Except as otherwise provided in subsection 3, a limited partnership shall, upon filing:

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

(b) Each annual list required by subsection 1, pay to the Secretary of State a fee of $125.

3. A registered limited-liability limited partnership shall, upon filing:

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

(b) Each annual list required by subsection 1, pay to the Secretary of State a fee of $175.

4. If a general partner of a limited partnership resigns and the resignation is not reflected on the annual or amended list of general partners, the limited partnership or the resigning general partner shall pay to the Secretary of State a fee of $75 to file the resignation.

5. The Secretary of State shall, 90 days before the last day for filing each annual list required by subsection 1, cause to be mailed to each limited partnership which is required to comply with the provisions of this section, and which has not become delinquent, a notice of the fee due pursuant to the provisions of subsection 2 or 3, as appropriate, and a reminder to file the annual list. Failure of any limited partnership to receive a notice or form does not excuse it from the penalty imposed by NRS 88.400.

6. If the list to be filed pursuant to the provisions of subsection 1 is defective or the fee required by subsection 2 or 3 is not paid, the Secretary of State may return the list for correction or payment.

7. An annual list for a limited partnership not in default that is received by the Secretary of State more than 90 days before its due date shall be deemed an amended list for the previous year and does not satisfy the requirements of subsection 1 for the year to which the due date is applicable.

8. A filing made pursuant to this section does not satisfy the provisions of NRS 88.355 and may not be substituted for filings submitted pursuant to NRS 88.355.

Sec. 29. NRS 88.591 is hereby amended to read as follows:

88.591 1. Each foreign limited partnership doing business in this State shall, on or before the last day of the first month after the filing of its application for registration as a foreign limited partnership with the Secretary of State, and annually thereafter on or before the last day of the month in which the anniversary date of its qualification to do business in this State occurs in each year, file with the Secretary of State a list, on a form furnished by him, that contains:

(a) The name of the foreign limited partnership;

(b) The file number of the foreign limited partnership, if known;

(c) The names of all its general partners;

(d) The address, either residence or business, of each general partner;

(e) The information required pursuant to NRS 77.310; and

(f) The signature of a general partner of the foreign limited partnership certifying that the list is true, complete and accurate.

2. Each list filed pursuant to this section must be accompanied by a declaration under penalty of perjury that the foreign limited partnership:

(a) Has complied with the provisions of ~~[NRS 360.780;]~~ ***sections 6 to 18, inclusive, of this act;*** and

(b) Acknowledges that pursuant to NRS 239.330 **,** it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State.

3. Upon filing:

(a) The initial list required by this section, the foreign limited partnership shall pay to the Secretary of State a fee of $125.

(b) Each annual list required by this section, the foreign limited partnership shall pay to the Secretary of State a fee of $125.

4. If a general partner of a foreign limited partnership resigns and the resignation is not reflected on the annual or amended list of general partners, the foreign limited partnership or the resigning general partner shall pay to the Secretary of State a fee of $75 to file the resignation of the general partner.

5. The Secretary of State shall, 90 days before the last day for filing each annual list required by subsection 1, cause to be mailed to each foreign limited partnership, which is required to comply with the provisions of NRS 88.591 to 88.5945, inclusive, and which has not become delinquent, the blank forms to be completed and filed with him. Failure of any foreign limited partnership to receive the forms does not excuse it from the penalty imposed by the provisions of NRS 88.591 to 88.5945, inclusive.

6. If the list to be filed pursuant to the provisions of subsection 1 is defective or the fee required by subsection 3 is not paid, the Secretary of State may return the list for correction or payment.

7. An annual list for a foreign limited partnership not in default which is received by the Secretary of State more than 90 days before its due date shall be deemed an amended list for the previous year and does not satisfy the requirements of subsection 1 for the year to which the due date is applicable.

Sec. 30. NRS 88A.600 is hereby amended to read as follows:

88A.600 1. A business trust formed pursuant to this chapter shall, on or before the last day of the first month after the filing of its certificate of trust with the Secretary of State, and annually thereafter on or before the last day of the month in which the anniversary date of the filing of its certificate of trust with the Secretary of State occurs, file with the Secretary of State, on a form furnished by him, a list signed by at least one trustee that contains the name and street address of at least one trustee and the information required pursuant to NRS 77.310. Each list filed pursuant to this subsection must be accompanied by a declaration under penalty of perjury that the business trust:

(a) Has complied with the provisions of ~~[NRS 360.780;]~~ ***sections 6 to 18, inclusive, of this act;*** and

(b) Acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State.

2. Upon filing:

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

(b) Each annual list required by subsection 1, the business trust shall pay to the Secretary of State a fee of $125.

3. If a trustee of a business trust resigns and the resignation is not reflected on the annual or amended list of trustees, the business trust or the resigning trustee shall pay to the Secretary of State a fee of $75 to file the resignation.

4. The Secretary of State shall, 90 days before the last day for filing each annual list required by subsection 1, cause to be mailed to each business trust which is required to comply with the provisions of NRS 88A.600 to 88A.660, inclusive, and which has not become delinquent, the blank forms to be completed and filed with him. Failure of a business trust to receive the forms does not excuse it from the penalty imposed by law.

5. An annual list for a business trust not in default which is received by the Secretary of State more than 90 days before its due date shall be deemed an amended list for the previous year.

Sec. 31. NRS 88A.732 is hereby amended to read as follows:

88A.732 1. Each foreign business trust doing business in this State shall, on or before the last day of the first month after the filing of its application for registration as a foreign business trust with the Secretary of State, and annually thereafter on or before the last day of the month in which the anniversary date of its qualification to do business in this State occurs in each year, file with the Secretary of State a list, on a form furnished by him, that contains:

(a) The name of the foreign business trust;

(b) The file number of the foreign business trust, if known;

(c) The name of at least one of its trustees;

(d) The address, either residence or business, of the trustee listed pursuant to paragraph (c);

(e) The information required pursuant to NRS 77.310; and

(f) The signature of a trustee of the foreign business trust certifying that the list is true, complete and accurate.

2. Each list required to be filed pursuant to this section must be accompanied by a declaration under penalty of perjury that the foreign business trust:

(a) Has complied with the provisions of ~~[NRS 360.780;]~~ ***sections 6 to 18, inclusive, of this act;*** and

(b) Acknowledges that pursuant to NRS 239.330 **,** it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State.

3. Upon filing:

(a) The initial list required by this section, the foreign business trust shall pay to the Secretary of State a fee of $125.

(b) Each annual list required by this section, the foreign business trust shall pay to the Secretary of State a fee of $125.

4. If a trustee of a foreign business trust resigns and the resignation is not reflected on the annual or amended list of trustees, the foreign business trust or the resigning trustee shall pay to the Secretary of State a fee of $75 to file the resignation.

5. The Secretary of State shall, 90 days before the last day for filing each annual list required by subsection 1, cause to be mailed to each foreign business trust which is required to comply with the provisions of NRS 88A.732 to 88A.738, inclusive, and which has not become delinquent, the blank forms to be completed and filed with him. Failure of any foreign business trust to receive the forms does not excuse it from the penalty imposed by the provisions of NRS 88A.732 to 88A.738, inclusive.

6. If the list to be filed pursuant to the provisions of subsection 1 is defective or the fee required by subsection 3 is not paid, the Secretary of State may return the list for correction or payment.

7. An annual list for a foreign business trust not in default which is received by the Secretary of State more than 90 days before its due date shall be deemed an amended list for the previous year and does not satisfy the requirements of subsection 1 for the year to which the due date is applicable.

Sec. 32. NRS 89.250 is hereby amended to read as follows:

89.250 1. Except as otherwise provided in subsection 2, a professional association shall, on or before the last day of the first month after the filing of its articles of association with the Secretary of State, and annually thereafter on or before the last day of the month in which the anniversary date of its organization occurs in each year, file with the Secretary of State a list showing the names and addresses, either residence or business, of all members and employees in the professional association and certifying that all

members and employees are licensed to render professional service in this State.

2. A professional association organized and practicing pursuant to the provisions of this chapter and NRS 623.349 shall, on or before the last day of the first month after the filing of its articles of association with the Secretary of State, and annually thereafter on or before the last day of the month in which the anniversary date of its organization occurs in each year, file with the Secretary of State a list:

(a) Showing the names and addresses, either residence or business, of all members and employees of the professional association who are licensed or otherwise authorized by law to render professional service in this State;

(b) Certifying that all members and employees who render professional service are licensed or otherwise authorized by law to render professional service in this State; and

(c) Certifying that all members who are not licensed to render professional service in this State do not render professional service on behalf of the professional association except as authorized by law.

3. Each list filed pursuant to this section must be:

(a) Made on a form furnished by the Secretary of State and must not contain any fiscal or other information except that expressly called for by this section.

(b) Signed by the chief executive officer of the professional association.

(c) Accompanied by a declaration under penalty of perjury that the professional association:

(1) Has complied with the provisions of ~~[NRS 360.780,]~~ ***sections 6 to 18, inclusive, of this act;*** and

(2) Acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State.

4. Upon filing:

(a) The initial list required by this section, the professional association shall pay to the Secretary of State a fee of $125.

(b) Each annual list required by this section, the professional association shall pay to the Secretary of State a fee of $125.

Sec. 33. NRS 244.335 is hereby amended to read as follows:

244.335 1. Except as otherwise provided in subsections 2, 3 and 4, a board of county commissioners may:

(a) Except as otherwise provided in NRS 244.331 to 244.3345, inclusive, 598D.150 and 640C.100, regulate all character of lawful trades, callings, industries, occupations, professions and business conducted in its county outside of the limits of incorporated cities and towns.

(b) Except as otherwise provided in NRS 244.3359 and 576.128, fix, impose and collect a license tax for revenue or for regulation, or for both revenue and regulation, on such trades, callings, industries, occupations, professions and business.

2. The county license boards have the exclusive power in their respective counties to regulate entertainers employed by an entertainment by referral service and the business of conducting a dancing hall, escort service, entertainment by referral service or gambling game or device permitted by law, outside of an incorporated city. The county license boards may fix, impose and collect license taxes for revenue or for regulation, or for both revenue and regulation, on such employment and businesses.

3. A board of county commissioners shall not require that a person who is licensed as a contractor pursuant to chapter 624 of NRS obtain more than one license to engage in the business of contracting or pay more than one license tax related to engaging in the business of contracting, regardless of the number of classifications or subclassifications of licensing for which the person is licensed pursuant to chapter 624 of NRS.

4. The board of county commissioners or county license board shall not require a person to obtain a license or pay a license tax on the sole basis that the person is a professional. No license to engage in any type of business may be granted unless the applicant for the license signs an affidavit affirming that the business has complied with the provisions of ~~[~~NRS 360.780.~~]~~ ***sections 6 to 18, inclusive, of this act.*** The county license board shall provide upon request an application for a business license pursuant to ~~[~~NRS 360.780.~~]~~ ***sections 6 to 18, inclusive, of this act.*** As used in this subsection, "professional" means a person who:

(a) Holds a license, certificate, registration, permit or similar type of authorization issued by a regulatory body as defined in NRS 622.060, or who is regulated pursuant to the Nevada Supreme Court Rules; and

(b) Practices his profession for any type of compensation as an employee.

5. No license to engage in business as a seller of tangible personal property may be granted unless the applicant for the license presents written evidence that:

(a) The Department of Taxation has issued or will issue a permit for this activity, and this evidence clearly identifies the business by name; or

(b) Another regulatory agency of the State has issued or will issue a license required for this activity.

6. Any license tax levied for the purposes of NRS 244.3358 or 244A.597 to 244A.655, inclusive, constitutes a lien upon the real and personal property of the business upon which the tax was levied until the tax is paid. The lien has the same priority as a lien for general taxes. The lien must be enforced:

(a) By recording in the office of the county recorder, within 6 months after the date on which the tax became delinquent or was otherwise determined to be due and owing, a notice of the tax lien containing the following:

(1) The amount of tax due and the appropriate year;

(2) The name of the record owner of the property;

(3) A description of the property sufficient for identification; and

(4) A verification by the oath of any member of the board of county commissioners or the county fair and recreation board; and

(b) By an action for foreclosure against the property in the same manner as an action for foreclosure of any other lien, commenced within 2 years after the date of recording of the notice of the tax lien, and accompanied by appropriate notice to other lienholders.

7. The board of county commissioners may delegate the authority to enforce liens from taxes levied for the purposes of NRS 244A.597 to 244A.655, inclusive, to the county fair and recreation board. If the authority is so delegated, the board of county commissioners shall revoke or suspend the license of a business upon certification by the county fair and recreation board that the license tax has become delinquent, and shall not reinstate the license until the tax is paid. Except as otherwise provided in NRS 239.0115 and 244.3357, all information concerning license taxes levied by an ordinance authorized by this section or other information concerning the business affairs or operation of any licensee obtained as a result of the payment of such license taxes or as the result of any audit or examination of the books by any authorized employee of a county fair and recreation board of the county for any license tax levied for the purpose of NRS 244A.597 to 244A.655, inclusive, is confidential and must not be disclosed by any member, officer or employee of the county fair and recreation board or the county imposing the license tax unless the disclosure is authorized by the affirmative action of a majority of the members of the appropriate county fair and recreation board. Continuing disclosure may be so authorized under an agreement with the Department of Taxation ***or Secretary of State*** for the exchange of information concerning taxpayers.

Sec. 34. NRS 268.095 is hereby amended to read as follows:

268.095 1. Except as otherwise provided in subsection 4, the city council or other governing body of each incorporated city in this State, whether organized under general law or special charter, may:

(a) Except as otherwise provided in subsection 2 and NRS 268.0968 and 576.128, fix, impose and collect for revenues or for regulation, or both, a license tax on all character of lawful trades, callings, industries, occupations, professions and businesses conducted within its corporate limits.

(b) Assign the proceeds of any one or more of such license taxes to the county within which the city is situated for the purpose or purposes of making the proceeds available to the county:

(1) As a pledge as additional security for the payment of any general obligation bonds issued pursuant to NRS 244A.597 to 244A.655, inclusive;

(2) For redeeming any general obligation bonds issued pursuant to NRS 244A.597 to 244A.655, inclusive;

(3) For defraying the costs of collecting or otherwise administering any such license tax so assigned, of the county fair and recreation board and of officers, agents and employees hired thereby, and of incidentals incurred thereby;

(4) For operating and maintaining recreational facilities under the jurisdiction of the county fair and recreation board;

(5) For improving, extending and bettering recreational facilities authorized by NRS 244A.597 to 244A.655, inclusive; and

(6) For constructing, purchasing or otherwise acquiring such recreational facilities.

(c) Pledge the proceeds of any tax imposed on the revenues from the rental of transient lodging pursuant to this section for the payment of any general or special obligations issued by the city for a purpose authorized by the laws of this State.

(d) Use the proceeds of any tax imposed pursuant to this section on the revenues from the rental of transient lodging:

(1) To pay the principal, interest or any other indebtedness on any general or special obligations issued by the city pursuant to the laws of this State;

(2) For the expense of operating or maintaining, or both, any facilities of the city; and

(3) For any other purpose for which other money of the city may be used.

2. The city council or other governing body of an incorporated city shall not require that a person who is licensed as a contractor pursuant to chapter 624 of NRS obtain more than one license to engage in the business of contracting or pay more than one license tax related to engaging in the business of contracting, regardless of the number of classifications or subclassifications of licensing for which the person is licensed pursuant to chapter 624 of NRS.

3. The proceeds of any tax imposed pursuant to this section that are pledged for the repayment of general obligations may be treated as "pledged revenues" for the purposes of NRS 350.020.

4. The city council or other governing body of an incorporated city shall not require a person to obtain a license or pay a license tax on the sole basis that the person is a professional. No license to engage in any type of business may be granted unless the applicant for the license signs an affidavit affirming that the business has complied with the provisions of ~~[NRS 360.780.]~~ ***sections 6 to 18, inclusive, of this act.*** The city licensing agency shall provide upon request an application for a business license pursuant to ~~[NRS 360.780.]~~ ***sections 6 to 18, inclusive, of this act.*** As used in this subsection, "professional" means a person who:

(a) Holds a license, certificate, registration, permit or similar type of authorization issued by a regulatory body as defined in NRS 622.060, or who is regulated pursuant to the Nevada Supreme Court Rules; and

(b) Practices his profession for any type of compensation as an employee.

5. No license to engage in business as a seller of tangible personal property may be granted unless the applicant for the license presents written evidence that:

(a) The Department of Taxation has issued or will issue a permit for this activity, and this evidence clearly identifies the business by name; or

(b) Another regulatory agency of the State has issued or will issue a license required for this activity.

6. Any license tax levied under the provisions of this section constitutes a lien upon the real and personal property of the business upon which the tax was levied until the tax is paid. The lien has the same priority as a lien for general taxes. The lien must be enforced:

(a) By recording in the office of the county recorder, within 6 months following the date on which the tax became delinquent or was otherwise determined to be due and owing, a notice of the tax lien containing the following:

(1) The amount of tax due and the appropriate year;

(2) The name of the record owner of the property;

(3) A description of the property sufficient for identification; and

(4) A verification by the oath of any member of the board of county commissioners or the county fair and recreation board; and

(b) By an action for foreclosure against such property in the same manner as an action for foreclosure of any other lien, commenced within 2 years after the date of recording of the notice of the tax lien, and accompanied by appropriate notice to other lienholders.

7. The city council or other governing body of each incorporated city may delegate the power and authority to enforce such liens to the county fair and recreation board. If the authority is so delegated, the governing body shall revoke or suspend the license of a business upon certification by the board that the license tax has become delinquent, and shall not reinstate the license until the tax is paid. Except as otherwise provided in NRS 239.0115 and 268.0966, all information concerning license taxes levied by an ordinance authorized by this section or other information concerning the business affairs or operation of any licensee obtained as a result of the payment of those license taxes or as the result of any audit or examination of the books of the city by any authorized employee of a county fair and recreation board for any license tax levied for the purpose of NRS 244A.597 to 244A.655, inclusive, is confidential and must not be disclosed by any member, official or employee of the county fair and recreation board or the city imposing the license tax unless the disclosure is authorized by the affirmative action of a majority of the members of the appropriate county fair and recreation board. Continuing disclosure may be so authorized under an agreement with the Department of Taxation ***or the Secretary of State*** for the exchange of information concerning taxpayers.

8. The powers conferred by this section are in addition and supplemental to, and not in substitution for, and the limitations imposed by this section do not affect the powers conferred by, any other law. No part of this section repeals or affects any other law or any part thereof, it being intended that this section provide a separate method of accomplishing its objectives, and not an exclusive one.

Sec. 35. **NRS 360.760 is hereby amended to read as follows:**

360.760 As used in NRS 360.760 to ~~[360.798,]~~ ***360.796,*** inclusive, unless the context otherwise requires, the words and terms defined in NRS ~~[360.765 to 360.775, inclusive,]~~ ***360.767, 360.773 and 360.774*** have the meanings ascribed to them in those sections.

Sec. 36. **NRS 360.773 is hereby amended to read as follows:**

360.773 "State business license" means the business license required pursuant to ~~[NRS 360.780.]~~ ***sections 6 to 18, inclusive, of this act.***

Sec. 37. **NRS 360.780 is hereby amended to read as follows:**

360.780 ~~[1. Except as otherwise provided in subsection 7, a person shall not conduct a business in this State unless he has a state business license issued by the Department.~~

~~2. An application for a state business license must:~~

~~(a) Be made upon a form prescribed by the Department;~~

~~(b) Set forth the name under which the applicant transacts or intends to transact business and the location of his place or places of business;~~

~~(c) Be accompanied by a fee of $100; and~~

~~(d) Include any other information that the Department deems necessary.~~

~~3. The application must be signed by:~~

~~(a) The owner, if the business is owned by a natural person;~~

~~(b) A member or partner, if the business is owned by an association or partnership; or~~

~~(c) An officer or some other person specifically authorized to sign the application, if the business is owned by a corporation.~~

~~4. If the application is signed pursuant to paragraph (c) of subsection 3, written evidence of the signer's authority must be attached to the application.~~

~~5. The state business license required to be obtained pursuant to this section is in addition to any license to conduct business that must be obtained from the local jurisdiction in which the business is being conducted.~~

~~6. For the purposes of NRS 360.760 to 360.798, inclusive, a person shall be deemed to conduct a business in this State if a business for which the person is responsible:~~

~~(a) Is organized pursuant to title 7 of NRS, other than a business organized pursuant to chapter 82 or 84 of NRS;~~

~~(b) Has an office or other base of operations in this State; or~~

~~(c) Pays wages or other remuneration to a natural person who performs in this State any of the duties for which he is paid.~~

~~7.]~~ A person who takes part in an exhibition held in this State for a purpose related to the conduct of a business is not required to obtain a state business license specifically for that event if the operator of the facility where the exhibition is held pays the licensing fee on behalf of that person pursuant to NRS 360.787.

Sec. 38. **NRS 360.790 is hereby amended to read as follows:**

360.790 The Department shall deposit all money it receives pursuant to NRS 360.760 to ~~[360.798,]~~ ***360.796,*** inclusive, in the State Treasury for credit to the State General Fund.

Sec. 39. **NRS 360.795 is hereby amended to read as follows:**

360.795 1. Except as otherwise provided in this section and NRS 239.0115 and 360.250, the records and files of the Department concerning the administration of NRS 360.760 to ~~[360.798,]~~ ***360.796,*** inclusive, are confidential and privileged. The Department, and any employee of the Department engaged in the administration of NRS 360.760 to ~~[360.798,]~~ ***360.796,*** inclusive, or charged with the custody of any such records or files, shall not disclose any information obtained from those records or files. Neither the Department nor any employee of the Department may be required to produce any of the records, files and information for the inspection of any person or for use in any action or proceeding.

2. The records and files of the Department concerning the administration of NRS 360.760 to ~~[360.798,]~~ ***360.796,*** inclusive, are not confidential and privileged in the following cases:

(a) Testimony by a member or employee of the Department and production of records, files and information on behalf of the Department or a person in any action or proceeding pursuant to the provisions of this chapter if that testimony or the records, files or information, or the facts shown thereby, are directly involved in the action or proceeding.

(b) Delivery to a person or his authorized representative of a copy of any document filed by the person pursuant to NRS 360.760 to ~~[360.798,]~~ ***360.796,*** inclusive.

(c) Publication of statistics so classified as to prevent the identification of a particular business or document.

(d) Exchanges of information with the Internal Revenue Service in accordance with compacts made and provided for in such cases.

(e) Disclosure in confidence to the Governor or his agent in the exercise of the Governor's general supervisory powers, or to any person authorized to audit the accounts of the Department in pursuance of an audit, or to the Attorney General or other legal representative of the State in connection with an action or proceeding pursuant to this chapter, or to any agency of this or any other state charged with the administration or enforcement of laws relating to workers' compensation, unemployment compensation, public assistance, taxation, labor or gaming.

(f) Exchanges of information pursuant to subsection 3.

(g) Disclosure of information concerning whether or not a person conducting a business in this State has a state business license.

3. The Nevada Tax Commission may agree with any county fair and recreation board or the governing body of any county, city or town for the continuing exchange of information concerning taxpayers.

4. The Executive Director shall periodically, as he deems appropriate, but not less often than annually, transmit to the Administrator of the Division of Industrial Relations of the Department of Business and Industry a list of the businesses of which he has a record. The list must include the mailing address of the business as reported to the Department.

~~[Sec. 35.]~~ ***Sec. 40.*** NRS 372.220 is hereby amended to read as follows:

372.220 1. Every retailer who sells tangible personal property for storage, use or other consumption in this State shall register with the Department and give:

(a) The name and address of all agents operating in this State.

(b) The location of all distribution or sales houses or offices or other places of business in this State.

(c) Such other information as the Department may require.

2. Every business that purchases tangible personal property for storage, use or other consumption in this State shall, at the time the business obtains a business license pursuant to ~~[NRS 360.780,]~~ ***sections 6 to 18, inclusive, of this act,*** register with the Department on a form prescribed by the Department. As used in this section, "business" has the meaning ascribed to it in ~~[NRS 360.765.]~~ ***section 7 of this act.***

~~[Sec. 36.]~~ ***Sec. 41.*** NRS 459.3824 is hereby amended to read as follows:

459.3824 1. The owner or operator of a facility shall pay to the Division an annual fee based on the fiscal year. The annual fee for each facility is the sum of a base fee set by the State Environmental Commission and any additional fee imposed by the Commission pursuant to subsection 2. The annual fee must be prorated and may not be refunded.

2. The State Environmental Commission may impose an additional fee upon the owner or operator of a facility in an amount determined by the Commission to be necessary to enable the Division to carry out its duties pursuant to NRS 459.380 to 459.3874, inclusive, and any regulations adopted pursuant thereto. The additional fee must be based on a graduated schedule adopted by the Commission which takes into consideration the quantity of hazardous substances located at each facility.

3. After the payment of the initial annual fee, the Division shall send the owner or operator of a facility a bill in July for the annual fee for the fiscal year then beginning which is based on the applicable reports for the preceding year.

4. The State Environmental Commission may modify the amount of the annual fee required pursuant to this section and the timing for payment of the annual fee:

(a) To include consideration of any fee paid to the Division for a permit to construct a new process or commence operation of a new process pursuant to NRS 459.3829; and

(b) If any regulations adopted pursuant to NRS 459.380 to 459.3874, inclusive, require such a modification.

5. The owner or operator of a facility shall submit, with any payment required by this section, the business license number assigned by the ~~[Department of Taxation]~~ ***Secretary of State*** upon compliance by the owner with ~~[NRS 360.780.]~~ ***the provisions of sections 6 to 18, inclusive, of this act.***

6. All fees fines, penalties and other money collected pursuant to NRS 459.380 to 459.3874, inclusive, and any regulations adopted pursuant thereto, other than a fine collected pursuant to subsection 3 of NRS 459.3834, must be deposited with the State Treasurer for credit to the Fund for Precaution Against Chemical Accidents, which is hereby created as a special revenue fund. All interest earned on the money in the Fund must be credited to the Fund.

~~[Sec. 37.]~~ ***Sec. 42.*** NRS 616B.679 is hereby amended to read as follows:

616B.679 1. Each application must include:

(a) The applicant's name and title of his position with the employee leasing company.

(b) The applicant's age, place of birth and social security number.

(c) The applicant's address.

(d) The business address of the employee leasing company.

(e) The business address of the registered agent of the employee leasing company, if the applicant is not the registered agent.

(f) If the applicant is a:

(1) Partnership, the name of the partnership and the name, address, age, social security number and title of each partner.

(2) Corporation, the name of the corporation and the name, address, age, social security number and title of each officer of the corporation.

(g) Proof of:

(1) Compliance with the provisions of ~~[NRS 360.780.]~~ ***sections 6 to 18, inclusive, of this act.***

(2) The payment of any premiums for industrial insurance required by chapters 616A to 617, inclusive, of NRS.

(3) The payment of contributions or payments in lieu of contributions required by chapter 612 of NRS.

(4) Insurance coverage for any benefit plan from an insurer authorized pursuant to title 57 of NRS that is offered by the employee leasing company to its employees.

(h) Any other information the Administrator requires.

2. Each application must be notarized and signed under penalty of perjury:

(a) If the applicant is a sole proprietorship, by the sole proprietor.

(b) If the applicant is a partnership, by each partner.

(c) If the applicant is a corporation, by each officer of the corporation.

3. An applicant shall submit to the Administrator any change in the information required by this section within 30 days after the change occurs. The Administrator may revoke the certificate of registration of an employee leasing company which fails to comply with the provisions of NRS 616B.670 to 616B.697, inclusive.

4. If an insurer cancels an employee leasing company's policy, the insurer shall immediately notify the Administrator in writing. The notice

must comply with the provisions of NRS 687B.310 to 687B.355, inclusive, and must be served personally on or sent by first-class mail or electronic transmission to the Administrator.

Sec. 43. **Chapter 719 of NRS is hereby amended by adding thereto a new section to read as follows:**

The Secretary of State may require a governmental agency of this State or a governmental agency of a political subdivision of this State, as a condition of participation in the state business portal established pursuant to sections 2, 3 and 4 of this act, to send and accept electronic records and electronic signatures to and from other persons and otherwise create, generate, communicate, store, process, use and rely upon electronic records and electronic signatures.

Sec. 44. **NRS 719.350 is hereby amended to read as follows:**

719.350 1. Except as otherwise provided in subsection 6 of NRS 719.290 ~~[,]~~ ***and section 43 of this act,*** each governmental agency of this state shall determine whether, and the extent to which, it will send and accept electronic records and electronic signatures to and from other persons and otherwise create, generate, communicate, store, process, use and rely upon electronic records and electronic signatures.

2. ~~[To]~~ ***Except as otherwise provided in section 43 of this act, to*** the extent that a governmental agency uses electronic records and electronic signatures under subsection 1, the governmental agency, giving due consideration to security, may specify:

(a) The manner and format in which the electronic records must be created, generated, sent, communicated, received and stored and the systems established for those purposes;

(b) If electronic records must be signed by electronic means, the type of electronic signature required, the manner and format in which the electronic signature must be affixed to the electronic record, and the identity of, or criteria that must be met by, any third party used by a person filing a document to facilitate the process;

(c) Processes and procedures as appropriate to ensure adequate preservation, disposition, integrity, security, confidentiality and auditability of electronic records; and

(d) Any other required attributes for electronic records which are specified for corresponding nonelectronic records or reasonably necessary under the circumstances.

3. Except as otherwise provided in subsection 6 of NRS 719.290 ~~[,]~~ ***and section 43 of this act,*** the provisions of this chapter do not require a governmental agency of this state to use or permit the use of electronic records or electronic signatures.

~~[Sec. 38.]~~ ***Sec. 45.*** NRS ~~[360.760,]~~ 360.765, ~~[360.767, 360.773, 360.774,]~~ 360.775, ~~[360.780,]~~ 360.782, 360.784 ~~[, 360.787, 360.790, 360.795, 360.796]~~ and 360.798 are hereby repealed.

~~[Sec. 39.]~~ ***Sec. 46.*** 1. Except as otherwise provided in subsection 2, a person who holds a state business license which was issued pursuant to NRS 360.760 to 360.798, inclusive, before January 1, 2010, and which is not expired or revoked ~~[:~~

~~(a) Shall be deemed to hold a state business license issued pursuant to sections 6 to 18, inclusive, of this act until the date of expiration of his state business license issued pursuant to NRS 360.760 to 360.798, inclusive; and~~

~~(b) Is]~~ **is** not required to obtain a state business license pursuant to sections 6 to 18, inclusive, of this act until the expiration of his state business license issued pursuant to NRS 360.760 to 360.798, inclusive.

2. If a person who holds a state business license which was issued pursuant to NRS 360.760 to 360.798, inclusive, before January 1, 2010, and which is not expired or revoked is ~~[a business]~~ **an entity** that is required to file an annual list with the Secretary of State pursuant to title 7 of NRS, the person ~~[:~~

~~(a) Shall be deemed to hold a state business license issued pursuant to sections 6 to 18, inclusive, of this act until the date on which the person is required to file an annual list pursuant to title 7 of NRS; and~~

~~(b) Is]~~ **is not** required to obtain a state business license pursuant to sections 6 to 18, inclusive, of this act ~~[at the time of filing]~~ **until the expiration of the state business license issued pursuant to NRS 360.760 to 360.798, inclusive, unless the entity is required to file** the annual list pursuant to title 7 of NRS ~~[, except that the]~~ **before the expiration of the state business license issued pursuant to NRS 360.760 to 360.798, inclusive, in which case the person is required to obtain a state business license pursuant to sections 6 to 18, inclusive, of this act at the time of filing the annual list. The** amount of the fee for obtaining the state business license pursuant to sections 6 to 18, inclusive, of this act must be prorated to reflect credit for the period remaining before expiration of the state business license issued pursuant to NRS 360.760 to 360.798, inclusive.

~~[Sec. 40.]~~ ***Sec. 47.*** This act becomes effective ~~[on]~~ **:**

1. Upon passage and approval for the purposes of adopting regulations and performing any other preparatory actions that are necessary to carry out the provisions of this act; and

2. On January 1, 2010 ~~[.]~~ **, for all other purposes.**

LEADLINES OF REPEALED SECTIONS

~~[360.760 Definitions.]~~

360.765 "Business" defined.

~~[360.767 "Exhibition" defined.~~

~~360.773 "State business license" defined.~~

~~360.774 "Unauthorized alien" defined.]~~

360.775 "Wages" defined.

~~[360.780 State business license required; application and fee for license; activities constituting conduct of business; participation in exhibition.]~~

360.782 Limitation on number of licenses natural person is required to obtain.

360.784 Annual fee for license: Amount; submission; penalty for late payment.

~~[360.787 Payment of licensing fees by operator of facility where exhibition is held; regulations.~~

~~360.790 Deposit of proceeds in State General Fund.~~

~~360.795 Confidentiality of records and files of Department.~~

~~360.796 Unlawful hiring or employment of unauthorized alien: Hearing; administrative fine; regulations.]~~

360.798 Enforcement of provisions: Revocation or suspension of license; denial of new license.

Assemblywoman McClain moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 181.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 304.

AN ACT relating to education; **revising provisions governing the membership of a committee to form a charter school and the governing body of a charter school; revising provisions for the process of review of an application to form a charter school;** authorizing the governing body of a charter school to set a salary for the attendance of its members at meetings of the governing body; revising the requirements for a charter school to be eligible for an exemption from annual performance audits and to receive certain money for facilities; **revising various other provisions governing charter schools; repealing the Subcommittee on Charter Schools;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prescribes the membership of a committee to form a charter school and prescribes the process for the initial review of an application to form a charter school by the Department of Education. (NRS 386.520) Section 1 of this bill revises the membership of the committee and the process for review of the application by the Department.

Upon approval of an application by the Department, existing law provides that a committee to form a charter school may submit an application to the proposed sponsor. (NRS 386.525) Section 2 of this bill revises provisions governing the review of such an application if the State Board of Education is the proposed sponsor.

Existing law authorizes the governing body of a charter school to submit a request for an amendment to the written charter. (NRS 386.527) Section 3 of this bill provides that if the sponsor of the

charter school denies the request for an amendment, the sponsor must provide written notice of the reasons for the denial.

Existing law requires the Department to provide certain information regarding the charter schools operating in this State. (NRS 386.545) Section 5 of this bill provides that if the Department requests certain information from a charter school that is not required by specific statute, the Department shall include in the request a mechanism by which the Department will pay or reimburse the charter school for the requested information, if the provision of the information will cost the charter school money.

Existing law prescribes the membership, qualifications and powers of the governing body of a charter school and requires the governing body to hold at least quarterly meetings. (NRS 386.549) **Section ~~[1]~~ 6** of this bill **revises provisions governing the membership of the governing body and** authorizes the governing body ~~[of a charter school]~~ **, upon a majority vote of the members,** to set a salary for the attendance of its members at meetings of the governing body, not to exceed $80 per meeting per month.

Existing law prescribes the requirements for a charter school to be exempt from an annual performance audit and undergo a performance audit every 3 years and to be eligible for available money from legislative appropriations or otherwise for facilities. A charter school is eligible if at least 75 percent of the pupils enrolled in the charter school who are required to take the high school proficiency examination have passed that examination. (NRS 386.5515) **Section ~~[2]~~ 7** of this bill revises this eligibility provision to require that at least 75 percent of the pupils enrolled in the charter school in grade 12 in the immediately preceding school year **who have** satisfied the coursework requirements for graduation ~~[and]~~ **have** passed the high school proficiency examination.

Existing law provides that the pupils enrolled in charter schools must be included in the count for the purposes of apportionments and allowances from the State Distributive School Account and provides for the reimbursement of administrative costs to the sponsor of a charter school. (NRS 386.570) Section 9 of this bill requires the State Board to prescribe a process which ensures that all charter schools, regardless of sponsor, have information of all sources of funding for the public schools provided through the Department. Section 9 also changes the percentage of administrative costs that the State Board or a college or university may receive for sponsorship after the first year of operation of a charter school from 1.5 percent to 1 percent.

Existing law prescribes the process for a parent or legal guardian of a child to file a notice of intent to homeschool the child with the superintendent of schools of the school district. (NRS 392.700) Section 10 of this bill provides that if such a child seeks admittance or entrance to a public school after being homeschooled, the parent or legal guardian shall notify the superintendent to withdraw the notice of intent to

homeschool. Section 10 further provides that if such a child enrolls in a charter school, the charter school shall notify the board of trustees of the school district in which the child resides.

Existing law creates the Subcommittee on Charter Schools. (NRS 386.507) Section 11 of this bill repeals the Subcommittee.

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

Section 1. **NRS 386.520 is hereby amended to read as follows:**

386.520 1. A committee to form a charter school must consist of ~~[at least three teachers, as defined in subsection 4.]~~ **:**

(a) Two members who are educational personnel licensed pursuant to chapter 391 of NRS;

(b) One parent or legal guardian who is not a teacher or employee of the proposed charter school; and

(c) Two members who possess knowledge and expertise in one or more of the following areas:

(1) Accounting;

(2) Financial services;

(3) Law; or

(4) Human resources.

2. In addition to the ~~[teachers]~~ ***members*** who serve ~~[,]~~ ***pursuant to subsection 1,*** the committee may ~~[consist of:]~~ ***include, without limitation, not more than four additional members as follows:***

(a) Members of the general public;

(b) Representatives of nonprofit organizations and businesses; or

(c) Representatives of a college or university within the Nevada System of Higher Education.

➥ A majority of the persons described in paragraphs (a), (b) and (c) who serve on the committee must be residents of this State at the time that the application to form the charter school is submitted to the Department.

~~[2.]~~ ***3.*** Before a committee to form a charter school may submit an application to the board of trustees of a school district, ~~[the Subcommittee on Charter Schools,]~~ the State Board or a college or university within the Nevada System of Higher Education, it must submit the application to the Department. The application must include all information prescribed by the Department by regulation and:

(a) A written description of how the charter school will carry out the provisions of NRS 386.500 to 386.610, inclusive.

(b) A written description of the mission and goals for the charter school. A charter school must have as its stated purpose at least one of the following goals:

(1) Improving the opportunities for pupils to learn;

(2) Encouraging the use of effective methods of teaching;

(3) Providing an accurate measurement of the educational achievement of pupils;

(4) Establishing accountability of public schools;

(5) Providing a method for public schools to measure achievement based upon the performance of the schools; or

(6) Creating new professional opportunities for teachers.

(c) The projected enrollment of pupils in the charter school.

(d) The proposed dates of enrollment for the charter school.

(e) The proposed system of governance for the charter school, including, without limitation, the number of persons who will govern, the method of selecting the persons who will govern and the term of office for each person.

(f) The method by which disputes will be resolved between the governing body of the charter school and the sponsor of the charter school.

(g) The proposed curriculum for the charter school and, if applicable to the grade level of pupils who are enrolled in the charter school, the requirements for the pupils to receive a high school diploma, including, without limitation, whether those pupils will satisfy the requirements of the school district in which the charter school is located for receipt of a high school diploma.

(h) The textbooks that will be used at the charter school.

(i) The qualifications of the persons who will provide instruction at the charter school.

(j) Except as otherwise required by NRS 386.595, the process by which the governing body of the charter school will negotiate employment contracts with the employees of the charter school.

(k) A financial plan for the operation of the charter school. The plan must include, without limitation, procedures for the audit of the programs and finances of the charter school and guidelines for determining the financial liability if the charter school is unsuccessful.

(l) A statement of whether the charter school will provide for the transportation of pupils to and from the charter school. If the charter school will provide transportation, the application must include the proposed plan for the transportation of pupils. If the charter school will not provide transportation, the application must include a statement that the charter school will work with the parents and guardians of pupils enrolled in the charter school to develop a plan for transportation to ensure that pupils have access to transportation to and from the charter school.

(m) The procedure for the evaluation of teachers of the charter school, if different from the procedure prescribed in NRS 391.3125. If the procedure is different from the procedure prescribed in NRS 391.3125, the procedure for the evaluation of teachers of the charter school must provide the same level of protection and otherwise comply with the standards for evaluation set forth in NRS 391.3125.

(n) The time by which certain academic or educational results will be achieved.

(o) The kind of school, as defined in subsections 1 to 4, inclusive, of NRS 388.020, for which the charter school intends to operate.

~~[3.]~~ ***4.*** The Department shall review an application to form a charter school to determine whether it is ***substantially*** complete ~~[.]~~ ***and compliant.*** If an application proposes to convert an existing public school, homeschool or other program of home study into a charter school, the Department shall ~~[deny the application.]~~ ***provide written notice to the applicant that the application is ineligible for consideration by the proposed sponsor.***

5. The Department shall provide written notice to the applicant of its approval or denial of the application. If the Department ~~[denies]~~ ***determines that*** an application ~~[,]~~ ***is not substantially complete and compliant,*** the Department shall include in the written notice the ~~[reason for the denial]~~ ***basis for that determination*** and the deficiencies in the application. ***The staff designated by the Department shall meet with the applicant to confer on the method to correct the identified deficiencies.*** The applicant must be granted 30 days after receipt of the written notice to correct any deficiencies identified in the written notice and resubmit the application.

~~[4. As used in subsection 1, "teacher" means a person who:~~

~~(a) Holds a current license to teach issued pursuant to chapter 391 of NRS; and~~

~~(b) Has at least 2 years of experience as an employed teacher.~~

~~The term does not include a person who is employed as a substitute teacher.]~~

Sec. 2. **NRS 386.525 is hereby amended to read as follows:**

386.525 1. Upon ~~[approval of an application]~~ ***determination*** by the Department ~~[,]~~ ***that an application is substantially complete and compliant,*** a committee to form a charter school may submit the application to the board of trustees of the school district in which the proposed charter school will be located, a college or university within the Nevada System of Higher Education or ~~[directly to the Subcommittee on Charter Schools.]~~ ***the State Board.*** If the board of trustees of a school district, a college or a university, as applicable, receives an application to form a charter school, the board of trustees or the institution, as applicable, shall consider the application at a meeting that must be held not later than 45 days after the receipt of the application, or a period mutually agreed upon by the committee to form the charter school and the board of trustees of the school district or the institution, as applicable, and ensure that notice of the meeting has been provided pursuant to chapter 241 of NRS. The board of trustees, the college, the university or the ~~[Subcommittee on Charter Schools,]~~ ***State Board,*** as applicable, shall review an application to determine whether the application:

(a) Complies with NRS 386.500 to 386.610, inclusive, and the regulations applicable to charter schools; and

(b) Is complete in accordance with the regulations of the Department.

2. The Department shall assist the board of trustees of a school district, the college or the university, as applicable, in the review of an application.

The board of trustees, the college or the university, as applicable, may approve an application if it satisfies the requirements of paragraphs (a) and (b) of subsection 1. The board of trustees, the college or the university, as applicable, shall provide written notice to the applicant of its approval or denial of the application.

3. If the board of trustees, the college or the university, as applicable, denies an application, it shall include in the written notice the reasons for the denial and the deficiencies in the application. The applicant must be granted 30 days after receipt of the written notice to correct any deficiencies identified in the written notice and resubmit the application.

4. If the board of trustees, the college or the university, as applicable, denies an application after it has been resubmitted pursuant to subsection 3, the applicant may submit a written request ***to the State Board*** for sponsorship by the State Board ~~[to the Subcommittee on Charter Schools created pursuant to NRS 386.507]~~ not more than 30 days after receipt of the written notice of denial. Any request that is submitted pursuant to this subsection must be accompanied by the application to form the charter school.

5. If the ~~[Subcommittee on Charter Schools]~~ ***State Board*** receives an application pursuant to subsection 1 or 4, it shall ~~[hold]~~ ***consider the application at*** a meeting ~~[to consider the application. The meeting]~~ ***which*** must be held not later than 45 days after receipt of the application. Notice of the meeting must be posted in accordance with chapter 241 of NRS. The ~~[Subcommittee]~~ ***State Board*** shall review the application in accordance with the factors set forth in paragraphs (a) and (b) of subsection 1. The ~~[Subcommittee]~~ ***State Board*** may approve an application if it satisfies the requirements of paragraphs (a) and (b) of subsection 1.

~~[6. The Subcommittee on Charter Schools shall transmit the application and the recommendation of the Subcommittee for approval or denial of the application to the State Board. Not more than 14 days after the date of the meeting of the Subcommittee pursuant to subsection 5, the State Board shall hold a meeting to consider the recommendation of the Subcommittee. Notice of the meeting must be posted in accordance with chapter 241 of NRS. The State Board shall review the application in accordance with the factors set forth in paragraphs (a) and (b) of subsection 1. The State Board may approve an application if it satisfies the requirements of paragraphs (a) and (b) of subsection 1.]~~ Not more than 30 days after the meeting, the State Board shall provide written notice of its determination to the applicant.

~~[7.]~~ ***6.*** If the State Board denies ***or fails to act upon*** an application, ~~[it]~~ ***the denial or failure to act must be based upon a finding that the applicant failed to adequately address objective criteria established by regulation of the Department or the State Board. The State Board*** shall include in the written notice the reasons for the denial ***or the failure to act*** and the deficiencies in the application. ***The staff designated by the Department shall meet with the applicant to confer on the method to correct the identified***

deficiencies. The applicant must be granted 30 days after receipt of the written notice to correct any deficiencies identified in the written notice and resubmit the application.

~~[8.]~~ ***7.*** If the State Board denies an application after it has been resubmitted pursuant to subsection ~~[7,]~~ ***6,*** the applicant may, not more than 30 days after the receipt of the written notice from the State Board, appeal the final determination to the district court of the county in which the proposed charter school will be located.

~~[9.]~~ ***8.*** On or before January 1 of each odd-numbered year, the Superintendent of Public Instruction shall submit a written report to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature. The report must include:

(a) A list of each application to form a charter school that was submitted to the board of trustees of a school district, the State Board, a college or a university during the immediately preceding biennium;

(b) The educational focus of each charter school for which an application was submitted;

(c) The current status of the application; and

(d) If the application was denied, the reasons for the denial.

Sec. 3. **NRS 386.527 is hereby amended to read as follows:**

386.527 1. If the State Board, the board of trustees of a school district or a college or university within the Nevada System of Higher Education approves an application to form a charter school, it shall grant a written charter to the applicant. The State Board, the board of trustees, the college or the university, as applicable, shall, not later than 10 days after the approval of the application, provide written notice to the Department of the approval and the date of the approval. If the board of trustees approves the application, the board of trustees shall be deemed the sponsor of the charter school.

2. If the State Board approves the application:

(a) The State Board shall be deemed the sponsor of the charter school.

(b) Neither the State of Nevada, the State Board nor the Department is an employer of the members of the governing body of the charter school or any of the employees of the charter school.

3. If a college or university within the Nevada System of Higher Education approves the application:

(a) That institution shall be deemed the sponsor of the charter school.

(b) Neither the State of Nevada, the State Board nor the Department is an employer of the members of the governing body of the charter school or any of the employees of the charter school.

4. The governing body of a charter school may request, at any time, a change in the sponsorship of the charter school to an entity that is authorized to sponsor charter schools pursuant to NRS 386.515. The State Board shall adopt:

(a) An application process for a charter school that requests a change in the sponsorship of the charter school, which must not require the applicant to

undergo the requirements of an initial application to form a charter school; and

(b) Objective criteria for the conditions under which such a request may be granted.

5. Except as otherwise provided in subsection 7, a written charter must be for a term of 6 years unless the governing body of a charter school renews its initial charter after 3 years of operation pursuant to subsection 2 of NRS 386.530. A written charter must include all conditions of operation set forth in paragraphs (a) to (o), inclusive, of subsection 2 of NRS 386.520 and include the kind of school, as defined in subsections 1 to 4, inclusive, of NRS 388.020 for which the charter school is authorized to operate. If the State Board or a college or university within the Nevada System of Higher Education is the sponsor of the charter school, the written charter must set forth the responsibilities of the sponsor and the charter school with regard to the provision of services and programs to pupils with disabilities who are enrolled in the charter school in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and NRS 388.440 to 388.520, inclusive. As a condition of the issuance of a written charter pursuant to this subsection, the charter school must agree to comply with all conditions of operation set forth in NRS 386.550.

6. The governing body of a charter school may submit to the sponsor of the charter school a written request for an amendment of the written charter of the charter school. Such an amendment may include, without limitation, the expansion of instruction and other educational services to pupils who are enrolled in grade levels other than the grade levels of pupils currently approved for enrollment in the charter school**.** ~~[if the expansion of grade levels does not change the kind of school, as defined in NRS 388.020, for which the charter school is authorized to operate.]~~ If the proposed amendment complies with the provisions of this section, NRS 386.500 to 386.610, inclusive, and any other statute or regulation applicable to charter schools, the sponsor may amend the written charter in accordance with the proposed amendment. ~~[If a charter school wishes to expand the instruction and other educational services offered by the charter school to pupils who are enrolled in grade levels other than the grade levels of pupils currently approved for enrollment in the charter school and the expansion of grade levels changes the kind of school, as defined in NRS 388.020, for which the charter school is authorized to operate, the governing body of the charter school must submit a new application to form a charter school. If such an application is approved, the charter school may continue to operate under the same governing body and an additional governing body does not need to be selected to operate the charter school with the expanded grade levels.]~~ ***If the sponsor denies the request for an amendment, the sponsor shall provide written notice to the governing body of the charter school setting forth the reasons for the denial.***

7. The State Board shall adopt objective criteria for the issuance of a written charter to an applicant who is not prepared to commence operation on the date of issuance of the written charter. The criteria must include, without limitation, the:

(a) Period for which such a written charter is valid; and

(b) Timelines by which the applicant must satisfy certain requirements demonstrating its progress in preparing to commence operation.

➥ A holder of such a written charter may apply for grants of money to prepare the charter school for operation. A written charter issued pursuant to this subsection must not be designated as a conditional charter or a provisional charter or otherwise contain any other designation that would indicate the charter is issued for a temporary period.

8. The holder of a written charter that is issued pursuant to subsection 7 shall not commence operation of the charter school and is not eligible to receive apportionments pursuant to NRS 387.124 until the sponsor has determined that the requirements adopted by the State Board pursuant to subsection 7 have been satisfied and that the facility the charter school will occupy has been inspected and meets the requirements of any applicable building codes, codes for the prevention of fire, and codes pertaining to safety, health and sanitation. Except as otherwise provided in this subsection, the sponsor shall make such a determination 30 days before the first day of school for the:

(a) Schools of the school district in which the charter school is located that operate on a traditional school schedule and not a year-round school schedule; or

(b) Charter school,

➥ whichever date the sponsor selects. The sponsor shall not require a charter school to demonstrate compliance with the requirements of this subsection more than 30 days before the date selected. However, it may authorize a charter school to demonstrate compliance less than 30 days before the date selected.

Sec. 4. **NRS 386.540 is hereby amended to read as follows:**

386.540 1. The Department shall adopt regulations that prescribe:

(a) The process for submission of an application by the board of trustees of a school district to the Department for authorization to sponsor charter schools and the contents of the application;

(b) The process for submission of an application to form a charter school to the Department, the board of trustees of a school district, the ~~[Subcommittee on Charter Schools]~~ ***State Board*** and a college or university within the Nevada System of Higher Education, and the contents of the application;

(c) The process for submission of an application to renew a written charter; ~~[and]~~

(d) The criteria and type of investigation that must be applied by the board of trustees, ~~[the Subcommittee on Charter Schools,]~~ the State Board and a

college or university within the Nevada System of Higher Education in determining whether to approve an application to form a charter school**, ~~[or]~~** an application to renew a written charter **~~[.]~~** ***or a request for amendment of a written charter; and***

(e) The process for submission of an amendment of a written charter pursuant to NRS 386.527 and the contents of the application.

2. The Department may adopt regulations as it determines are necessary to carry out the provisions of NRS 386.500 to 386.610, inclusive, including, without limitation, regulations that prescribe the:

(a) Procedures for accounting and budgeting;

(b) Requirements for performance audits and financial audits of charter schools on an annual basis for charter schools that do not satisfy the requirements of subsection 1 of NRS 386.5515; and

(c) Requirements for performance audits every 3 years and financial audits on an annual basis for charter schools that satisfy the requirements of subsection 1 of NRS 386.5515.

Sec. 5. **NRS 386.545 is hereby amended to read as follows:**

386.545 1. The Department and the board of trustees of a school district shall:

(a) Upon request, provide information to the general public concerning the formation and operation of charter schools; and

(b) Maintain a list available for public inspection that describes the location of each charter school.

2. The sponsor of a charter school shall:

(a) Provide reasonable assistance to an applicant for a charter school and to a charter school in carrying out the provisions of NRS 386.500 to 386.610, inclusive;

(b) Provide technical and other reasonable assistance to a charter school for the operation of the charter school;

(c) Provide information to the governing body of a charter school concerning the availability of money for the charter school, including, without limitation, money available from the Federal Government; and

(d) Provide timely access to the electronic data concerning the pupils enrolled in the charter school that is maintained pursuant to NRS 386.650.

3. If the board of trustees of a school district is the sponsor of a charter school, the sponsor shall:

(a) Provide the charter school with an updated list of available substitute teachers within the school district.

(b) Provide access to school buses for use by the charter school for field trips. The school district may charge a reasonable fee for the use of the school buses.

(c) If the school district offers summer school or Internet-based credit recovery classes, allow the pupils enrolled in the charter school to participate if space is available. The school district shall apply the same fees, if any, for

participation of the pupils enrolled in the charter school as it applies to pupils enrolled in the school district.

4. The Department shall provide appropriate information, education and training for charter schools and the governing bodies of charter schools concerning the applicable provisions of title 34 of NRS and other laws and regulations that affect charter schools and the governing bodies of charter schools.

5. If the Department prescribes a process for charter schools to report certain information, the Department may request the identified information regardless if that information is required to be submitted by charter schools pursuant to a specific statute. Upon such a request, a charter school shall provide the information if the Department includes a detailed description of the requested information and the mechanism by which the Department will pay or reimburse the charter school for the requested information, if the provision of the information will cost money for the charter school.

~~[Section 1.]~~ ***Sec. 6.*** NRS 386.549 is hereby amended to read as follows:

386.549 1. The governing body of a charter school:

(a) Must consist of:

(1) At least ~~[three]~~ ***two*** teachers, as defined in subsection 5; or

(2) ~~[Two teachers,]~~ ***One teacher*** as defined in subsection 5, and one person who previously held a license to teach issued pursuant to chapter 391 of NRS as long as his license was held in good standing, including, without limitation, a retired teacher.

(b) Must consist of at least one parent or legal guardian of a pupil enrolled in the charter school who is not a teacher or administrator at the charter school.

~~[(b)]~~ ***(c)*** May ~~[consist of,]~~ ***include,*** without limitation, parents and representatives of nonprofit organizations and businesses. Not more than two persons who serve on the governing body may represent the same organization or business or otherwise represent the interests of the same organization or business. A majority of the members of the governing body must reside in this State. If the membership of the governing body changes, the governing body shall provide written notice to the sponsor of the charter school within 10 working days after such change.

2. A person may serve on the governing body only if he submits an affidavit to the Department indicating that the person:

(a) Has not been convicted of a felony relating to serving on the governing body of a charter school or any offense involving moral turpitude.

(b) Has read and understands material concerning the roles and responsibilities of members of governing bodies of charter schools and other material designed to assist the governing bodies of charter schools, if such material is provided to the person by the Department.

3. The governing body of a charter school is a public body. It is hereby given such reasonable and necessary powers, not conflicting with the

Constitution and the laws of the State of Nevada, as may be requisite to attain the ends for which the charter school is established and to promote the welfare of pupils who are enrolled in the charter school.

4. The governing body of a charter school shall, during each calendar quarter, hold at least one regularly scheduled public meeting in the county in which the charter school is located. ~~*[Each]*~~ ***Upon an affirmative vote of a majority of the membership of the governing body, each member is entitled to receive a salary of not more than $80 for attendance at each meeting, as fixed by the governing body, not to exceed payment for more than one meeting per month.***

5. As used in subsection 1, "teacher" means a person who:

(a) Holds a current license to teach issued pursuant to chapter 391 of NRS; and

(b) Has at least 2 years of experience as an employed teacher.

➥ The term does not include a person who is employed as a substitute teacher.

~~**[**Sec. 2.**]**~~ ***Sec. 7.*** NRS 386.5515 is hereby amended to read as follows:

386.5515 1. To the extent money is available from legislative appropriation or otherwise, a charter school may apply to the Department for money for facilities if:

(a) The charter school has been operating in this State for at least 5 consecutive years and is in good financial standing;

(b) Each financial audit and each performance audit of the charter school required by the Department contains no major notations, corrections or errors concerning the charter school for at least 5 consecutive years;

(c) The charter school has met or exceeded adequate yearly progress as determined pursuant to NRS 385.3613 or has demonstrated improvement in the achievement of pupils enrolled in the charter school, as indicated by annual measurable objectives determined by the State Board, for the majority of the years of its operation;

(d) The charter school offers instruction on a daily basis during the school week of the charter school on the campus of the charter school; and

(e) At least 75 percent of the pupils enrolled ***in grade 12*** in the charter school ~~**[**who are required to take**]**~~ ***in the immediately preceding school year who have completed the required coursework for graduation*** ~~*[and]*~~ ***have passed*** the high school proficiency examination ~~**,** **[**have passed that examination,**]**~~ if the charter school enrolls pupils at a high school grade level.

2. A charter school that satisfies the requirements of subsection 1 shall submit to a performance audit as required by the Department one time every 3 years. The sponsor of the charter school and the Department shall not request a performance audit of the charter school more frequently than every 3 years without showing good cause for such a request.

3. A charter school that does not satisfy the requirements of subsection 1 shall submit a quarterly report of the financial status of the charter school if requested by the sponsor of the charter school.

Sec. 8. **NRS 386.560 is hereby amended to read as follows:**

386.560 1. The governing body of a charter school may contract with the board of trustees of the school district in which the charter school is located ***or in which a pupil enrolled in the charter school resides*** or the Nevada System of Higher Education for the provision of facilities to operate the charter school or to perform any service relating to the operation of the charter school, including, without limitation, transportation, the provision of health services for the pupils who are enrolled in the charter school and the provision of school police officers.

2. A charter school may use any public facility located within the school district in which the charter school is located. A charter school may use school buildings owned by the school district only upon approval of the board of trustees of the school district and during times that are not regular school hours.

3. The board of trustees of a school district may donate surplus personal property of the school district to a charter school that is located within the school district.

4. Except as otherwise provided in this subsection, upon the request of a parent or legal guardian of a pupil who is enrolled in a charter school, the board of trustees of the school district in which the ~~[charter school is located]~~ ***pupil resides*** shall authorize the pupil to participate in a class that is not available to the pupil at the charter school or participate in an extracurricular activity, excluding sports, at a public school within the school district if:

(a) Space for the pupil in the class or extracurricular activity is available; and

(b) The parent or legal guardian demonstrates to the satisfaction of the board of trustees that the pupil is qualified to participate in the class or extracurricular activity.

➥ If the board of trustees of a school district authorizes a pupil to participate in a class or extracurricular activity, excluding sports, pursuant to this subsection, the board of trustees is not required to provide transportation for the pupil to attend the class or activity. The provisions of this subsection do not apply to a pupil who is enrolled in a charter school and who desires to participate on a part-time basis in a program of distance education provided by the board of trustees of a school district pursuant to NRS 388.820 to 388.874, inclusive. Such a pupil must comply with NRS 388.858.

5. Upon the request of a parent or legal guardian of a pupil who is enrolled in a charter school, the board of trustees of the school district in which the ~~[charter school is located]~~ ***pupil resides*** shall authorize the pupil to participate in sports at the public school that he would otherwise be required to attend within the school district, or upon approval of the board of trustees, any public school within the same zone of attendance as the charter school if:

(a) Space is available for the pupil to participate; and

(b) The parent or legal guardian demonstrates to the satisfaction of the board of trustees that the pupil is qualified to participate.

➥ If the board of trustees of a school district authorizes a pupil to participate in sports pursuant to this subsection, the board of trustees is not required to provide transportation for the pupil to participate.

6. The board of trustees of a school district may revoke its approval for a pupil to participate in a class, extracurricular activity or sports at a public school pursuant to subsections 4 and 5 if the board of trustees or the public school determines that the pupil has failed to comply with applicable statutes, or applicable rules and regulations of the board of trustees, the public school or the Nevada Interscholastic Activities Association. If the board of trustees so revokes its approval, neither the board of trustees nor the public school is liable for any damages relating to the denial of services to the pupil.

Sec. 9. **NRS 386.570 is hereby amended to read as follows:**

386.570 1. Each pupil who is enrolled in a charter school, including, without limitation, a pupil who is enrolled in a program of special education in a charter school, must be included in the count of pupils in the school district for the purposes of apportionments and allowances from the State Distributive School Account pursuant to NRS 387.121 to 387.126, inclusive, unless the pupil is exempt from compulsory attendance pursuant to NRS 392.070. A charter school is entitled to receive its proportionate share of any other money available from federal, state or local sources that the school or the pupils who are enrolled in the school are eligible to receive. If a charter school receives special education program units directly from this State, the amount of money for special education that the school district pays to the charter school may be reduced proportionately by the amount of money the charter school received from this State for that purpose. ***The State Board shall prescribe a process which ensures that all charter schools, regardless of sponsor, have information about all sources of funding for the public schools provided through the Department, including local funds pursuant to NRS 387.1235.***

2. All money received by the charter school from this State or from the board of trustees of a school district must be deposited in a bank, credit union or other financial institution in this State. The governing body of a charter school may negotiate with the board of trustees of the school district and the State Board for additional money to pay for services which the governing body wishes to offer.

3. Upon completion of a school year, the sponsor of a charter school may request reimbursement from the governing body of the charter school for the administrative costs associated with sponsorship for that school year if the sponsor provided administrative services during that school year. The request must include an itemized list of those costs. Upon receipt of such a request, the governing body shall pay the reimbursement to the board of trustees of the school district if the board of trustees sponsors the charter school, to the Department if the State Board sponsors the charter school or to the college or university within the Nevada System of Higher Education if that institution sponsors the charter school. If a governing body fails to pay the

reimbursement, the charter school shall be deemed to have violated its written charter and the sponsor may take such action to revoke the written charter pursuant to NRS 386.535 as it deems necessary. If the board of trustees of a school district is the sponsor of a charter school, the amount of money that may be paid to the sponsor pursuant to this subsection for administrative expenses in 1 school year must not exceed:

(a) For the first year of operation of the charter school, 2 percent of the total amount of money apportioned to the charter school during the year pursuant to NRS 387.124.

(b) For any year after the first year of operation of the charter school, 1 percent of the total amount of money apportioned to the charter school during the year pursuant to NRS 387.124.

4. If the State Board or a college or university within the Nevada System of Higher Education is the sponsor of a charter school, the amount of money that may be paid to the Department or to the institution, as applicable, pursuant to subsection 3 for administrative expenses in 1 school year must not exceed:

(a) For the first year of operation of the charter school, 2 percent of the total amount of money apportioned to the charter school during the year pursuant to NRS 387.124.

(b) For any year after the first year of operation of the charter school, ~~[1.5]~~ ***1*** percent of the total amount of money apportioned to the charter school during the year pursuant to NRS 387.124.

5. To determine the amount of money for distribution to a charter school in its first year of operation, the count of pupils who are enrolled in the charter school must initially be determined 30 days before the beginning of the school year of the school district, based on the number of pupils whose applications for enrollment have been approved by the charter school. The count of pupils who are enrolled in the charter school must be revised on the last day of the first school month of the school district in which the charter school is located for the school year, based on the actual number of pupils who are enrolled in the charter school. Pursuant to subsection 5 of NRS 387.124, the governing body of a charter school may request that the apportionments made to the charter school in its first year of operation be paid to the charter school 30 days before the apportionments are otherwise required to be made.

6. If a charter school ceases to operate as a charter school during a school year, the remaining apportionments that would have been made to the charter school pursuant to NRS 387.124 for that year must be paid on a proportionate basis to the school districts where the pupils who were enrolled in the charter school reside.

7. The governing body of a charter school may solicit and accept donations, money, grants, property, loans, personal services or other assistance for purposes relating to education from members of the general public, corporations or agencies. The governing body may comply with

applicable federal laws and regulations governing the provision of federal grants for charter schools. The State Board may assist a charter school that operates exclusively for the enrollment of pupils who receive special education in identifying sources of money that may be available from the Federal Government or this State for the provision of educational programs and services to such pupils.

8. If a charter school uses money received from this State to purchase real property, buildings, equipment or facilities, the governing body of the charter school shall assign a security interest in the property, buildings, equipment and facilities to the State of Nevada.

Sec. 10. **NRS 392.700 is hereby amended to read as follows:**

392.700 1. If the parent of a child who is subject to compulsory attendance wishes to homeschool the child, the parent must file with the superintendent of schools of the school district in which the child resides a written notice of intent to homeschool the child. The Department shall develop a standard form for the notice of intent to homeschool. The form must not require any information or assurances that are not otherwise required by this section or other specific statute. The board of trustees of each school district shall, in a timely manner, make only the form developed by the Department available to parents who wish to homeschool their child.

2. The notice of intent to homeschool must be filed before beginning to homeschool the child or:

(a) Not later than 10 days after the child has been formally withdrawn from enrollment in public school; or

(b) Not later than 30 days after establishing residency in this State.

3. The purpose of the notice of intent to homeschool is to inform the school district in which the child resides that the child is exempt from the requirement of compulsory attendance.

4. If the name or address of the parent or child as indicated on a notice of intent to homeschool changes, the parent must, not later than 30 days after the change, file a new notice of intent to homeschool with the superintendent of schools of the school district in which the child resides.

5. A notice of intent to homeschool must include only the following:

(a) The full name, age and gender of the child;

(b) The name and address of each parent filing the notice of intent to homeschool;

(c) A statement signed and dated by each such parent declaring that the parent has control or charge of the child and the legal right to direct the education of the child, and assumes full responsibility for the education of the child while the child is being homeschooled;

(d) An educational plan for the child that is prepared pursuant to subsection 12;

(e) If applicable, the name of the public school in this State which the child most recently attended; and

(f) An optional statement that the parent may sign which provides:

I expressly prohibit the release of any information contained in this document, including, without limitation, directory information as defined in 20 U.S.C. § 1232g(a)(5)(A), without my prior written consent.

6. Each superintendent of schools of a school district shall accept notice of intent to homeschool that is filed with him pursuant to this section and meets the requirements of subsection 5, and shall not require or request any additional information or assurances from the parent who filed the notice.

7. The school district shall provide to a parent who files a notice a written acknowledgment which clearly indicates that the parent has provided notification required by law and that the child is being homeschooled. The written acknowledgment shall be deemed proof of compliance with Nevada's compulsory school attendance law. The school district shall retain a copy of the written acknowledgment for not less than 15 years. The written acknowledgment may be retained in electronic format.

8. The superintendent of schools of a school district shall process a written request for a copy of the records of the school district, or any information contained therein, relating to a child who is being or has been homeschooled not later than 5 days after receiving the request. The superintendent of schools may only release such records or information:

(a) To a person or entity specified by the parent of the child, or by the child if he is at least 18 years of age, upon suitable proof of identity of the parent or child; or

(b) If required by specific statute.

9. If a child who is or was homeschooled seeks admittance or entrance to any school in this State, the school may use only commonly used practices in determining the academic ability, placement or eligibility of the child. ***The parent or legal guardian of the child shall notify the superintendent of schools of the school district that the parent or legal guardian requests that the notice of intent to homeschool filed pursuant to this section be withdrawn. If such a child enrolls in a charter school, the charter school shall notify the board of trustees of the school district in which the child resides of the child's enrollment in the charter school.*** A homeschooled child seeking admittance to public high school must comply with NRS 392.033.

10. A school or organization shall not discriminate in any manner against a child who is or was homeschooled.

11. Each school district shall allow homeschooled children to participate in the high school proficiency examination administered pursuant to NRS 389.015 and all college entrance examinations offered in this State, including, without limitation, the Scholastic Aptitude Test, the American College Test, the Preliminary Scholastic Aptitude Test and the National Merit Scholarship Qualifying Test. Each school district shall ensure that the homeschooled children who reside in the school district have adequate notice of the availability of information concerning such examinations on the Internet website of the school district maintained pursuant to NRS 389.004.

12. The parent of a child who is being homeschooled shall prepare an educational plan of instruction for the child in the subject areas of English, including reading, composition and writing, mathematics, science and social studies, including history, geography, economics and government, as appropriate for the age and level of skill of the child as determined by the parent. The educational plan must be included in the notice of intent to homeschool filed pursuant to this section. If the educational plan contains the requirements of this section, the educational plan must not be used in any manner as a basis for denial of a notice of intent to homeschool that is otherwise complete. The parent must be prepared to present the educational plan of instruction and proof of the identity of the child to a court of law if required by the court. This subsection does not require a parent to ensure that each subject area is taught each year that the child is homeschooled.

13. No regulation or policy of the State Board, any school district or any other governmental entity may infringe upon the right of a parent to educate his child based on religious preference unless it is:

(a) Essential to further a compelling governmental interest; and

(b) The least restrictive means of furthering that compelling governmental interest.

14. As used in this section, "parent" means the parent, custodial parent, legal guardian or other person in this State who has control or charge of a child and the legal right to direct the education of the child.

Sec. 11. **NRS 386.507 is hereby repealed.**

~~[Sec. 3.]~~ ***Sec. 12.*** This act becomes effective on July 1, 2009.

TEXT OF REPEALED SECTION

386.507 Subcommittee on Charter Schools: Appointment of members; terms. The Subcommittee on Charter Schools of the State Board is hereby created. The President of the State Board shall appoint three members of the State Board to serve on the Subcommittee. Except as otherwise provided in this section, the members of the Subcommittee serve terms of 2 years. If a member is not reelected to the State Board during his service on the Subcommittee, his term on the Subcommittee expires when his membership on the State Board expires. Members of the Subcommittee may be reappointed.

Assemblywoman Parnell moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 186.

Bill read second time.

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

Amendment No. 247.

AN ACT relating to public utilities; revising the definition of "public utility" and "utility"; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill revises the definition of "public utility" and "utility" to exempt certain persons who own and operate renewable energy systems. (NRS 704.021)

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

Section 1. NRS 704.021 is hereby amended to read as follows:

704.021 "Public utility" or "utility" does not include:

1. Persons engaged in the production and sale of natural gas, other than sales to the public, or engaged in the transmission of natural gas other than as a common carrier transmission or distribution line or system.

2. Persons engaged in the business of furnishing, for compensation, water or services for the disposal of sewage, or both, to persons within this State if:

(a) They serve 25 persons or less; and

(b) Their gross sales for water or services for the disposal of sewage, or both, amounted to $25,000 or less during the immediately preceding 12 months.

3. Persons not otherwise engaged in the business of furnishing, producing or selling water or services for the disposal of sewage, or both, but who sell or furnish water or services for the disposal of sewage, or both, as an accommodation in an area where water or services for the disposal of sewage, or both, are not available from a public utility, cooperative corporations and associations or political subdivisions engaged in the business of furnishing water or services for the disposal of sewage, or both, for compensation, to persons within the political subdivision.

4. Persons who are engaged in the production and sale of energy, including electricity, to public utilities, cities, counties or other entities which are reselling the energy to the public.

5. Persons who are subject to the provisions of NRS 590.465 to 590.645, inclusive.

6. Persons who are engaged in the sale or use of special fuel as defined in NRS 366.060.

7. Persons who provide water from water storage, transmission and treatment facilities if those facilities are for the storage, transmission or treatment of water from mining operations.

8. Persons who are video service providers, as defined in NRS 711.151, except for those operations of the video service provider which consist of providing a telecommunication service to the public, in which case the video service provider is a public utility only with regard to those operations of the video service provider which consist of providing a telecommunication service to the public.

9. Persons who ~~[are engaged in the business of owning and operating]~~ for compensation own or operate individual systems which use renewable energy to generate electricity and ~~[selling]~~ sell the electricity generated from those systems if each individual system is:

(a) Located on the premises of another person; ~~[and]~~

(b) ~~[Intended primarily to offset part or all]~~ Used to produce not more than 150 percent of that other person's requirements for electricity ~~[.]~~ on an annual basis for the premises on which the individual system is located; and

(c) Not part of a larger system that aggregates electricity generated from renewable energy for resale or use on premises other than the premises on which the individual system is located.

➥ As used in this subsection, "renewable energy" has the meaning ascribed to it in NRS 704.7811.

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 207.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 354.

AN ACT relating to common-interest communities; revising certain requirements for limited-purpose associations that are created for a rural agricultural residential common-interest communities; providing that such a limited-purpose association is a public body for purposes of the Open Meeting Law; **providing that a study of the reserves of an association may be conducted by a person without a permit under certain circumstances;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a limited-purpose association that is created for a rural agricultural residential common-interest community must comply with certain requirements set forth in chapter 116 of NRS. **Section 1** of this bill exempts such a limited-purpose association from the requirement to: (1) pay a fee to the Real Estate Administrator for each unit in the association as required pursuant to NRS 116.31155; (2) comply with certain rules for meetings of the executive board; and (3) conduct a study every 5 years of the reserves required to repair, replace and restore the major components of the common elements of the community, and take certain actions concerning the study. (NRS 116.1201, 116.31083, 116.31152, 116.31155)

Existing law requires each limited-purpose association that is created for a rural agricultural residential common-interest community to comply with chapter 241 of NRS, which is commonly referred to as the Open Meeting Law. (NRS 116.31075) **Section 2** of this bill amends the definition of "public body" for purposes of the Open Meeting Law to include a limited-purpose

association that is created for a rural agricultural residential common-interest community. (NRS 241.015) Thus, such a limited-purpose association will be subject to enforcement action by the Attorney General if the association violates the Open Meeting Law. (NRS 241.037)

Existing law provides that at least once every 5 years, the executive board of an association shall cause a study of the reserves of the association required to repair, replace and restore the major components of the association to be conducted by a person who holds a permit to conduct such a study. (NRS 116.31152) Sections 1.3 and 1.7 of this bill provide that if the common-interest community contains 20 or fewer units and is located in a county with a population of 50,000 or less (currently counties other than Carson City, Clark and Washoe Counties), the study may be conducted by any person whom the executive board deems qualified to conduct the study.

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

Section 1. NRS 116.1201 is hereby amended to read as follows:

116.1201 1. Except as otherwise provided in this section and NRS 116.1203, this chapter applies to all common-interest communities created within this State.

2. This chapter does not apply to:

(a) A limited-purpose association, except that a limited-purpose association:

(1) Shall pay the fees required pursuant to NRS 116.31155 ~~[.]~~ ***, unless the limited-purpose association is created for a rural agricultural residential common-interest community;***

(2) Shall register with the Ombudsman pursuant to NRS 116.31158;

(3) Shall comply with the provisions of:

(I) NRS 116.31038 ~~[,]~~ ***;***

(II) NRS 116.31083 and 116.31152 ~~[.]~~ ***, unless the limited-purpose association is created for a rural agricultural residential common-interest community;*** and

~~[(II)]~~ ***(III)*** NRS 116.31075, if the limited-purpose association is created for a rural agricultural residential common-interest community;

(4) Shall comply with the provisions of NRS 116.4101 to 116.412, inclusive, as required by the regulations adopted by the Commission pursuant to paragraph (b) of subsection 5; and

(5) Shall not enforce any restrictions concerning the use of units by the units' owners, unless the limited-purpose association is created for a rural agricultural residential common-interest community.

(b) A planned community in which all units are restricted exclusively to nonresidential use unless the declaration provides that this chapter does apply to that planned community. This chapter applies to a planned community containing both units that are restricted exclusively to nonresidential use and

other units that are not so restricted only if the declaration so provides or if the real estate comprising the units that may be used for residential purposes would be a planned community in the absence of the units that may not be used for residential purposes.

(c) Common-interest communities or units located outside of this State, but the provisions of NRS 116.4102 to 116.4108, inclusive, apply to all contracts for the disposition thereof signed in this State by any party unless exempt under subsection 2 of NRS 116.4101.

(d) A common-interest community that was created before January 1, 1992, is located in a county whose population is less than 50,000, and has less than 50 percent of the units within the community put to residential use, unless a majority of the units' owners otherwise elect in writing.

(e) Except as otherwise provided in this chapter, time shares governed by the provisions of chapter 119A of NRS.

3. The provisions of this chapter do not:

(a) Prohibit a common-interest community created before January 1, 1992, from providing for separate classes of voting for the units' owners;

(b) Require a common-interest community created before January 1, 1992, to comply with the provisions of NRS 116.2101 to 116.2122, inclusive;

(c) Invalidate any assessments that were imposed on or before October 1, 1999, by a common-interest community created before January 1, 1992; or

(d) Prohibit a common-interest community created before January 1, 1992, or a common-interest community described in NRS 116.31105 from providing for a representative form of government.

4. The provisions of chapters 117 and 278A of NRS do not apply to common-interest communities.

5. The Commission shall establish, by regulation:

(a) The criteria for determining whether an association, a limited-purpose association or a common-interest community satisfies the requirements for an exemption or limited exemption from any provision of this chapter; and

(b) The extent to which a limited-purpose association must comply with the provisions of NRS 116.4101 to 116.412, inclusive.

6. As used in this section, "limited-purpose association" means an association that:

(a) Is created for the limited purpose of maintaining:

(1) The landscape of the common elements of a common-interest community;

(2) Facilities for flood control; or

(3) A rural agricultural residential common-interest community; and

(b) Is not authorized by its governing documents to enforce any restrictions concerning the use of units by units' owners, unless the limited-purpose association is created for a rural agricultural residential common-interest community.

Sec. 1.3. **NRS 116.31152 is hereby amended to read as follows:**

116.31152 1. The executive board shall:

(a) At least once every 5 years, cause to be conducted a study of the reserves required to repair, replace and restore the major components of the common elements;

(b) At least annually, review the results of that study to determine whether those reserves are sufficient; and

(c) At least annually, make any adjustments to the association's funding plan which the executive board deems necessary to provide adequate funding for the required reserves.

2. ~~[The]~~ ***Except as otherwise provided in this subsection, the*** study of the reserves required by subsection 1 must be conducted by a person who holds a permit issued pursuant to chapter 116A of NRS. ***If the common-interest community contains 20 or fewer units and is located in a county whose population is 50,000 or less, the study of the reserves required by subsection 1 may be conducted by any person whom the executive board deems qualified to conduct the study.***

3. The study of the reserves must include, without limitation:

(a) A summary of an inspection of the major components of the common elements that the association is obligated to repair, replace or restore;

(b) An identification of the major components of the common elements that the association is obligated to repair, replace or restore which have a remaining useful life of less than 30 years;

(c) An estimate of the remaining useful life of each major component of the common elements identified pursuant to paragraph (b);

(d) An estimate of the cost of repair, replacement or restoration of each major component of the common elements identified pursuant to paragraph (b) during and at the end of its useful life; and

(e) An estimate of the total annual assessment that may be necessary to cover the cost of repairing, replacement or restoration of the major components of the common elements identified pursuant to paragraph (b), after subtracting the reserves of the association as of the date of the study, and an estimate of the funding plan that may be necessary to provide adequate funding for the required reserves.

4. A summary of the study of the reserves required by subsection 1 must be submitted to the Division not later than 45 days after the date that the executive board adopts the results of the study.

5. If a common-interest community was developed as part of a planned unit development pursuant to chapter 278A of NRS and is subject to an agreement with a city or county to receive credit against the amount of the residential construction tax that is imposed pursuant to NRS 278.4983 and 278.4985, the association that is organized for the common-interest community may use the money from that credit for the repair, replacement or restoration of park facilities and related improvements if:

(a) The park facilities and related improvements are identified as major components of the common elements of the association; and

(b) The association is obligated to repair, replace or restore the park facilities and related improvements in accordance with the study of the reserves required by subsection 1.

Sec. 1.7. **NRS 116A.420 is hereby amended to read as follows:**

116A.420 1. Except as otherwise provided in this section ~~[.]~~ ***and subsection 2 of NRS 116.31152,*** a person shall not act as a reserve study specialist unless the person holds a permit.

2. The Commission shall by regulation provide for the standards of practice for reserve study specialists who hold permits.

3. The Division may investigate any reserve study specialist who holds a permit to ensure that the reserve study specialist is complying with the provisions of this chapter and chapters 116 and 116B of NRS and the standards of practice adopted by the Commission.

4. In addition to any other remedy or penalty, if the Commission or a hearing panel, after notice and hearing, finds that a reserve study specialist who holds a permit has violated any provision of this chapter or chapter 116 or 116B of NRS or any of the standards of practice adopted by the Commission, the Commission or the hearing panel may take appropriate disciplinary action against the reserve study specialist.

5. In addition to any other remedy or penalty, the Commission may:

(a) Refuse to issue a permit to a person who has failed to pay money which the person owes to the Commission or the Division.

(b) Suspend, revoke or refuse to renew the permit of a person who has failed to pay money which the person owes to the Commission or the Division.

6. The provisions of this section do not apply to a member of an executive board or an officer of an association who is acting solely within the scope of his duties as a member of the executive board or an officer of the association.

Sec. 2. NRS 241.015 is hereby amended to read as follows:

241.015 As used in this chapter, unless the context otherwise requires:

1. "Action" means:

(a) A decision made by a majority of the members present during a meeting of a public body;

(b) A commitment or promise made by a majority of the members present during a meeting of a public body;

(c) If a public body may have a member who is not an elected official, an affirmative vote taken by a majority of the members present during a meeting of the public body; or

(d) If all the members of a public body must be elected officials, an affirmative vote taken by a majority of all the members of the public body.

2. "Meeting":

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

(1) The gathering of members of a public body at which a quorum is present to deliberate toward a decision or to take action on any matter over

which the public body has supervision, control, jurisdiction or advisory power.

(2) Any series of gatherings of members of a public body at which:

(I) Less than a quorum is present at any individual gathering;

(II) The members of the public body attending one or more of the gatherings collectively constitute a quorum; and

(III) The series of gatherings was held with the specific intent to avoid the provisions of this chapter.

(b) Does not include a gathering or series of gatherings of members of a public body, as described in paragraph (a), at which a quorum is actually or collectively present:

(1) Which occurs at a social function if the members do not deliberate toward a decision or take action on any matter over which the public body has supervision, control, jurisdiction or advisory power.

(2) To receive information from the attorney employed or retained by the public body regarding potential or existing litigation involving a matter over which the public body has supervision, control, jurisdiction or advisory power and to deliberate toward a decision on the matter, or both.

3. Except as otherwise provided in this subsection, "public body" means ~~[any]~~ ***:***

(a) Any administrative, advisory, executive or legislative body of the State or a local government which expends or disburses or is supported in whole or in part by tax revenue or which advises or makes recommendations to any entity which expends or disburses or is supported in whole or in part by tax revenue, including, but not limited to, any board, commission, committee, subcommittee or other subsidiary thereof and includes an educational foundation as defined in subsection 3 of NRS 388.750 and a university foundation as defined in subsection 3 of NRS 396.405 ~~[.]~~ ***; and***

(b) A limited-purpose association that is created for a rural agricultural residential common-interest community as defined in subsection 6 of NRS 116.1201.

➥ "Public body" does not include the Legislature of the State of Nevada.

4. "Quorum" means a simple majority of the constituent membership of a public body or another proportion established by law.

Sec. 3. This act becomes effective on July 1, 2009.

Assemblyman Segerblom moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 252.

Bill read second time.

The following amendment was proposed by the Committee on Corrections, Parole, and Probation:

Amendment No. 366.

SUMMARY—Provides for the waiver of fees for the issuance of certain forms of identifying information for certain persons **.** ~~[released from prison.]~~ (BDR 40-521)

AN ACT relating to ~~[convicted persons;]~~ **personal identification;** providing for the waiver of fees for the issuance of certain forms of identifying information for certain persons **;** ~~[released from prison;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the waiver of certain fees relating to the issuance of certified copies of birth certificates and duplicate drivers' licenses and identification cards to homeless persons. (NRS 440.175, 440.700, 483.417, 483.825) **Sections 1-4** of this bill provide for a similar waiver of such fees for **: (1)** persons who were released from prison within the immediately preceding 6 months ~~[.]~~ **; and (2) persons who were within the custody of the Division of Child and Family Services of the Department of Health and Human Services within the immediately preceding 6 months or who are scheduled to be released from the custody of the Division within 6 months, after submitting the required documentation for a fee waiver.** **Section 5** of this bill requires the Department of Motor Vehicles to encourage vendors that have entered into an agreement with the Department to produce photographs for drivers' licenses and identification cards to waive the costs charged to the Department to produce photographs for duplicate drivers' licenses and identification cards for such ~~[former prisoners.]~~ **persons who were released from prison and such persons who were released or are scheduled to be released from the custody of the Division.**

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

Section 1. NRS 440.175 is hereby amended to read as follows:

440.175 1. Upon request, the State Registrar may furnish statistical data to any federal, state, local or other public or private agency, upon such terms or conditions as may be prescribed by the Board.

2. No person may prepare or issue any document which purports to be an original, certified copy, certified abstract or official copy of:

(a) A certificate of birth, death or fetal death, except as authorized in this chapter or by the Board.

(b) A certificate of marriage, except a county clerk, county recorder or a person so required pursuant to NRS 122.120.

(c) A decree of divorce or annulment of marriage, except a county clerk or the judge of a court of record.

3. A person or governmental organization which issues certified or official copies pursuant to paragraph (a) of subsection 2 shall:

(a) Not charge a fee for issuing a certified or official copy of a certificate of birth to ~~[a]~~ ***:***

(1) A homeless person who submits a signed affidavit on a form prescribed by the State Registrar stating that the person is homeless.

(2) A person who submits documentation from the Department of Corrections verifying that the person was released from prison within the immediately preceding 6 months.

(3) A person who submits documentation from the Division of Child and Family Services of the Department of Health and Human Services verifying that the person was released from the custody of the Division within the immediately preceding 6 months or is scheduled to be released within 6 months after submitting the documentation.

(b) Remit to the State Registrar:

(1) For each registration of a birth or death in its district, ...$2.

(2) For each copy issued of a certificate of birth in its district, other than a copy issued pursuant to paragraph (a), $7.

(3) For each copy issued of a certificate of death in its district, ...$1.

Sec. 2. NRS 440.700 is hereby amended to read as follows:

440.700 1. Except as otherwise provided in this section, the State Registrar shall charge and collect the following fees:

For searching the files for one name, if no copy is made $8
For verifying a vital record 8
For establishing and filing a record of paternity (other than a hospital-based paternity), and providing a certified copy of the new record 20
For a certified copy of a record of birth 13
For a certified copy of a record of death originating in a county in which the board of county commissioners has not created an account for the support of the office of the county coroner pursuant to NRS 259.025 10
For a certified copy of a record of death originating in a county in which the board of county commissioners has created an account for the support of the office of the county coroner pursuant to NRS 259.025 11
For correcting a record on file with the State Registrar and providing a certified copy of the corrected record 20
For replacing a record on file with the State Registrar and providing a certified copy of the new record 20
For filing a delayed certificate of birth and providing a certified copy of the certificate 20
For the services of a notary public, provided by the State Registrar..... 2
For an index of records of marriage provided on microfiche to a person other than a county clerk or a county recorder of a county of this State $200
For an index of records of divorce provided on microfiche to a person other than a county clerk or a county recorder of a county in this State 100
For compiling data files which require specific changes in computer programming 200

2. The fee collected for furnishing a copy of a certificate of birth or death includes the sum of $3 for credit to the Children's Trust Account created by NRS 432.131.

3. The fee collected for furnishing a copy of a certificate of death includes the sum of $1 for credit to the Review of Death of Children Account created by NRS 432B.409.

4. The State Registrar shall not charge a fee for furnishing a certified copy of a record of birth to ~~[~~a~~]~~ ***:***

(a) A homeless person who submits a signed affidavit on a form prescribed by the State Registrar stating that the person is homeless.

(b) A person who submits documentation from the Department of Corrections verifying that the person was released from prison within the immediately preceding 6 months.

(c) A person who submits documentation from the Division of Child and Family Services of the Department of Health and Human Services verifying that the person was released from the custody of the Division within the immediately preceding 6 months or is scheduled to be released within 6 months after submitting the documentation.

5. The fee collected for furnishing a copy of a certificate of death originating in a county in which the board of county commissioners has created an account for the support of the office of the county coroner pursuant to NRS 259.025 includes the sum of $1 for credit to the account for the support of the office of the county coroner of the county in which the certificate originates.

6. Upon the request of any parent or guardian, the State Registrar shall supply, without the payment of a fee, a certificate limited to a statement as to the date of birth of any child as disclosed by the record of such birth when the certificate is necessary for admission to school or for securing employment.

7. The United States Bureau of the Census may obtain, without expense to the State, transcripts or certified copies of births and deaths without payment of a fee.

Sec. 3. NRS 483.417 is hereby amended to read as follows:

483.417 1. The Department shall waive the fee prescribed by NRS 483.410 and the increase in the fee required by NRS 483.347 not more than one time for furnishing a duplicate driver's license to ~~[~~a~~]~~ ***:***

(a) A homeless person who submits a signed affidavit on a form prescribed by the Department stating that the person is homeless.

(b) A person who submits documentation from the Department of Corrections verifying that the person was released from prison within the immediately preceding 6 months.

(c) A person who submits documentation from the Division of Child and Family Services of the Department of Health and Human Services verifying that the person was released from the custody of the Division within the immediately preceding 6 months or is scheduled to be released within 6 months after submitting the documentation.

2. A vendor that has entered into an agreement with the Department to produce photographs for drivers' licenses pursuant to NRS 483.347 may

waive the cost it charges the Department to produce the photograph of a homeless person ***, ~~[or]~~ person released from prison , or person released or scheduled to be released from the custody of the Division of Child and Family Services*** for a duplicate driver's license.

3. If the vendor does not waive pursuant to subsection 2 the cost it charges the Department and the Department has waived the increase in the fee required by NRS 483.347 for a duplicate driver's license furnished to a ~~[homeless]~~ person pursuant to subsection 1, the ~~[homeless]~~ person shall reimburse the Department in an amount equal to the increase in the fee required by NRS 483.347 if the ~~[homeless]~~ person:

(a) Applies to the Department for the renewal of his driver's license; and

(b) Is employed at the time of such application.

4. The Department may accept gifts, grants and donations of money to fund the provision of duplicate drivers' licenses without a fee to ~~[homeless persons.]~~ ***persons pursuant to subsection 1.***

Sec. 4. NRS 483.825 is hereby amended to read as follows:

483.825 1. The Department shall waive the fee prescribed by NRS 483.820 and the increase in the fee required by NRS 483.347 not more than one time for furnishing a duplicate identification card to ~~[a]~~ ***:***

(a) A homeless person who submits a signed affidavit on a form prescribed by the Department stating that the person is homeless.

(b) A person who submits documentation from the Department of Corrections verifying that the person was released from prison within the immediately preceding 6 months.

(c) A person who submits documentation from the Division of Child and Family Services of the Department of Health and Human Services verifying that the person was released from the custody of the Division within the immediately preceding 6 months or is scheduled to be released within 6 months after submitting the documentation.

2. A vendor that has entered into an agreement with the Department to produce photographs for identification cards pursuant to NRS 483.347 may waive the cost it charges the Department to produce the photograph of a homeless person ***, ~~[or]~~ person released from prison , or person released or scheduled to be released from the custody of the Division of Child and Family Services*** for a duplicate identification card.

3. If the vendor does not waive pursuant to subsection 2 the cost it charges the Department and the Department has waived the increase in the fee required by NRS 483.347 for a duplicate identification card furnished to a ~~[homeless]~~ person pursuant to subsection 1, the ~~[homeless]~~ person shall reimburse the Department in an amount equal to the increase in the fee required by NRS 483.347 if the ~~[homeless]~~ person:

(a) Applies to the Department for the renewal of his identification card; and

(b) Is employed at the time of such application.

4. The Department may accept gifts, grants and donations of money to fund the provision of duplicate identification cards without a fee to ~~[homeless persons.]~~ ***persons pursuant to subsection 1.***

5. As used in this section, "photograph" has the meaning ascribed to it in NRS 483.125.

Sec. 5. The Department of Motor Vehicles shall encourage each vendor that has entered into an agreement with the Department to produce photographs for drivers' licenses and identification cards pursuant to NRS 483.347 to waive **, pursuant to subsection 2 of NRS 483.417, as amended by section 3 of this act, and subsection 2 of NRS 483.825, as amended by section 4 of this act,** the cost ~~[it]~~ **that the vendor** charges the Department to produce photographs for duplicate drivers' licenses or identification cards furnished to ~~[persons]~~ **:**

1. Persons released from prison within the immediately preceding 6 months ~~[pursuant to subsection 2 of NRS 483.417, as amended by section 3 of this act, and subsection 2 of NRS 483.825, as amended by section 4 of this act.]~~ **; and**

2. Persons released from the custody of the Division of Child and Family Services of the Department of Health and Human Services within the immediately preceding 6 months or scheduled to be released from the custody of the Division within 6 months after submitting the required documentation to the Department of Motor Vehicles.

Sec. 6. This act becomes effective on July 1, 2009.

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 335.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 344.

AN ACT relating to criminal gangs; enhancing penalties and providing for the suspension of drivers' licenses for certain crimes committed to promote criminal gang activity; ~~[authorizing a juvenile court to certify a child as an adult for certain offenses committed to promote criminal gang activity;]~~ making various changes relating to nuisances and criminal gangs; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a person who commits a felony to promote the activities of a criminal gang is subject to an additional penalty under certain circumstances. (NRS 193.168) **Section 1** of this bill provides that if a person commits a crime normally punishable as a misdemeanor or gross misdemeanor to promote the activities of a criminal gang and if the person has previously been convicted of ~~[a]~~ **at least three** similar ~~[violation,]~~ **violations,** then: (1) the person may be found guilty of a category E felony;

and (2) the driver's license of the person may be suspended for a certain period. **Section 2** of this bill clarifies that if a person is subject to the increased penalty provided in **section 1**, the person is not subject to certain other additional penalties. (NRS 193.169)

Existing law provides that certain places used for certain illegal activities constitute a private nuisance, which creates civil liability and allows any person whose property is affected to bring a civil action to abate the nuisance and recover damages. (NRS 40.140) **Section 3** of this bill provides that a building or place regularly and continuously used by the members of a criminal gang to engage in, or facilitate the commission of, crimes by the criminal gang constitutes such a private nuisance. Existing law also provides that certain places used for certain illegal activities constitute a public nuisance, and any person responsible for such a public nuisance who does not abate the public nuisance is guilty of a misdemeanor. (NRS 202.450, 202.470) **Section 5** of this bill provides that a building or place regularly and continuously used by the members of a criminal gang to engage in, or facilitate the commission of, crimes by the criminal gang constitutes such a public nuisance.

~~[Section 4 of this bill authorizes a juvenile court to certify a child as an adult if the child: (1) is charged with an offense that would have been punishable pursuant to section 1 of this bill if committed by an adult; and (2) was 14 years of age or older at the time the child allegedly committed the offense.]~~

Sections 6 and 7 of this bill authorize the board of county commissioners of a county and the governing body of a city to adopt an ordinance authorizing the filing of a civil action, under certain circumstances, to: (1) enjoin the activities of a specific member of a criminal gang; and (2) recover money damages, attorney's fees and costs against a member of a criminal gang and the owner of a business or place that constitutes a nuisance because the building or place is regularly and continuously used by the members of a criminal gang to engage in, or facilitate the commission of, crimes by the criminal gang. **Sections 6 and 7** also provide that a member of a criminal gang who is subject to an injunction and who knowingly and intentionally commits a material violation of that injunction is guilty of a misdemeanor.

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

Section 1. Chapter 193 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in NRS 193.169, if:

(a) A person commits a violation of a statute that is punishable as a misdemeanor or gross misdemeanor pursuant to that statute;

(b) The person commits that violation knowingly for the benefit of, at the direction of, or in affiliation with, a criminal gang, with the specific intent to promote, further or assist the activities of the criminal gang; and

(c) The person has previously been convicted of ~~[a]~~ at least three similar ~~[violation,]~~ violations,

➥ the person may be deemed to be guilty of a category E felony and may be punished as provided in NRS 193.130.

2. If a person is punished pursuant to this section, the court may, in addition to any other penalty imposed, issue an order suspending the driver's license of the person for not less than 6 months but not more than 2 years and requiring the person to surrender all driver's licenses then held by the person. If the person does not possess a driver's license, the court may issue an order prohibiting the person from applying for a driver's license for not less than 6 months but not more than 2 years. If the court issues an order pursuant to this subsection, the court shall, within 5 days after issuing the order, forward to the Department of Motor Vehicles any licenses, together with a copy of the order.

3. The court shall not punish a person pursuant to this section unless:

(a) The indictment, information or complaint charging the person with the violation specifically indicates that the State is seeking to punish the person pursuant to this section and specifically alleges that the violation was committed knowingly for the benefit of, at the direction of, or in affiliation with, a criminal gang, with the specific intent to promote, further or assist the activities of the criminal gang; and

(b) The trier of fact finds that allegation to be true beyond a reasonable doubt.

4. In any proceeding to punish a person pursuant to this section, expert testimony is admissible to show particular conduct, status and customs indicative of criminal gangs, including, but not limited to:

(a) Characteristics of persons who are members of criminal gangs;

(b) Specific rivalries between criminal gangs;

(c) Common practices and operations of criminal gangs and the members of those gangs;

(d) Social customs and behavior of members of criminal gangs;

(e) Terminology used by members of criminal gangs;

(f) Codes of conduct, including criminal conduct, of particular criminal gangs; and

(g) The types of crimes that are likely to be committed by a particular criminal gang or by criminal gangs in general.

5. As used in this section, "criminal gang" has the meaning ascribed to it in NRS 193.168.

Sec. 2. NRS 193.169 is hereby amended to read as follows:

193.169 1. A person who is sentenced to an additional term of imprisonment pursuant to the provisions of subsection 1 of NRS 193.161, NRS 193.162, 193.163, 193.165, 193.166, 193.167, 193.1675, 193.168, subsection 1 of NRS 193.1685, NRS 453.3335, 453.3345, 453.3351 or subsection 1 of NRS 453.3353 must not be sentenced to an additional term of imprisonment pursuant to any of the other listed sections even if the person's

conduct satisfies the requirements for imposing an additional term of imprisonment pursuant to another one or more of those sections.

2. A person who is sentenced to an alternative term of imprisonment pursuant to subsection 3 of NRS 193.161, subsection 3 of NRS 193.1685 or subsection 2 of NRS 453.3353 must not be sentenced to an additional term of imprisonment pursuant to subsection 1 of NRS 193.161, NRS 193.162, 193.163, 193.165, 193.166, 193.167, 193.1675, 193.168, 453.3335, 453.3345 or 453.3351 even if the person's conduct satisfies the requirements for imposing an additional term of imprisonment pursuant to another one or more of those sections.

3. ***A person who is punished pursuant to section 1 of this act must not be sentenced to an additional term of imprisonment pursuant to subsection 1 of NRS 193.161, NRS 193.162, 193.163, 193.165, 193.166, 193.167, 193.1675, 193.168, 453.3335, 453.3345 or 453.3351 even if the person's conduct satisfies the requirements for imposing an additional term of imprisonment pursuant to another one or more of those sections.***

4. This section does not:

(a) Affect other penalties or limitations upon probation or suspension of a sentence contained in the sections listed in subsection 1 ***, 2*** or ~~[2.]~~ ***3.***

(b) Prohibit alleging in the alternative in the indictment or information that the person's conduct satisfies the requirements of more than one of the sections listed in subsection 1 ***, 2*** or ~~[2]~~ ***3*** and introducing evidence to prove the alternative allegations.

Sec. 3. NRS 40.140 is hereby amended to read as follows:

40.140 1. Except as otherwise provided in this section:

(a) Anything which is injurious to health, or indecent and offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property;

(b) A building or place used for the purpose of unlawfully selling, serving, storing, keeping, manufacturing, using or giving away a controlled substance, immediate precursor or controlled substance analog; ~~[or]~~

(c) A building or place which was used for the purpose of unlawfully manufacturing a controlled substance, immediate precursor or controlled substance analog and:

(1) Which has not been deemed safe for habitation by a governmental entity; or

(2) From which all materials or substances involving the controlled substance, immediate precursor or controlled substance analog have not been removed or remediated by an entity certified or licensed to do so within 180 days after the building or place is no longer used for the purpose of unlawfully manufacturing a controlled substance, immediate precursor or controlled substance analog ~~[.]~~ ***; or***

(d) A building or place regularly and continuously used by the members of a criminal gang to engage in, or facilitate the commission of, crimes by the criminal gang,

➥ is a nuisance, and the subject of an action. The action may be brought by any person whose property is injuriously affected, or whose personal enjoyment is lessened by the nuisance, and by the judgment the nuisance may be enjoined or abated, as well as damages recovered.

2. It is presumed:

(a) That an agricultural activity conducted on farmland, consistent with good agricultural practice and established before surrounding nonagricultural activities is reasonable. Such activity does not constitute a nuisance unless the activity has a substantial adverse effect on the public health or safety.

(b) That an agricultural activity which does not violate a federal, state or local law, ordinance or regulation constitutes good agricultural practice.

3. A shooting range does not constitute a nuisance with respect to any noise attributable to the shooting range if the shooting range is in compliance with the provisions of all applicable statutes, ordinances and regulations concerning noise:

(a) As those provisions existed on October 1, 1997, for a shooting range in operation on or before October 1, 1997; or

(b) As those provisions exist on the date that the shooting range begins operation, for a shooting range that begins operation after October 1, 1997.

➥ A shooting range is not subject to any state or local law related to the control of noise that is adopted or amended after the date set forth in paragraph (a) or (b), as applicable, and does not constitute a nuisance for failure to comply with any such law.

4. As used in this section:

(a) "Controlled substance analog" has the meaning ascribed to it in NRS 453.043.

(b) ***"Criminal gang" has the meaning ascribed to it in NRS 193.168.***

(c) "Immediate precursor" has the meaning ascribed to it in NRS 453.086.

~~[(c)]~~ ***(d)*** "Shooting range" means an area designed and used for archery or sport shooting, including, but not limited to, sport shooting that involves the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder or other similar items.

Sec. 4. ~~[NRS 62B.390 is hereby amended to read as follows:~~

~~62B.390 1. Except as otherwise provided in subsection 2 and NRS 62B.400, upon a motion by the district attorney and after a full investigation, the juvenile court may certify a child for proper criminal proceedings as an adult to any court that would have jurisdiction to try the offense if committed by an adult~~ **[**~~,~~**]** ~~if the child:~~

~~(a) Is charged with~~ **[**~~an~~**]** ~~:~~

~~***(1) An*** offense that would have been a felony if committed by an adult; **[**~~and~~**]** ~~***or***~~

~~***(2) An offense that would have been punishable pursuant to section 1 of this act if committed by an adult; and***~~

~~(b) Was 14 years of age or older at the time the child allegedly committed the offense.~~

~~2. Except as otherwise provided in subsection 3, upon a motion by the district attorney and after a full investigation, the juvenile court shall certify a child for proper criminal proceedings as an adult to any court that would have jurisdiction to try the offense if committed by an adult [,] if the child:~~

~~(a) Is charged with:~~

~~(1) A sexual assault involving the use or threatened use of force or violence against the victim; or~~

~~(2) An offense or attempted offense involving the use or threatened use of a firearm; and~~

~~(b) Was 14 years of age or older at the time the child allegedly committed the offense.~~

~~3. The juvenile court shall not certify a child for criminal proceedings as an adult pursuant to subsection 2 if the juvenile court specifically finds by clear and convincing evidence that:~~

~~(a) The child is developmentally or mentally incompetent to understand his situation and the proceedings of the court or to aid his attorney in those proceedings; or~~

~~(b) The actions of the child were substantially the result of the substance abuse or emotional or behavioral problems of the child and the substance abuse or emotional or behavioral problems may be appropriately treated through the jurisdiction of the juvenile court.~~

~~4. If a child is certified for criminal proceedings as an adult pursuant to subsection 1 or 2, the juvenile court shall also certify the child for criminal proceedings as an adult for any other related offense arising out of the same facts as the offense for which the child was certified, regardless of the nature of the related offense.~~

~~5. If a child has been certified for criminal proceedings as an adult pursuant to subsection 1 or 2 and the child's case has been transferred out of the juvenile court:~~

~~(a) The court to which the case has been transferred has original jurisdiction over the child;~~

~~(b) The child may petition for transfer of the case back to the juvenile court only upon a showing of exceptional circumstances; and~~

~~(c) If the child's case is transferred back to the juvenile court, the juvenile court shall determine whether the exceptional circumstances warrant accepting jurisdiction.]~~ **(Deleted by amendment.)**

Sec. 5. NRS 202.450 is hereby amended to read as follows:

202.450 1. A public nuisance is a crime against the order and economy of the State.

2. Every place:

(a) Wherein any gambling, bookmaking or pool selling is conducted without a license as provided by law, or wherein any swindling game or device, or bucket shop, or any agency therefor is conducted, or any article, apparatus or device useful therefor is kept;

(b) Wherein any fighting between animals or birds is conducted;

(c) Wherein any dog races are conducted as a gaming activity;

(d) Wherein any intoxicating liquors are kept for unlawful use, sale or distribution;

(e) Wherein a controlled substance, immediate precursor or controlled substance analog is unlawfully sold, served, stored, kept, manufactured, used or given away; ~~[or]~~

(f) ***That is regularly and continuously used by the members of a criminal gang to engage in, or facilitate the commission of, crimes by the criminal gang; or***

(g) Where vagrants resort,

➥ is a public nuisance.

3. Every act unlawfully done and every omission to perform a duty, which act or omission:

(a) Annoys, injures or endangers the safety, health, comfort or repose of any considerable number of persons;

(b) Offends public decency;

(c) Unlawfully interferes with, befouls, obstructs or tends to obstruct, or renders dangerous for passage, a lake, navigable river, bay, stream, canal, ditch, millrace or basin, or a public park, square, street, alley, bridge, causeway or highway; or

(d) In any way renders a considerable number of persons insecure in life or the use of property,

➥ is a public nuisance.

4. A building or place which was used for the purpose of unlawfully manufacturing a controlled substance, immediate precursor or controlled substance analog is a public nuisance if the building or place has not been deemed safe for habitation by a governmental entity and:

(a) The owner of the building or place allows the building or place to be used for any purpose before all materials or substances involving the controlled substance, immediate precursor or controlled substance analog have been removed from or remediated on the building or place by an entity certified or licensed to do so; or

(b) The owner of the building or place fails to have all materials or substances involving the controlled substance, immediate precursor or controlled substance analog removed from or remediated on the building or place by an entity certified or licensed to do so within 180 days after the building or place is no longer used for the purpose of unlawfully manufacturing a controlled substance, immediate precursor or controlled substance analog.

5. Agricultural activity conducted on farmland consistent with good agricultural practice and established before surrounding nonagricultural activities is not a public nuisance unless it has a substantial adverse effect on the public health or safety. It is presumed that an agricultural activity which does not violate a federal, state or local law, ordinance or regulation constitutes good agricultural practice.

6. A shooting range is not a public nuisance with respect to any noise attributable to the shooting range if the shooting range is in compliance with the provisions of all applicable statutes, ordinances and regulations concerning noise:

(a) As those provisions existed on October 1, 1997, for a shooting range that begins operation on or before October 1, 1997; or

(b) As those provisions exist on the date that the shooting range begins operation, for a shooting range in operation after October 1, 1997.

➥ A shooting range is not subject to any state or local law related to the control of noise that is adopted or amended after the date set forth in paragraph (a) or (b), as applicable, and does not constitute a nuisance for failure to comply with any such law.

7. As used in this section:

(a) "Controlled substance analog" has the meaning ascribed to it in NRS 453.043.

(b) ***"Criminal gang" has the meaning ascribed to it in NRS 193.168.***

(c) "Immediate precursor" has the meaning ascribed to it in NRS 453.086.

~~[(c)]~~ ***(d)*** "Shooting range" has the meaning ascribed to it in NRS 40.140.

Sec. 6. Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Notwithstanding the provisions of any other law or ordinance, each board of county commissioners may, by ordinance, to protect the public health, safety and welfare of the residents of the county, adopt procedures pursuant to which the district attorney may file a civil action in a court of competent jurisdiction to seek any or all of the following relief:

(a) A temporary or permanent injunction against any specific member of a criminal gang to enjoin his activity which is associated with the criminal gang and which is occurring within the county.

(b) The recovery of money damages, attorney's fees and costs from:

(1) Any member of a criminal gang that is engaging in criminal activities within the county; and

(2) The owner of a building or place located within the county that has been found to be a public nuisance because the building or place is regularly and continuously used by the members of a criminal gang to engage in, or facilitate the commission of, crimes by the criminal gang, but only if the owner has actual notice that the building or place is regularly and continuously used by the members of a criminal gang to engage in, or facilitate the commission of, crimes by the criminal gang.

2. Any money damages awarded in an action brought pursuant to this section must be:

(a) Paid by, or collected from:

(1) Any assets of the criminal gang or its members that were derived from the criminal activities of the criminal gang or its members;

(2) Any assets of the owner of a building or place that has been found to constitute a public nuisance; or

(3) Any combination of the assets described in subparagraphs (1) and (2).

(b) Deposited into a separate, segregated fund in the county treasury, to be used solely for the benefit of the specific community or neighborhood that has been injured by the criminal activities of the criminal gang or the existence of the building or place that constitutes a public nuisance.

3. A member of a criminal gang who is subject to a temporary or permanent injunction granted pursuant to this section and who knowingly and intentionally commits a material violation of the terms of that injunction is guilty of a misdemeanor. If the violation also constitutes a criminal offense under another provision of law, the violation may be prosecuted pursuant to this section or the other provision of law, or both.

4. An action may not be brought pursuant to this section against:

(a) Any governmental entity; or

(b) Any charitable or nonprofit organization that is conducting, with ordinary care and skill, activities relating to prevention or education concerning criminal gangs.

5. As used in this section, "criminal gang" has the meaning ascribed to it in NRS 193.168.

Sec. 7. Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Notwithstanding the provisions of any other law or ordinance, each governing body of a city may, by ordinance, to protect the public health, safety and welfare of the residents of the city, adopt procedures pursuant to which the city attorney may file a civil action in a court of competent jurisdiction to seek any or all of the following relief:

(a) A temporary or permanent injunction against any specific member of a criminal gang to enjoin his activity which is associated with the criminal gang and which is occurring within the city.

(b) The recovery of money damages, attorney's fees and costs from:

(1) Any member of a criminal gang that is engaging in criminal activities within the city; and

(2) The owner of a building or place located within the city that has been found to be a public nuisance because the building or place is regularly and continuously used by the members of a criminal gang to engage in, or facilitate the commission of, crimes by the criminal gang, but only if the owner has actual notice that the building or place is regularly and continuously used by the members of a criminal gang to engage in, or facilitate the commission of, crimes by the criminal gang.

2. Any money damages awarded in an action brought pursuant to this section must be:

(a) Paid by, or collected from:

(1) Any assets of the criminal gang or its members that were derived from the criminal activities of the criminal gang or its members;

(2) Any assets of the owner of a building or place that has been found to constitute a public nuisance; or

(3) Any combination of the assets described in subparagraphs (1) and (2).

(b) Deposited into a separate, segregated fund in the city treasury, to be used solely for the benefit of the specific community or neighborhood that has been injured by the criminal activities of the criminal gang or the existence of the building or place that constitutes a public nuisance.

3. A member of a criminal gang who is subject to a temporary or permanent injunction granted pursuant to this section and who knowingly and intentionally commits a material violation of the terms of that injunction is guilty of a misdemeanor. If the violation also constitutes a criminal offense under another provision of law, the violation may be prosecuted pursuant to this section or the other provision of law, or both.

4. An action may not be brought pursuant to this section against:

(a) Any governmental entity; or

(b) Any charitable or nonprofit organization that is conducting, with ordinary care and skill, activities relating to prevention or education concerning criminal gangs.

5. As used in this section, "criminal gang" has the meaning ascribed to it in NRS 193.168.

Assemblyman Segerblom moved the adoption of the amendment.

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

Motion carried.

Assembly in recess at 11:43 a.m.

ASSEMBLY IN SESSION

At 11:45 a.m.

Madam Speaker presiding.

Quorum present.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 345.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 413.

SUMMARY—Makes various changes concerning ~~[the veterans']~~ **certain** exemptions from property taxes and governmental services taxes. (BDR 32-101)

AN ACT relating to taxation; revising the ~~[amounts of certain veterans']~~ **provisions governing the calculation of** exemptions from property taxes

and governmental services taxes ~~[,]~~ **for surviving spouses, persons who are blind and veterans;** expanding the applicability of the exemptions from those taxes for veterans with permanent service-connected disabilities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law exempts from property taxation certain specified amounts of the assessed value of the property of surviving spouses and of persons who are blind, and requires the annual adjustment of those amounts to account for increases in the Consumer Price Index from July 2003. (NRS 361.080, 361.085) Sections 2 and 3 of this bill update the specified amounts to reflect the increases in the Consumer Price Index from July 2003, require the annual adjustment of the exemption amounts to account for increases in the Consumer Price Index from July 2008, and clarify the portion of the Index applicable to each adjustment.

Existing law exempts from property taxation $2,000 of the assessed value of the property of a veteran who served on active duty under certain specified circumstances and requires the annual adjustment of that amount to account for increases in the Consumer Price Index from July 2003. (NRS 361.090) **Section ~~[2]~~ 4** of this bill increases that exemption to $2,500, requires the annual adjustment of that amount to account for increases in the Consumer Price Index from July 2008, and clarifies the portion of the Index applicable to each adjustment.

Existing law provides an exemption from property taxation for the property of a veteran with a permanent service-connected disability, or of his surviving spouse, in the amount of $20,000 of assessed value for a veteran with a total disability, $15,000 of assessed value for a veteran with a disability of 80 to 99 percent and $10,000 of assessed value for a veteran with a disability of 60 to 79 percent, and requires the annual adjustment of those amounts to account for increases in the Consumer Price Index from July 2003. (NRS 361.091) **Section ~~[3]~~ 5** of this bill expands the applicability of the exemption to include a veteran whose disability, regardless of the percentage thereof, renders him unemployable, ~~[increases the amount of the exemption for such a veteran and a veteran with a total disability to 100 percent of assessed value,]~~ updates the specified amounts ~~[for veterans with partial disabilities]~~ to reflect the increases in the Consumer Price Index from July 2003, ~~[expands the applicability of the exemption to include a veteran with a disability of 40 to 59 percent in the amount of $5,000 of assessed value,]~~ requires the annual adjustment of the exemption amounts to account for increases in the Consumer Price Index from July 2008, and clarifies the portion of the Index applicable to each adjustment. ~~[Sections 4 and 8]~~ **Section 12** of this bill ~~[cause]~~ **causes** the provisions expanding the applicability of the ~~[exemption]~~ **exemptions in sections 6 and 11 of this bill** to terminate on July 1, 2049.

Sections ~~[5-8]~~ 7-12 of this bill similarly revise the corresponding ~~[veterans']~~ exemptions from governmental services taxes.

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

Section 1. The Legislature hereby finds that each exemption provided by this act from any ad valorem tax on property:

1. Will achieve a bona fide social or economic purpose and that the benefits of the exemption are expected to exceed any adverse effect of the exemption on the provision of services to the public by the State or a local government that would otherwise receive revenue from the tax from which the exemption would be granted; and

2. Will not impair adversely the ability of the State or a local government to pay, when due, all interest and principal on any outstanding bonds or any other obligations for which revenue from the tax from which the exemption would be granted was pledged.

Sec. 2. **NRS 361.080 is hereby amended to read as follows:**

361.080 1. The property of surviving spouses, not to exceed the amount of ~~[$1,000]~~ ***$1,190*** assessed valuation, is exempt from taxation, but no such exemption may be allowed to anyone but a bona fide resident of this State, and must be allowed in but one county in this State to the same family.

2. For the purpose of this section, property in which the surviving spouse has any interest shall be deemed the property of the surviving spouse.

3. The person claiming such an exemption must file with the county assessor an affidavit declaring that he is a bona fide resident of this State and that the exemption has been claimed in no other county in this State. The affidavit must be made before the county assessor or a notary public. After the filing of the original affidavit, the county assessor shall mail a form for renewal of the exemption to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption.

4. A surviving spouse is not entitled to the exemption provided by this section in any fiscal year beginning after any remarriage, even if the remarriage is later annulled.

5. If any person files a false affidavit or provides false proof to the county assessor or a notary public and, as a result of the false affidavit or false proof, the person is allowed a tax exemption to which he is not entitled, he is guilty of a gross misdemeanor.

6. Beginning with the ~~[2005-2006]~~ ***2010-2011*** Fiscal Year, the monetary amount in subsection 1 must be adjusted for each fiscal year by adding to the amount the product of the amount multiplied by the percentage increase in the Consumer Price Index ***for All Urban Consumers, West Urban Area*** (All ~~[Items)]~~ ***Items, Not Seasonally Adjusted),*** from July ~~[2003]~~ ***2008*** to the July preceding the fiscal year for which the adjustment is calculated. The Department shall provide to each county assessor the adjusted amount, in writing, on or before September 30 of each year.

Sec. 3. **NRS 361.085 is hereby amended to read as follows:**

361.085 1. The property of each person who is blind, not to exceed the amount of ~~[$3,000]~~ ***$3,560*** of assessed valuation, is exempt from taxation, including community property to the extent only of the interest therein of the person who is blind, but no such exemption may be allowed to anyone but a bona fide resident of this State, and must be allowed in but one county in this State on account of the same person.

2. The person claiming such an exemption must file with the county assessor an affidavit declaring that he is a bona fide resident of the State of Nevada who meets all the other requirements for the exemption and that the exemption is not claimed in any other county in this State. The affidavit must be made before the county assessor or a notary public. After the filing of the original affidavit, the county assessor shall mail a form for renewal of the exemption to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption.

3. Upon first claiming the exemption in a county the claimant shall furnish to the assessor a certificate of a licensed physician setting forth that he has examined the claimant and has found him to be a person who is blind.

4. If any person files a false affidavit or provides false proof to the county assessor or a notary public and, as a result of the false affidavit or false proof, the person is allowed a tax exemption to which he is not entitled, he is guilty of a gross misdemeanor.

5. Beginning with the ~~[2005-2006]~~ ***2010-2011*** Fiscal Year, the monetary amount in subsection 1 must be adjusted for each fiscal year by adding to the amount the product of the amount multiplied by the percentage increase in the Consumer Price Index ***for All Urban Consumers, West Urban Area*** (All ~~[Items)]~~ ***Items, Not Seasonally Adjusted),*** from July ~~[2003]~~ ***2008*** to the July preceding the fiscal year for which the adjustment is calculated. The Department shall provide to each county assessor the adjusted amount, in writing, on or before September 30 of each year.

6. As used in this section, "person who is blind" includes any person whose visual acuity with correcting lenses does not exceed 20/200 in the better eye, or whose vision in the better eye is restricted to a field which subtends an angle of not greater than 20°.

~~[Sec. 2.]~~ ***Sec. 4.*** NRS 361.090 is hereby amended to read as follows:

361.090 1. The property, to the extent of ~~[$2,000]~~ ***$2,500*** assessed valuation, of any actual bona fide resident of the State of Nevada who:

(a) Has served a minimum of 90 continuous days on active duty, who was assigned to active duty at some time between April 21, 1898, and June 15, 1903, or between April 6, 1917, and November 11, 1918, or between December 7, 1941, and December 31, 1946, or between June 25, 1950, and May 7, 1975, or between September 26, 1982, and December 1, 1987, or between October 23, 1983, and November 21, 1983, or between December 20, 1989, and January 31, 1990, or between August 2, 1990, and April 11,

1991, or between December 5, 1992, and March 31, 1994, or between November 20, 1995, and December 20, 1996;

(b) Has served on active duty in connection with carrying out the authorization granted to the President of the United States in Public Law 102-1; or

(c) Has served on active duty in connection with a campaign or expedition for service in which a medal has been authorized by the government of the United States, regardless of the number of days served on active duty,

➥ and who received, upon severance from service, an honorable discharge or certificate of satisfactory service from the Armed Forces of the United States, or who, having so served, is still serving in the Armed Forces of the United States, is exempt from taxation.

2. For the purpose of this section, the first ~~[$2,000]~~ ***$2,500 of the*** assessed valuation of property in which an applicant has any interest shall be deemed the property of the applicant.

3. The exemption may be allowed only to a claimant who files an affidavit with his claim for exemption on real property pursuant to NRS 361.155. The affidavit may be filed at any time by a person claiming exemption from taxation on personal property.

4. The affidavit must be made before the county assessor or a notary public and filed with the county assessor. It must state that the affiant is a bona fide resident of the State of Nevada who meets all the other requirements of subsection 1 and that the exemption is not claimed in any other county in this State. After the filing of the original affidavit, the county assessor shall mail a form for:

(a) The renewal of the exemption; and

(b) The designation of any amount to be credited to the Gift Account for Veterans' Homes established pursuant to NRS 417.145,

➥ to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption.

5. Persons in actual military service are exempt during the period of such service from filing the annual forms for renewal of the exemption, and the county assessors shall continue to grant the exemption to such persons on the basis of the original affidavits filed. In the case of any person who has entered the military service without having previously made and filed an affidavit of exemption, the affidavit may be filed in his behalf during the period of such service by any person having knowledge of the facts.

6. Before allowing any veteran's exemption pursuant to the provisions of this chapter, the county assessor shall require proof of status of the veteran, and for that purpose shall require production of an honorable discharge or certificate of satisfactory service or a certified copy thereof, or such other proof of status as may be necessary.

7. If any person files a false affidavit or produces false proof to the county assessor or a notary public and, as a result of the false affidavit or

false proof, the person is allowed a tax exemption to which he is not entitled, he is guilty of a gross misdemeanor.

8. Beginning with the ~~[2005-2006]~~ ***2010-2011*** Fiscal Year, the monetary amounts in subsections 1 and 2 must be adjusted for each fiscal year by adding to ~~[the]~~ ***each*** amount the product of the amount multiplied by the percentage increase in the Consumer Price Index ***for All Urban Consumers, West Urban Area*** (All ~~[Items)]~~ ***Items, Not Seasonally Adjusted),*** from July ~~[2003]~~ ***2008*** to the July preceding the fiscal year for which the adjustment is calculated. The Department shall provide to each county assessor the adjusted amount, in writing, on or before September 30 of each year.

~~[Sec. 3.]~~ ***Sec. 5.*** NRS 361.091 is hereby amended to read as follows:

361.091 1. ~~[A]~~ ***The property of a*** bona fide resident of the State of Nevada who has incurred a permanent service-connected disability and has been honorably discharged from the Armed Forces of the United States, or ***of*** his surviving spouse, is ~~[entitled to an exemption.~~

~~2. The amount of exemption is based on the total percentage of permanent service-connected disability. The maximum allowable exemption for total permanent disability is the first $20,000 assessed valuation. A person with]~~ ***exempt from taxation to the extent of:***

(a) If he has a permanent service-connected disability of 100 percent or his permanent service-connected disability renders him unemployable, ~~[100 percent]~~ $23,770 of assessed value.

(b) Except as otherwise provided in paragraph (a), if he has a permanent service-connected disability of:

~~[(a)]~~ ***(1)*** Eighty to 99 percent, inclusive, ~~[is entitled to an exemption of $15,000]~~ ***$17,820 of*** assessed value.

~~[(b)]~~ ***(2)*** Sixty to 79 percent, inclusive, ~~[is entitled to an exemption of $10,000]~~ ***$11,880 of*** assessed value.

~~*[(3) Forty to 59 percent, inclusive, $5,000 of assessed value.]*~~

➥ For the purposes of this section, any property in which an applicant has any interest is deemed to be the property of the applicant.

~~[3.]~~ ***2.*** The exemption may be allowed only to a claimant who has filed an affidavit with his claim for exemption on real property pursuant to NRS 361.155. The affidavit may be made at any time by a person claiming an exemption from taxation on personal property.

~~[4.]~~ ***3.*** The affidavit must be made before the county assessor or a notary public and be filed with the county assessor. It must state that the affiant is a bona fide resident of the State of Nevada, that he meets all the other requirements of subsection 1 and that the exemption is not claimed in any other county within this State. After the filing of the original affidavit, the county assessor shall mail a form for:

(a) The renewal of the exemption; and

(b) The designation of any amount to be credited to the Gift Account for Veterans' Homes established pursuant to NRS 417.145,

➥ to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption.

~~[5.]~~ ***4.*** Before allowing any exemption pursuant to the provisions of this section, the county assessor shall require proof of the applicant's status, and for that purpose shall require ~~[him to produce]~~ ***production of*** an original or certified copy of:

(a) An honorable discharge or other document of honorable separation from the Armed Forces of the United States which indicates the total percentage of his permanent service-connected disability ~~[;]~~ ***or that his permanent service-connected disability renders him unemployable;***

(b) A certificate of satisfactory service which indicates the total percentage of his permanent service-connected disability ~~[;]~~ ***or that his permanent service-connected disability renders him unemployable;*** or

(c) A certificate from the Department of Veterans Affairs or any other military document which shows that he has incurred a permanent service-connected disability and ~~[which]~~ indicates the total percentage of that disability ~~[,]~~ ***or that the disability renders him unemployable,*** together with a certificate of honorable discharge or satisfactory service.

~~[6.]~~ ***5.*** A surviving spouse claiming an exemption pursuant to this section must file with the county assessor an affidavit declaring that:

(a) The surviving spouse was married to and living with the veteran who incurred a permanent service-connected disability for the 5 years preceding his death;

(b) The veteran was eligible for the exemption at the time of his death or would have been eligible if he had been a resident of the State of Nevada;

(c) The surviving spouse has not remarried; and

(d) The surviving spouse is a bona fide resident of the State of Nevada.

➥ The affidavit required by this subsection is in addition to the certification required pursuant to subsections ~~[4 and 5.]~~ ***3 and 4.*** After the filing of the original affidavit required by this subsection, the county assessor shall mail a form for renewal of the exemption to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption.

~~[7. If]~~ ***6. Except as otherwise provided in this subsection, if*** a veteran or the surviving spouse of a veteran submits, as proof of disability, documentation that indicates a percentage of permanent service-connected disability for more than one permanent service-connected disability, the amount of the exemption must be based on the total of those combined percentages, not to exceed 100 percent. ***This subsection does not apply to a veteran or the surviving spouse of a veteran who submits proof of the unemployability of the veteran as a result of his permanent service-connected disability.***

~~[8.]~~ ***7.*** If a tax exemption is allowed under this section, the claimant is not entitled to an exemption under NRS 361.090.

~~[9.]~~ ***8.*** If any person files a false affidavit or produces false proof to the county assessor or a notary public and, as a result of the false affidavit or false proof, the person is allowed a tax exemption to which he is not entitled, he is guilty of a gross misdemeanor.

~~[10.]~~ ***9.*** Beginning with the ~~[2005-2006]~~ ***2010-2011*** Fiscal Year, the monetary amounts in ~~*[paragraph (b) of]*~~ subsection ~~[2]~~ ***1*** must be adjusted for each fiscal year by adding to ~~[the]~~ ***each*** amount the product of the amount multiplied by the percentage increase in the Consumer Price Index ***for All Urban Consumers, West Urban Area*** (All ~~[Items)]~~ ***Items, Not Seasonally Adjusted),*** from July ~~[2003]~~ ***2008*** to the July preceding the fiscal year for which the adjustment is calculated. The Department shall provide to each county assessor the adjusted amount, in writing, on or before September 30 of each year.

~~[Sec. 4.]~~ ***Sec. 6.*** NRS 361.091 is hereby amended to read as follows:

361.091 1. The property of a bona fide resident of the State of Nevada who has incurred a permanent service-connected disability and has been honorably discharged from the Armed Forces of the United States, or of his surviving spouse, is exempt from taxation to the extent of:

(a) If he has a permanent service-connected disability of 100 percent ***,*** ~~[or his permanent service-connected disability renders him unemployable,]~~ $23,770 of assessed value.

(b) ~~[Except as otherwise provided in paragraph (a), if]~~ ***If*** he has a permanent service-connected disability of ~~[:~~

~~(1) Eighty]~~ ***80*** to 99 percent, inclusive, $17,820 of assessed value.

~~[(2) Sixty]~~ ***(c) If he has a permanent service-connected disability of 60*** to 79 percent, inclusive, $11,880 of assessed value.

➥ For the purposes of this section, any property in which an applicant has any interest is deemed to be the property of the applicant.

2. The exemption may be allowed only to a claimant who has filed an affidavit with his claim for exemption on real property pursuant to NRS 361.155. The affidavit may be made at any time by a person claiming an exemption from taxation on personal property.

3. The affidavit must be made before the county assessor or a notary public and be filed with the county assessor. It must state that the affiant is a bona fide resident of the State of Nevada, that he meets all the other requirements of subsection 1 and that the exemption is not claimed in any other county within this State. After the filing of the original affidavit, the county assessor shall mail a form for:

(a) The renewal of the exemption; and

(b) The designation of any amount to be credited to the Gift Account for Veterans' Homes established pursuant to NRS 417.145,

➥ to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption.

4. Before allowing any exemption pursuant to the provisions of this section, the county assessor shall require proof of the applicant's status, and for that purpose shall require production of an original or certified copy of:

(a) An honorable discharge or other document of honorable separation from the Armed Forces of the United States which indicates the total percentage of his permanent service-connected disability ***;*** ~~[or that his permanent service-connected disability renders him unemployable;]~~

(b) A certificate of satisfactory service which indicates the total percentage of his permanent service-connected disability ***;*** ~~[or that his permanent service-connected disability renders him unemployable;]~~ or

(c) A certificate from the Department of Veterans Affairs or any other military document which shows that he has incurred a permanent service-connected disability and indicates the total percentage of that disability **,** ~~[or that the disability renders him unemployable,]~~ together with a certificate of honorable discharge or satisfactory service.

5. A surviving spouse claiming an exemption pursuant to this section must file with the county assessor an affidavit declaring that:

(a) The surviving spouse was married to and living with the veteran who incurred a permanent service-connected disability for the 5 years preceding his death;

(b) The veteran was eligible for the exemption at the time of his death or would have been eligible if he had been a resident of the State of Nevada;

(c) The surviving spouse has not remarried; and

(d) The surviving spouse is a bona fide resident of the State of Nevada.

➥ The affidavit required by this subsection is in addition to the certification required pursuant to subsections 3 and 4. After the filing of the original affidavit required by this subsection, the county assessor shall mail a form for renewal of the exemption to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption.

6. ~~[Except as otherwise provided in this subsection, if]~~ ***If*** a veteran or the surviving spouse of a veteran submits, as proof of disability, documentation that indicates a percentage of permanent service-connected disability for more than one permanent service-connected disability, the amount of the exemption must be based on the total of those combined percentages, not to exceed 100 percent. ~~[This subsection does not apply to a veteran or the surviving spouse of a veteran who submits proof of the unemployability of the veteran as a result of his permanent service-connected disability.]~~

7. If a tax exemption is allowed under this section, the claimant is not entitled to an exemption under NRS 361.090.

8. If any person files a false affidavit or produces false proof to the county assessor or a notary public and, as a result of the false affidavit or false proof, the person is allowed a tax exemption to which he is not entitled, he is guilty of a gross misdemeanor.

9. Beginning with the 2010-2011 Fiscal Year, the monetary amounts in subsection 1 must be adjusted for each fiscal year by adding to each amount the product of the amount multiplied by the percentage increase in the Consumer Price Index for All Urban Consumers, West Urban Area (All Items, Not Seasonally Adjusted), from July 2008 to the July preceding the fiscal year for which the adjustment is calculated. The Department shall provide to each county assessor the adjusted amount, in writing, on or before September 30 of each year.

Sec. 7. **NRS 371.101 is hereby amended to read as follows:**

371.101 1. Vehicles registered by surviving spouses, not to exceed the amount of ~~[$1,000]~~ ***$1,190*** determined valuation, are exempt from taxation, but the exemption must not be allowed to anyone but actual bona fide residents of this State, and must be filed in but one county in this State to the same family.

2. For the purpose of this section, vehicles in which the surviving spouse has any interest shall be deemed to belong entirely to that surviving spouse.

3. The person claiming the exemption shall file with the Department in the county where the exemption is claimed an affidavit declaring his residency and that the exemption has been claimed in no other county in this State for that year. The affidavit must be made before the county assessor or a notary public. After the filing of the original affidavit, the county assessor shall mail a form for renewal of the exemption to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption.

4. A surviving spouse is not entitled to the exemption provided by this section in any fiscal year beginning after any remarriage, even if the remarriage is later annulled.

5. Beginning with the ~~[2005-2006]~~ ***2010-2011*** Fiscal Year, the monetary amount in subsection 1 must be adjusted for each fiscal year by adding to ~~[each]~~ ***the*** amount the product of the amount multiplied by the percentage increase in the Consumer Price Index ***for All Urban Consumers, West Urban Area*** (All ~~[Items]~~ ***Items, Not Seasonally Adjusted),*** from ~~[December 2003]~~ ***July 2008*** to the ~~[December]~~ ***July*** preceding the fiscal year for which the adjustment is calculated.

Sec. 8. **NRS 371.102 is hereby amended to read as follows:**

371.102 1. Vehicles registered by a person who is blind, not to exceed the amount of ~~[$3,000]~~ ***$3,560*** determined valuation, are exempt from taxation, but the exemption must not be allowed to anyone but bona fide residents of this State, and must be filed in but one county in this State on account of that person.

2. The person claiming the exemption must file with the county assessor of the county where the exemption is claimed an affidavit declaring that he is an actual bona fide resident of the State of Nevada, that he is a person who is blind and that the exemption is claimed in no other county in this State. The

affidavit must be made before the county assessor or a notary public. After the filing of the original affidavit, the county assessor shall mail a form for renewal of the exemption to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption.

3. Upon first claiming the exemption in a county, the claimant shall furnish to the county assessor a certificate of a physician licensed under the laws of this State setting forth that he has examined the claimant and has found him to be a person who is blind.

4. Beginning with the ~~[2005-2006]~~ ***2010-2011*** Fiscal Year, the monetary amount in subsection 1 must be adjusted for each fiscal year by adding to ~~[each]~~ ***the*** amount the product of the amount multiplied by the percentage increase in the Consumer Price Index ***for All Urban Consumers, West Urban Area*** (All ~~[Items]~~ ***Items, Not Seasonally Adjusted),*** from ~~[December 2003]~~ ***July 2008*** to the ~~[December]~~ ***July*** preceding the fiscal year for which the adjustment is calculated.

5. As used in this section, "person who is blind" includes any person whose visual acuity with correcting lenses does not exceed 20/200 in the better eye, or whose vision in the better eye is restricted to a field which subtends an angle of not greater than 20 degrees.

~~[Sec. 5.]~~ ***Sec. 9.*** NRS 371.103 is hereby amended to read as follows:

371.103 1. Vehicles, to the extent of ~~[$2,000]~~ ***$2,500*** determined valuation, registered by any actual bona fide resident of the State of Nevada who:

(a) Has served a minimum of 90 days on active duty, who was assigned to active duty at some time between April 21, 1898, and June 15, 1903, or between April 6, 1917, and November 11, 1918, or between December 7, 1941, and December 31, 1946, or between June 25, 1950, and May 7, 1975, or between September 26, 1982, and December 1, 1987, or between October 23, 1983, and November 21, 1983, or between December 20, 1989, and January 31, 1990, or between August 2, 1990, and April 11, 1991, or between December 5, 1992, and March 31, 1994, or between November 20, 1995, and December 20, 1996;

(b) Has served a minimum of 90 continuous days on active duty none of which was for training purposes, who was assigned to active duty at some time between January 1, 1961, and May 7, 1975;

(c) Has served on active duty in connection with carrying out the authorization granted to the President of the United States in Public Law 102-1; or

(d) Has served on active duty in connection with a campaign or expedition for service in which a medal has been authorized by the government of the United States, regardless of the number of days served on active duty,

➥ and who received, upon severance from service, an honorable discharge or certificate of satisfactory service from the Armed Forces of the United States,

or who, having so served, is still serving in the Armed Forces of the United States, is exempt from taxation.

2. For the purpose of this section, the first ~~[$2,000]~~ ***$2,500 of the*** determined valuation of vehicles in which such a person has any interest shall be deemed to belong to that person.

3. A person claiming the exemption shall file annually with the Department in the county where the exemption is claimed an affidavit declaring that he is an actual bona fide resident of the State of Nevada who meets all the other requirements of subsection 1 and that the exemption is claimed in no other county in this State. The affidavit must be made before the county assessor or a notary public. After the filing of the original affidavit, the county assessor shall mail a form for:

(a) The renewal of the exemption; and

(b) The designation of any amount to be credited to the Gift Account for Veterans' Homes established pursuant to NRS 417.145,

➥ to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption.

4. Persons in actual military service are exempt during the period of such service from filing annual affidavits of exemption and the Department shall grant exemptions to those persons on the basis of the original affidavits filed. In the case of any person who has entered the military service without having previously made and filed an affidavit of exemption, the affidavit may be filed in his behalf during the period of such service by any person having knowledge of the facts.

5. Before allowing any veteran's exemption pursuant to the provisions of this chapter, the Department shall require proof of status of the veteran, and for that purpose shall require production of an honorable discharge or certificate of satisfactory service or a certified copy thereof, or such other proof of status as may be necessary.

6. If any person files a false affidavit or produces false proof to the Department, and as a result of the false affidavit or false proof a tax exemption is allowed to a person not entitled to the exemption, he is guilty of a gross misdemeanor.

7. Beginning with the ~~[2005-2006]~~ ***2010-2011*** Fiscal Year, the monetary amounts in subsections 1 and 2 must be adjusted for each fiscal year by adding to each amount the product of the amount multiplied by the percentage increase in the Consumer Price Index ***for All Urban Consumers, West Urban Area*** (All ~~[Items)]~~ ***Items, Not Seasonally Adjusted),*** from ~~[December]~~ ~~[2003]~~ ***July 2008*** to the ~~[December]~~ ***July*** preceding the fiscal year for which the adjustment is calculated.

~~[Sec. 6.]~~ ***Sec. 10.*** NRS 371.104 is hereby amended to read as follows:

371.104 1. A bona fide resident of the State of Nevada who has incurred a permanent service-connected disability and has been honorably discharged from the Armed Forces of the United States, or his surviving

spouse, is entitled to a veteran's exemption from the payment of governmental services taxes on vehicles ***to the extent*** of ~~[the following determined valuations:]~~ ***:***

(a) If he has a disability of 100 percent ~~[, the first $20,000]~~ ***or his disability renders him unemployable,*** ~~*[100 percent]*~~ ***the first $23,770*** of determined valuation.

(b) ***Except as otherwise provided in paragraph (a):***

(1) If he has a disability of 80 to 99 percent, inclusive, the first ~~[$15,000]~~ ***$17,820*** of determined valuation.

~~[(c)]~~ ***(2)*** If he has a disability of 60 to 79 percent, inclusive, the first ~~[$10,000]~~ ***$11,880*** of determined valuation.

~~*[(3) If he has a disability of 40 to 59 percent, inclusive, the first $5,000 of determined valuation.]*~~

2. For the purpose of this section, the first ~~[$20,000]~~ ***$23,770*** of determined valuation of vehicles in which an applicant has any interest shall be deemed to belong entirely to that person.

3. A person claiming the exemption shall file annually with the Department in the county where the exemption is claimed an affidavit declaring that he is a bona fide resident of the State of Nevada who meets all the other requirements of subsection 1 and that the exemption is claimed in no other county within this State. After the filing of the original affidavit, the county assessor shall mail a form for:

(a) The renewal of the exemption; and

(b) The designation of any amount to be credited to the Gift Account for Veterans' Homes established pursuant to NRS 417.145,

➥ to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption.

4. Before allowing any exemption pursuant to the provisions of this section, the Department shall require proof of the applicant's status, and for that purpose shall require production of:

(a) A certificate from the Department of Veterans Affairs ***or any other military document which shows*** that the veteran has incurred a permanent service-connected disability ~~[, which shows]~~ ***and indicates*** the percentage of that disability ~~[,]~~ ***or that the disability renders him unemployable;*** and

(b) Any one of the following:

(1) An honorable discharge;

(2) A certificate of satisfactory service; or

(3) A certified copy of either of these documents.

5. A surviving spouse claiming an exemption pursuant to this section must file with the Department in the county where the exemption is claimed an affidavit declaring that:

(a) The surviving spouse was married to and living with the veteran with a disability for the 5 years preceding his death;

(b) The veteran with a disability was eligible for the exemption at the time of his death; and

(c) The surviving spouse has not remarried.

➥ The affidavit required by this subsection is in addition to the certification required pursuant to subsections 3 and 4. After the filing of the original affidavit required by this subsection, the county assessor shall mail a form for renewal of the exemption to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption.

6. If a tax exemption is allowed under this section, the claimant is not entitled to an exemption under NRS 371.103.

7. If any person makes a false affidavit or produces false proof to the Department, and as a result of the false affidavit or false proof the person is allowed a tax exemption to which he is not entitled, he is guilty of a gross misdemeanor.

8. Beginning with the ~~[~~2005-2006~~]~~ ***2010-2011*** Fiscal Year, the monetary amounts in subsections 1 and 2 ~~*[paragraph (b) of subsection 1]*~~ must be adjusted for each fiscal year by adding to each amount the product of the amount multiplied by the percentage increase in the Consumer Price Index ***for All Urban Consumers, West Urban Area*** (All ~~[~~Items~~]~~ ***Items, Not Seasonally Adjusted),*** from ~~[~~December~~]~~ ~~[~~2003~~]~~ ***July 2008*** to the ~~[~~December~~]~~ ***July*** preceding the fiscal year for which the adjustment is calculated.

~~[~~Sec. 7.~~]~~ ***Sec. 11.*** NRS 371.104 is hereby amended to read as follows:

371.104 1. A bona fide resident of the State of Nevada who has incurred a permanent service-connected disability and has been honorably discharged from the Armed Forces of the United States, or his surviving spouse, is entitled to a veteran's exemption from the payment of governmental services taxes on vehicles to the extent of:

(a) If he has a disability of 100 percent **,** ~~[~~or his disability renders him unemployable,~~]~~ the first $23,770 of determined valuation.

(b) ~~[~~Except as otherwise provided in paragraph (a):

~~(1)~~~~]~~ If he has a disability of 80 to 99 percent, inclusive, the first $17,820 of determined valuation.

~~[~~(2)~~]~~ ***(c)*** If he has a disability of 60 to 79 percent, inclusive, the first $11,880 of determined valuation.

2. For the purpose of this section, the first $23,770 of determined valuation of vehicles in which an applicant has any interest shall be deemed to belong entirely to that person.

3. A person claiming the exemption shall file annually with the Department in the county where the exemption is claimed an affidavit declaring that he is a bona fide resident of the State of Nevada who meets all the other requirements of subsection 1 and that the exemption is claimed in no other county within this State. After the filing of the original affidavit, the county assessor shall mail a form for:

(a) The renewal of the exemption; and

(b) The designation of any amount to be credited to the Gift Account for Veterans' Homes established pursuant to NRS 417.145,

➥ to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption.

4. Before allowing any exemption pursuant to the provisions of this section, the Department shall require proof of the applicant's status, and for that purpose shall require production of:

(a) A certificate from the Department of Veterans Affairs or any other military document which shows that the veteran has incurred a permanent service-connected disability and indicates the percentage of that disability ***;*** ~~[or that the disability renders him unemployable;]~~ and

(b) Any one of the following:

(1) An honorable discharge;

(2) A certificate of satisfactory service; or

(3) A certified copy of either of these documents.

5. A surviving spouse claiming an exemption pursuant to this section must file with the Department in the county where the exemption is claimed an affidavit declaring that:

(a) The surviving spouse was married to and living with the veteran with a disability for the 5 years preceding his death;

(b) The veteran with a disability was eligible for the exemption at the time of his death; and

(c) The surviving spouse has not remarried.

➥ The affidavit required by this subsection is in addition to the certification required pursuant to subsections 3 and 4. After the filing of the original affidavit required by this subsection, the county assessor shall mail a form for renewal of the exemption to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption.

6. If a tax exemption is allowed under this section, the claimant is not entitled to an exemption under NRS 371.103.

7. If any person makes a false affidavit or produces false proof to the Department, and as a result of the false affidavit or false proof the person is allowed a tax exemption to which he is not entitled, he is guilty of a gross misdemeanor.

8. Beginning with the 2010-2011 Fiscal Year, the monetary amounts in subsections 1 and 2 must be adjusted for each fiscal year by adding to each amount the product of the amount multiplied by the percentage increase in the Consumer Price Index for All Urban Consumers, West Urban Area (All Items, Not Seasonally Adjusted), from July 2008 to the July preceding the fiscal year for which the adjustment is calculated.

~~[Sec. 8.]~~ ***Sec. 12.*** 1. This section and sections 1 ~~[, 2, 3, 5 and 6]~~ **to 5, inclusive, and 7 to 10, inclusive,** of this act become effective on July 1, 2009.

2. Sections ~~[4]~~ **6** and ~~[7]~~ **11** of this act become effective on July 1, 2049.

Assemblywoman McClain moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman McClain moved that upon return from the printer, Assembly Bills Nos. 146 and 345 be rereferred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 352.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 367.

AN ACT relating to the Spring Mountains National Recreation Area; limiting certain powers of planning and zoning that may be exercised by local governments within the Area; limiting gaming in the Area to holders of restricted licenses; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Spring Mountains National Recreation Area includes Mt. Charleston and other land, both public and private, outside of Las Vegas. **Sections 1-8** of this bill prohibit local governments from making certain changes relating to zoning and development in the Spring Mountains National Recreation Area. A similar prohibition is provided for the Red Rock Canyon National Conservation Area and adjacent lands. (Chapter 105, Statutes of Nevada 2003, p. 595) **Section 9** of this bill prohibits the Nevada Gaming Commission from issuing a nonrestricted license for any location in the Spring Mountains National Recreation Area, thereby limiting gaming in the Area only to current and future operations that hold restricted gaming licenses. (NRS 463.160, 463.161, 463.180, 463.190, 463.240)

WHEREAS, The Spring Mountains and their surrounds are a natural wonder within the State of Nevada that is uniquely beautiful and of scenic interest; and

WHEREAS, The Spring Mountains National Recreation Area includes several distinctive and significant geologic and natural heritage features, including, without limitation, Mount Charleston, Kyle Canyon, Griffith Peak, Harris Springs, Harris Mountain, the Deer Creek mountain pass, Angel Peak, Macks Canyon, Lee Canyon, Mummy Mountain, McFarland Peak, Bonanza Peak, Cold Creek, Wheeler Well, Charcoal Kilns, Mount Stirling Wilderness Study Area, Wallace Canyon, Carpenter Canyon, Trout Canyon, Lovell Canyon, Mountain Springs ~~[, Potosi Mountain]~~ and Native American archeological sites, including petroglyphs and agave roasting pits; and

WHEREAS, In addition to their scenic beauty and geologic significance, the Spring Mountains provide numerous recreational opportunities to visitors from both within and without the State of Nevada, including, without limitation, hiking, climbing, bicycling, camping, horseback riding and winter sports such as snowshoeing and alpine and cross-country skiing; and

WHEREAS, With regard to tourism, the Spring Mountains provide a dramatic counterpoint to the activities offered within the more urban portions of Clark County, helping to draw to the area tourists who might not otherwise be interested in participating in gaming, attending shows or other such activities; and

WHEREAS, A significant part of the reason that the Spring Mountains are of interest to tourists, sightseers and recreational users is that they provide an area of sanctuary from the congestion and sprawl of the more urban portions of Clark County; and

WHEREAS, If the scenic views, natural beauty and rural character of the Spring Mountains were to be encroached upon by development that is on a large scale or of an inappropriate character, the value of the Spring Mountains National Recreation Area, with respect to tourism, sightseeing and recreation would be greatly diminished, to the detriment of Clark County and the State of Nevada as a whole; now, therefore,

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

Section 1. NRS 278.0239 is hereby amended to read as follows:

278.0239 In the region of this State for which ***the Spring Mountains National Recreation Area Act and*** the Red Rock Canyon Conservation Area and Adjacent Lands Act ~~[establishes]~~ ***establish*** limits upon development, the powers conferred by this chapter which relate to planning, subdivision regulation and zoning are subordinate to those limits.

Sec. 2. NRS 244.154 is hereby amended to read as follows:

244.154 In the region of this State for which ***the Spring Mountains National Recreation Area Act and*** the Red Rock Canyon Conservation Area and Adjacent Lands Act ~~[establishes]~~ ***establish*** limits upon development, the powers conferred by this chapter which relate to planning, subdivision regulation and zoning are subordinate to those limits.

Sec. 3. NRS 268.105 is hereby amended to read as follows:

268.105 In the region of this State for which ***the Spring Mountains National Recreation Area Act and*** the Red Rock Canyon Conservation Area and Adjacent Lands Act ~~[establishes]~~ ***establish*** limits upon development, the powers conferred by this chapter which relate to planning, subdivision regulation and zoning are subordinate to those limits.

Sec. 4. NRS 269.617 is hereby amended to read as follows:

269.617 In the region of this State for which ***the Spring Mountains National Recreation Area Act and*** the Red Rock Canyon Conservation Area and Adjacent Lands Act ~~[establishes]~~ ***establish*** limits upon development, the

powers conferred by this chapter which relate to planning, subdivision regulation and zoning are subordinate to those limits.

Sec. 5. Sections 5 to 9, inclusive, of this act shall be known as the Spring Mountains National Recreation Area Act.

Sec. 6. The Legislature hereby finds and declares that this special act, which regulates activity in the Spring Mountains National Recreation Area, is necessary because of:

1. The unusual beauty of the Spring Mountains National Recreation Area;

2. The rapidly increasing population and growth in the region around the Spring Mountains National Recreation Area; and

3. The need to harmonize:

(a) The retention of the scenic beauty, small-town values, historic and cultural character, sense of community and recreational opportunities for visitors and residents of the Spring Mountains National Recreation Area; and

(b) Residential and commercial development within the Spring Mountains National Recreation Area.

Sec. 7. As used in this act, "Spring Mountains National Recreation Area" means the following tracts of land:

1. All of sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35 and 36, Township 17 South, Range 53 East, MDM;

2. The west half of section 3, all of sections 4, 5, 6, 7, 8 and 9, the west half of section 10 and all of sections 15, 16, 17, 18, 19, 20, 21, 22, 23, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36, Township 17 South, Range 54 East, MDM;

3. All of sections 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36, Township 17 South, Range 55 East, MDM;

4. All of section 31, Township 17 South, Range 56 East, MDM;

5. All of section 1, Township 18 South, Range 53 East, MDM;

6. All of sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 25, 26, 27, 28, 33, 34, 35 and 36, Township 18 South, Range 54 East, MDM;

7. All of Township 18 South, Range 55 East, MDM;

8. All of Township 18 South, Range 56 East, MDM;

9. All of sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30, 31, 32, 33, 34 and 35, Township 18 South, Range 57 East, MDM;

10. All of sections 1, 2, 3, 4, 9, 10, 11, 12, 13, 14 and 15, Township 19 South, Range 54 East, MDM;

11. All of sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18, the east half of section 20 and all of sections 21, 22, 23, 24, 25, 26, 27, 34, 35 and 36, Township 19 South, Range 55 East, MDM;

12. All of Township 19 South, Range 56 East, MDM;

13. All of Township 19 South, Range 57 East, MDM;

14. All of sections 6, 7, 18, 19, 30 and 31, Township 19 South, Range 58 East, MDM;

15. All of sections 1, 2, 3, 10, 11, 12, 13, 14, 24 and 25, Township 20 South, Range 55 East, MDM;

16. All of sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 32, 33, 34, 35 and 36, Township 20 South, Range 56 East, MDM;

17. All of sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30, 31, 32, 33, 34 and 35, Township 20 South, Range 57 East, MDM;

18. All of sections 6 and 7, Township 20 South, Range 58 East, MDM;

19. All of sections 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 25, 26, 27, 28, 33, 34, 35 and 36, Township 21 South, Range 56 East, MDM;

20. All of sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30, 31, 32, 33, 34 and 35, Township 21 South, Range 57 East, MDM;

21. All of sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 35 and 36, Township 22 South, Range 57 East, MDM;

22. All of section 19, all of section 20 except the northeast quarter and all of sections 29 **[,]** **and** 30, ~~[31 and 32,]~~ Township 22 South, Range 58 East, MDM;

23. All of sections 1, 2, 11, 12, 13, 14, 24 and 25, Township 23 South, Range 57 East, MDM; and

24. All of sections ~~[5, 6,]~~ 7, 8, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 26, 27, 28, 29 and 30, Township 23 South, Range 58 East, MDM.

Sec. 8. With respect to the Spring Mountains National Recreation Area, a local government:

1. Shall not, in regulating the use of those lands:

(a) Increase the number of residential dwelling units allowed by zoning regulations in existence on the effective date of this act;

(b) Establish any new nonresidential zoning districts, other than for public facilities; or

(c) Expand the size of any nonresidential zoning district in existence on the effective date of this act, other than for public facilities.

2. May regulate matters to include, without limitation, landscaping, buffering, screening, signage and lighting.

3. Retains all other authority regarding planning, zoning and regulation of uses of land.

Sec. 9. 1. Notwithstanding any other provision of law, the Nevada Gaming Commission shall not issue a nonrestricted license for any location in the Spring Mountains National Recreation Area.

2. As used in this section, “nonrestricted license” has the meaning ascribed to it in NRS 463.0177.

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

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 388.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 483.

AN ACT relating to gaming; revising the definition of "sports pools"; revising the provisions relating to the operation of gaming salons; **revising the provisions relating to off-track pari-mutuel wagering;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines a "sports pool" as the business of accepting wagers on sporting events by any system or method of wagering. (NRS 463.0193) The regulations of the Nevada Gaming Commission provide that a "sports pool" means a business that accepts wagers on sporting events or other events. (Regulation 22.010 of the Nevada Gaming Commission) **Section 2** of this bill amends the statutory definition to include "other events" within the definition of "sports pool" in a manner consistent with the regulations.

Existing law requires the Commission to adopt regulations setting forth the standards of operation for a gaming salon, including policies and procedures governing **the games offered and** minimum wagers for any game offered, and those regulations must provide that minimum wagers for slot machines must not be less than $500. (NRS 463.4073) **Section 3** of this bill ~~[eliminates the requirement]~~ **provides** that the regulations **must not allow more than five slot machines in a gaming salon and** must establish minimum wagers for slot machines of not less than ~~[$500.]~~ **$50.**

Sections 5 and 7 of this bill clarify that, in addition to authorizing off-track pari-mutuel wagering on horse races, existing law also authorizes off-track pari-mutuel wagering on dog races. (NRS 464.005, 466.095)

Existing law authorizes the Commission to appoint an Off-Track Pari-Mutuel Wagering Committee, which, if appointed, is required to grant to the Off-Track Pari-Mutuel Wagering Committee the exclusive right to negotiate an agreement relating to off-track pari-mutuel wagering. (NRS 464.020) Section 6 of this bill provides that any agreement negotiated by the Off-Track Pari-Mutuel Wagering Committee with a track relating to off-track pari-mutuel wagering must not set a different rate for intrastate wagers placed on the licensed premises of a race book and wagers placed through the use of communications technology.

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

Section 1. NRS 463.016425 is hereby amended to read as follows:

463.016425 1. "Interactive gaming" means the conduct of gambling games through the use of communications technology that allows a person, utilizing money, checks, electronic checks, electronic transfers of money, credit cards, debit cards or any other instrumentality, to transmit to a computer information to assist in the placing of a bet or wager and corresponding information related to the display of the game, game outcomes or other similar information. The term does not include the operation of a race book or sports pool that uses communications technology approved by the Board pursuant to regulations adopted by the Commission to accept wagers originating within this state for races **,** or sporting events ~~[.]~~ ***or other events.***

2. As used in this section, "communications technology" means any method used and the components employed by an establishment to facilitate the transmission of information, including, without limitation, transmission and reception by systems based on wire, cable, radio, microwave, light, optics or computer data networks, including, without limitation, the Internet and intranets.

Sec. 2. NRS 463.0193 is hereby amended to read as follows:

463.0193 "Sports pool" means the business of accepting wagers on sporting events ***or other events*** by any system or method of wagering.

Sec. 3. NRS 463.4073 is hereby amended to read as follows:

463.4073 The Commission shall, with the advice and assistance of the Board, adopt regulations setting forth:

1. The policies and procedures for approval of a license to operate a gaming salon.

2. The standards of operation for a gaming salon, including, without limitation, policies and procedures governing:

(a) Surveillance and security systems.

(b) The games offered. The regulations must provide that the games offered must include table games and may include ***not more than five*** slot machines.

(c) Minimum wagers for any game offered. The regulations must provide that minimum wagers for slot machines must not be less than ~~[$500.]~~ ***$50.***

Sec. 4. ~~[This act becomes effective upon passage and approval.]~~ **(Deleted by amendment.)**

Sec. 5. **NRS 464.005 is hereby amended to read as follows:**

464.005 As used in this chapter, unless the context otherwise requires:

1. "Gross revenue" means the amount of the commission received by a licensee that is deducted from off-track pari-mutuel wagering, plus breakage and the face amount of unpaid winning tickets that remain unpaid for a period specified by the Nevada Gaming Commission.

2. "Off-track pari-mutuel system" means a computerized system, or component of such a system, that is used with regard to a pari-mutuel pool to transmit information such as amounts wagered, odds and payoffs on races.

3. "Off-track pari-mutuel wagering" means any pari-mutuel system of wagering approved by the Nevada Gaming Commission for the acceptance of wagers on:

(a) ~~[Races]~~ ***Horse or dog races*** which take place outside of this state; or

(b) Sporting events.

4. "Operator of a system" means a person engaged in providing an off-track pari-mutuel system.

5. "Pari-mutuel system of wagering" means any system whereby wagers with respect to the outcome of a race or sporting event are placed in a wagering pool conducted by a person licensed or otherwise permitted to do so under state law, and in which the participants are wagering with each other and not against that person. The term includes off-track pari-mutuel wagering.

Sec. 6. **NRS 464.020 is hereby amended to read as follows:**

464.020 1. The Nevada Gaming Commission is charged with the administration of this chapter for the protection of the public and in the public interest.

2. The Nevada Gaming Commission may issue licenses permitting the conduct of the pari-mutuel system of wagering, including off-track pari-mutuel wagering, and may adopt, amend and repeal regulations relating to the conduct of such wagering.

3. The wagering must be conducted only by the licensee at the times determined by the Nevada Gaming Commission and only:

(a) Within the enclosure wherein the race or other sporting event which is the subject of the wagering occurs; or

(b) Within a licensed gaming establishment which has been approved to conduct off-track pari-mutuel wagering.

➥ This subsection does not prohibit a person licensed to accept, pursuant to regulations adopted by the Nevada Gaming Commission, off-track pari-mutuel wagers from accepting wagers made by wire communication from patrons within the State of Nevada, from other states in which such wagering is legal or from places outside the United States in which such wagering is legal.

4. The regulations of the Nevada Gaming Commission may include, without limitation:

(a) Requiring fingerprinting of an applicant or licensee, or other method of identification.

(b) Requiring information concerning an applicant's antecedents, habits and character.

(c) Prescribing the method and form of application which any applicant for a license issued pursuant to this chapter must follow and complete before consideration of his application by the Nevada Gaming Commission.

(d) Prescribing the permissible communications technology and requiring the implementation of border control technology that will ensure that a

person cannot place a wager with a race book in this State from another state or another location where placing such a wager is illegal.

5. The Nevada Gaming Commission may appoint an Off-Track Pari-Mutuel Wagering Committee consisting of 11 persons who are licensed to engage in off-track pari-mutuel wagering. If the Commission appoints such a Committee, it shall appoint to the Committee:

(a) Five members from a list of nominees provided by the State Association of Gaming Establishments whose members collectively paid the most gross revenue fees to the State pursuant to NRS 463.370 in the preceding year;

(b) Three members who, in the preceding year, paid gross revenue fees pursuant to NRS 463.370 in an amount that was less than the average amount of gross revenue fees paid by licensees engaged in off-track pari-mutuel wagering in the preceding year; and

(c) Three other members.

➥ If a vacancy occurs in a position on the Committee for any reason, including, but not limited to, termination of a member, the Commission shall appoint a successor member who satisfies the same criteria in paragraph (a), (b) or (c) that applied to the member whose position has been vacated.

6. If the Nevada Gaming Commission appoints an Off-Track Pari-Mutuel Wagering Committee pursuant to subsection 5, the Commission shall:

(a) Grant to the Off-Track Pari-Mutuel Wagering Committee the exclusive right to negotiate an agreement relating to off-track pari-mutuel wagering with:

(1) A person who is licensed or otherwise permitted to operate a wagering pool in another state; and

(2) A person who is licensed pursuant to chapter 464 of NRS as an operator of a system.

(b) ***Require that any agreement negotiated by the Off-Track Pari-Mutuel Wagering Committee with a track relating to off-track pari-mutuel wagering must not set a different rate for intrastate wagers placed on the licensed premises of a race book and wagers placed through the use of communications technology.***

(c) Require the Off-Track Pari-Mutuel Wagering Committee to grant to each person licensed pursuant to this chapter to operate an off-track pari-mutuel race pool the right to receive, on a fair and equitable basis, all services concerning wagering in such a race pool that the Committee has negotiated to bring into or provide within this State.

7. The Nevada Gaming Commission shall, and it is granted the power to, demand access to and inspect all books and records of any person licensed pursuant to this chapter pertaining to and affecting the subject of the license.

Sec. 7. **NRS 466.095 is hereby amended to read as follows:**

466.095 The Nevada Gaming Commission shall not issue any license ~~[under this chapter]~~ to conduct dog racing or pari-mutuel wagering in

connection with ~~[any dog race.]~~ ***dog racing pursuant to this chapter. This section does not prohibit off-track pari-mutuel wagering on dog racing pursuant to chapter 464 of NRS.***

Assemblyman Segerblom moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 430.

Bill read second time.

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

Amendment No. 440.

AN ACT relating to children's products; prohibiting the advertisement, sale, lease, sublet or distribution of children's products under certain circumstances; prohibiting certain commercial activity regarding unsafe cribs; providing that a violation of provisions relating to unsafe cribs or to children's products is a deceptive trade practice; authorizing the Consumer's Advocate of the Bureau of Consumer Protection in the Office of the Attorney General to ban or designate as a health or safety hazard any children's product; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 7 of this bill provides that a retailer of a new or used product intended for children under 12 years of age may not advertise, sell or offer for sale, lease, sublet or otherwise distribute the product if the product is subject to a recall notice, is subject to a warning indicating that the use of the product constitutes a health or safety hazard or has been banned or designated as a health or safety hazard by the United States Consumer Product Safety Commission, the Consumer's Advocate of the Bureau of Consumer Protection in the Office of the Attorney General or the manufacturer of the product. **Section 7** also requires a retailer to subscribe to or arrange to receive recall notices and warnings issued by the United States Consumer Product Safety Commission and manufacturers from whom the retailer receives children's products. **Section 7** further requires a retailer to comply with all instructions issued for the disposal, return, repair, retrofitting, labeling or remediation of children's products which are the subject of a recall notice or other warning. ~~[Section 8 of this bill requires the Attorney General to assist retailers in this State with obtaining recall notices that have been issued relating to children's products. Such assistance must include dedicating a portion of the website of the Attorney General to provide a link to a website which provides product recall notices and lists products banned or designated hazardous by the Consumer Advocate.]~~ **Section 18** of this bill makes it a deceptive trade practice for a person to **knowingly and willfully** violate any provision relating to unsafe cribs or to children's products that are subject to a recall notice or a warning, which

therefore puts such violations within the purview of the provisions in chapter 598 of NRS that impose civil and criminal penalties. (NRS 598.092) **Section 19** of this bill authorizes the Consumer's Advocate to ban or designate as a health or safety hazard any children's product. (NRS 228.380)

Sections 9-17 of this bill establish the Infant Crib Safety Act. **Section 14** prohibits persons from remanufacturing, retrofitting, selling, contracting to sell or resell, subletting or otherwise placing in the stream of commerce a crib that is unsafe for use by an infant. **Section 14** also describes the types of cribs that are presumed unsafe. **Section 15** establishes civil penalties for persons who violate any provision relating to unsafe cribs. **Section 16** exempts antique or vintage cribs from the provisions relating to unsafe cribs if such a crib is accompanied with a written notice provided by a commercial user stating that it is not intended for use by an infant. **Section 16** further releases from liability any commercial user who complies with the notice requirement. **Section 17** authorizes any person to maintain an action against a commercial user who violates any provision relating to unsafe cribs.

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

Section 1. Chapter 597 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 17, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 8, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 6, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Children's product" means a consumer product that is designed or intended:***

1. For the care of or use by a child under 12 years of age; or

2. To come into physical contact with a child under 12 years of age at the time the product is used.

➥ For the purposes of this subsection, "children's product" does not include any medication, drug, food or other product that is intended to be ingested.

Sec. 4. ***"Consumer's Advocate" means the Consumer's Advocate of the Bureau of Consumer Protection in the Office of the Attorney General.***

Sec. 5. ***"Retailer" means a person who, in the ordinary course of his business, advertises, sells or offers for sale, leases, sublets or otherwise distributes a new or used children's product to consumers in this State, including, without limitation, thrift stores, second-hand stores and consignment stores.***

Sec. 6. ***"Warning" means a communication which is about a health or safety hazard that a children's product poses to consumers and which is:***

1. Directed to a retailer; and

2. Intended to inform the retailer about the health or safety hazard, instruct the retailer to remove the children's product from the retailer's

inventory or provide the retailer with a method to eliminate the health or safety hazard from the children's product.

➥ For the purposes of this section, "warning" does not include a communication which is directed to consumers and affixed to the children's product or any packaging material for the children's product or provided by the retailer to the consumer as part of a transaction relating to the children's product.

Sec. 7. ***1. A retailer shall not advertise, sell or offer for sale, lease, sublet or otherwise distribute a children's product to consumers in this State if the children's product is:***

(a) Subject to a recall notice issued by or in cooperation with the United States Consumer Product Safety Commission or its successor agency;

(b) The subject of a warning issued by the manufacturer of the children's product or the United States Consumer Product Safety Commission or its successor agency indicating that the intended use of the children's product constitutes a health or safety hazard, unless the retailer has eliminated the hazard in strict compliance with any standards and instructions that are provided in or related to the warning; or

(c) Banned or designated as a health or safety hazard by the Consumer's Advocate pursuant to NRS 228.380.

2. A retailer shall:

(a) Subscribe to or arrange to receive recall notices and warnings issued by the United States Consumer Product Safety Commission or its successor agency and manufacturers from whom the retailer receives children's products;

(b) Dispose of any children's product identified in a recall notice or a warning issued by or in cooperation with the United States Consumer Product Safety Commission or its successor agency, the Consumer's Advocate or the manufacturer of the children's product in strict compliance with disposal instructions included with or related to the recall notice or the warning; and

(c) Comply strictly with instructions issued with or related to a recall notice or a warning issued by the United States Consumer Product Safety Commission or its successor agency, the Consumer's Advocate or the manufacturer of the children's product for the return, repair, retrofitting, labeling or remediation of any children's product.

Sec. 8. ~~***[1. The Attorney General shall assist retailers in obtaining information necessary to subscribe to or arrange to receive recall notices and warnings relating to children's products and otherwise to comply with section 7 of this act.***~~

~~***2. The assistance required pursuant to subsection 1 must include, without limitation, the dedication of a portion of the website established and maintained by the Office of the Attorney General which must contain:***~~

~~***(a) A link which connects to a website maintained by or in cooperation with the United States Consumer Product Safety Commission or its***~~

~~*successor agency for the purpose of disseminating recall notices and warnings; and*~~

~~*(b) A list of all children's products banned or designated a health or safety hazard by the Consumer's Advocate.]*~~ **(Deleted by amendment.)**

Sec. 9. ***Sections 9 to 17, inclusive, of this act may be referred to as the Infant Crib Safety Act.***

Sec. 10. ***As used in sections 9 to 17, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 11, 12 and 13 of this act have the meanings ascribed to them in those sections.***

Sec. 11. ***"Commercial user" means any person, firm, corporation, association or nonprofit corporation, or any agent or employee thereof, including, without limitation, a child care facility licensed and in good standing pursuant to chapter 432A of NRS, who:***

1. Deals in cribs of the kind governed by sections 9 to 17, inclusive, of this act;

2. By virtue of the person's occupation, purports to have knowledge or skill peculiar to cribs of the kind governed by sections 9 to 17, inclusive, of this act; or

3. Is in the business of remanufacturing, retrofitting, selling, leasing, subletting or otherwise placing cribs in the stream of commerce.

Sec. 12. ***"Crib" means:***

1. Any full-size baby crib as described in 16 C.F.R. § 1508.3; or

2. Any non-full-size baby crib as that term is defined in 16 C.F.R. § 1509.2(b).

Sec. 13. ***"Infant" means a child who is under 3 years of age.***

Sec. 14. ***1. A person, including, without limitation, a commercial user, shall not remanufacture, retrofit, sell, contract to sell or resell, lease, sublet or otherwise place in the stream of commerce a crib that is unsafe for use by an infant.***

2. A crib is presumed to be unsafe if it does not conform to the standards set forth in:

(a) 16 C.F.R. Part 1303;

(b) 16 C.F.R. Part 1508;

(c) 16 C.F.R. Part 1509; and

(d) The American Society for Testing and Materials voluntary standards F966-90, F1169.88 and F406.

3. Cribs that are presumed to be unsafe pursuant to subsection 2 also include, without limitation, cribs with one or more of the following features or characteristics:

(a) Corner posts that extend more than 1/16 of an inch;

(b) Spaces between side slats more than 2 3/8 inches;

(c) Mattress supports that can be easily dislodged from any point of the crib;

(d) Cutout designs on the end panels;

(e) Rail height dimensions that do not conform to the following:

(1) The height of the rail and end panel as measured from the top of the rail or panel in its lowest position to the top of the mattress support in its highest position is at least 9 inches; or

(2) The height of the rail and end panel as measured from the top of the rail or panel in its highest position to the top of the mattress support in its lowest position is at least 26 inches;

(f) Any screw, bolt or hardware that is loose or not secured;

(g) Sharp edges, points, rough surfaces or any wood surfaces that are not smooth and free from splinters, splits or cracks; or

(h) Tears in mesh or fabric sides.

4. For the purposes of paragraph (c) of subsection 3, a mattress support is deemed to be easily dislodged if it cannot withstand a 25-pound upward force from beneath the crib.

Sec. 15. ***1. A commercial user who willfully and knowingly sells, leases or otherwise places in the stream of commerce an unsafe crib as described in section 14 of this act commits an offense punishable by a fine not to exceed $1,000.***

2. A person other than a commercial user who willfully and knowingly sells, leases or otherwise places in the stream of commerce an unsafe crib as described in section 14 of this act commits an offense punishable by a fine not to exceed $200.

Sec. 16. ***1. The provisions of sections 9 to 15, inclusive, of this act do not apply to any antique or vintage crib if the antique or vintage crib is:***

(a) Not intended for use by an infant; and

(b) At the time of remanufacturing, retrofitting, selling, leasing, subletting or otherwise placing in the stream of commerce, is accompanied with a written notice provided by the commercial user stating that the crib is not intended for use by an infant and that the crib is dangerous for use by an infant.

2. A commercial user who complies with the notice requirement in subsection 1 shall not be held liable for any death or injury as a result of the use of an antique or vintage crib in a manner inconsistent with the warning provided in the written notice.

3. As used in this section, "antique or vintage crib" means a crib that is:

(a) Fifty years or older, as measured from the current year;

(b) Maintained as a collector's item; and

(c) Not intended for use by an infant.

Sec. 17. ***In addition to any other remedy provided by law, any person may maintain an action against a commercial user who violates the provisions of section 14 of this act, seek to enjoin the remanufacture, retrofitting, sale, contract to sell or resell, lease or subletting of a crib that is unsafe for an infant and seek reasonable attorney's fees and costs.***

Sec. 18. NRS 598.092 is hereby amended to read as follows:

598.092 A person engages in a "deceptive trade practice" when in the course of his business or occupation he:

1. Knowingly fails to identify goods for sale or lease as being damaged by water.

2. Solicits by telephone or door to door as a lessor or seller, unless the lessor or seller identifies himself, whom he represents and the purpose of his call within 30 seconds after beginning the conversation.

3. Knowingly states that services, replacement parts or repairs are needed when no such services, replacement parts or repairs are actually needed.

4. Fails to make delivery of goods or services for sale or lease within a reasonable time or to make a refund for the goods or services, if he allows refunds.

5. Advertises or offers an opportunity for investment and:

(a) Represents that the investment is guaranteed, secured or protected in a manner which he knows or has reason to know is false or misleading;

(b) Represents that the investment will earn a rate of return which he knows or has reason to know is false or misleading;

(c) Makes any untrue statement of a material fact or omits to state a material fact which is necessary to make another statement, considering the circumstances under which it is made, not misleading;

(d) Fails to maintain adequate records so that an investor may determine how his money is invested;

(e) Fails to provide information to an investor after a reasonable request for information concerning his investment;

(f) Fails to comply with any law or regulation for the marketing of securities or other investments; or

(g) Represents that he is licensed by an agency of the State to sell or offer for sale investments or services for investments if he is not so licensed.

6. Charges a fee for advice with respect to investment of money and fails to disclose:

(a) That he is selling or offering to lease goods or services and, if he is, their identity; or

(b) That he is licensed by an agency of any state or of the United States to sell or to offer for sale investments or services for investments ~~[,]~~ or holds any other license related to the service he is providing.

7. Notifies any person, by any means, as a part of an advertising plan or scheme, that he has won a prize and that as a condition of receiving the prize he must purchase or lease goods or services.

8. Knowingly misrepresents the legal rights, obligations or remedies of a party to a transaction.

9. Fails, in a consumer transaction that is rescinded, cancelled or otherwise terminated in accordance with the terms of an agreement, advertisement, representation or provision of law, to promptly restore to a person entitled to it a deposit, down payment or other payment or, in the case of property traded in but not available, the agreed value of the property ~~[,]~~ or

fails to cancel within a specified time or an otherwise reasonable time an acquired security interest. This subsection does not apply to a person who is holding a deposit, down payment or other payment on behalf of another if all parties to the transaction have not agreed to the release of the deposit, down payment or other payment.

10. Fails to inform customers, if he does not allow refunds or exchanges, that he does not allow refunds or exchanges by:

(a) Printing a statement on the face of the lease or sales receipt;

(b) Printing a statement on the face of the price tag; or

(c) Posting in an open and conspicuous place a sign at least 8 by 10 inches in size with boldface letters,

➥ specifying that no refunds or exchanges are allowed.

11. ~~[Violates]~~ Knowingly and willfully violates section 7 or 14 of this act.

Sec. 19. NRS 228.380 is hereby amended to read as follows:

228.380 1. Except as otherwise provided in this section, the Consumer's Advocate may exercise the power of the Attorney General in areas of consumer protection, including, but not limited to, enforcement of chapters 90, 597, 598, 598A, 598B, 598C, 599B and 711 of NRS.

2. The Consumer's Advocate may not exercise any powers to enforce any criminal statute set forth in:

(a) Chapter 90, 597, 598, 598A, 598B, 598C or 599B of NRS for any transaction or activity that involves a proceeding before the Public Utilities Commission of Nevada if the Consumer's Advocate is participating in that proceeding as a real party in interest on behalf of the customers or a class of customers of utilities; or

(b) Chapter 711 of NRS.

3. The Consumer's Advocate may expend revenues derived from NRS 704.033 only for activities directly related to the protection of customers of public utilities.

4. The powers of the Consumer's Advocate do not extend to proceedings before the Public Utilities Commission of Nevada directly relating to discretionary or competitive telecommunication services.

5. For the purposes of sections 2 to 8, inclusive, of this act, the Consumer's Advocate may ban or designate as a health or safety hazard any children's product. The Consumer's Advocate may adopt any regulations necessary to carry out the provisions of this subsection. As used in this subsection, "children's product" has the meaning ascribed to it in section 3 of this act.

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 441.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 382.

AN ACT relating to vehicles; clarifying that an electric bicycle is not a moped; requiring the owner of a moped or an electric bicycle to obtain a permit from the Department of Motor Vehicles; requiring the owner of a moped to provide liability insurance; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law includes electric bicycles in the definition of a moped. (NRS 482.069) **Section 2** of this bill provides a definition of "electric bicycle" which is separate from that of a moped, and **section 6** of this bill revises the definition of "moped" to include certain scooters and cycles but to exclude electric bicycles. ~~[Section 3 of this bill provides for the Department of Motor Vehicles to issue a permit for an electric bicycle if the electric bicycle is equipped with certain safety equipment required for riding a bicycle on the highways of this State, and section 9 of this bill provides for a fee to be collected by the Department for such a permit. (NRS 482.480)]~~ **Section 1 of this bill requires that electric bicycles be allowed on any trail or pedestrian walkway that is intended for use by bicycles and is constructed using certain federal funds. Section 1.3 of this bill requires the Department of Motor Vehicles to include electric bicycles in educational programs concerning bicycle safety. (NRS 480.700) Section 8** of this bill ~~[limits the exemption]~~ **exempts electric bicycles** from vehicle registration requirements**.** ~~[to an electric bicycle that has obtained a permit from the Department.]~~ (NRS 482.210) **Sections 19-27** of this bill provide that electric bicycles are subject to the same traffic laws and various other requirements as bicycles. **Section 35.5 of this bill requires the Motor Vehicle Recovery and Transportation Planner of the Department to include electric bicycles in the development and administration of plans relating to the establishment, construction and maintenance of bicycle lanes and routes in this State. (NRS 408.234)**

Under existing law, the owner of a vehicle defined as a moped is exempt from vehicle registration requirements and vehicle liability insurance requirements. (NRS 482.210, 485.185) A moped driven on the highways of this State must be equipped with certain safety equipment such as headlamps, tail lamps, turn signals, reflectors, brakes and mirrors, and the operator must obey traffic laws. (NRS 486.261-486.311, 486.331) ~~[Section 8 of this bill limits the exemption from registration requirements to a moped that has obtained a permit from the Department. Section 4 of this bill provides for the Department to issue a permit for a moped if the moped is equipped with the safety equipment required for driving on the highways of this State and if the owner of the moped has obtained vehicle liability insurance for the moped, and section 9 provides for a fee to be collected by the Department for such a permit. (NRS 482.480) Section 31 of this bill requires the owner of a moped~~

~~operating under a permit issued by the Department to obtain vehicle liability insurance. (NRS 485.185)~~] **Sections 6, 12, 17 and 33 of this bill exclude electric bicycles from the definition of "moped," and amend the definition of "moped" to include motor-driven scooters, motor-driven cycles and similar vehicles with engines that produce not more than 1500 watts final output.**

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

Section 1. **Chapter 480 of NRS is hereby amended by adding thereto a new section to read as follows:**

Electric bicycles, as defined in section 2 of this act, must be allowed on any trail or pedestrian walkway that is intended for use by bicycles and is constructed using federal funding obtained pursuant to 23 U.S.C. § 217.

Sec. 1.3. **NRS 480.700 is hereby amended to read as follows:**

480.700 1. The Department shall develop an educational program concerning bicycle safety which must be:

(a) Suitable for children and adults; and

(b) Developed by a person who is trained in the techniques of bicycle safety.

2. The program must be designed to:

(a) Aid bicyclists in improving their riding skills;

(b) Inform bicyclists of applicable traffic laws and encourage observance of those laws; and

(c) Promote bicycle safety.

3. As used in this section, "bicycle" has the meaning ascribed to it in NRS 484.019 and includes an electric bicycle as defined in section 2 of this act.

~~[Section 1.]~~ ***Sec. 1.7.*** Chapter 482 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. ***"Electric bicycle" means a device upon which a person may ride, having two ~~[tandem]~~ or three wheels , ~~[either of which is over 14 inches in diameter,]~~ or every such device generally recognized as a bicycle that has fully operable pedals and is propelled by a small electric engine which produces not more than ~~[2]~~ 1 gross brake horsepower and which ~~[has a displacement of]~~ produces not more than ~~[50 cubic centimeters,]~~ 750 watts final output, and:***

1. Is designed to travel on not more than three wheels in contact with the ground but is not a tractor; and

2. ~~[Is]~~ Powered solely by such a small electric engine, is capable of a maximum speed of not more than ~~[30]~~ 20 miles per hour on a flat surface ~~[with not more than 1 percent grade in any direction when the motor is engaged.]~~ while carrying an operator who weighs 170 pounds.

➥ The term does not include a moped.

Sec. 3. ~~[*A permit for the operation of an electric bicycle may be issued by the Department if the electric bicycle is equipped as required by NRS 484.513.*]~~ **(Deleted by amendment.)**

Sec. 4. ~~[*A permit for the operation of a moped may be issued by the Department if the moped is equipped as required by NRS 486.251 to 486.311, inclusive, and evidence of insurance as required for the registration of a motor vehicle is submitted when the application for the permit is made.*]~~ **(Deleted by amendment.)**

Sec. 5. NRS 482.010 is hereby amended to read as follows:

482.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 482.0105 to 482.137, inclusive, ***and section 2 of this act*** have the meanings ascribed to them in those sections.

Sec. 6. NRS 482.069 is hereby amended to read as follows:

482.069 "Moped" means a ~~[vehicle which looks and handles essentially like a bicycle and]~~ ***motor-driven scooter, motor-driven cycle or similar vehicle that*** is propelled by a small engine which produces not more than 2 gross brake horsepower ~~[and which]~~ **,** has a displacement of not more than 50 cubic centimeters **~~[,]~~** ***or produces not more than 1500 watts final output,*** and:

1. Is designed to travel on not more than three wheels in contact with the ground but is not a tractor; and

2. Is capable of a maximum speed of not more than 30 miles per hour on a flat surface with not more than 1 percent grade in any direction when the motor is engaged.

➥ ***The term does not include an electric bicycle.***

Sec. 7. NRS 482.070 is hereby amended to read as follows:

482.070 "Motorcycle" means every motor vehicle designed to travel on not more than three wheels in contact with the ground, except any such vehicle as may be included within the term ***"electric bicycle,"*** "tractor" or "moped" as defined in this chapter.

Sec. 7.5. **NRS 482.087 is hereby amended to read as follows:**

482.087 "Passenger car" means a motor vehicle designed for carrying 10 persons or less, except a motorcycle **~~[, power cycle]~~** or motor-driven cycle.

Sec. 8. NRS 482.210 is hereby amended to read as follows:

482.210 1. The provisions of this chapter requiring the registration of certain vehicles do not apply to:

(a) Special mobile equipment.

(b) Implements of husbandry temporarily drawn, moved or otherwise propelled upon the highways.

(c) Any mobile home or commercial coach subject to the provisions of chapter 489 of NRS.

(d) ***Electric bicycles*** **.** ~~[*which are operating pursuant to a permit issued pursuant to this chapter.*]~~

(e) Golf carts which are:

(1) Traveling upon highways properly designated by the appropriate city or county as permissible for the operation of golf carts; and

(2) Operating pursuant to a permit issued pursuant to this chapter.

~~[(e)]~~ ***(f)*** Mopeds~~.~~ ~~[~~.

~~(f)]~~ ~~*[which are operating pursuant to a permit issued pursuant to this chapter.]*~~

(g) Towable tools or equipment as defined in NRS 484.202.

~~[(g)]~~ ***(h)*** Any motorized conveyance for a wheelchair, whose operator is a person with a disability who is unable to walk about.

2. For the purposes of this section, "motorized conveyance for a wheelchair" means a vehicle which:

(a) Can carry a wheelchair;

(b) Is propelled by an engine which produces not more than 3 gross brake horsepower ~~[or]~~ **,** has a displacement of not more than 50 cubic centimeters ~~[,]~~ ***or produces not more than 2250 watts final output;***

(c) Is designed to travel on not more than three wheels; and

(d) Can reach a speed of not more than 30 miles per hour on a flat surface with not more than a grade of 1 percent in any direction.

➥ The term does not include a tractor.

Sec. 8.3. **NRS 482.265 is hereby amended to read as follows:**

482.265 1. The Department shall furnish to every owner whose vehicle is registered two license plates for a motor vehicle other than a motorcycle ~~[or power cycle,]~~ and one license plate for all other vehicles required to be registered hereunder. Upon renewal of registration, the Department may issue one or more license plate stickers, tabs or other suitable devices in lieu of new license plates.

2. The Director shall have the authority to require the return to the Department of all number plates upon termination of the lawful use thereof by the owner under this chapter.

3. Except as otherwise specifically provided by statute, for the issuance of each special license plate authorized pursuant to this chapter:

(a) The fee to be received by the Department for the initial issuance of the special license plate is $35, exclusive of any additional fee which may be added to generate funds for a particular cause or charitable organization;

(b) The fee to be received by the Department for the renewal of the special license plate is $10, exclusive of any additional fee which may be added to generate financial support for a particular cause or charitable organization; and

(c) The Department shall not design, prepare or issue a special license plate unless, within 4 years after the date on which the measure authorizing the issuance becomes effective, it receives at least 250 applications for the issuance of that plate.

Sec. 8.7. **NRS 482.275 is hereby amended to read as follows:**

482.275 1. The license plates for a motor vehicle other than a motorcycle ~~[, power cycle]~~ or motor vehicle being transported by a licensed

vehicle transporter must be attached thereto, one in the rear and, except as otherwise provided in subsection 2, one in the front. The license plate issued for all other vehicles required to be registered must be attached to the rear of the vehicle. The license plates must be so displayed during the current calendar year or registration period.

2. If the motor vehicle was not manufactured to include a bracket, device or other contrivance to display and secure a front license plate, and if the manufacturer of the motor vehicle provided no other means or method by which a front license plate may be displayed upon and secured to the motor vehicle:

(a) One license plate must be attached to the motor vehicle in the rear; and

(b) The other license plate may, at the option of the owner of the vehicle, be attached to the motor vehicle in the front.

3. The provisions of subsection 2 do not relieve the Department of the duty to issue a set of two license plates as otherwise required pursuant to NRS 482.265 or other applicable law and do not entitle the owner of a motor vehicle to pay a reduced tax or fee in connection with the registration or transfer of the motor vehicle. If the owner of a motor vehicle, in accordance with the provisions of subsection 2, exercises the option to attach a license plate only to the rear of the motor vehicle, the owner shall:

(a) Retain the other license plate; and

(b) Insofar as it may be practicable, return or surrender both plates to the Department as a set when required by law to do so.

4. Every license plate must at all times be securely fastened to the vehicle to which it is assigned so as to prevent the plate from swinging and at a height not less than 12 inches from the ground, measuring from the bottom of such plate, in a place and position to be clearly visible, and must be maintained free from foreign materials and in a condition to be clearly legible.

5. Any license plate which is issued to a vehicle transporter or a dealer, rebuilder or manufacturer may be attached to a vehicle owned or controlled by that person by a secure means. No license plate may be displayed loosely in the window or by any other unsecured method in any motor vehicle.

Sec. 9. ~~[NRS 482.480 is hereby amended to read as follows:~~

~~482.480 There must be paid to the Department for the registration or the transfer or reinstatement of the registration of motor vehicles, trailers and semitrailers, fees according to the following schedule:~~

~~1. Except as otherwise provided in this section, for each stock passenger car and each reconstructed or specially constructed passenger car registered to a person, regardless of weight or number of passenger capacity, a fee for registration of $33.~~

~~2. Except as otherwise provided in subsection 3:~~

~~(a) For each of the fifth and sixth such cars registered to a person, a fee for registration of $16.50.~~

~~(b) For each of the seventh and eighth such cars registered to a person, a fee for registration of $12.~~

~~(c) For each of the ninth or more such cars registered to a person, a fee for registration of $8.~~

~~3. The fees specified in subsection 2 do not apply:~~

~~(a) Unless the person registering the cars presents to the Department at the time of registration the registrations of all of the cars registered to him.~~

~~(b) To cars that are part of a fleet.~~

~~4. For every motorcycle, a fee for registration of $33 and for each motorcycle other than a trimobile, an additional fee of $6 for motorcycle safety. The additional fee must be deposited in the State Highway Fund for credit to the Account for the Program for the Education of Motorcycle Riders.~~

~~5. For each transfer of registration, a fee of $6 in addition to any other fees.~~

~~6. Except as otherwise provided in subsection 9 of NRS 485.317, to reinstate the registration of a motor vehicle suspended pursuant to that section:~~

~~(a) A fee of $250 for a registered owner who failed to have insurance on the date specified in the form for verification that was mailed by the Department pursuant to subsection 3 of NRS 485.317; or~~

~~(b) A fee of $50 for a registered owner of a dormant vehicle who cancelled the insurance coverage for that vehicle or allowed the insurance coverage for that vehicle to expire without first cancelling the registration for the vehicle in accordance with subsection 3 of NRS 485.320,~~

~~→ both of which must be deposited in the Account for Verification of Insurance which is hereby created in the State Highway Fund. The money in the Account must be used to carry out the provisions of NRS 485.313 to 485.318, inclusive.~~

~~7. For every travel trailer, a fee for registration of $27.~~

~~8. For every permit for the operation of ***an electric bicycle, a moped or*** a golf cart, an annual fee of $10.~~

~~9. For every low-speed vehicle, as that term is defined in NRS 484.527, a fee for registration of $33.~~

~~10. To reinstate the registration of a motor vehicle that is suspended pursuant to NRS 482.451, a fee of $33.~~ **(Deleted by amendment.)**

Sec. 10. Chapter 483 of NRS is hereby amended by adding thereto a new section to read as follows:

"Electric bicycle" means a device upon which a person may ride, having two ~~[tandem]~~ or three wheels , ~~[either of which is over 14 inches in diameter,]~~ or every such device generally recognized as a bicycle that has fully operable pedals and is propelled by a small electric engine which produces not more than ~~[2]~~ 1 gross brake horsepower and which ~~[has a displacement of]~~ produces not more than ~~[50 cubic centimeters,]~~ 750 watts final output, and:

1. Is designed to travel on not more than three wheels in contact with the ground but is not a tractor; and

2. ~~[Is]~~ Powered solely by such a small electric engine, is capable of a maximum speed of not more than ~~[30]~~ 20 miles per hour on a flat surface ~~[with not more than 1 percent grade in any direction when the motor is engaged.]~~ while carrying an operator who weighs 170 pounds.

➥ The term does not include a moped.

Sec. 11. NRS 483.020 is hereby amended to read as follows:

483.020 As used in NRS 483.010 to 483.630, inclusive, ***and section 10 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 483.030 to 483.190, inclusive, ***and section 10 of this act*** have the meanings ascribed to them in those sections.

Sec. 12. NRS 483.088 is hereby amended to read as follows:

483.088 "Moped" means a ~~[vehicle which looks and handles essentially like a bicycle and]~~ ***motor-driven scooter, motor-driven cycle or similar vehicle that*** is propelled by a small engine which produces not more than 2 gross brake horsepower ~~[and which]~~ , has a displacement of not more than 50 cubic centimeters ~~[,]~~ ***or produces not more than 1500 watts final output,*** and:

1. Is designed to travel on not more than three wheels in contact with the ground but is not a tractor; and

2. Is capable of a maximum speed of not more than 30 miles per hour on a flat surface with not more than 1 percent grade in any direction when the motor is engaged.

➥ The term does not include an electric bicycle.

Sec. 13. NRS 483.090 is hereby amended to read as follows:

483.090 "Motor vehicle" means every vehicle which is self-propelled, and every vehicle which is propelled by electric power obtained from overhead trolley wires but not operated upon rails. "Motor vehicle" includes ***a*** moped. ***The term does not include an electric bicycle.***

Sec. 14. NRS 483.203 is hereby amended to read as follows:

483.203 The position of Drivers' Education and Safety Officer is hereby created in the Department. The Drivers' Education and Safety Officer:

1. Shall plan and administer a program of safety education which includes safety information concerning interaction among motor vehicles, bicycles ***, electric bicycles, mopeds*** and pedestrians.

2. May provide grants to local governmental entities, including school districts, for assistance in carrying out the program of safety education.

Sec. 15. Chapter 484 of NRS is hereby amended by adding thereto a new section to read as follows:

"Electric bicycle" means a device upon which a person may ride, having two ~~[tandem]~~ or three wheels , ~~[either of which is over 14 inches in diameter,]~~ or every such device generally recognized as a bicycle that has fully operable pedals and is propelled by a small electric engine which produces not more than ~~[2]~~ 1 gross brake horsepower and which ~~[has a~~

~~*displacement of]*~~ ***produces not more than*** ~~*[50 cubic centimeters,]*~~ ***750 watts final output, and:***

1. Is designed to travel on not more than three wheels in contact with the ground but is not a tractor; and

2. ~~*[Is]*~~ ***Powered solely by such a small electric engine, is capable of a maximum speed of not more than*** ~~*[30]*~~ ***20 miles per hour on a flat surface*** ~~*[with not more than 1 percent grade in any direction when the motor is engaged.]*~~ ***while carrying an operator who weighs 170 pounds.***

➥ ***The term does not include a moped.***

Sec. 16. NRS 484.013 is hereby amended to read as follows:

484.013 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 484.014 to 484.217, inclusive, ***and section 15 of this act*** have the meanings ascribed to them in those sections.

Sec. 17. NRS 484.0798 is hereby amended to read as follows:

484.0798 "Moped" means a ~~[vehicle which looks and handles essentially like a bicycle and]~~ ***motor-driven scooter, motor-driven cycle or similar vehicle that*** is propelled by a small engine which produces not more than 2 gross brake horsepower ~~[and which]~~ , has a displacement of not more than 50 cubic centimeters ~~[,]~~ ***or produces not more than 1500 watts final output,*** and:

1. Is designed to travel on not more than three wheels in contact with the ground but is not a tractor; and

2. Is capable of a maximum speed of not more than 30 miles per hour on a flat surface with not more than 1 percent grade in any direction when the motor is engaged.

➥ ***The term does not include an electric bicycle.***

Sec. 18. NRS 484.083 is hereby amended to read as follows:

484.083 "Motorcycle" means every motor vehicle equipped with a seat or saddle for the use of the driver and designed to travel on not more than three wheels in contact with the ground, ~~[including a power cycle but]~~ excluding ***an electric bicycle,*** a tractor or a moped.

Sec. 18.3. **NRS 484.101 is hereby amended to read as follows:**

484.101 "Passenger car" means every motor vehicle, except motorcycles ~~[, power cycles]~~ and motor-driven cycles, designed for carrying 10 passengers or less and used for the transportation of persons.

Sec. 18.7. **NRS 484.313 is hereby amended to read as follows:**

484.313 1. The Department of Transportation or a local authority, after considering the advice of the Nevada Bicycle Advisory Board, may with respect to any controlled-access highway under its jurisdiction:

(a) Require a permit for the use of the highway by pedestrians, bicycles or other nonmotorized traffic or by any person operating a power cycle; or

(b) If it determines that the use of the highway for such a purpose would not be safe, prohibit the use of the highway by pedestrians, bicycles or other nonmotorized traffic ~~[or by any person operating a power cycle.]~~ .

2. Any person who violates any prohibition or restriction enacted pursuant to subsection 1 is guilty of a misdemeanor.

Sec. 19. NRS 484.324 is hereby amended to read as follows:

484.324 1. The driver of a motor vehicle shall not:

(a) Intentionally interfere with the movement of a person lawfully riding a bicycle ~~[,]~~ ***or an electric bicycle;*** or

(b) Overtake and pass a person riding a bicycle ***or an electric bicycle*** unless he can do so safely without endangering the person riding the bicycle ~~[.]~~ ***or electric bicycle.***

2. The driver of a motor vehicle shall yield the right-of-way to any person riding a bicycle ***or an electric bicycle*** on the pathway or lane. The driver of a motor vehicle shall not enter, stop, stand, park or drive within a pathway or lane provided for bicycles ***or electric bicycles*** except:

(a) When entering or exiting an alley or driveway;

(b) When operating or parking a disabled vehicle;

(c) To avoid conflict with other traffic;

(d) In the performance of official duties;

(e) In compliance with the directions of a police officer; or

(f) In an emergency.

3. Except as otherwise provided in subsection 2, the driver of a motor vehicle shall not enter or proceed through an intersection while driving within a pathway or lane provided for bicycles ~~[.]~~ ***or electric bicycles.***

4. The driver of a motor vehicle shall:

(a) Exercise due care to avoid a collision with a person riding a bicycle ~~[,]~~ ***or an electric bicycle;*** and

(b) Give an audible warning with the horn of the vehicle if appropriate and when necessary to avoid such a collision.

5. The operator of a bicycle ***or an electric bicycle*** shall not:

(a) Intentionally interfere with the movement of a motor vehicle; or

(b) Overtake and pass a motor vehicle unless he can do so safely without endangering himself or the occupants of the motor vehicle.

Sec. 20. NRS 484.501 is hereby amended to read as follows:

484.501 1. It is a misdemeanor for any person to do any act forbidden or fail to perform any act required in NRS 484.505 to 484.513, inclusive.

2. The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this chapter.

3. The provisions applicable to bicycles ***and electric bicycles*** shall apply whenever a bicycle ***or an electric bicycle*** is operated upon any highway or upon any path set aside for the exclusive use of bicycles ***or electric bicycles*** subject to those exceptions stated herein.

Sec. 21. NRS 484.503 is hereby amended to read as follows:

484.503 Every person riding a bicycle ***or an electric bicycle*** upon a roadway has all of the rights and is subject to all of the duties applicable to the driver of a vehicle except as otherwise provided in NRS 484.504 to

484.513, inclusive, and except as to those provisions of this chapter which by their nature can have no application.

Sec. 22. NRS 484.504 is hereby amended to read as follows:

484.504 1. Except as otherwise provided in this section, a peace officer, a firefighter, an emergency medical technician certified pursuant to chapter 450B of NRS or an employee of a pedestrian mall, who operates a bicycle ***or an electric bicycle*** while he is on duty, is not required to comply with any provision of NRS or any ordinance of a local government relating to the operation of a bicycle ***or an electric bicycle*** while on duty if he:

(a) Is responding to an emergency call or the peace officer is in pursuit of a suspected violator of the law; or

(b) Determines that noncompliance with any such provision is necessary to carry out his duties.

2. The provisions of this section do not:

(a) Relieve a peace officer, firefighter, emergency medical technician or employee of a pedestrian mall from the duty to operate a bicycle ***or an electric bicycle*** with due regard for the safety of others.

(b) Protect such a person from the consequences of his disregard for the safety of others.

3. As used in this section, "pedestrian mall" has the meaning ascribed to it in NRS 268.811.

Sec. 23. NRS 484.505 is hereby amended to read as follows:

484.505 1. A person propelling a bicycle ***or an electric bicycle*** shall not ride other than upon or astride a permanent and regular seat attached thereto.

2. No bicycle ***or electric bicycle*** shall be used to carry more persons at one time than the number for which it is designed and equipped.

Sec. 24. NRS 484.507 is hereby amended to read as follows:

484.507 No person riding upon any bicycle, ***electric bicycle,*** coaster, roller skates, sled or toy vehicle shall attach the same or himself to any vehicle upon a roadway.

Sec. 25. NRS 484.509 is hereby amended to read as follows:

484.509 1. Every person operating a bicycle ***or an electric bicycle*** upon a roadway shall, except:

(a) When traveling at a lawful rate of speed commensurate with the speed of any nearby traffic;

(b) When preparing to turn left; or

(c) When doing so would not be safe,

➥ ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

2. Persons riding bicycles ***or electric bicycles*** upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles ~~[.]~~ ***or electric bicycles.***

Sec. 26. NRS 484.511 is hereby amended to read as follows:

484.511 No person operating a bicycle ***or an electric bicycle*** shall carry any package, bundle or article which prevents the driver from keeping at least one hand upon the handle bars.

Sec. 27. NRS 484.513 is hereby amended to read as follows:

484.513 1. Every bicycle ***or electric bicycle*** when in use at night must be equipped with:

(a) A lamp on the front which emits a white light visible from a distance of at least 500 feet to the front;

(b) A red reflector on the rear of a type approved by the Department which must be visible from 50 feet to 300 feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle; and

(c) Reflective material of a sufficient size and reflectivity to be visible from both sides of the bicycle for 600 feet when directly in front of the lawful lower beams of the head lamps of a motor vehicle, or in lieu of such material, a lighted lamp visible from both sides from a distance of at least 500 feet.

2. Every bicycle ***or electric bicycle*** must be equipped with a brake which will enable the operator to make the wheels skid on dry, level, clean pavement.

Sec. 28. NRS 484.595 is hereby amended to read as follows:

484.595 1. Every motor vehicle and combination of vehicles, at all times and under all conditions of loading, upon application of the service brake, shall be capable of:

(a) Developing a braking force that is not less than the percentage of its gross weight tabulated in subsection 2 for its classification;

(b) Decelerating to a stop from not more than 20 miles per hour at not less than the feet per second per second tabulated in subsection 2 for its classification; and

(c) Stopping from a speed of 20 miles per hour, in not more than the distance tabulated in subsection 2 for its classification, such distance to be measured from the point at which movement of the service brake pedal or control begins.

2. The required braking forces, decelerations and braking distances are tabulated as follows:

Classification of Vehicles	Braking force as a percentage of gross vehicle or combination weight	Deceleration in fee per second	Brake system application and braking distance in feet from an initial speed of 20 m.p.h.

Passenger vehicles with a seating capacity of 10 people or less including driver, not having manufacturer's gross vehicle weight rating	52.8%	17	25
All motorcycles ~~[,]~~ ***and*** mopeds ~~[and motor-driven cycles]~~	43.5%	14	30
Single-unit vehicles with manufacturer's gross vehicle weight rating of 10,000 pounds or less	43.5%	14	30
Single-unit vehicles with manufacturer's gross weight rating of more than 10,000 pounds	43.5%	14	40
Combination of a two-axle towing vehicle and trailer with a gross trailer weight of 3,000 pounds or less	43.5%	14	40
Buses, regardless of the number of axles, not having a manufacturer's gross weight rating	43.5%	14	40
All combinations of vehicles in driveaway-towaway operations	43.5%	14	40
All other vehicles and combinations of vehicles	43.5%	14	50

3. Tests for deceleration and stopping distance shall be made on a substantially level (not to exceed plus or minus 1-percent grade), dry, smooth, hard surface that is free from loose material.

Sec. 29. NRS 484.601 is hereby amended to read as follows:

484.601 Every motor vehicle, trailer, semitrailer, house trailer and pole trailer, and every combination of such vehicles, except motorcycles ~~[,]~~ ***and*** mopeds , ~~*[and power-cycles ,]*~~ ~~[and motor-driven cycles,]~~ equipped with brakes shall have the braking system so arranged that one control device can be used to operate all service brakes. The braking system on the towed vehicle may be surge actuated brakes. This requirement does not prohibit vehicles from being equipped with an additional control device to be used to operate brakes on the towed vehicles. This regulation does not apply to driveaway or towaway operations unless the brakes on the individual vehicles are designed to be operated by a single control on the towing vehicle.

Sec. 30. NRS 484.779 is hereby amended to read as follows:

484.779 1. Except as otherwise provided in subsection 3, a local authority may adopt, by ordinance, regulations with respect to highways under its jurisdiction within the reasonable exercise of the police power:

(a) Regulating or prohibiting processions or assemblages on the highways.

(b) Designating particular highways as one-way highways and requiring that all vehicles thereon be moved in one specific direction.

(c) Designating any highway as a through highway, requiring that all vehicles stop before entering or crossing the highway, or designating any intersection as a stop or a yield intersection and requiring all vehicles to stop or yield at one or more entrances to the intersection.

(d) Designating truck **, ~~[and]~~** bicycle ***and electric bicycle*** routes.

(e) Adopting such other traffic regulations related to specific highways as are expressly authorized by this chapter.

2. An ordinance relating to traffic control enacted under this section is not effective until official devices for traffic control giving notice of those local traffic regulations are posted upon or at the entrances to the highway or part thereof affected as is most appropriate.

3. An ordinance enacted under this section is not effective with respect to:

(a) Highways constructed and maintained by the Department of Transportation under the authority granted by chapter 408 of NRS; or

(b) Alternative routes for the transport of radioactive, chemical or other hazardous materials which are governed by regulations of the United States Department of Transportation,

➥ until the ordinance has been approved by the Board of Directors of the Department of Transportation.

4. As used in this section, "hazardous material" has the meaning ascribed to it in NRS 459.7024.

Sec. 31. ~~[~~NRS 485.185 is hereby amended to read as follows:

485.185 Every owner of a motor vehicle which is registered or required to be registered in this State ***or operating pursuant to a permit issued pursuant to NRS 482.398 or section 4 of this act*** shall continuously provide, while the motor vehicle is present or registered in this State, insurance provided by an insurance company licensed by the Division of Insurance of the Department of Business and Industry and approved to do business in this State:

1. In the amount of $15,000 for bodily injury to or death of one person in any one accident;

2. Subject to the limit for one person, in the amount of $30,000 for bodily injury to or death of two or more persons in any one accident; and

3. In the amount of $10,000 for injury to or destruction of property of others in any one accident,

➥ for the payment of tort liabilities arising from the maintenance or use of the motor vehicle.~~]~~ **(Deleted by amendment.)**

Sec. 32. NRS 485.313 is hereby amended to read as follows:

485.313 1. The Department shall create a system for verifying that the owners of motor vehicles maintain the insurance required by NRS 485.185.

2. As used in this section, "motor vehicle" does not include:

(a) ~~[A]~~ ***Except as otherwise provided in subsection 1 of NRS 482.398, a*** golf cart as that term is defined in NRS 482.044.

(b) A motortruck, truck-tractor, bus or other vehicle that is registered pursuant to paragraph (e) of subsection 1 of NRS 482.482 or NRS 706.801 to 706.861, inclusive.

Sec. 33. NRS 486.038 is hereby amended to read as follows:

486.038 "Moped" means a ~~[vehicle which looks and handles essentially like a bicycle and]~~ ***motor-driven scooter, motor-driven cycle or similar vehicle that*** is propelled by a small engine which produces not more than 2 gross brake horsepower ~~[and which]~~ **,** has a displacement of not more than 50 cubic centimeters **~~[,]~~** ***or produces not more than 1500 watts final output,*** and:

1. Is designed to travel on not more than three wheels in contact with the ground but is not a tractor; and

2. Is capable of a maximum speed of not more than 30 miles per hour on a flat surface with not more than 1 percent grade in any direction when the motor is engaged.

➥ ***The term does not include an electric bicycle as defined in section 10 of this act.***

Sec. 34. NRS 486.041 is hereby amended to read as follows:

486.041 "Motorcycle" means every motor vehicle equipped with a seat or a saddle for the use of the driver and designed to travel on not more than three wheels in contact with the ground, ~~[including a power cycle but]~~ excluding ***an electric bicycle as defined in section 10 of this act,*** a tractor and a moped.

Sec. 35. NRS 486A.110 is hereby amended to read as follows:

486A.110 "Motor vehicle" means every vehicle which is self-propelled, but not operated on rails, used upon a highway for the purpose of transporting persons or property. The term does not include ~~[a:]~~ ***:***

1. ~~*[Electric]*~~ ***An electric bicycle as defined in section 10 of this act;***

2. ~~[Farm]~~ ***A farm*** tractor as defined in NRS 482.035;

~~[2.]~~ ***3.*** ~~[Moped]~~ ***A moped*** as defined in NRS 482.069; and

~~[3.]~~ ***4.*** ~~[Motorcycle]~~ ***A motorcycle*** as defined in NRS 482.070.

Sec. 35.5. **NRS 408.234 is hereby amended to read as follows:**

408.234 1. The position of Motor Vehicle Recovery and Transportation Planner is hereby created in the Department.

2. The Motor Vehicle Recovery and Transportation Planner shall:

(a) Develop and administer a plan for the construction of motor vehicle recovery and bicycle lanes that are not less than 3 feet wide in all new construction and major repair work on every highway in the State, in accordance with appropriate standards of design;

(b) Develop a plan for the maintenance of motor vehicle recovery and bicycle lanes throughout the State;

(c) Prepare and distribute information on motor vehicle recovery and bicycle lanes, bicycle safety manuals and bicycle route maps throughout the State;

(d) Develop standards for the design of motor vehicle recovery and bicycle lanes and bicycle paths and routes;

(e) Develop standardized signs and markings which indicate bicycle lanes;

(f) Determine where appropriate signs and markings will be located on state highways and coordinate their placement;

(g) Establish a statewide plan of motor vehicle recovery and bicycle lanes and bicycle paths and routes and update the plan annually;

(h) Identify projects which are related to motor vehicle recovery and bicycle lanes and place each project in its proper order of priority;

(i) Investigate possible sources of money which may be available to promote motor vehicle recovery and bicycle lanes and bicycle facilities and programs throughout this State and solicit money from those sources;

(j) Provide assistance to the Department of Motor Vehicles and the Department of Public Safety in coordinating activities which are related to motor vehicle and bicycle safety in the communities of this State;

(k) Investigate the programs of the Rails-to-Trails Conservancy and where feasible, participate in those programs;

(l) Identify the potential effect of bicycle programs on tourism in this State; and

(m) Carry out any other duties assigned to him by the Director.

3. The Director may remove any of the duties set out in subsection 2 if he determines that the duty is no longer necessary or appropriate.

4. As used in this section, "bicycle" has the meaning ascribed to it in NRS 484.019 and includes an electric bicycle as defined in section 2 of this act.

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. 476.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 509.

AN ACT relating to gaming; revising the boundaries of the Las Vegas Boulevard gaming corridor; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that the Nevada Gaming Commission is prohibited from approving a nonrestricted license for an establishment in a county

whose population is 400,000 or more (currently Clark County) unless the establishment is located in a gaming enterprise district, which is defined as "an area that has been approved by a county, city or town as suitable for operating an establishment that has been issued a nonrestricted license." (NRS 463.0158, 463.308) If the location of a proposed establishment is within the Las Vegas Boulevard gaming corridor or the rural Clark County gaming zone, but not within an area already designated as a gaming enterprise district, the Commission is prohibited from approving a nonrestricted license for the proposed establishment unless the location of the proposed establishment is first designated a gaming enterprise district pursuant to the criteria set forth in NRS 463.3084. (NRS 463.3082) However, if the location of a proposed establishment is not within the Las Vegas Boulevard gaming corridor or the rural Clark County gaming zone and not within an area already designated as a gaming enterprise district, the Commission is prohibited from approving a nonrestricted license for the proposed establishment unless the location of the proposed establishment is first designated a gaming enterprise district pursuant to the criteria set forth in NRS 463.3086, which contains certain additional requirements that are not contained in NRS 463.3084, such as the requirements that: (1) the property line of the proposed establishment must be not less than 500 feet from the property line of a developed residential district and not less than 1,500 feet from the property line of a public school, private school or structure used primarily for religious services or worship; and (2) a three-fourths vote of the governing body of the county, city or town is required for designation of the location as a gaming enterprise district. (NRS 463.3086)

This bill revises the boundaries of the Las Vegas Boulevard gaming corridor to include certain new areas. ~~[that are adjacent to the current boundaries.]~~ Consequently, if a proposed establishment which is located in a new area of the Las Vegas Boulevard gaming corridor and which is not already in a gaming enterprise district were to seek to have the location designated as a gaming enterprise district, the determination of whether the location may be designated as a gaming enterprise district would be based upon the criteria set forth in NRS 463.3084, rather than the criteria set forth in NRS 463.3086.

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

Section 1. NRS 463.3076 is hereby amended to read as follows:

463.3076 The location of a proposed establishment shall be deemed to be within the Las Vegas Boulevard gaming corridor if the property line of the proposed establishment ~~[~~:

~~1. Is within 1,500 feet of the centerline of Las Vegas Boulevard;~~

~~2. Is south of the intersection of Las Vegas Boulevard and that portion of St. Louis Avenue which is designated State Highway No. 605; and~~

~~3. Is adjacent to or north of the northern edge line of State Highway No. 146.]~~ ***is located within the area described in subsection 1 or 2 as follows:***

1. Beginning at the point of the northern edge line of State Highway No. 146 that is 1,500 feet west of the centerline of Las Vegas Boulevard, then proceeding north to the northern edge line of Tropicana Avenue, then proceeding west to the eastern edge line of Interstate 15, then proceeding north to the eastern edge line of ~~[the Union Pacific Railroad Right-of-Way,]~~ Industrial Road, then proceeding north to the southern edge line of ~~[United States Highway No. 95,]~~ New York Avenue, then proceeding east to the intersection of the extension of the southern edge line of New York Avenue and the western edge line of ~~[Las Vegas Boulevard,]~~ Main Street, then proceeding south to the southern edge line of St. Louis Avenue, then proceeding east to the western edge line of Santa Rita Drive, then proceeding south along a line that is 1,500 feet east of the centerline of Las Vegas Boulevard to the western edge line of Paradise Road, then proceeding south to the ~~[northern]~~ southern edge line of ~~[Tropicana]~~ Sands Avenue, then proceeding west to a point that is 1,500 feet east of the centerline of Las Vegas Boulevard, then proceeding south along a line that is 1,500 feet from the centerline of Las Vegas Boulevard to the northern edge line of State Highway No. 146, then proceeding west to the point of beginning.

2. Beginning at the intersection of the western edge line of Las Vegas Boulevard and the extension of the northern edge line of Lewis Avenue, then proceeding north to the southern edge line of Stewart Avenue, then proceeding west to the eastern edge line of Casino Center Boulevard, then proceeding north to the southern edge line of United States Highway No. 95, then proceeding west to the western edge line of the Union Pacific Railroad Right-of-Way, then proceeding south to a point that is perpendicular to the extension of the northern edge line of Lewis Avenue, then proceeding east to the point of beginning.

Assemblyman Segerblom moved the adoption of the amendment.

Remarks by Assemblyman Segerblom.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 495.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 409.

AN ACT relating to professional negligence; revising the **limitation on the amount of noneconomic** damages that may be awarded in certain actions based on professional negligence; revising ~~[various provisions relating to]~~ the statute of limitations in such actions; ~~[establishing certain evidentiary standards in such actions; repealing certain provisions related to such actions;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for a limitation of $350,000 in noneconomic damages in actions based on professional negligence. (NRS 41A.035) **Section 1** of this bill ~~[eliminates the limitation on noneconomic damages and provides explicitly that economic damages may be awarded in such actions. Section 2 of this bill increases the period in which to bring an action to trial for professional negligence to 5 years after the date on which the action is filed. (NRS 41A.061)~~

~~The Nevada Supreme Court has ruled that the mandatory dismissal of an action filed without an affidavit of medical expert does not apply to a res ipsa loquitur case, because an expert affidavit is unnecessary in factual situations where medical negligence is presumed. (Szydel v. Markman, 121 Nev. 453 (2005)) Section 3 of this bill codifies the holding in the Szydel decision and provides that the medical expert may be a person whose practice includes the type of practice engaged in at the time of the alleged negligence such that he can testify, under oath, that he is familiar with the accepted standard of care. (NRS 41A.071)~~

~~Section 4 of this bill increases the limit on fees payable for an opinion letter from independent counsel from $1,500 to $5,000 in professional negligence cases where a settlement judge recommends settlement for limits of the insurance policy. (NRS 41A.085)]~~ **provides for an exception to the limitation on noneconomic damages if the defendant's conduct is determined to constitute gross negligence.**

Section 5 of this bill ~~[provides that]~~ **increases the period of the statute of** limitations ~~[of actions]~~ for **an action for** injury or death against a provider of health care ~~[may not be commenced]~~ **from not more than 3 years after the date of injury or 1 year after the plaintiff discovers or should have discovered the injury to not** more than 4 years after the date of injury or 2 years after the plaintiff discovers or should have discovered the injury. (NRS 41A.097) ~~[Section 5 also provides for certain tolling of the limitations where the provider of health care fails or refuses to provide medical records to the patient and for certain claims where the injury was not discoverable except by certain medical methods.~~

~~Existing law provides that there is a conclusive presumption that a patient has consented to a medical, surgical or dental procedure under certain circumstances. (NRS 41A.110) Section 7 of this bill provides that such circumstances create a rebuttable presumption, rather than a conclusive presumption, that the patient has consented to the procedure. Section 8 of this bill repeals certain provisions relating to actions against providers of health care based upon professional negligence, including: (1) limitations on contingent fee contracts in such actions; (2) several liability of a provider of health care; and (3) the introduction of certain evidence relating to collateral benefits and payment of future damages by periodic payments. (NRS 7.095, 41A.045, 42.021)]~~

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

Section 1. NRS 41A.035 is hereby amended to read as follows:

41A.035 ~~[In]~~

1. Except as otherwise provided in subsection 2, in an action for injury or death against a provider of health care based upon professional negligence, the injured plaintiff may recover ~~*[economic damages and]*~~ noneconomic damages ~~*[.]*~~ , but the amount of noneconomic damages awarded in such an action must not exceed $350,000.

2. In an action for damages based upon professional negligence, the limitation on noneconomic damages set forth in subsection 1 does not apply if the conduct of the defendant is determined to constitute gross negligence.

3. For the purposes of this section, "gross negligence" means failure to exercise the required degree of care, skill or knowledge that amounts to:

(a) A conscious indifference to the consequences which may result from the gross negligence; and

(b) A disregard for and indifference to the safety and welfare of the patient.

Sec. 2. ~~[NRS 41A.061 is hereby amended to read as follows:~~

~~41A.061 1. Upon the motion of any party or upon its own motion, unless good cause is shown for the delay, the court shall, after due notice to the parties, dismiss an action involving medical malpractice or dental malpractice if the action is not brought to trial within [:~~

~~(a) Three years after the date on which the action is filed, if the action is filed on or after October 1, 2002, but before October 1, 2005.~~

~~(b) Two~~~~]~~ ~~*5* years after the date on which the action is filed~~ ~~.~~ ~~[, if the action is filed on or after October 1, 2005.]~~

~~2. Dismissal of an action pursuant to subsection 1 is a bar to the filing of another action upon the same claim for relief against the same defendants.~~

~~3. Each district court shall adopt court rules to expedite the resolution of an action involving medical malpractice or dental malpractice.]~~ **(Deleted by amendment.)**

Sec. 3. ~~[NRS 41A.071 is hereby amended to read as follows:~~

~~41A.071 [If]~~ ~~*Except as otherwise provided in NRS 41A.100, if*~~ ~~an action for medical malpractice or dental malpractice is filed in the district court, the district court shall dismiss the action, without prejudice, if the action is filed without an affidavit, supporting the allegations contained in the action, submitted by a medical expert who practices or has practiced in an area that [is]~~ ~~.:~~

~~*1. Is* substantially similar to the type of practice engaged in at the time of the alleged malpractice [.] ; or~~

~~*2. Includes the type of practice engaged in at the time of the alleged negligence such that the medical expert can testify, under oath, that he is familiar with the accepted standard of care.]*~~ **(Deleted by amendment.)**

Sec. 4. ~~[NRS 41A.085 is hereby amended to read as follows:~~

~~41A.085 1. In an action for damages for medical malpractice or dental malpractice in which the defendant is insured pursuant to a policy of insurance covering the liability of the defendant for a breach of his professional duty toward a patient:~~

~~(a) At any settlement conference, the judge may recommend that the action be settled for the limits of the policy of insurance.~~

~~(b) If the judge makes the recommendation described in paragraph (a), the defendant is entitled to obtain from independent counsel an opinion letter explaining the rights of, obligations of and potential consequences to the defendant with regard to the recommendation. The insurer shall pay the independent counsel to provide the opinion letter described in this paragraph, except that the insurer is not required to pay more than~~ ~~[~~$1,500~~]~~ ~~*$5,000*~~ ~~to the independent counsel to provide the opinion letter.~~

~~2. [~~The~~]~~ ~~*This*~~ ~~section does not:~~

~~(a) Prohibit the plaintiff from making any offer of settlement.~~

~~(b) Require an insurer to provide or pay for independent counsel for a defendant except as expressly provided in this section.]~~ **(Deleted by amendment.)**

Sec. 5. NRS 41A.097 is hereby amended to read as follows:

41A.097 1. Except as otherwise provided in subsection ~~*[subsections 2 and]*~~ 3, an action for injury or death against a provider of health care may not be commenced more than 4 years after the date of injury or 2 years after the plaintiff discovers or through the use of reasonable diligence should have discovered the injury, whichever occurs first, for :

(a) Injury ~~*[injury]*~~ to or the wrongful death of a person occurring before October 1, 2002, based ~~*[:*~~

~~*(a) Based]*~~ upon alleged professional negligence of the provider of health care;

(b) Injury to or the wrongful death of a person occurring before October 1, 2002, from ~~*[From]*~~ professional services rendered without consent; or

(c) Injury to or the wrongful death of a person occurring before October 1, 2002, from ~~*[From]*~~ error or omission in practice by the provider of health care.

2. Except as otherwise provided in subsection 3, an action for injury or death against a provider of health care may not be commenced more than ~~[3]~~ ***4*** years after the date of injury or ~~[1 year]~~ ***2 years*** after the plaintiff discovers or through the use of reasonable diligence should have discovered the injury, whichever occurs first, for:

(a) Injury to or the wrongful death of a person occurring on or after October 1, 2002, based upon alleged professional negligence of the provider of health care;

(b) Injury to or the wrongful death of a person occurring on or after October 1, 2002, from professional services rendered without consent; or

(c) Injury to or the wrongful death of a person occurring on or after October 1, 2002, from error or omission in practice by the provider of health care.

3. This time limitation is tolled for any period during which the provider of health care has ~~[~~:

~~*(a) Has]*~~ concealed any act, error or omission upon which the action is based and which is known or through the use of reasonable diligence should have been known to him . ~~*[; or*~~

~~*(b) Fails or refuses to provide the person's medical records, or during which such medical records are unavailable.*~~

~~*3. This time limitation is tolled for any period during which the injury of the person is not discoverable except by means of diagnostic testing through the use of radiography, computerized tomography, magnetic resonance imaging, positron emission tomography or similar methods.]*~~

4. For the purposes of this section , the parent, guardian or legal custodian of any minor child is responsible for exercising reasonable judgment in determining whether to prosecute any cause of action limited by subsection 1 or 2. If the parent, guardian or custodian fails to commence an action on behalf of that child within the prescribed period of limitations, the child may not bring an action based on the same alleged injury against any provider of health care upon the removal of his disability, except that in the case of:

(a) Brain damage or birth defect, the period of limitation is extended until the child attains 10 years of age.

(b) Sterility, the period of limitation is extended until 2 years after the child discovers the injury. ***:***

~~*[(a) The "injury" of a person shall be deemed to occur when all elements of the cause of action have accrued.*~~

~~*(b) The "wrongful death" of a person shall be deemed to occur on the date of that person's death.]*~~

Sec. 6. ~~[NRS 41A.100 is hereby amended to read as follows:~~

~~41A.100 1. Liability for personal injury or death is not imposed upon any provider of medical care based on alleged negligence in the performance of that care unless evidence consisting of expert medical testimony, material from recognized medical texts or treatises or the regulations of the licensed medical facility wherein the alleged negligence occurred is presented to demonstrate the alleged deviation from the accepted standard of care in the specific circumstances of the case and to prove causation of the alleged personal injury or death, except that such evidence is not required and a rebuttable presumption that the personal injury or death was caused by negligence arises where evidence is presented that the personal injury or death occurred in any one or more of the following circumstances:~~

~~(a) A foreign substance other than medication or a prosthetic device was unintentionally left within the body of a patient following surgery;~~

~~(b) An explosion or fire originating in a substance used in treatment occurred in the course of treatment;~~

~~(c) An unintended burn caused by heat, radiation or chemicals was suffered in the course of medical care;~~

~~(d) An injury was suffered during the course of treatment to a part of the body not directly involved in the treatment or proximate thereto; or~~

~~(e) A surgical procedure was performed on the wrong patient or the wrong organ, limb or part of a patient's body.~~

~~2. Expert medical testimony provided pursuant to subsection 1 may only be given by a provider of medical care who practices or has practiced in an area that [is]:~~

~~***(a) Is*** substantially similar to the type of practice engaged in at the time of the alleged negligence [.]~~ ~~***; or***~~

~~***(b) Includes the type of practice engaged in at the time of the alleged negligence such that the provider of medical care can testify, under oath, that he is familiar with the accepted standard of care.***~~

~~3. As used in this section, "provider of medical care" means a physician, dentist, registered nurse or a licensed hospital as the employer of any such person.]~~ **(Deleted by amendment.)**

Sec. 7. ~~[NRS 41A.110 is hereby amended to read as follows:~~

~~41A.110 [A]~~ ~~***There is a rebuttable presumption that a*** physician licensed to practice medicine under the provisions of chapter 630 or 633 of NRS, or a dentist licensed to practice dentistry under the provisions of chapter 631 of NRS, has [conclusively] obtained the consent of a patient for a medical, surgical or dental procedure, as appropriate, if he has done the following:~~

~~1. Explained to the patient in general terms, without specific details, the procedure to be undertaken;~~

~~2. Explained to the patient alternative methods of treatment, if any, and their general nature;~~

~~3. Explained to the patient that there may be risks, together with the general nature and extent of the risks involved, without enumerating such risks; and~~

~~4. Obtained the signature of the patient to a statement containing an explanation of the procedure, alternative methods of treatment and risks involved, as provided in this section.]~~ **(Deleted by amendment.)**

Sec. 8. ~~[NRS 7.095, 41A.045 and 42.021 are hereby repealed.]~~ **(Deleted by amendment.)**

~~[~~

~~**TEXT OF REPEALED SECTIONS**~~

~~**7.095 Limitations on contingent fees for representation of persons in certain actions against providers of health care. [This section was**~~

proposed by an initiative petition and approved by the voters at the 2004 General Election and therefore is not subject to legislative amendment or repeal until after November 23, 2007.]

1. An attorney shall not contract for or collect a fee contingent on the amount of recovery for representing a person seeking damages in connection with an action for injury or death against a provider of health care based upon professional negligence in excess of:

(a) Forty percent of the first $50,000 recovered;

(b) Thirty-three and one-third percent of the next $50,000 recovered;

(c) Twenty-five percent of the next $500,000 recovered; and

(d) Fifteen percent of the amount of recovery that exceeds $600,000.

2. The limitations set forth in subsection 1 apply to all forms of recovery, including, without limitation, settlement, arbitration and judgment.

3. For the purposes of this section, "recovered" means the net sum recovered by the plaintiff after deducting any disbursements or costs incurred in connection with the prosecution or settlement of the claim. Costs of medical care incurred by the plaintiff and general and administrative expenses incurred by the office of the attorney are not deductible disbursements or costs.

4. As used in this section:

(a) "Professional negligence" means a negligent act or omission to act by a provider of health care in the rendering of professional services, which act or omission is the proximate cause of a personal injury or wrongful death. The term does not include services that are outside the scope of services for which the provider of health care is licensed or services for which any restriction has been imposed by the applicable regulatory board or health care facility.

(b) "Provider of health care" means a physician licensed under chapter 630 or 633 of NRS, dentist, registered nurse, dispensing optician, optometrist, registered physical therapist, podiatric physician, licensed psychologist, chiropractor, doctor of Oriental medicine, medical laboratory director or technician, or a licensed hospital and its employees.

41A.045 Several liability of defendants for damages; abrogation of joint and several liability. [This section was proposed by an initiative petition and approved by the voters at the 2004 General Election and therefore is not subject to legislative amendment or repeal until after November 23, 2007.]

1. In an action for injury or death against a provider of health care based upon professional negligence, each defendant is liable to the plaintiff for economic damages and noneconomic damages severally only, and not jointly, for that portion of the judgment which represents the percentage of negligence attributable to the defendant.

2. This section is intended to abrogate joint and several liability of a provider of health care in an action for injury or death against the provider of health care based upon professional negligence.

42.021 Actions based on professional negligence of providers of health care: Introduction of certain evidence relating to collateral benefits; restrictions on source of collateral benefits; payment of future damages by periodic payments. [This section was proposed by an initiative petition and approved by the voters at the 2004 General Election and therefore is not subject to legislative amendment or repeal until after November 23, 2007.]

1. In an action for injury or death against a provider of health care based upon professional negligence, if the defendant so elects, the defendant may introduce evidence of any amount payable as a benefit to the plaintiff as a result of the injury or death pursuant to the United States Social Security Act, any state or federal income disability or worker's compensation act, any health, sickness or income disability insurance, accident insurance that provides health benefits or income disability coverage, and any contract or agreement of any group, organization, partnership or corporation to provide, pay for or reimburse the cost of medical, hospital, dental or other health care services. If the defendant elects to introduce such evidence, the plaintiff may introduce evidence of any amount that the plaintiff has paid or contributed to secure his right to any insurance benefits concerning which the defendant has introduced evidence.

2. A source of collateral benefits introduced pursuant to subsection 1 may not:

(a) Recover any amount against the plaintiff; or

(b) Be subrogated to the rights of the plaintiff against a defendant.

3. In an action for injury or death against a provider of health care based upon professional negligence, a district court shall, at the request of either party, enter a judgment ordering that money damages or its equivalent for future damages of the judgment creditor be paid in whole or in part by periodic payments rather than by a lump sum payment if the award equals or exceeds $50,000 in future damages.

4. In entering a judgment ordering the payment of future damages by periodic payments pursuant to subsection 3, the court shall make a specific finding as to the dollar amount of periodic payments that will compensate the judgment creditor for such future damages. As a condition to authorizing periodic payments of future damages, the court shall require a judgment debtor who is not adequately insured to post security adequate to assure full payment of such damages awarded by the judgment. Upon termination of periodic payments of future damages, the court shall order the return of this security, or so much as remains, to the judgment debtor.

5. A judgment ordering the payment of future damages by periodic payments entered pursuant to subsection 3 must specify the recipient or recipients of the payments, the dollar amount of the payments, the interval between payments, and the number of payments or the period of time over which payments will be made. Such payments must only be subject to modification in the event of the death of the judgment creditor. Money

~~damages awarded for loss of future earnings must not be reduced or payments terminated by reason of the death of the judgment creditor, but must be paid to persons to whom the judgment creditor owed a duty of support, as provided by law, immediately before his death. In such cases, the court that rendered the original judgment may, upon petition of any party in interest, modify the judgment to award and apportion the unpaid future damages in accordance with this subsection.~~

~~6. If the court finds that the judgment debtor has exhibited a continuing pattern of failing to make the periodic payments as specified pursuant to subsection 5, the court shall find the judgment debtor in contempt of court and, in addition to the required periodic payments, shall order the judgment debtor to pay the judgment creditor all damages caused by the failure to make such periodic payments, including, but not limited to, court costs and attorney's fees.~~

~~7. Following the occurrence or expiration of all obligations specified in the periodic payment judgment, any obligation of the judgment debtor to make further payments ceases and any security given pursuant to subsection 4 reverts to the judgment debtor.~~

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

~~(a) "Future damages" includes damages for future medical treatment, care or custody, loss of future earnings, loss of bodily function, or future pain and suffering of the judgment creditor.~~

~~(b) "Periodic payments" means the payment of money or delivery of other property to the judgment creditor at regular intervals.~~

~~(c) "Professional negligence" means a negligent act or omission to act by a provider of health care in the rendering of professional services, which act or omission is the proximate cause of a personal injury or wrongful death. The term does not include services that are outside the scope of services for which the provider of health care is licensed or services for which any restriction has been imposed by the applicable regulatory board or health care facility.~~

~~(d) "Provider of health care" means a physician licensed under chapter 630 or 633 of NRS, dentist, licensed nurse, dispensing optician, optometrist, registered physical therapist, podiatric physician, licensed psychologist, chiropractor, doctor of Oriental medicine, medical laboratory director or technician, or a licensed hospital and its employees.]~~

Assemblyman Segerblom moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 502.

Bill read second time.

The following amendment was proposed by the Committee on Corrections, Parole, and Probation:

Amendment No. 251.

AN ACT relating to prisons; **requiring the Board of State Prison Commissioners to adopt regulations pertaining to a facility or institution operated by a private organization;** providing that certain provisions relating to ~~[the escape of a prisoner from a facility or institution operated by the Department of Corrections]~~ **a prisoner confined in a facility or institution** also apply to ~~[the escape of a prisoner from]~~ **a prisoner confined in** a private facility or institution operated by a private organization; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Board of State Prison Commissioners to adopt regulations for carrying out the business of the Board and of the Department of Corrections. (NRS 209.111) Section 1 of this bill requires the Board to adopt additional regulations establishing the maximum number of prisoners that may be incarcerated in a private facility or institution and the ratio of prisoners to correctional officers that must be maintained in a private facility or institution.

Existing law makes it a crime for: (1) a prisoner to escape from prison or to manufacture or possess certain items used in an escape; (2) a person to aid a prisoner in escaping from prison; (3) a person who has custody of a prisoner to allow the prisoner to escape; and (4) a person to conceal an escaped prisoner. (NRS 212.080, 212.090, 212.093, 212.100, 212.110, 212.120, 212.130) Existing law also provides certain procedures for issuing a warrant for the arrest of an escaped prisoner and the manner in which expenses for recapturing the prisoner must be paid. (NRS 212.030-212.080) ~~[This]~~ **Further, existing law makes it a crime to: (1) provide certain items to a prisoner, including certain weapons, an intoxicant or a controlled substance and certain communications devices; or (2) engage in certain behavior concerning a prisoner, such as engaging in sexual conduct or certain unlawful acts relating to human excrement or bodily fluid. (NRS 212.160-212.189) Section 2 of this** bill provides that those provisions also apply to a prisoner ~~[who escapes from]~~ **incarcerated in** a private prison operated by a private organization as well as to certain **other** persons **,** ~~[who allow his escape, aid in his escape or conceal the escaped prisoner. This bill]~~ **Section 2** also provides that the private organization that operates a private facility or institution must **: (1)** reimburse the State for expenses incurred by the State in recapturing ~~[the escaped]~~ **a** prisoner ~~[,]~~ **who escapes from the private facility or institution; and (2) provide training to its employees that is equivalent to the training provided to a correctional officer in this State.**

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

Section 1. **Chapter 209 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. To ensure the safety of the residents of the State of Nevada, the Board shall adopt regulations establishing:

(a) The maximum number of prisoners who may be incarcerated in a private facility or institution; and

(b) The ratio of prisoners to correctional officers that must be maintained in such a facility or institution.

2. The ratio of prisoners to correctional officers established pursuant to subsection 1 must not exceed the ratio established for facilities and institutions of the Department for prisoners subject to the same level of security.

3. As used in this section:

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

(b) "Private facility or institution" has the meaning ascribed to it in section 2 of this act.

~~[Section 1.]~~ ***Sec. 2.*** Chapter 212 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The provisions of this section and NRS 212.030 to 212.130, inclusive, and 212.160 to 212.189, inclusive, apply to:

(a) A person who has custody of a prisoner assigned to a private facility or institution in this State; and

(b) A prisoner assigned to a private facility or institution in this State,

↪ to the same extent that those provisions would apply if the prisoner had been assigned to a facility or institution operated by the Department.

2. A private organization that operates a private facility or institution must provide training to any person employed by the private facility or institution to perform the duties of a correctional officer described in subsection 5 of NRS 209.131. The training must be equivalent to the training provided to a correctional officer in this State.

3. The private organization that operates a private facility or institution must reimburse the State for any expenses charged against the State or paid by the State pursuant to NRS 212.040, 212.050 or 212.070 concerning a prisoner who escaped from the private facility or institution.

~~[3.]~~ ***4. As used in this section:***

(a) "Prisoner" means any person who is:

(1) Convicted of a crime under the laws of this State and sentenced to imprisonment in the state prison; or

(2) Convicted of a crime under the laws of another jurisdiction and sentenced to imprisonment by that jurisdiction.

(b) "Private facility or institution" means a facility or institution operated by a private organization to house prisoners.

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 52.

Bill read second time.

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

Amendment No. 417.

SUMMARY—Requires hospitals in certain larger counties to provide ~~[certain types of emergency services and care.]~~ **a report of certain information concerning patients to the Legislative Committee on Health Care.** (BDR ~~[40-448)]~~ **S-448)**

AN ACT relating to health care; requiring **certain** hospitals in certain larger counties to ~~[provide certain types of emergency services and care; providing an exception if a hospital has entered into a written agreement with another hospital for]~~ **report information to the Legislative Committee on Health Care concerning** the transfer ~~[and treatment]~~ of patients ~~[.]~~ **to another hospital;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Hospitals in this State are required to provide emergency services and care, and it is unlawful for a hospital or a physician working in a hospital emergency room to refuse to accept or treat a patient in need of emergency services and care. (NRS 439B.410) ~~[Section 1 of this]~~ **This** bill requires ~~[a hospital located in a county whose population is 400,000 or more (currently Clark County) to provide certain types of emergency services and care if the hospital has on its medical staff a physician who is privileged to practice in that type of specialty service or care or to enter into an agreement with another hospital to provide the specific service or care not offered by the hospital.]~~ **certain hospitals located in larger counties to provide a report of certain information to the Legislative Committee on Health Care concerning the transfer of patients from the hospital to another hospital and the availability of specialty medical services in the hospital. Such a report must be made quarterly beginning on September 15, 2009, and cover information from June 1, 2009, through August 31, 2010.**

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

Section 1. ~~[NRS 439B.410 is hereby amended to read as follows:~~

~~439B.410 1. Except as otherwise provided in subsection [4,] 5, each hospital in this State has an obligation to provide emergency services and care, including care provided by physicians and nurses, and to admit a patient where appropriate, regardless of the financial status of the patient.~~

~~2. *Except as otherwise provided in this subsection and subsection 5, each hospital located in a county whose population is 400,000 or more shall, to satisfy its obligation pursuant to subsection 1, provide the following services and care if the hospital has on its medical staff at least one physician who is privileged to practice in the type of specialty service or care:*~~

~~*(a) Cardiology services;*~~

~~*(b) Gastroenterological services;*~~
~~*(c) General surgical services;*~~
~~*(d) Neurosurgical services;*~~
~~*(e) Ophthalmology services;*~~
~~*(f) Oral and maxillofacial surgical services;*~~
~~*(g) Orthopedic services;*~~
~~*(h) Otolaryngology services; and*~~
~~*(i) Urological services.*~~

~~*A hospital that does not offer a type of emergency service or care required by this subsection shall enter into a written agreement for the transfer and treatment of patients with another hospital to provide that specific type of emergency service or care.*~~

~~*3.* Except as otherwise provided in subsection **[**4,**]** *5*, it is unlawful for a hospital or a physician working in a hospital emergency room to:~~

~~(a) Refuse to accept or treat a patient in need of emergency services and care; or~~

~~(b) Except when medically necessary in the judgment of the attending physician:~~

~~(1) Transfer a patient to another hospital or health facility unless, as documented in the patient's records:~~

~~(I) A determination has been made that the patient is medically fit for transfer;~~

~~(II) Consent to the transfer has been given by the receiving physician, hospital or health facility;~~

~~(III) The patient has been provided with an explanation of the need for the transfer; and~~

~~(IV) Consent to the transfer has been given by the patient or his legal representative; or~~

~~(2) Provide a patient with orders for testing at another hospital or health facility when the hospital from which the orders are issued is capable of providing that testing.~~

~~**[**3.**]** *4.* A physician, hospital or other health facility which treats a patient as a result of a violation of subsection **[**2**]** *3* by a hospital or a physician working in the hospital is entitled to recover from that hospital an amount equal to three times the charges for the treatment provided that was billed by the physician, hospital or other health facility which provided the treatment, plus reasonable attorney's fees and costs.~~

~~**[**4.**]** *5.* This section does not prohibit the transfer of a patient from one hospital to another:~~

~~(a) When the patient is covered by an insurance policy or other contractual arrangement which provides for payment at the receiving hospital;~~

~~(b) After the county responsible for payment for the care of an indigent patient has exhausted the money which may be appropriated for that purpose pursuant to NRS 428.050, 428.285 and 450.425; or~~

~~(c) When the hospital cannot provide the services needed by the patient~~ **[.]** ~~*and the hospital has entered into a written agreement for the transfer and treatment of patients, if such an agreement is required pursuant to subsection 2.*~~

~~• No transfer may be made pursuant to this subsection until the patient's condition has been stabilized to a degree that allows the transfer without an additional risk to the patient.~~

[~~5.~~**]** ~~*6.* As used in this section:~~

~~(a) "Emergency services and care" means medical screening, examination and evaluation by a physician or, to the extent permitted by a specific statute, by a person under the supervision of a physician, to determine if an emergency medical condition or active labor exists and, if it does, the care, treatment and surgery by a physician necessary to relieve or eliminate the emergency medical condition or active labor, within the capability of the hospital. As used in this paragraph:~~

~~(1) "Active labor" means, in relation to childbirth, labor that occurs when:~~

~~(I) There is inadequate time before delivery to transfer the patient safely to another hospital; or~~

~~(II) A transfer may pose a threat to the health and safety of the patient or the unborn child.~~

~~(2) "Emergency medical condition" means the presence of acute symptoms of sufficient severity, including severe pain, such that the absence of immediate medical attention could reasonably be expected to result in:~~

~~(I) Placing the health of the patient in serious jeopardy;~~

~~(II) Serious impairment of bodily functions; or~~

~~(III) Serious dysfunction of any bodily organ or part.~~

~~(b) "Medically fit" means that the condition of the patient has been sufficiently stabilized so that he may be safely transported to another hospital, or is such that, in the determination of the attending physician, the transfer of the patient constitutes an acceptable risk. Such a determination must be based upon the condition of the patient, the expected benefits, if any, to the patient resulting from the transfer and whether the risks to the patient's health are outweighed by the expected benefits, and must be documented in the patient's records before the transfer.~~

[~~6.~~**]** ~~*7.* If an allegation of a violation of the provisions of subsection~~ **[**~~2~~**]** ~~*3*~~ ~~is made against a hospital licensed pursuant to the provisions of chapter 449 of NRS, the Health Division of the Department shall conduct an investigation of the alleged violation. Such a violation, in addition to any criminal penalties that may be imposed, constitutes grounds for the denial, suspension or revocation of such a license, or for the imposition of any sanction prescribed by NRS 449.163.~~

[~~7.~~**]** ~~*8.* If an allegation of a violation of the provisions of subsection~~ **[**~~2~~**]** ~~*3*~~ ~~is made against:~~

~~(a) A physician licensed to practice medicine pursuant to the provisions of chapter 630 of NRS, the Board of Medical Examiners shall conduct an investigation of the alleged violation. Such a violation, in addition to any criminal penalties that may be imposed, constitutes grounds for initiating disciplinary action or denying licensure pursuant to the provisions of subsection 3 of NRS 630.3065.~~

~~(b) An osteopathic physician licensed to practice osteopathic medicine pursuant to the provisions of chapter 633 of NRS, the State Board of Osteopathic Medicine shall conduct an investigation of the alleged violation. Such a violation, in addition to any criminal penalties that may be imposed, constitutes grounds for initiating disciplinary action pursuant to the provisions of subsection 1 of NRS 633.131.~~**]**

1. Each hospital located in a county whose population is 400,000 or more which is licensed to have more than 70 beds shall provide to the Legislative Committee on Health Care reports with information concerning the transfer of patients from one hospital to another hospital. Such information must include:

(a) The number of patients who are transferred from the hospital to another hospital;

(b) The number of patients who were received by the hospital that were transferred from another hospital;

(c) The reason for each transfer of a patient to another hospital;

(d) The availability of specialty services and care in the hospital; and

(e) Whether each patient who was transferred from the hospital had insurance or some other guaranteed form of payment for services.

2. Each hospital subject to the provisions of subsection 1 shall provide a report to the Legislative Committee on Health Care with the information required at least once every 3 months, and the reports must include information from June 1, 2009, through August 31, 2010. The first report must be made by September 15, 2009, and must include information from June 1, 2009, through August 31, 2009. Subsequent reports must include information for the period since the last report.

3. The information reported pursuant to this section must be made available to each person or entity that provides information pursuant to this section to the extent that it is not required to be kept confidential.

4. The information reported pursuant to this section must be maintained and reported in a manner consistent with the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191.

5. As used in this section, "specialty services" includes, without limitation:

(a) Cardiology services;

(b) Gastroenterological services;

(c) General surgical services;

(d) Neurosurgical services;

(e) Ophthalmology services;
(f) Oral and maxillofacial surgical services;
(g) Orthopedic services;
(h) Otolaryngology services; and
(i) Urological services.

Sec. 2. This act becomes effective on July 1, 2009.

Assemblywoman Smith moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Madam Speaker appointed Assemblymen Kihuen and Goicoechea as a committee to invite the Senate to meet in Joint Session with the Assembly to hear an address by United States Representative Dean Heller.

Assemblyman Atkinson moved that Assembly Bill No. 247 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Assemblyman Atkinson moved that Assembly Bill No. 455 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

Assemblywoman Smith moved that Assembly Bill No. 433 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Assemblywoman Kirkpatrick moved that Assembly Bill No. 508 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblywoman Koivisto moved that Assembly Bill No. 293 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

Assemblyman Arberry moved that Assembly Bill No. 111 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Arberry moved that Assembly Bill No. 229 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Arberry moved that Assembly Bill No. 482 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Arberry moved that Assembly Bill No. 497 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Arberry moved that Assembly Bill No. 309 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 433.

Bill read third time.

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

Amendment No. 513.

SUMMARY—Requires county hospitals **in certain larger counties** to provide outpatient cancer treatment as part of their care to indigent persons. (BDR 40-976)

AN ACT relating to county hospitals; requiring a county hospital **in certain larger counties** to provide outpatient cancer treatment as part of its care to indigent persons; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Counties are required through county hospitals to provide care to indigent persons. (NRS 428.010, 450.420) This bill ~~[requires]~~ **provides** that **in a county whose population is 400,000 or more (currently Clark County)** the care **provided by a county hospital must** include the outpatient treatment of cancer if the indigent person is a resident of ~~[the]~~ **that** county ~~[in which the hospital is located]~~ and was a resident of that county at the time the person was diagnosed with cancer, but clarifies that this does not prohibit the hospital from providing uncompensated care for the outpatient treatment of cancer to other persons.

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

Section 1. NRS 450.420 is hereby amended to read as follows:

450.420 1. The board of county commissioners of the county in which a ~~[public]~~ ***county*** hospital is located may determine whether patients presented to the ~~[public]~~ ***county*** hospital for treatment are subjects of charity. Except as otherwise provided in NRS 439B.330, the board of county commissioners shall establish by ordinance criteria and procedures to be used in the determination of eligibility for medical care as medical indigents or subjects of charity.

2. ~~*[A]*~~ ***In each county whose population is 400,000 or more, a county hospital must provide outpatient cancer treatment to indigent persons who are residents of that county and were residents of that county at the time that they were diagnosed with cancer. This subsection does not prohibit a county hospital from providing uncompensated care for the outpatient treatment of cancer to other persons.***

3. The board of hospital trustees shall fix the charges for treatment of those persons able to pay for the charges, as the board deems just and proper. The board of hospital trustees may impose an interest charge of not more than 12 percent per annum on unpaid accounts. The receipts must be paid to the county treasurer and credited by him to the hospital fund. In fixing charges pursuant to this subsection the board of hospital trustees shall not include, or seek to recover from paying patients, any portion of the expense of the hospital which is properly attributable to the care of indigent patients.

~~[3.]~~ ***4.*** Except as provided in subsection ~~[4]~~ ***5*** of this section and subsection 3 of NRS 439B.320, the county is chargeable with the entire cost of services rendered by the hospital and any salaried staff physician or employee to any person admitted for emergency treatment, including all reasonably necessary recovery, convalescent and follow-up inpatient care required for any such person as determined by the board of trustees of the hospital, but the hospital shall use reasonable diligence to collect the charges from the emergency patient or any other person responsible for his support. Any amount collected must be reimbursed or credited to the county.

~~[4.]~~ ***5.*** The county is not chargeable with the cost of services rendered by the hospital or any attending staff physician or surgeon to the extent the hospital is reimbursed for those services pursuant to NRS 428.115 to 428.255, inclusive.

Sec. 2. NRS 450.425 is hereby amended to read as follows:

450.425 1. The board of county commissioners of a county in which a county hospital is established may, upon approval by a majority of the voters voting on the question in an election held throughout the county, levy an ad valorem tax of not more than 2.5 cents on each $100 of assessed valuation upon all taxable property in the county, to pay the cost of services rendered in the county by the hospital pursuant to subsection ~~[3]~~ ***4*** of NRS 450.420. The approval required by this subsection may be requested at any primary or general election.

2. Any tax imposed pursuant to this section is in addition to the taxes imposed pursuant to NRS 428.050, 428.185 and 428.285. The proceeds of any tax levied pursuant to this section are exempt from the limitations imposed by NRS 354.59811, 428.050 and 428.285 and must be excluded in determining the maximum rate of tax authorized by those sections.

Sec. 3. 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. 4. 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, reengrossed and to third reading.

Assembly Bill No. 247.

Bill read third time.

The following amendment was proposed by Assemblyman Bobzien:

Amendment No. 503.

AN ACT relating to bicycles; revising provisions governing the operation of bicycles; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that every person riding a bicycle upon a roadway is generally subject to the provisions of chapter 484 of NRS which apply to drivers of vehicles. (NRS 484.503) Existing law requires the driver of a vehicle to signal an intention to turn from a direct course continuously during not less than the last 100 feet traveled in a business or residential district and not less than the last 300 feet traveled in any other area. (NRS 484.343) **Section 2** of this bill exempts the operator of a bicycle from these requirements and instead requires the operator only to signal his intention to turn at least one time, unless the bicycle is in a designated turn lane or when safe operation of the bicycle requires the operator to keep both hands on the bicycle.

Existing law provides for the methods of giving signals by hand and arm. (NRS 484.347) **Section 3** of this bill authorizes an operator of a bicycle to signal for a right turn by extending his right hand and arm horizontally and to the right side of the bicycle.

~~[Existing law prohibits the driving of a vehicle upon any sidewalk area. (NRS 484.451) Section 4 of this bill provides that a local authority may not enact any ordinance that requires the operation of bicycles upon sidewalks or side paths, and that any such ordinance enacted by a local authority is void.]~~

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

Section 1. Chapter 484 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 ~~[,]~~ **and** 3 ~~[and 4]~~ of this act.

Sec. 2. ***1. Except as otherwise provided in subsection 2, an operator of a bicycle upon a roadway shall not turn from a direct course unless the movement may be made with reasonable safety and the operator gives an appropriate signal. The operator shall give the appropriate signal at least one time but is not required to give the signal continuously.***

2. An operator of a bicycle is not required to give a signal if:

(a) The bicycle is in a designated turn lane; or

(b) Safe operation of the bicycle requires the operator to keep both hands on the bicycle.

Sec. 3. ***An operator of a bicycle upon a roadway shall give all signals by hand and arm in the manner required by NRS 484.347, except that the operator may give a signal for a right turn by extending his right hand and arm horizontally and to the right side of the bicycle.***

Sec. 4. ~~[*1. A local authority shall not enact an ordinance requiring the operation of bicycles upon any sidewalk area or side path within its jurisdiction.*~~

~~*2. Any ordinance that is enacted in violation of subsection 1 has no effect and is void.*~~

~~*3. As used in this section, "side path" means an area adjacent to a highway that is designated for travel by bicycles or any other means except by motor vehicle.]~~ **(Deleted by amendment.)**

Sec. 5. NRS 484.501 is hereby amended to read as follows:

484.501 1. It is a misdemeanor for any person to do any act forbidden or fail to perform any act required in NRS 484.505 to 484.513, inclusive ~~[.]~~ ***, and sections 2 [,] and 3 [and 4] of this act.***

2. The parent of any child and the guardian of any ward shall not authorize or knowingly permit ~~[any such]~~ ***the*** child or ward to violate any of the provisions of this chapter.

3. The provisions applicable to bicycles ~~[shall]~~ apply whenever a bicycle is operated upon any highway or upon any path set aside for the exclusive use of bicycles subject to those exceptions stated herein.

Sec. 6. NRS 484.503 is hereby amended to read as follows:

484.503 Every person riding a bicycle upon a roadway has all of the rights and is subject to all of the duties applicable to the driver of a vehicle except as otherwise provided in NRS 484.504 to 484.513, inclusive, ***and sections 2 [,] and 3 [and 4] of this act*** and except as to those provisions of this chapter which by their nature can have no application.

Sec. 7. ~~[The provisions of section 4 of this act apply to any ordinance adopted before, on or after October 1, 2009, and any ordinance which was adopted before that date and which is contrary to the provisions of section 4 of this act is void on October 1, 2009.]~~ **(Deleted by amendment.)**

Assemblyman Bobzien moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

The President of the Senate and members of the Senate appeared before the Bar of the Assembly.

Madam Speaker invited the President of the Senate to the Speaker's rostrum.

Madam Speaker invited the members of the Senate to chairs in the Assembly.

IN JOINT SESSION

At 12:09 p.m.

President of the Senate presiding.

The Secretary of the Senate called the Senate roll.
All present.

The Chief Clerk of the Assembly called the Assembly roll.
All present.

The President of the Senate appointed a Committee on Escort consisting of Senator Rhoads and Assemblyman Munford to wait upon Representative Heller and escort him to the Assembly Chamber.

The Committee on Escort in company with the Honorable Dean Heller, United States Representative from Nevada, appeared before the Bar of the Assembly.

The Committee on Escort escorted the Representative to the rostrum.

Madam Speaker welcomed Representative Heller and invited him to deliver his message.

Dean Heller, United States Representative, delivered his message as follows:

MESSAGE TO THE LEGISLATURE OF NEVADA
SEVENTY-FIFTH SESSION, 2009

Madam Speaker, thank you very much. It is great to be home. I have already seen Senator Townsend look at his watch so I know I am limited here in the amount of my time. It is a Friday afternoon, and a lot of you have places to go, so I will try to meet those expectations. Thank you very much for having me here today. Mr. President, thank you, and thank you also for your friendship and the opportunity to spend some time here. I walked from the Assembly over to the Senate and lowered the average ages, I think, of both houses by doing that. It was great to spend some time in the State Senate. Senator Raggio, of course, it is good to see you. Leader Horsford, it is always a pleasure. Leader Oceguera and, of course, Leader Gansert, thank you very much for the opportunity to be here. I want to thank the Chief Justice for being here, also. I appreciate you spending a few minutes of your time to be with me. I want to thank, of course, Kim Wallin, our State Controller, for being here; also, the representatives from the other constitutional offices for being here. Of course, there are two names here that I want to make sure that I do acknowledge, two people that came in here into this house with me back in 1991. I was telling someone recently that if I were still here, I would be term-limited out after this session. Of course, those people are Warren Hardy and Bernie Anderson, two people that I came in here with, and it has been an honor and a privilege to serve with them over the years.

I want to, of course, thank my wife for being here. I want to thank my mother for being here. I still believe I am the only member of Congress whose mom still cuts his hair. I want to thank her for dragging my father out for this event. There is an empty lot across the street from this building. That empty lot used to be my fathers' engine and transmission shop. He taught me a lot of principles that I adhere to today. It is a thrill to have him with me today.

It is an honor and a privilege to serve in the second Congressional District. My district is 105,000 square miles. I try to explain that to Easterners. I told one representative from Illinois, "Consider driving from Washington, D.C., all the way to Chicago, and then a couple of hours after that. That is how much time it would take you to drive across my congressional district." For Clark County and all the other 16 counties, it really is an honor and great privilege to be able to serve them. For this reason, natural resource issues continue to be my priority. There are many rural legislators in here that know how important mining, public land management, and preventing wildfires are in northern Nevada. Recently, I found myself testifying in front of the Natural Resource Committee. In fact, I was with the chairwoman of the Elko County

Commission, talking against the destructive mining reform that they are now discussing. This year I was named the policy chair of the Western Caucus. This is a group of nearly 40 members of Congress who are primary defenders of balanced public land access, private property rights, and responsible natural resource developments in the U.S. House of Representatives. I believe this leadership position in this caucus allows me to be a stronger advocate for Nevada.

Now, when I was first elected to Congress, I was given some sage advice. I was told not to expect to get on an exclusive committee. I was told I would not pass any legislation, nor would I be able to achieve any amendments on the House floor. Simply put, I was told to not expect to get anything done. However, in my freshman year, in the minority, I was able to pass four pieces of legislation, more legislation than any of our House delegation. I amended the mining reform legislation on the House floor and was appointed to the Financial Services Committee, which is an exclusive committee. Now, starting my second term, I have been appointed to the most influential committee in Congress, the House Ways and Means Committee. This committee deals with issues such as taxes, energy, health care, and trade, all issues that I believe are very important for Nevada and all of which directly affect Nevadans. Every day I go to work to advocate for our great state and let Nevadans know that there is someone in Washington, D.C. who is on their side.

Now, when I am in Washington, D.C., whether I am sitting in committee or I am on the House floor, I evaluate each piece of legislation with the "more, higher, less" test. The "more, higher, less" test is: Does it provide more competition, higher quality, at less cost? If that piece of legislation passes out of committee and it meets that test, I vote for it. If there's a piece of legislation out there that doesn't meet the "more, higher, less" test, I vote against it. This is the true test that motivates entrepreneurs. The "more, higher, less" test is the true test that motivates small businesses. I believe it should be the test that motivates government. I want to give you an example of this approach, in school choice. The District of Columbia has a program in place to provide scholarships to students in underperforming schools so that they can attend schools with proven academic success. This program shows that students learn more, they perform at a higher level, and it costs the taxpayers less. Washington, D.C. spends approximately $14,000 per pupil. Under the school choice program, the cost per pupil is $7,500. Again, the students learn more, they perform at a higher level, and it costs the taxpayers less—more, higher, less.

Unfortunately, this successful program has been targeted to end by Democratic leadership. Instead of empowering parents to do what is right for their own children, the power is returned back to government bureaucrats. In this same vein, the recently passed budget includes what is called a cap and trade system on carbon emissions that will levy $646 billion in new taxes. In some estimates, the Congressional Budget Office estimates it as high as $3 trillion. This new scheme is nothing more than a sales tax on energy that will affect every working American in our country, because it taxes every form of energy we depend upon. The basic goal of this program is to make energy so expensive it influences consumers' behavior, to curb consumption. According to the EPA, electricity costs will rise between 44 and 79 percent under this system. It will potentially cost every Nevadan an estimated $850 or, for a family of four, nearly $3,400 in higher energy costs every year. Every time you turn on a light, buy a loaf of bread, or pick up your children from school, you will be paying higher taxes.

High energy prices not only hurt economic growth but they also cause inflation and have a negative effect on consumer spending. Our economy cannot afford this program. Instead of penalizing people for using energy and companies that produce energy, Congress should encourage innovation, pursue the development of alternative energy, and explore our own natural resources until we can bridge the gap that takes this country off of its dependence of foreign sources of energy.

It is no secret that Nevada is rich in renewable energy potential. We have an abundance of geothermal, solar, and wind energy. In Congress, I have voted in favor of a national renewable portfolio standard similar to the one already instituted here in Nevada. I am currently drafting solar energy legislation to help promote the development of solar energy on public lands. This legislation will direct the Secretary of the Interior to identify public lands best suited for solar energy and draft environmental assessments. The legislation applies an integrated royalty schedule to make the development of solar energy plants more cost efficient. I expect to introduce this legislation shortly after Congress comes back into session. Bringing renewable

energy to Nevada will create more jobs, a higher quality of life, and keep energy prices low. It is legislation that meets the "more, higher, less" test.

If "more, higher, less" was applied to the recently passed stimulus bill, Nevada and our nation would be better off today. I was disappointed by the partisanship leading up to that vote. Some in this room even announced support for the legislation before it was drafted. There was not a single person who did not believe that action was needed but the final product was a raw deal for Nevadans and the American taxpayers. Nevada was at the bottom of the list for assistance, even though we lead the nation in foreclosures and have more than 10 percent unemployment. The American public ended up with a $1.1 trillion spending bill that dedicated very little to infrastructure, while nearly $100 billion was spent to create 33 new government agencies. It greased the path for hundreds of millions of dollars in AIG bonuses, a company that received more than $170 billion in bailout money. A real opportunity to help Nevadans and the American people was squandered. With the promises of higher taxes, more spending, and bigger deficits, this Congress has committed to saddling our children and grandchildren with a record debt. As many of you know, I have four children and many of you have four children. In fact, I know Leader Gansert has four children. Based upon legislation that has passed just in the last four months, her four children and my four children will collectively owe the federal government more than $240,000 as their portion of the national debt. As the only member of the Nevada delegation to vote against the Wall Street bailout, I take my responsibility as a steward of the taxpayer's dollar very seriously and fight for saner fiscal policies in Congress. The goal should be to leave our children with a better quality of life then we have.

A tracking of stimulus money shows that a hastened bill that no one read did not have the necessary quality controls to safeguard taxpayer dollars. More than $500,000 in stimulus money has been dedicated to build a skateboard park; there is $3 million to increase the number of bike racks in Washington, D.C. and nearly $600,000 to establish a homeless program in a town that does not have a homeless problem. When HUD was asked why they distributed the money, they said, "We hope it encouraged these new grantees to develop creative strategies for the funding." What HUD is saying is we should create a homeless problem so we can accept more government bailouts.

These are but a few examples of the many across our nation. I voted against the stimulus because it did not pass the "more, higher, less" test.

Let me end by saying that I know these are tough economic times. I assure you that Speaker Buckley's job today is more difficult than Speaker Pelosi's, for no other reason than Nevada is required to balance its budget. In Washington, D.C., we print money, borrow from foreign countries, or we simply add it to the debt. No balanced budget is required. For this reason, your decisions are tough. I have full faith and confidence in this body as a whole. It is more important than ever that we work together, find common ground, and make the right decisions that will put Nevada back on its feet and put Nevadans back to work. If we can succeed together, Nevada's best days are yet to come.

Thank you very much and thank you for the opportunity to come here, to be home and spend some time with you. Thank you.

Senator Care moved that the Senate and Assembly in Joint Session extend a vote of thanks to Representative Heller for his timely, able, and constructive message.

Seconded by Assemblyman Grady.

Motion carried unanimously.

The Committee on Escort escorted Representative Heller to the Bar of the Assembly.

Senator Washington moved that the Joint Session be dissolved.

Seconded by Assemblyman Settelmeyer.

Motion carried.

Joint Session dissolved at 12:27 p.m.

ASSEMBLY IN SESSION

At 1:40 p.m.
Madam Speaker presiding.
Quorum present.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 380, 461, 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*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Assembly Bills Nos. 380 and 461, just reported out of committee, be placed on the Second Reading File.

Motion carried.

NOTICE OF EXEMPTION

April 17, 2009

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 82, 145, 285 and 505.

MARK STEVENS
Fiscal Analysis Division

April 17, 2009

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bill No. 234.

GARY GHIGGERI
Fiscal Analysis Division

Assemblyman Arberry moved that Assembly Bills Nos. 145, 285, and 505 be taken from the Chief Clerk's desk and rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Arberry moved that Assembly Bill No. 348 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

Assemblyman Oceguera moved that Assembly Bill No. 313 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Assemblyman Oceguera withdrew the motion that Assembly Bill No. 313 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Assemblyman Oceguera moved that the all rules be suspended and the Assembly dispense with the reprinting of Assembly Bills Nos. 13, 52, 85, 181, 207, 247, and 433.

Assemblyman Oceguera moved that all rules be suspended and that Assembly Bills Nos. 13, 52, 85, 181, and 207 be declared emergency measures under the *Constitution* and immediately placed at the top of General File for third reading and final passage.

GENERAL FILE AND THIRD READING

Assembly Bill No. 13.
Bill read third time.
Remarks by Assemblywoman Smith.
Potential conflict of interest declared by Assemblywoman Dondero Loop.
Roll call on Assembly Bill No. 13:
YEAS—41.
NAYS—None.
NOT VOTING—Dondero Loop.
Assembly Bill No. 13 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 52.
Bill read third time.
Remarks by Assemblywoman Smith.
Roll call on Assembly Bill No. 52:
YEAS—42.
NAYS—None.
Assembly Bill No. 52 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 85.
Bill read third time.
Roll call on Assembly Bill No. 85:
YEAS—42.
NAYS—None.
Assembly Bill No. 85 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 181.
Bill read third time.
Remarks by Assemblywoman Smith.
Roll call on Assembly Bill No. 181:
YEAS—42.
NAYS—None.

Assembly Bill No. 181 having received a constitutional majority, Madam Speaker declared it passed, amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 207.

Bill read third time.

Remarks by Assemblyman Carpenter.

Roll call on Assembly Bill No. 207:

YEAS—42.

NAYS—None.

Assembly Bill No. 207 having received a constitutional majority, Madam Speaker declared it passed, amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 247.

Bill read third time.

Remarks by Assemblyman Bobzien.

Roll call on Assembly Bill No. 247:

YEAS—42.

NAYS—None.

Assembly Bill No. 247 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 433.

Bill read third time.

Remarks by Assemblymen Smith and Hardy.

Roll call on Assembly Bill No. 433:

YEAS—42.

NAYS—None.

Assembly Bill No. 433 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 46.

Bill read third time.

Roll call on Assembly Bill No. 46:

YEAS—42.

NAYS—None.

Assembly Bill No. 46 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 48.

Bill read third time.

Roll call on Assembly Bill No. 48:

YEAS—42.

NAYS—None.

Assembly Bill No. 48 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 73.

Bill read third time.

Remarks by Assemblymen Carpenter and Christensen.

Roll call on Assembly Bill No. 73:

YEAS—42.

NAYS—None.

Assembly Bill No. 73 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 80.

Bill read third time.

Remarks by Assemblywoman Smith.

Roll call on Assembly Bill No. 80:

YEAS—37.

NAYS—Christensen, Cobb, Goedhart, Gustavson, Settelmeyer—5.

Assembly Bill No. 80 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 88.

Bill read third time.

Roll call on Assembly Bill No. 88:

YEAS—38.

NAYS—Carpenter, Christensen, Goedhart, Ohrenschall—4.

Assembly Bill No. 88 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 102.

Bill read third time.

Remarks by Assemblymen Cobb and Anderson.

Assemblyman Oceguera requested that the following remarks be entered in the Journal.

ASSEMBLYMAN COBB:

I rise in opposition to AB 102. The concept of diversion programs is something I'm in favor of; I think that they have produced a great result for the state. I did have a few problems with this bill. There is too much discretion, in my opinion, in terms of subjectivity of how you identify a problem gambler to begin with if the courts chose to set up this program. The amendment itself also made this program available to repeat offenders, which I do not agree with, and I also have concern with the supervision of the individuals in the program. There is a real concreteness there when you are talking about supervising individuals with drug habits or alcohol abuse because they have to test every morning. There is no test for problem gaming, and there is no way to ensure they are staying out of gambling establishments. I think that it is a little too subjective. I'm worried that we would be putting too many people into the diversion

program instead of dealing with them by prosecuting them. I will be voting no on the bill, thank you.

ASSEMBLYMAN ANDERSON:

Thank you, Madam Speaker. Assembly Bill 102 authorizes the court to establish a program for the treatment of problem gambling to which a problem gambler convicted of certain crimes may be assigned. This assignment must include the terms and conditions for successful completion of the program and provide for progress reports at intervals set by the court to ensure that the person is making satisfactory progress toward completion of the program. The bill further authorizes a defendant to file a petition requesting the courts to seal his criminal record after the completion of the treatment program. The bill becomes effective on October 1, 2009.

Let me partially answer the question that was raised by my colleague from Reno. The question relative to diversion court programs has always rested on how does the court make the determination and how does it follow up as to whether this or any other program is being successfully completed. In this particular area, we recognized for some time the physiological addictive nature of gaming. There are ongoing programs in getting people diverted into it. We heard testimony within the community and follow-up information from treatment providers who indicated that there are established tests for this physiological problem, and this merely gives the opportunity for courts to create such diversion programs, if they feel it is adequate and it meets those criteria. Both the testing for those people getting in and the relationship of the district attorney's office is the same as it is for other diversion programs, so it is a very, very good program. In fact, it is one we have been long waiting for in this particular state. We are the leading edge of what is the proper thing to do in gaming.

Roll call on Assembly Bill No. 102:

YEAS—34.

NAYS—Christensen, Cobb, Goicoechea, Gustavson, Hambrick, McArthur, Settelmeyer, Stewart—8.

Assembly Bill No. 102 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 112.

Bill read third time.

Remarks by Assemblywoman Leslie.

Roll call on Assembly Bill No. 112:

YEAS—42.

NAYS—None.

Assembly Bill No. 112 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 202.

Bill read third time.

Remarks by Assemblyman Hardy.

Potential conflict of interest declared by Assemblymen Goicoechea and Settelmeyer.

Roll call on Assembly Bill No. 202:

YEAS—38.

NAYS—Cobb, Goedhart, Gustavson, McArthur—4.

Assembly Bill No. 202 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 206.
Bill read third time.
Remarks by Assemblyman Cobb.
Roll call on Assembly Bill No. 206:
YEAS—42.
NAYS—None.
Assembly Bill No. 206 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. 218 be taken from the General File and placed on the Chief Clerk's desk.
Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 271.
Bill read third time.
Remarks by Assemblywoman Dondero Loop.
Roll call on Assembly Bill No. 271:
YEAS—42.
NAYS—None.
Assembly Bill No. 271 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 304.
Bill read third time.
Remarks by Assemblyman Segerblom.
Roll call on Assembly Bill No. 304:
YEAS—42.
NAYS—None.
Assembly Bill No. 304 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 311.
Bill read third time.
Remarks by Assemblyman Settelmeyer.
Roll call on Assembly Bill No. 311:
YEAS—42.
NAYS—None.

Assembly Bill No. 311 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 326.
Bill read third time.
Remarks by Assemblyman Denis.
Roll call on Assembly Bill No. 326:
YEAS—42.
NAYS—None.
Assembly Bill No. 326 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 372.
Bill read third time.
Remarks by Assemblyman Carpenter.
Roll call on Assembly Bill No. 372:
YEAS—42.
NAYS—None.
Assembly Bill No. 372 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 432.
Bill read third time.
Remarks by Assemblywoman Smith.
Roll call on Assembly Bill No. 432:
YEAS—42.
NAYS—None.
Assembly Bill No. 432 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 454.
Bill read third time.
Remarks by Assemblyman Ohrenschall.
Roll call on Assembly Bill No. 454:
YEAS—38.
NAYS—Cobb, Goedhart, McArthur—3.
NOT VOTING—Carpenter.
Assembly Bill No. 454 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 472.
Bill read third time.

Roll call on Assembly Bill No. 472:
YEAS—42.
NAYS—None.
Assembly Bill No. 472 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 486.
Bill read third time.
Roll call on Assembly Bill No. 486:
YEAS—41.
NAYS—None.
NOT VOTING—Arberry.
Assembly Bill No. 486 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 491.
Bill read third time.
Roll call on Assembly Bill No. 491:
YEAS—42.
NAYS—None.
Assembly Bill No. 491 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 513.
Bill read third time.
Roll call on Assembly Bill No. 513:
YEAS—41.
NAYS—None.
NOT VOTING—Arberry.
Assembly Bill No. 513 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 515.
Bill read third time.
Roll call on Assembly Bill No. 515:
YEAS—42.
NAYS—None.
Assembly Bill No. 515 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 38.
Bill read third time.
Roll call on Senate Bill No. 38:
YEAS—42.
NAYS—None.

Senate Bill No. 38 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that Senate Bill Nos. 65 and 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.

GENERAL FILE AND THIRD READING

Assembly Bill No. 455.

Bill read third time.

Remarks by Assemblywoman Woodbury.

Roll call on Assembly Bill No. 455:

YEAS—42.

NAYS—None.

Assembly Bill No. 455 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 293.

Bill read third time.

Remarks by Assemblymen Anderson and Gansert.

Roll call on Assembly Bill No. 293:

YEAS—34.

NAYS—Carpenter, Claborn, Goedhart, Goicoechea, Grady, Gustavson, Hardy, McArthur—8.

Assembly Bill No. 293 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 348.

Bill read third time.

Remarks by Assemblyman Munford.

Roll call on Assembly Bill No. 348:

YEAS—42.

NAYS—None.

Assembly Bill No. 348 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 121, 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*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Assembly Bill No. 121 just reported out of committee, be placed on the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 121.

Bill read second time.

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

Amendment No. 470.

AN ACT relating to health care facilities; requiring certain ~~[health care facilities that employ nurses to establish a staffing plan and to provide adequate staffing; requiring the maintenance of certain records concerning statistics relating to patients and staffing; requiring such a health care facility to establish policies pursuant to which a direct care nurse may refuse a work assignment; requiring public disclosure of certain information relating to a staffing plan; providing administrative and criminal penalties;]~~ **hospitals in larger counties to establish a staffing committee; requiring certain health care facilities to make available to the Health Division of the Department of Health and Human Services a documented staffing plan;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Sections 13 and 28 of this bill require health care facilities in counties with a population of 100,000 or more (currently Clark and Washoe Counties) to submit annually to the Health Division of the Department of Health and Human Services a staffing plan for the provision of nursing services that the health care facility certifies is sufficient to ensure the adequate and appropriate delivery of health care services for the ensuing year. Section 14 of this bill requires that the staffing plan include ratios of the maximum number of patients that may be assigned to a direct care nurse. Section 14 also establishes nurse to patient ratios that vary depending on the nature of nursing care that is required for patients in particular units of the health care facility. In addition, section 14 provides exceptions to those ratios if: (1) the staffing plan is developed by a joint labor management committee or pursuant to a collective bargaining agreement; (2) the staffing plan establishes a joint labor management committee to resolve disputes relating to nurse staffing issues; or (3) the State Board of Health establishes higher ratios pursuant to section 15 of this bill. Section 17 of this bill requires a health care facility to operate in conformity with its staffing plan. Sections 16-20 of this bill impose other operating requirements on a health care facility concerning its staffing plan. Sections 22-27 of this bill authorize the Labor Commissioner, the Health Division and the Department to enforce those parts of a health care facility's staffing plan that fall within their~~

~~respective jurisdictions.]~~ **Section 12 of this bill requires certain hospitals in a county whose population is 100,000 or more (currently Clark and Washoe Counties) to establish a staffing committee. Section 13 of this bill requires certain health care facilities in a county whose population is 100,000 or more to make available to the Health Division of the Department of Health and Human Services a documented staffing plan.**

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

Section 1. Chapter 449 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 28, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 28, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 11, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ~~***[“Acuity system” means an established measurement system or method which:***~~

~~***1. Predicts the requirements for nursing care for a patient based on the severity of the illness of the patient, the need for specialized equipment and technology, the intensity of nursing interventions required and the complexity of clinical nursing judgment required to design, carry out and evaluate the plan for nursing care for the patient;***~~

~~***2. Details the amount of daily nursing care required both in the number of nurses and in the skill mix of nursing personnel required for each patient in a unit;***~~

~~***3. Is stated in terms that can be readily used and understood by the direct care nursing staff; and***~~

~~***4. Takes into consideration the services for nursing care provided by health care employees other than licensed nurses.]***~~ **(Deleted by amendment.)**

Sec. 4. ~~***[“Certified nursing assistant” means a person who has been certified by the State Board of Nursing pursuant to NRS 632.2852 to practice as a nursing assistant in this State.]***~~ **(Deleted by amendment.)**

Sec. 5. ~~***[“Direct care nurse” means a registered nurse who has principal responsibility to oversee or carry out medical regimens or nursing care for one or more patients.]***~~ **(Deleted by amendment.)**

Sec. 6. ~~***[“Documented staffing plan” means a detailed written plan setting forth the minimum number, skill mix and classification of licensed nurses required in each unit in a health care facility for a specific year based on reasonable projections derived from the patient census and average acuity level within each unit during the previous year, if applicable, the size and geography of the unit, the nature of services provided and any foreseeable changes in the size or function of the unit during the current year.]***~~ **(Deleted by amendment.)**

Sec. 7. ***”Health care facility” means:***

1. A hospital;

2. An independent center for emergency medical care;

3. A psychiatric hospital; and

4. ~~[A rural hospital; and~~

~~5.]~~ A surgical center for ambulatory patients.

Sec. 8. ***"Nurse" means a person licensed pursuant to chapter 632 of NRS to practice nursing, including, without limitation, a licensed practical nurse. The term does not include a certified nursing assistant.***

Sec. 9. ***~~["Skill mix" means the totality of particular nursing skills that are necessary to provide adequate care to a patient in a unit of a health care facility.]~~*** **(Deleted by amendment.)**

Sec. 10. ***~~["Staffing level" means the actual numerical nurse-to-patient ratio by licensed nurse classification within a unit.]~~*** **(Deleted by amendment.)**

Sec. 11. ***"Unit" means a component within a health care facility for providing patient care.***

Sec. 12. 1. ~~[A health care facility shall ensure that it is staffed in accordance with sections 2 to 28, inclusive, of this act in such a manner as to provide sufficient, appropriately qualified nursing staff of each classification in each unit within the health care facility to meet the individualized needs for nursing care of the patients therein.]~~ Each hospital located in a county whose population is 100,000 or more and which is licensed to have more than 70 beds shall establish a staffing committee to develop a documented staffing plan as required pursuant to section 13 of this act. The staffing committee must consist of:

(a) Not less than one-half of the total members from the licensed nursing staff who are providing direct patient care at the hospital; and

(b) Not less than one-half of the total members appointed by the administration of the hospital.

2. The staffing committee of a hospital shall meet at least quarterly.

3. Each hospital that is required to establish a staffing committee pursuant to this section shall prepare a written report concerning the establishment of the staffing committee, the activities and progress of the staffing committee and a determination of the efficacy of the staffing committee. The hospital shall submit the report on or before December 31 of each:

(a) Even-numbered year to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature.

(b) Odd-numbered year to the Legislative Committee on Health Care.

Sec. 13. ***~~[1.]~~ 1. As a condition of licensing, a health care facility located in a county whose population is 100,000 or more and which is licensed to have more than 70 beds shall ~~[annually submit]~~ make available to the Health Division a documented staffing plan and a written certification that the documented staffing plan is ~~[sufficient to provide]~~ adequate ~~[and appropriate delivery of health care services]~~ to meet the***

needs of the patients ~~[for the ensuing year.]~~ of the health care facility. The documented staffing plan must ~~[:]~~ include, without limitation:

~~[(a) Include staffing ratios that meet the minimum requirements set forth in section 14 of this act;~~

~~(b) Be adequate to meet all other requirements related to staffing established by specific statute, and any regulations adopted pursuant thereto, that may be applicable;~~

~~(c) Identify and use an acuity system that has been approved by the Health Division to address fluctuations in actual acuity levels of patients and requirements for nursing care that require increased staffing levels above the minimum staffing ratios set forth in the plan;~~

~~(d) Factor in other activities in each unit, including, without limitation, discharges, transfers and admissions, and administrative and support tasks, that are expected to be performed by direct care nurses in addition to the provision of nursing care;~~

~~(e) Identify the assessment tool used to validate the acuity system upon which the plan relies;~~

~~(f) Identify the system or method that will be used to document actual staffing within each unit on a daily basis;~~

~~(g) If applicable, include a written assessment of the accuracy of the plan during the previous year based on the actual staffing needs during that year; and~~

~~(h) Identify each classification of the nursing staff referred to in the plan and include a statement that sets forth the minimum qualifications for each such classification.~~

~~2. A health care facility shall develop its documented staffing plan in consultation with the direct care nursing staff for each unit in the health care facility or, if the direct care nursing staff is represented by a recognized collective bargaining unit, with the representatives of the collective bargaining unit.~~

~~3. As used in this section, "assessment tool" means a measurement system pursuant to which the accuracy of an acuity system is reviewed by comparing the staffing level in each unit against the actual requirements for nursing care.]~~

(a) A detailed written plan setting forth the number, skill mix and classification of licensed nurses required in each unit in the health care facility, which must take into account the experience of the clinical and nonclinical support staff with whom the nurses collaborate, supervise or otherwise delegate assignments;

(b) A description of the types of patients who are treated in each unit, including, without limitation, the type of care required by the patients;

(c) A description of the activities in each unit, including, without limitation, discharges, transfers and admissions;

(d) A description of the size and geography of each unit;

(e) A description of any specialized equipment and technology available for each unit; and

(f) Any foreseeable changes in the size or function of each unit.

2. A documented staffing plan must provide sufficient flexibility to allow for adjustments based upon changes in a unit of the health care facility.

Sec. 14. [~~*1. Except as otherwise provided in this section and section 15 of this act, a documented staffing plan must include the following ratios of the maximum number of patients that may be assigned to a direct care nurse in each unit in the health care facility:*~~

~~*(a) A ratio of one direct care nurse to one patient in each:*~~

~~*(1) Operating room; and*~~

~~*(2) Trauma emergency unit.*~~

~~*(b) A ratio of one direct care nurse to two patients in each:*~~

~~*(1) Critical care unit;*~~

~~*(2) Intensive care unit;*~~

~~*(3) Labor and delivery unit; and*~~

~~*(4) Postanesthesia unit.*~~

~~*(c) A ratio of one direct care nurse to three patients in each:*~~

~~*(1) Antepartum unit;*~~

~~*(2) Emergency room;*~~

~~*(3) Pediatric unit;*~~

~~*(4) Intermediate unit, also commonly known as a "step down unit"; and*~~

~~*(5) Telemetry unit.*~~

~~*(d) A ratio of one direct care nurse to four patients in each:*~~

~~*(1) Intermediate care nursery; and*~~

~~*(2) Medical, surgical and acute care psychiatric unit.*~~

~~*(e) A ratio of one direct care nurse to five patients in each rehabilitation unit.*~~

~~*(f) A ratio of one direct care nurse to six patients in each:*~~

~~*(1) Postpartum unit, including units providing care to not more than three couplets; and*~~

~~*(2) Nursery for well babies.*~~

~~*(g) Such other ratios, as determined by the Board, for any units not otherwise identified in this subsection, including, without limitation, psychiatric units in health care facilities other than hospitals that provide acute care.*~~

~~*2. A nurse, including a nurse administrator or supervisor, who does not have principal responsibility for caring for a patient, as would a direct care nurse, must not be included in the calculation of any nurse to patient ratios established pursuant to subsection 1.*~~

~~*3. A health care facility shall adjust its minimum staffing ratios as necessary to reflect the need for additional direct care nurses to ensure that*~~

~~*each unit within the health care facility is adequately staffed. The adjustment must be made in accordance with an approved acuity system.*~~

~~*4. A health care facility that includes a licensed practical nurse or a certified nursing assistant in the nursing staff of a unit of the health care facility shall include in its documented staffing plan the following ratios for the maximum number of patients that may be assigned to a licensed practical nurse or a certified nursing assistant in the unit:*~~

~~*(a) A ratio of one licensed practical nurse to six patients in any unit.*~~

~~*(b) A ratio of one certified nursing assistant to eight patients in any unit.*~~

~~*5. The provisions of this section do not apply to a health care facility if:*~~

~~*(a) The documented staffing plan of the health care facility:*~~

~~*(1) Is developed by a joint labor management committee or pursuant to a collective bargaining agreement with the appropriate recognized bargaining unit; and*~~

~~*(2) Includes a provision for the enforcement of the documented staffing plan and the resolution of any dispute concerning the documented staffing plan that authorizes either side to call for binding arbitration of the dispute; or*~~

~~*(b) The health care facility has established a joint labor management committee to resolve issues related to staffing ratios pursuant to which either side is authorized to request binding arbitration or, if the joint labor management committee is established pursuant to a collective bargaining agreement, the bargaining unit is authorized to issue a notice of intent to strike pursuant to the terms of the collective bargaining agreement in lieu of binding arbitration.*~~

~~*→ For the purposes of this section, a joint labor management committee must be composed of equal numbers of management and nonmanagement employees of the health care facility who are appointed by management and labor respectively or pursuant to a collective bargaining agreement.]*~~ **(Deleted by amendment.)**

Sec. 15. ~~*[The Health Division shall adopt:*~~

~~*1. Regulations prescribing the methods by which it will approve an acuity system for use by a health care facility, including, without limitation, a system for class approval of acuity systems; and*~~

~~*2. Such other regulations as are necessary to carry out the provisions of sections 2 to 28, inclusive, of this act, including, without limitation:*~~

~~*(a) Regulations concerning the submission of a documented staffing plan by a health care facility; and*~~

~~*(b) Regulations that establish nurse to patient staffing ratios that are higher than the ratios set forth in section 14 of this act.]*~~ **(Deleted by amendment.)**

Sec. 16. ~~*[1. The skill mix reflected in the documented staffing plan of a health care facility must ensure that all the following elements of the nursing process are performed in the planning and delivery of nursing care for each patient:*~~

~~*(a) Assessment;*~~

~~*(b) Nursing diagnosis;*~~

~~*(c) Planning;*~~

~~*(d) Intervention;*~~

~~*(e) Evaluation; and*~~

~~*(f) Patient recovery.*~~

~~*2. The skill mix in a documented staffing plan for a health care facility must not require or assume that any functions relating to nursing care required by chapter 632 of NRS, and any regulations adopted pursuant thereto, or any other recognized standards for the practice of nursing required to be performed by a registered nurse are to be performed by a licensed practical nurse, a certified nursing assistant or any other unlicensed person.]~~ **(Deleted by amendment.)**

Sec. 17. ~~*[1. As a condition of licensure, a health care facility must at all times be staffed in accordance with its documented staffing plan, except that the provisions of this subsection do not preclude a health care facility from providing higher direct care nurse to patient staffing ratios than the ratios otherwise established in its documented staffing plan.*~~

~~*2. A health care facility may assign a nurse to a unit or a clinical area and include the nurse in the count of assigned nursing staff for the purposes of compliance with its minimum required staffing level if:*~~

~~*(a) The nurse is appropriately licensed for assignment to that unit or clinical area;*~~

~~*(b) The health care facility has provided prior orientation to the nurse before assigning the nurse to that unit or clinical area; and*~~

~~*(c) The health care facility has verified that the nurse is capable of providing competent nursing care to the patients in that unit or clinical area.]*~~ **(Deleted by amendment.)**

Sec. 18. ~~*[1. As a condition of licensure, a health care facility must maintain accurate daily records showing for each unit:*~~

~~*(a) The number of patients admitted, released and present in the unit;*~~

~~*(b) The individual acuity level of each patient present in the unit; and*~~

~~*(c) The identity and duty hours of each direct care nurse in the unit.*~~

~~*2. As a condition of licensure, a health care facility must maintain daily statistics, by unit, of mortality, morbidity, infection, accident, injury and medical errors.*~~

~~*3. Records required to be kept pursuant to this section must be:*~~

~~*(a) Maintained for at least 7 years; and*~~

~~*(b) Available upon request to the Health Division and the general public, except that records released to the general public must not contain any personal identifying information, other than the acuity level, concerning a person.]*~~ **(Deleted by amendment.)**

Sec. 19. ~~*[1. As a condition of licensure, a health care facility must adopt and disseminate to its direct care nursing staff a written policy that*~~

~~*sets forth the circumstances under which a direct care nurse may refuse a work assignment.*~~

~~*2. The written policy concerning work assignments must, at a minimum, allow a direct care nurse to refuse an assignment:*~~

~~*(a) For which the direct care nurse is not prepared because of lack of education, training or experience to fulfill safely and without compromising or jeopardizing the safety of the patients, the ability of the direct care nurse to meet foreseeable needs of the patients and the licensure of the direct care nurse; or*~~

~~*(b) Which otherwise violates any provision of sections 2 to 28, inclusive, of this act.*~~

~~*3. The written policy concerning work assignments must contain:*~~

~~*(a) Reasonable requirements for prior notice to the supervisor of the direct care nurse of the request, including supporting reasons, by the direct care nurse to be relieved of the work assignment;*~~

~~*(b) Reasonable requirements which provide, if feasible, an opportunity for the supervisor to review a request by the direct care nurse to be relieved of the work assignment, including any specific conditions supporting the request, and based upon that review:*~~

~~*(1) Relieve the direct care nurse of the work assignment as requested; or*~~

~~*(2) Deny the request; and*~~

~~*(c) A process pursuant to which a direct care nurse may exercise his right to refuse a work assignment if the supervisor denies the request of the nurse to be relieved of the work assignment if:*~~

~~*(1) The supervisor rejected the request without proposing a remedy or, if a remedy is proposed, the proposed remedy would be inadequate or untimely;*~~

~~*(2) The process for filing a complaint with the Health Division or any other appropriate regulatory entity, including any investigation that would be required, would be untimely to address the concerns of the direct care nurse in refusing a work assignment; and*~~

~~*(3) The direct care nurse in good faith believes that the work assignment meets the conditions established in the written policy justifying refusal.]*~~ **(Deleted by amendment.)**

Sec. 20. ~~*[1. A health care facility shall post in a conspicuous place readily accessible to the general public a notice prepared by the Health Division that sets forth in summary form the mandatory provisions of sections 2 to 28, inclusive, of this act. Mandatory and actual staffing levels of nurses in each unit must be posted daily in a conspicuous place that is readily accessible to the general public.*~~

~~*2. Upon request, a health care facility shall make available to the general public copies of its documented staffing plan filed with the Health Division. The health care facility shall post in each unit within the health*~~

~~*care facility, or otherwise make readily available to the nursing staff in that unit, during each work shift:*~~

~~*(a) A copy of the current documented staffing plan for that unit;*~~

~~*(b) Documentation of the number of direct care nurses required to be present during the work shift based on the approved adopted acuity system; and*~~

~~*(c) Documentation of the actual number of direct care nurses present during the work shift.]*~~ **(Deleted by amendment.)**

Sec. 21. ~~*[The Health Division shall ensure the general compliance of a health care facility with the provisions of sections 2 to 28, inclusive, of this act relating to documented staffing plans and adopt such regulations as are necessary or appropriate to carry out the provisions of this section. The regulations must, without limitation, provide:*~~

~~*1. For unannounced, random visits at a health care facility to determine whether the facility is in compliance with sections 2 to 28, inclusive, of this act;*~~

~~*2. An accessible and confidential system pursuant to which the nursing staff or the general public may report the failure of a health care facility to comply with the requirements of sections 2 to 28, inclusive, of this act;*~~

~~*3. A systematic means for investigating and correcting violations of sections 2 to 28, inclusive, of this act;*~~

~~*4. For public access to information regarding reports of inspections, results, deficiencies and corrections; and*~~

~~*5. A process for imposing the penalties for violations of the staffing requirements set forth in sections 2 to 28, inclusive, of this act.]*~~ **(Deleted by amendment.)**

Sec. 22. ~~*[Notwithstanding any provision of sections 2 to 28, inclusive, of this act to the contrary, the Labor Commissioner may take such actions as he determines necessary to ensure that a health care facility is in compliance with sections 2 to 28, inclusive, of this act.]*~~ **(Deleted by amendment.)**

Sec. 23. ~~*[If the Health Division determines that a health care facility has violated any provision of sections 2 to 28, inclusive, of this act, the Health Division may:*~~

~~*1. Suspend or revoke the license of the health care facility pursuant to NRS 449.160.*~~

~~*2. Impose an administrative fine:*~~

~~*(a) If the health care facility has violated any requirements relating to staffing set forth in sections 2 to 28, inclusive, of this act, of $15,000 per day, per violation, for each day that the violation occurs or continues.*~~

~~*(b) If the health care facility has failed to post notice as required by section 20 of this act, of $1,000 for each day that the notice is not posted as required.*~~

~~*(c) If the health care facility has violated any provision of section 19 of this act, of $15,000 per violation.]*~~ **(Deleted by amendment.)**

Sec. 24. ~~[1. If, after an investigation, the Health Division determines that a health care facility is not in compliance with any provision of sections 2 to 28, inclusive, of this act or any regulations adopted pursuant thereto, the Health Division shall notify the health care facility of all deficiencies in its compliance. The notice may include an order to take corrective action within a time specified, including, without limitation:~~

~~(a) Revising the documented staffing plan of the health care facility;~~

~~(b) Reducing the number of patients within a unit in the health care facility;~~

~~(c) Temporarily closing a unit to any further admissions of patients until corrections are made; and~~

~~(d) Temporarily transferring patients to another unit within the health care facility until corrections are made.~~

~~2. The Health Division may issue an order to take corrective action on an emergency basis, without prior notice or opportunity for a hearing, if the investigation by the Health Division demonstrates that the noncompliance of the health care facility is compromising patient care or poses an immediate danger to the health or safety of patients.~~

~~3. An order to take corrective action issued by the Health Division pursuant to this section must be in writing and contain a statement of the reasons for issuing the order. If a health care facility fails to comply with an order to take corrective action within the time specified or, if no time has been specified, in a timely manner, the Health Division may take such action as it deems appropriate, including, without limitation:~~

~~(a) Appointing an administrative overseer for the health care facility;~~

~~(b) Closing the health care facility or unit to the admission of patients;~~

~~(c) Placing the emergency room of the health care facility on bypass status; and~~

~~(d) Suspending or revoking the license of the health care facility.]~~ **(Deleted by amendment.)**

Sec. 25. ~~[Any person who willfully violates any provision of sections 2 to 28, inclusive, of this act in a manner that evidences a pattern or practice of violations which is likely to have a serious and adverse impact on patient care or the potential for serious injury or death to patients or employees of the health care facility is guilty of a misdemeanor.]~~ **(Deleted by amendment.)**

Sec. 26. ~~[A person or health care facility that fails to report or falsifies information, or that coerces, threatens, intimidates or otherwise influences another person to fail to report or to falsify information, required to be reported pursuant to sections 2 to 28, inclusive, of this act is guilty of a gross misdemeanor and shall be punished by a fine of not more than $15,000 for each such incident.]~~ **(Deleted by amendment.)**

Sec. 27. ~~[The Department of Health and Human Services:~~

~~1. May, upon a determination that a health care facility has violated any provision of sections 2 to 28, inclusive, of this act:~~

~~*(a) Order the health care facility to reimburse the State Plan for Medicaid for an amount to be determined by the Department;*~~

~~*(b) Terminate the participation of the health care facility in the State Plan for Medicaid for a period to be determined by the Department; or*~~

~~*(c) Order the health care facility to reimburse the State Plan for Medicaid and to terminate the participation of the health care facility in the State Plan for Medicaid.*~~

~~*2. Shall, if a health care facility falsifies or causes to be falsified documentation required by sections 2 to 28, inclusive, of this act, prohibit the health care facility from receiving any reimbursements from the State Plan for Medicaid for 6 months.]*~~ **(Deleted by amendment.)**

Sec. 28. ~~*[The provisions of sections 2 to 28, inclusive, of this act do not apply to a health care facility in a county whose population is less than 100,000.]*~~ **(Deleted by amendment.)**

Sec. 29. NRS 449.040 is hereby amended to read as follows:

449.040 Any person, state or local government or agency thereof desiring a license under the provisions of NRS 449.001 to 449.240, inclusive, ***and sections 2 to 28, inclusive, of this act*** must file with the Health Division an application on a form prescribed, prepared and furnished by the Health Division, containing:

1. The name of the applicant and, if a natural person, whether the applicant has attained the age of 21 years.
2. The type of facility to be operated.
3. The location of the facility.
4. In specific terms, the nature of services and type of care to be offered, as defined in the regulations.
5. The number of beds authorized by the Director of the Department of Health and Human Services or, if such authorization is not required, the number of beds the facility will contain.
6. The name of the person in charge of the facility.
7. Such other information as may be required by the Health Division for the proper administration and enforcement of NRS 449.001 to 449.240, inclusive ~~[.]~~ ***, and sections 2 to 28, inclusive, of this act.***
8. Evidence satisfactory to the Health Division that the applicant is of reputable and responsible character. If the applicant is a firm, association, organization, partnership, business trust, corporation or company, similar evidence must be submitted as to the members thereof ~~[,]~~ and the person in charge of the facility for which application is made. If the applicant is a political subdivision of the State or other governmental agency, similar evidence must be submitted as to the person in charge of the institution for which application is made.
9. Evidence satisfactory to the Health Division of the ability of the applicant to comply with the provisions of NRS 449.001 to 449.240, inclusive, ***and sections 2 to 28, inclusive, of this act*** and the standards and regulations adopted by the Board.

10. Evidence satisfactory to the Health Division that the facility conforms to the zoning regulations of the local government within which the facility will be operated or that the applicant has applied for an appropriate reclassification, variance, permit for special use or other exception for the facility.

11. If the facility to be licensed is a residential establishment as defined in NRS 278.02384, and if the residential establishment is subject to the distance requirements set forth in subsection 3 of NRS 278.02386, evidence satisfactory to the Health Division that the residential establishment will be located and operated in accordance with the provisions of that subsection.

Sec. 30. ~~[NRS 449.060 is hereby amended to read as follows:~~

~~449.060 1. Each license issued pursuant to NRS 449.001 to 449.240, inclusive, *and sections 2 to 28, inclusive, of this act* expires on December 31 following its issuance and is renewable for 1 year upon reapplication and payment of all fees required pursuant to NRS 449.050 unless the Health Division finds, after an investigation, that the facility has not:~~

~~(a) Satisfactorily complied with the provisions of NRS 449.001 to 449.240, inclusive, *and sections 2 to 28, inclusive, of this act* or the standards and regulations adopted by the Board;~~

~~(b) Obtained the approval of the Director of the Department of Health and Human Services before undertaking a project, if such approval is required by NRS 439A.100; or~~

~~(c) Conformed to all applicable local zoning regulations.~~

~~2. Each reapplication for an agency to provide personal care services in the home, an agency to provide nursing in the home, a residential facility for intermediate care, a facility for skilled nursing or a residential facility for groups must include, without limitation, a statement that the facility or agency is in compliance with the provisions of NRS 449.173 to 449.188, inclusive.]~~ **(Deleted by amendment.)**

Sec. 31. ~~[NRS 449.070 is hereby amended to read as follows:~~

~~449.070 The provisions of NRS 449.001 to 449.240, inclusive, *and sections 2 to 28, inclusive, of this act* do not apply to:~~

~~1. Any facility conducted by and for the adherents of any church or religious denomination for the purpose of providing facilities for the care and treatment of the sick who depend solely upon spiritual means through prayer for healing in the practice of the religion of the church or denomination, except that such a facility shall comply with all regulations relative to sanitation and safety applicable to other facilities of a similar category.~~

~~2. Foster homes as defined in NRS 424.014.~~

~~3. Any medical facility or facility for the dependent operated and maintained by the United States Government or an agency thereof.]~~ **(Deleted by amendment.)**

Sec. 32. ~~[NRS 449.160 is hereby amended to read as follows:~~

~~449.160 1. The Health Division may deny an application for a license or may suspend or revoke any license issued under the provisions of~~

~~NRS 449.001 to 449.240, inclusive, *and sections 2 to 28, inclusive, of this act* upon any of the following grounds:~~

~~(a) Violation by the applicant or the licensee of any of the provisions of NRS 439B.410 or 449.001 to 449.245, inclusive, *and sections 2 to 28, inclusive, of this act* or of any other law of this State or of the standards, rules and regulations adopted thereunder.~~

~~(b) Aiding, abetting or permitting the commission of any illegal act.~~

~~(c) Conduct inimical to the public health, morals, welfare and safety of the people of the State of Nevada in the maintenance and operation of the premises for which a license is issued.~~

~~(d) Conduct or practice detrimental to the health or safety of the occupants or employees of the facility.~~

~~(e) Failure of the applicant to obtain written approval from the Director of the Department of Health and Human Services as required by NRS 439A.100 or as provided in any regulation adopted pursuant to this chapter, if such approval is required.~~

~~(f) Failure to comply with the provisions of NRS 449.2486.~~

~~2. In addition to the provisions of subsection 1, the Health Division may revoke a license to operate a facility for the dependent if, with respect to that facility, the licensee that operates the facility, or an agent or employee of the licensee:~~

~~(a) Is convicted of violating any of the provisions of NRS 202.470;~~

~~(b) Is ordered to but fails to abate a nuisance pursuant to NRS 244.360, 244.3603 or 268.4124; or~~

~~(c) Is ordered by the appropriate governmental agency to correct a violation of a building, safety or health code or regulation but fails to correct the violation.~~

~~3. The Health Division shall maintain a log of any complaints that it receives relating to activities for which the Health Division may revoke the license to operate a facility for the dependent pursuant to subsection 2. The Health Division shall provide to a facility for the care of adults during the day:~~

~~(a) A summary of a complaint against the facility if the investigation of the complaint by the Health Division either substantiates the complaint or is inconclusive;~~

~~(b) A report of any investigation conducted with respect to the complaint; and~~

~~(c) A report of any disciplinary action taken against the facility.~~

~~→ The facility shall make the information available to the public pursuant to NRS 449.2486.~~

~~4. On or before February 1 of each odd-numbered year, the Health Division shall submit to the Director of the Legislative Counsel Bureau a written report setting forth, for the previous biennium:~~

~~(a) Any complaints included in the log maintained by the Health Division pursuant to subsection 3; and~~

~~(b) Any disciplinary actions taken by the Health Division pursuant to subsection 2.~~ **(Deleted by amendment.)**

Sec. 33. ~~[NRS 449.163 is hereby amended to read as follows:~~

~~449.163 1. If a medical facility or facility for the dependent violates any provision related to its licensure, including any provision of NRS 439B.410, 449.001 to 449.240, inclusive, *and sections 2 to 28, inclusive, of this act* or any condition, standard or regulation adopted by the Board, the Health Division in accordance with the regulations adopted pursuant to NRS 449.165 may:~~

~~(a) Prohibit the facility from admitting any patient until it determines that the facility has corrected the violation;~~

~~(b) Limit the occupancy of the facility to the number of beds occupied when the violation occurred, until it determines that the facility has corrected the violation;~~

~~(c) [Impose] *Except as otherwise provided in section 23 of this act, impose* an administrative penalty of not more than $1,000 per day for each violation, together with interest thereon at a rate not to exceed 10 percent per annum; and~~

~~(d) Appoint temporary management to oversee the operation of the facility and to ensure the health and safety of the patients of the facility, until:~~

~~(1) It determines that the facility has corrected the violation and has management which is capable of ensuring continued compliance with the applicable statutes, conditions, standards and regulations; or~~

~~(2) Improvements are made to correct the violation.~~

~~2. If the facility fails to pay any administrative penalty imposed pursuant to paragraph (c) of subsection 1, the Health Division may:~~

~~(a) Suspend the license of the facility until the administrative penalty is paid; and~~

~~(b) Collect court costs, reasonable attorney's fees and other costs incurred to collect the administrative penalty.~~

~~3. The Health Division may require any facility that violates any provision of NRS 439B.410, 449.001 to 449.240, inclusive, *and sections 2 to 28, inclusive, of this act* or any condition, standard or regulation adopted by the Board, to make any improvements necessary to correct the violation.~~

~~4. Any money collected as administrative penalties pursuant to this section must be accounted for separately and used to protect the health or property of the residents of the facility in accordance with applicable federal standards.]~~ **(Deleted by amendment.)**

Sec. 34. **The provisions of section 12 of this act do not require a hospital to establish a new staffing committee if the hospital has a staffing committee in place on or before October 1, 2009.**

~~[Sec. 34.]~~ ***Sec. 35.*** The Health Division of the Department of Health and Human Services shall not renew the license of any health care facility, as that term is defined in section 7 of this act, if the health care facility has not ~~[submitted]~~ **made available** to the Health Division a documented staffing

plan ~~[as]~~ **if such a health care facility is** required ~~[by]~~ **to have such a plan pursuant to** section 13 of this act.

~~[Sec. 35.]~~ ***Sec. 36.*** ~~[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.]~~ **(Deleted by amendment.)**

Assemblywoman Smith moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 380.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 407.

AN ACT relating to crimes; providing for the freezing and forfeiture of the assets of a person who commits certain offenses involving the pandering or prostitution of a child; ~~[imposing a civil penalty against]~~ **authorizing a court to impose an additional criminal fine on** a person convicted of certain offenses involving the pandering or prostitution of a child; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes several crimes relating to pandering or prostitution, including: (1) pandering by inducing a person to become a prostitute through threats or other actions; (2) pandering by placing a spouse in a house of prostitution through force, fraud, intimidation or threats; (3) living from the earnings of a prostitute; (4) pandering by detaining a person in a house of prostitution because of any debt; and (5) pandering by furnishing transportation to induce a person to become a prostitute or engage in prostitution. (NRS 201.300-201.340)

Section 2 of this bill provides that: (1) the assets of a person who commits an offense involving the pandering or prostitution of a child are subject to forfeiture; and (2) **in a proceeding for such a forfeiture,** a temporary restraining order may be entered by the court to freeze the assets of such a person. **Sections 2 and 5.5 of this bill require the proceeds of the forfeiture, which remain after satisfying certain protected interests and paying certain expenses related to the forfeiture proceeding, be distributed to programs for the prevention of child prostitution which are designated by the district attorney of the county.**

Section 3 of this bill ~~[imposes a civil penalty, in addition to any criminal penalty,]~~ **provides that, in addition to the criminal penalties prescribed by statute, a court may impose additional criminal fines** on a person who is convicted of an offense involving pandering or prostitution of a child.

~~[Section 4 of this bill, which is patterned after similar provisions in the Nevada Revised Statutes that establish restrictions on the use of plea bargaining for certain crimes, provides that if a person is charged with committing an offense involving pandering or prostitution of a child, the~~

~~prosecuting attorney is prohibited from dismissing the charge in exchange for a plea, unless the prosecutor knows or it is obvious that the charge is not supported by probable cause or cannot be proved at the time of trial.]~~

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

Section 1. Chapter 201 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. ***1. All assets derived from or relating to any violation of NRS 201.300 to 201.340, inclusive, in which the victim of the offense is a child when the offense is committed are subject to forfeiture pursuant to NRS 179.121 and a proceeding for their forfeiture may be brought pursuant to NRS 179.1156 to 179.121, inclusive.***

2. In any proceeding for forfeiture brought pursuant to NRS 179.1156 to 179.121, inclusive, the plaintiff may apply for, and a court may issue without notice or hearing, a temporary restraining order to preserve property which would be subject to forfeiture pursuant to this section if:

(a) The forfeitable property is in the possession or control of the party against whom the order will be entered; and

(b) The court determines that the nature of the property is such that it can be concealed, disposed of or placed beyond the jurisdiction of the court before a hearing on the matter.

3. A temporary restraining order which is issued without notice may be issued for not more than 10 days and may be extended only for good cause or by consent. The court shall provide notice and hold a hearing on the matter before the order expires.

4. Any proceeds derived from a forfeiture of property pursuant to this section and remaining after the distribution required by subsection 1 of NRS 179.118 must be deposited with the county treasurer and distributed to programs for the prevention of child prostitution which are designated to receive such distributions by the district attorney of the county.

Sec. 3. ***1. ~~[In addition to any criminal penalty, if]~~ If a person ~~[violates]~~ is convicted of a violation of any provision of NRS 201.300 to 201.340, inclusive, and the victim of the ~~[offense]~~ violation is a child who is:***

(a) At least 14 years of age but less than 18 years of age when the offense is committed, ~~[except as otherwise provided in subsection 2, the person is liable for a civil penalty of $100,000.]~~ the court may, in addition to the punishment prescribed by statute for the offense and any fine imposed pursuant to subsection 2, impose a fine of not more than $100,000.

(b) Less than 14 years of age when the offense is committed, ~~[except as otherwise provided in subsection 2, the person is liable for a civil penalty of $500,000.]~~ the court may, in addition to the term of imprisonment prescribed by statute for the offense and any fine imposed pursuant to subsection 2, impose a fine of not more than $500,000.

2. If a person ~~[violates]~~ is convicted of a violation of any provision of NRS 201.300 to 201.340, inclusive, the victim of the offense is a child when the offense is committed and the offense also involves a conspiracy to commit a violation of NRS 201.300 to 201.340, inclusive, ~~[pursuant to NRS 199.480, the person is liable for a civil penalty of $1,000,000.~~

~~3. Money collected from a civil penalty pursuant to this section must be deposited with the county treasurer and distributed:~~

~~(a) In an amount equal to 60 percent of the civil penalty collected, to an account to be administered by the district attorney to defray the cost of operational expenses.~~

~~(b) In an amount equal to 40 percent of the civil penalty collected, to an account used for programs addressing the needs of victims of the crimes described in NRS 201.300 to 201.340, inclusive.]~~ the court may, in addition to the punishment prescribed by statute for the offense of a provision of NRS 201.300 to 201.340, inclusive, and any fine imposed pursuant to subsection 1, impose a fine of not more than $500,000.

3. The provisions of subsections 1 and 2 do not create a separate offense but provide an additional penalty for the primary offense, the imposition of which is contingent upon the finding of the prescribed fact.

Sec. 4. ***~~[If a person is charged with a violation of NRS 201.300 to 201.340, inclusive, in which the victim of the offense is a child when the offense is committed, a prosecuting attorney shall not dismiss such a charge in exchange for a plea of guilty, guilty but mentally ill or nolo contendere to a lesser charge or for any other reason unless he knows, or it is obvious, that the charge is not supported by probable cause or cannot be proved at the time of trial.]~~*** **(Deleted by amendment.)**

Sec. 5. NRS 201.295 is hereby amended to read as follows:

201.295 As used in NRS 201.295 to 201.440, inclusive, ***and sections 2 ~~[, 3 and 4]~~ and 3 of this act,*** unless the context otherwise requires:

1. "Adult" means a person 18 years of age or older.
2. "Child" means a person less than 18 years of age.
3. "Prostitute" means a male or female person who for a fee engages in sexual intercourse, oral-genital contact or any touching of the sexual organs or other intimate parts of a person for the purpose of arousing or gratifying the sexual desire of either person.
4. "Prostitution" means engaging in sexual conduct for a fee.
5. "Sexual conduct" means any of the acts enumerated in subsection 3.

Sec. 5.5. **NRS 179.118 is hereby amended to read as follows:**

179.118 1. The proceeds from any sale or retention of property declared to be forfeited and any interest accrued pursuant to subsection 2 of NRS 179.1175 must be applied, first, to the satisfaction of any protected interest established by a claimant in the proceeding, then to the proper expenses of the proceeding for forfeiture and resulting sale, including the expense of effecting the seizure, the expense of maintaining custody, the expense of advertising and the costs of the suit.

2. Any balance remaining after the distribution required by subsection 1 must be deposited as follows:

(a) Except as otherwise provided in this subsection, if the plaintiff seized the property, in the special account established pursuant to NRS 179.1187 by the governing body that controls the plaintiff.

(b) Except as otherwise provided in this subsection, if the plaintiff is a metropolitan police department, in the special account established by the Metropolitan Police Committee on Fiscal Affairs pursuant to NRS 179.1187.

(c) Except as otherwise provided in this subsection, if more than one agency was substantially involved in the seizure, in an equitable manner to be directed by the court hearing the proceeding for forfeiture.

(d) If the property was seized pursuant to NRS 200.760, in the State Treasury for credit to the Fund for the Compensation of Victims of Crime to be used for the counseling and the medical treatment of victims of crimes committed in violation of NRS 200.366, 200.710 to 200.730, inclusive, or 201.230.

(e) If the property was seized as the result of a violation of NRS 202.300, in the general fund of the county in which the complaint for forfeiture was filed, to be used to support programs of counseling of persons ordered by the court to attend counseling pursuant to NRS 62E.290.

(f) If the property was forfeited pursuant to section 2 of this act, with the county treasurer to be distributed in accordance with the provisions of subsection 4 of section 2 of this act.

Sec. 6. NRS 179.121 is hereby amended to read as follows:

179.121 1. All personal property, including, without limitation, any tool, substance, weapon, machine, computer, money or security, which is used as an instrumentality in any of the following crimes is subject to forfeiture:

(a) The commission of or attempted commission of the crime of murder, robbery, kidnapping, burglary, invasion of the home, grand larceny ~~[,]~~ ***or*** theft if it is punishable as a felony ***;*** ~~[, or pandering;]~~

(b) The commission of or attempted commission of any felony with the intent to commit, cause, aid, further or conceal an act of terrorism;

(c) A violation of NRS 202.445 or 202.446;

(d) The commission of any crime by a criminal gang, as defined in NRS 213.1263; or

(e) A violation of NRS 200.463 to 200.468, inclusive, ***201.300 to 201.340, inclusive,*** 202.265, 202.287, 205.473 to 205.513, inclusive, 205.610 to 205.810, inclusive, 370.380, 370.382, 370.395, 370.405 or 465.070 to 465.085, inclusive.

2. Except as otherwise provided for conveyances forfeitable pursuant to NRS 453.301 or 501.3857, all conveyances, including aircraft, vehicles or vessels, which are used or intended for use during the commission of a felony or a violation of NRS 202.287, 202.300 or 465.070 to 465.085, inclusive, are subject to forfeiture except that:

(a) A conveyance used by any person as a common carrier in the transaction of business as a common carrier is not subject to forfeiture under this section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to the felony or violation;

(b) A conveyance is not subject to forfeiture under this section by reason of any act or omission established by the owner thereof to have been committed or omitted without his knowledge, consent or willful blindness;

(c) A conveyance is not subject to forfeiture for a violation of NRS 202.300 if the firearm used in the violation of that section was not loaded at the time of the violation; and

(d) A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if he neither had knowledge of nor consented to the felony. If a conveyance is forfeited, the appropriate law enforcement agency may pay the existing balance and retain the conveyance for official use.

3. For the purposes of this section, a firearm is loaded if:

(a) There is a cartridge in the chamber of the firearm;

(b) There is a cartridge in the cylinder of the firearm, if the firearm is a revolver; or

(c) There is a cartridge in the magazine and the magazine is in the firearm or there is a cartridge in the chamber, if the firearm is a semiautomatic firearm.

4. As used in this section, "act of terrorism" has the meaning ascribed to it in NRS 202.4415.

Assemblyman Segerblom moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 461.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 255.

AN ACT relating to older persons; revising the provisions pertaining to the persons who are required to report the abuse, neglect, exploitation or isolation of an older person; providing for the establishment of a multidisciplinary team; increasing certain filing fees; making various other changes relating to older persons; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, certain persons, including, without limitation, medical professionals, therapists and social workers, are required to make a report if the person knows or reasonably believes an older person has been abused, neglected, exploited or isolated. (NRS 200.5093) **Section 1** of this bill ~~[amends existing law to require any person to make a report if he knows or reasonably believes an older person has been abused, neglected, exploited or~~

~~isolated. Section 1 also provides that: (1) a clergyman or other religious leader is not required to make a report if he]~~ **adds to the list of persons required to make such a report: (1) religious leaders, unless the religious leader** acquired knowledge of the abuse, neglect, exploitation or isolation during a confession; and (2) ~~[an attorney is not required to make a report if he]~~ **attorneys, unless the attorney** acquired knowledge of the abuse, neglect, exploitation or isolation from a client who is or may be accused of the crime. ~~[Finally, section 1 requires that a]~~

Existing law requires certain governmental entities to forward to the Aging Services Division of the Department of Health and Human Services and to the Unit for the Investigation and Prosecution of Crimes Against Older Persons in the Office of the Attorney General a copy of the final report of the investigation of a report of abuse, neglect, exploitation or isolation of an older person **. (NRS 200.5093) Section 1 of this bill: (1) adds the Repository for Information Concerning Crimes Against Older Persons to the list of entities that must be forwarded a copy of such a report; and (2) changes the period within which the report** must be forwarded ~~[to the Aging Services Division of the Department of Health and Human Services within 3 days after the completion of the report, rather than the 90 days under existing law, and to the Repository for Information Concerning Crimes Against Older Persons within]~~ **from 90 days after the completion of the report to** 30 days after the completion of the report.

~~[Section 2 of this bill provides that a prosecuting attorney shall not dismiss any charge of abuse, neglect, exploitation or isolation of an older person or vulnerable person in exchange for a plea of guilty, guilty but mentally ill or nolo contendere to a lesser charge or for any other reason unless he knows, or it is obvious, that the charge is not supported by probable cause or cannot be proved at the time of trial. (NRS 200.5099)]~~

Section 3 of this bill imposes a filing fee of $10 for deposit in the Account for the Unit for the Investigation and Prosecution of Crimes Against Older Persons. (Chapter 19 of NRS)

Existing law allows a prospective witness who may be unable to attend or may be prevented from attending a trial or hearing to have his deposition taken, if his testimony is material, in order to prevent a failure of justice. (NRS 174.175) At a trial or hearing, a part or all of a deposition may be used if it appears that: (1) the witness is dead; (2) the witness is out of the State of Nevada; (3) the witness is sick; (4) the witness has become of unsound mind; or (5) the party offering the deposition could not procure the attendance of the witness by subpoena. (NRS 174.215) **Section 4** of this bill expands the list of prospective witnesses who may have their deposition taken to include older persons. (NRS 174.175)

Section 5 of this bill ~~[requires]~~ **allows** the Repository for Information Concerning Crimes Against Older Persons to include records of every incident of elder abuse reported to any entity and certain additional information related to each incident. (NRS 179A.450)

Section 6 of this bill ~~[requires]~~ **allows** the Unit for the Investigation and Prosecution of Crimes Against Older Persons to establish a multidisciplinary team to review any allegations of abuse, neglect, exploitation or isolation of an older person or the death of an older person as the result of abuse ~~[or]~~ **,** neglect **or isolation** and prescribes its membership **.** ~~[and duties.]~~ (NRS 228.270) **The establishment of such a team does not grant the Unit supervisory authority over any state or local agency that investigates or prosecutes allegations of abuse, neglect, exploitation or isolation of an older person or the death of an older person as the result of abuse, neglect or isolation.**

Section 7 of this bill requires the Peace Officers' Standards and Training Commission to adopt regulations that require all peace officers to receive training in the handling of cases involving abuse, neglect, exploitation and isolation of older persons. (NRS 289.510)

Section 10 of this bill makes an appropriation to the Account for the Unit for the Investigation and Prosecution of Crimes Against Older Persons.

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

Section 1. NRS 200.5093 is hereby amended to read as follows:

200.5093 1. Any person who is described ~~*[Except as otherwise provided]*~~ in subsection 4 and ~~*[, any person]*~~ who , in his professional or occupational capacity, knows or has reasonable cause to believe that an older person has been abused, neglected, exploited or isolated shall:

(a) Except as otherwise provided in subsection 2, report the abuse, neglect, exploitation or isolation of the older person to:

(1) The local office of the Aging Services Division of the Department of Health and Human Services;

(2) A police department or sheriff's office;

(3) The county's office for protective services, if one exists in the county where the suspected action occurred; or

(4) A toll-free telephone service designated by the Aging Services Division of the Department of Health and Human Services; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the older person has been abused, neglected, exploited or isolated.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse, neglect, exploitation or isolation of the older person involves an act or omission of the Aging Services Division, another division of the Department of Health and Human Services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission.

3. Each agency, after reducing a report to writing, shall forward a copy of the report to the Aging Services Division of the Department of Health and

Human Services and the Unit for the Investigation and Prosecution of Crimes.

4. A report must ~~*[is not required to]*~~ be made pursuant to subsection 1 by the following persons:

(a) Every physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, physician assistant licensed pursuant to chapter 630 or 633 of NRS, psychiatrist, psychologist, marriage and family therapist, clinical professional counselor, clinical alcohol and drug abuse counselor, alcohol and drug abuse counselor, athletic trainer, driver of an ambulance, advanced emergency medical technician or other person providing medical services licensed or certified to practice in this State, who examines, attends or treats an older person who appears to have been abused, neglected, exploited or isolated.

(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of the suspected abuse, neglect, exploitation or isolation of an older person by a member of the staff of the hospital.

(c) A coroner.

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

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

(f) Every person who operates, who is employed by or who contracts to provide services for an intermediary service organization as defined in NRS 426.218.

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

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

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

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

(k) Every social worker.

(l) Any person who owns or is employed by a funeral home or mortuary.

(m) A clergyman, practitioner of Christian Science or a religious healer, unless he acquired knowledge of the abuse, neglect, exploitation or isolation from the offender during a confession.

(n) An attorney, unless he has acquired knowledge of the abuse, neglect, exploitation or isolation from a client who is or may be accused of the abuse, neglect, exploitation or isolation.

5. A report may be made by any other person.

6. ~~*[A clergyman, practitioner of Christian Science or a religious healer, if he has acquired the knowledge of the abuse, neglect, exploitation or isolation from the offender during a confession.*~~

~~*(b) An attorney, if he has acquired the knowledge of the abuse, neglect, exploitation or isolation from a client who is or may be accused of the abuse, neglect, exploitation or isolation.*~~

~~*5.]*~~ If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that an older person has died as a result of abuse, neglect or isolation, the person shall, as soon as reasonably practicable, report this belief to the appropriate medical examiner or coroner, who shall investigate the cause of death of the older person and submit to the appropriate local law enforcement agencies, the appropriate prosecuting attorney, the Aging Services Division of the Department of Health and Human Services and the Unit for the Investigation and Prosecution of Crimes his written findings. The written findings must include the information required pursuant to the provisions of NRS 200.5094, when possible.

7. ~~*[6.]*~~ A division, office or department which receives a report pursuant to this section shall cause the investigation of the report to commence within 3 working days. A copy of the final report of the investigation conducted by a division, office or department, other than the Aging Services Division of the Department of Health and Human Services, must be forwarded ***within 30 days after the completion of the report*** to the ***:***

(a) Aging Services Division ~~**[**within**]** **[**90**]** *[3 days after the completion of the report]* **[**, and a copy of any final report of an investigation must be forwarded to the**]**~~ ***;***

(b) Repository for Information Concerning Crimes Against Older Persons ~~*[within 30 days after the completion of the report;]*~~ ***created by NRS 179A.450; and***

(c) Unit for the Investigation and Prosecution of Crimes ***.*** ~~**[**within 90 days after *the* completion of the report.**]**~~

8. ~~*[7.]*~~ If the investigation of a report results in the belief that an older person is abused, neglected, exploited or isolated, the Aging Services Division of the Department of Health and Human Services or the county's office for protective services may provide protective services to the older person if he is able and willing to accept them.

9. ~~*[8.]*~~ A person who knowingly and willfully violates any of the provisions of this section is guilty of a misdemeanor.

10. ~~*[9.]*~~ As used in this section, "Unit for the Investigation and Prosecution of Crimes" means the Unit for the Investigation and Prosecution of Crimes Against Older Persons in the Office of the Attorney General created pursuant to NRS 228.265.

Sec. 2. ~~**[**NRS 200.5099 is hereby amended to read as follows:~~

~~200.5099 1. Except as otherwise provided in subsection 6, any person who abuses an older person or a vulnerable person is guilty:~~

~~(a) For the first offense, of a gross misdemeanor; or~~

~~(b) For any subsequent offense or if the person has been previously convicted of violating a law of any other jurisdiction that prohibits the same or similar conduct, of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 6 years, unless a more severe penalty is prescribed by law for the act or omission which brings about the abuse.~~

~~2. Except as otherwise provided in subsection 7, any person who has assumed responsibility, legally, voluntarily or pursuant to a contract, to care for an older person or a vulnerable person and who:~~

~~(a) Neglects the older person or vulnerable person, causing the older person or vulnerable person to suffer physical pain or mental suffering;~~

~~(b) Permits or allows the older person or vulnerable person to suffer unjustifiable physical pain or mental suffering; or~~

~~(c) Permits or allows the older person or vulnerable person to be placed in a situation where the older person or vulnerable person may suffer physical pain or mental suffering as the result of abuse or neglect,~~

~~➤ is guilty of a gross misdemeanor unless a more severe penalty is prescribed by law for the act or omission which brings about the abuse or neglect.~~

~~3. Except as otherwise provided in subsection 4, any person who exploits an older person or a vulnerable person shall be punished, if the value of any money, assets and property obtained or used:~~

~~(a) Is less than $250, for a misdemeanor by imprisonment in the county jail for not more than 1 year, or by a fine of not more than $2,000, or by both fine and imprisonment;~~

~~(b) Is at least $250, but less than $5,000, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, or by a fine of not more than $10,000, or by both fine and imprisonment; or~~

~~(c) Is $5,000 or more, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years, or by a fine of not more than $25,000, or by both fine and imprisonment,~~

~~➤ unless a more severe penalty is prescribed by law for the act which brought about the exploitation. The monetary value of all of the money, assets and property of the older person or vulnerable person which have been obtained or used, or both, may be combined for the purpose of imposing punishment for an offense charged pursuant to this subsection.~~

~~4. If a person exploits an older person or a vulnerable person and the monetary value of any money, assets and property obtained cannot be determined, the person shall be punished for a gross misdemeanor by imprisonment in the county jail for not more than 1 year, or by a fine of not more than $2,000, or by both fine and imprisonment.~~

~~5. Any person who isolates an older person or a vulnerable person is guilty:~~

~~(a) For the first offense, of a gross misdemeanor; or~~

~~(b) For any subsequent offense, of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than $5,000.~~

~~6. A person who violates any provision of subsection 1, if substantial bodily or mental harm or death results to the older person or vulnerable person, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years, unless a more severe penalty is prescribed by law for the act or omission which brings about the abuse.~~

~~7. A person who violates any provision of subsection 2, if substantial bodily or mental harm or death results to the older person or vulnerable person, shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 6 years, unless a more severe penalty is prescribed by law for the act or omission which brings about the abuse or neglect.~~

~~8. In addition to any other penalty imposed against a person for a violation of any provision of NRS 200.5091 to 200.50995, inclusive, the court shall order the person to pay restitution.~~

~~9. *If a person is charged with a violation of any provision of NRS 200.5091 to 200.50995, inclusive, a prosecuting attorney shall not dismiss such a charge in exchange for a plea of guilty, guilty but mentally ill or nolo contendere to a lesser charge or for any other reason unless he knows, or it is obvious, that the charge is not supported by probable cause or cannot be proved at the time of trial.*~~

~~*10.* As used in this section:~~

~~(a) "Allow" means to take no action to prevent or stop the abuse or neglect of an older person or a vulnerable person if the person knows or has reason to know that the older person or vulnerable person is being abused or neglected.~~

~~(b) "Permit" means permission that a reasonable person would not grant and which amounts to a neglect of responsibility attending the care and custody of an older person or a vulnerable person.~~

~~(c) "Substantial mental harm" means an injury to the intellectual or psychological capacity or the emotional condition of an older person or a vulnerable person as evidenced by an observable and substantial impairment of the ability of the older person or vulnerable person to function within his normal range of performance or behavior.~~ **(Deleted by amendment.)**

Sec. 3. Chapter 19 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided by specific statute, on the commencement of any civil action or proceeding in the district court, other than the commencement of a proceeding for an adoption, the county clerk

of a county, in addition to any other fees provided by law, shall charge and collect $10 from the party commencing the action or proceeding.

2. On or before the first Monday of each month, the county clerk shall pay over to the county treasurer the amount of all fees collected by him pursuant to subsection 1 and the county treasurer shall place that amount to the credit of the State General Fund. Quarterly, the county treasurer shall remit all money so collected to the State Controller, who shall place the money in the Account for the Unit for the Investigation and Prosecution of Crimes Against Older Persons created pursuant to NRS 228.285.

Sec. 4. NRS 174.175 is hereby amended to read as follows:

174.175 1. If it appears that a prospective witness ***is an older person or*** may be unable to attend or prevented from attending a trial or hearing, that his testimony is material and that it is necessary to take his deposition in order to prevent a failure of justice, the court at any time after the filing of an indictment, information or complaint may upon motion of a defendant or of the State and notice to the parties order that his testimony be taken by deposition and that any designated books, papers, documents or tangible objects, not privileged, be produced at the same time and place. If the deposition is taken upon motion of the State, the court shall order that it be taken under such conditions as will afford to each defendant the opportunity to confront the witnesses against him.

2. If a witness is committed for failure to give bail to appear to testify at a trial or hearing, the court on written motion of the witness and upon notice to the parties may direct that his deposition be taken. After the deposition has been subscribed the court may discharge the witness.

3. This section does not apply to the prosecutor, or to an accomplice in the commission of the offense charged.

4. As used in this section, "older person" means a person who is 60 years of age or older.

Sec. 5. NRS 179A.450 is hereby amended to read as follows:

179A.450 1. The Repository for Information Concerning Crimes Against Older Persons is hereby created within the Central Repository.

2. The Repository for Information Concerning Crimes Against Older Persons must contain a complete and systematic record of all reports of crimes against older persons committed in this State **.** ~~[~~that~~]~~ ***The record*** must be prepared in a manner approved by the Director of the Department ~~[.]~~ ***and*** ~~*[must include all of]*~~ ***may include, without limitation, the following information:***

(a) All incidents that are reported to any entity.

(b) All cases that are currently under investigation and the type of such cases.

(c) All cases that are referred for prosecution and the type of such cases.

(d) All cases in which prosecution is declined or dismissed and any reason for such action.

(e) All cases that are prosecuted and the final disposition of such cases.

(f) All cases that are resolved by agencies which provide protective services and the type of such cases.

3. The Director of the Department shall compile and analyze the data collected pursuant to this section to assess the incidence of crimes against older persons.

4. On or before July 1 of each year, the Director of the Department shall prepare and submit a report to the Director of the Legislative Counsel Bureau for transmittal to the Legislature that sets forth statistical data on crimes against older persons.

5. The data acquired pursuant to this section is confidential and must be used only for the purpose of research. The data and findings generated pursuant to this section must not contain information that may reveal the identity of an individual victim of a crime.

6. As used in this section, "older person" means a person who is 60 years of age or older.

Sec. 6. NRS 228.270 is hereby amended to read as follows:

228.270 ***1.*** The Unit may investigate and prosecute any alleged abuse, neglect, exploitation or isolation of an older person in violation of NRS 200.5099 or 200.50995 and any failure to report such a violation pursuant to NRS 200.5093:

~~[1.]~~ ***(a)*** At the request of the district attorney of the county in which the violation occurred;

~~[2.]~~ ***(b)*** If the district attorney of the county in which the violation occurred fails, neglects or refuses to prosecute the violation; or

~~[3.]~~ ***(c)*** Jointly with the district attorney of the county in which the violation occurred.

2. ~~*[In addition to any team established pursuant to NRS 200.5098, or any investigation or prosecution pursuant to subsection 1, the Unit shall]*~~ ***The Unit may organize or sponsor one or more multidisciplinary teams to review any allegations of abuse, neglect, exploitation or isolation of an older person or the death of an older person that is alleged to be from abuse , ~~[or]~~ neglect ~~[.]~~ or isolation. A multidisciplinary team ~~[must]~~ may include, without limitation, the following members : ~~[who serve at the pleasure of the Attorney General:]~~***

(a) A representative of the Unit;

(b) Any law enforcement agency that is involved with the case under review;

(c) The district attorney's office in the county where the case is under review;

(d) The Aging Services Division of the Department of Health and Human Services or the county's office of protective services, if one exists in the county where the case is under review;

(e) A representative of the coroner's office; and

(f) Any other ~~*[representatives of any other organizations concerned with the abuse, neglect, exploitation, isolation or death of the older person as]*~~ ***medical professional or financial professional that the Attorney General deems appropriate for the review.***

3. ~~*[A multidisciplinary team shall review the abuse, neglect, exploitation, isolation or death of an older person upon receiving a written request from a person related to the older person within the third degree of consanguinity, if the request is received within 1 year after the date of the alleged conduct.*~~

~~*4.]*~~ ***Each organization represented on a multidisciplinary team may share with other members of the team information in its possession concerning the older person who is the subject of the review or any person who was in contact with the older person and any other information deemed by the organization to be pertinent to the review. Any information shared by an organization with other members of a team is confidential.***

~~*[5. A multidisciplinary team may, upon request, provide a report concerning its review to a person related to the older person within the third degree of consanguinity.]*~~

4. The organizing or sponsoring of a multidisciplinary team pursuant to subsection 2 does not grant the Unit supervisory authority over, or restrict or impair the statutory authority of, any state or local agency responsible for the investigation or prosecution of allegations of abuse, neglect, exploitation or isolation of an older person or the death of an older person that is alleged to be the result of abuse, neglect or isolation.

Sec. 7. NRS 289.510 is hereby amended to read as follows:

289.510 1. The Commission:

(a) Shall meet at the call of the Chairman, who must be elected by a majority vote of the members of the Commission.

(b) Shall provide for and encourage the training and education of persons whose primary duty is law enforcement to ensure the safety of the residents of and visitors to this State.

(c) Shall adopt regulations establishing minimum standards for the certification and decertification, recruitment, selection and training of peace officers. The regulations must establish:

(1) Requirements for basic training for category I, category II and category III peace officers and reserve peace officers;

(2) Standards for programs for the continuing education of peace officers, including minimum courses of study and requirements concerning attendance;

(3) Qualifications for instructors of peace officers; and

(4) Requirements for the certification of a course of training.

(d) Shall, when necessary, present courses of training and continuing education courses for category I, category II and category III peace officers and reserve peace officers.

(e) May make necessary inquiries to determine whether the agencies of this State and of the local governments are complying with standards set forth in its regulations.

(f) Shall carry out the duties required of the Commission pursuant to NRS 432B.610 and 432B.620.

(g) May perform any other acts that may be necessary and appropriate to the functions of the Commission as set forth in NRS 289.450 to 289.600, inclusive.

(h) May enter into an interlocal agreement with an Indian tribe to provide training to and certification of persons employed as police officers by that Indian tribe.

2. Regulations adopted by the Commission:

(a) Apply to all agencies of this State and of local governments in this State that employ persons as peace officers;

(b) Must require that all peace officers receive training in the handling of cases involving abuse or neglect of children or missing children; **[**~~and~~**]**

(c) ***Must require that all peace officers receive training in the handling of cases involving abuse, neglect, exploitation and isolation of older persons; and***

(d) May require that training be carried on at institutions which it approves in those regulations.

Sec. 8. **[**~~NRS 388.880 is hereby amended to read as follows:~~

~~388.880 1. Except as otherwise provided in subsection 2, if any person who knows or has reasonable cause to believe that another person has made a threat of violence against a school official, school employee or pupil reports in good faith that threat of violence to a school official, teacher, school police officer, local law enforcement agency or potential victim of the violence that is threatened, the person who makes the report is immune from civil liability for any act or omission relating to that report. Such a person is not immune from civil liability for any other act or omission committed by the person as a part of, in connection with or as a principal, accessory or conspirator to the violence, regardless of the nature of the other act or omission.~~

~~2. The provisions of this section do not apply to a person who:~~

~~(a) Is~~ **[**acting in his professional or occupational capacity and is**]** ~~required to make a report pursuant to NRS 200.5093, 200.50935 or 432B.220.~~

~~(b) Is required to make a report concerning the commission of a violent or sexual offense against a child pursuant to NRS 202.882.~~

~~3. As used in this section:~~

~~(a) "Reasonable cause to believe" means, in light of all the surrounding facts and circumstances which are known, a reasonable person would believe, under those facts and circumstances, that an act, transaction, event, situation or condition exists, is occurring or has occurred.~~

~~(b) "School employee" means a licensed or unlicensed person who is employed by:~~

~~(1) A board of trustees of a school district pursuant to NRS 391.100; or~~

~~(2) The governing body of a charter school.~~

~~(c) "School official" means:~~

~~(1) A member of the board of trustees of a school district.~~

~~(2) A member of the governing body of a charter school.~~

~~(3) An administrator employed by the board of trustees of a school district or the governing body of a charter school.~~

~~(d) "Teacher" means a person employed by the:~~

~~(1) Board of trustees of a school district to provide instruction or other educational services to pupils enrolled in public schools of the school district.~~

~~(2) Governing body of a charter school to provide instruction or other educational services to pupils enrolled in the charter school.~~**] (Deleted by amendment.)**

Sec. 9. **[**~~NRS 394.177 is hereby amended to read as follows:~~

~~394.177 1. Except as otherwise provided in subsection 2, if any person who knows or has reasonable cause to believe that another person has made a threat of violence against a school official, school employee or pupil reports in good faith that threat of violence to a school official, teacher, school police officer, local law enforcement agency or potential victim of the violence that is threatened, the person who makes the report is immune from civil liability for any act or omission relating to that report. Such a person is not immune from civil liability for any other act or omission committed by the person as a part of, in connection with or as a principal, accessory or conspirator to the violence, regardless of the nature of the other act or omission.~~

~~2. The provisions of this section do not apply to a person who:~~

~~(a) Is~~ **[**~~acting in his professional or occupational capacity and is~~**]** ~~required to make a report pursuant to NRS 200.5093, 200.50935 or 432B.220.~~

~~(b) Is required to make a report concerning the commission of a violent or sexual offense against a child pursuant to NRS 202.882.~~

~~3. As used in this section:~~

~~(a) "Reasonable cause to believe" means, in light of all the surrounding facts and circumstances which are known, a reasonable person would believe, under those facts and circumstances, that an act, transaction, event, situation or condition exists, is occurring or has occurred.~~

~~(b) "School employee" means a licensed or unlicensed person, other than a school official, who is employed by a private school.~~

~~(c) "School official" means:~~

~~(1) An owner of a private school.~~

~~(2) A director of a private school.~~

~~(3) A supervisor at a private school.~~

~~(4) An administrator at a private school.~~

~~(d) "Teacher" means a person employed by a private school to provide instruction and other educational services to pupils enrolled in the private school.~~**] (Deleted by amendment.)**

Sec. 10. There is hereby appropriated from the State General Fund to the Account for the Unit for the Investigation and Prosecution of Crimes Against

Older Persons to be used for the purposes set forth in NRS 228.285 the sum of:

For the Fiscal Year 2009-2010 $250,000

For the Fiscal Year 2010-2011 $250,000

Assemblyman Segerblom moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Kirkpatrick moved that Assembly Bill No. 493 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

Assemblyman Anderson moved that Assembly Bill No. 461 upon return from the printer, be rereferred to the Committee on Ways and Means.

Motion carried.

Assemblywoman Kirkpatrick moved that Assembly Bill No. 493 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 402, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARCUS CONKLIN, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Assembly Bill No. 402 just reported out of committee, be placed on the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 402.

Bill read second time.

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

Amendment No. 439.

AN ACT relating to public utilities; ~~[providing that certain entities must be included as]~~ **requiring the Public Utilities Commission of Nevada to determine the** parties to a public hearing concerning a resource plan of a public utility; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill ~~[specifies that]~~ **requires the Public Utilities Commission of Nevada to determine** the parties to a public hearing on the adequacy of a plan to increase supply or decrease demands filed by a public utility ~~[include:~~

~~(1) the utility itself; (2) the Division of Environmental Protection of the State Department of Conservation and Natural Resources; and (3) certain nonprofit corporations or associations.]~~ **and allows a person or governmental entity to petition to intervene as a party in the hearing. This bill also authorizes the Commission to limit or prohibit continued participation of an intervener in certain circumstances.** (NRS 704.746)

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

Section 1. NRS 704.746 is hereby amended to read as follows:

704.746 1. After a utility has filed its plan pursuant to NRS 704.741, the Commission shall convene a public hearing on the adequacy of the plan.

2. ***The Commission shall determine the parties to*** ~~*[a]*~~ ***the public hearing*** ~~*[include, without limitation:*~~

~~*(a) The utility.*~~

~~*(b) The Division of Environmental Protection of the State Department of Conservation and Natural Resources.*~~

~~*(c) Any domestic nonprofit corporation or association, formed in whole or in part to promote conservation of natural beauty, to protect the environment, personal health or other biological values, to preserve historical sites, to promote consumer interests, to represent commercial and industrial groups or to promote the orderly development of the areas in which the facility is to be located, if it has filed with the Commission a notice of intent to be a party within a time frame established by the Commission.]*~~ ***on the adequacy of the plan. A person or governmental entity may petition the Commission for leave to intervene as a party. The Commission must grant a petition to intervene as a party in the hearing if the person or entity has relevant material evidence to provide concerning the adequacy of the plan. The Commission may limit participation of an intervener in the hearing to avoid duplication and may prohibit continued participation in the hearing by an intervener if the Commission determines that continued participation will unduly broaden the issues, will not provide additional relevant material evidence or is not necessary to further the public interest.***

3. In addition to any party to the ~~[At the]~~ hearing **,** any interested person may make comments to the Commission regarding the contents and adequacy of the plan.

~~[3.]~~ ***4.*** After the hearing, the Commission shall determine whether:

(a) The forecast requirements of the utility are based on substantially accurate data and an adequate method of forecasting.

(b) The plan identifies and takes into account any present and projected reductions in the demand for energy that may result from measures to improve energy efficiency in the industrial, commercial, residential and energy producing sectors of the area being served.

(c) The plan adequately demonstrates the economic, environmental and other benefits to this State and to the customers of the utility, associated with the following possible measures and sources of supply:

(1) Improvements in energy efficiency;

(2) Pooling of power;

(3) Purchases of power from neighboring states or countries;

(4) Facilities that operate on solar or geothermal energy or wind;

(5) Facilities that operate on the principle of cogeneration or hydrogeneration; and

(6) Other generation facilities.

~~[4.]~~ ***5.*** The Commission may give preference to the measures and sources of supply set forth in paragraph (c) of subsection ~~[3]~~ ***4*** that:

(a) Provide the greatest economic and environmental benefits to the State;

(b) Are consistent with the provisions of this section; and

(c) Provide levels of service that are adequate and reliable.

~~[5.]~~ ***6.*** The Commission shall:

(a) Adopt regulations which determine the level of preference to be given to those measures and sources of supply; and

(b) Consider the value to the public of using water efficiently when it is determining those preferences.

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Kim Foster and Vicki Bates.

On request of Assemblyman Christensen, the privilege of the floor of the Assembly Chamber for this day was extended to Mark Sprinkle.

On request of Assemblyman Cobb, the privilege of the floor of the Assembly Chamber for this day was extended to Bruce Specter, Jennifer Baker, Greg Bailor, John Martin, and Mary Jane Harding.

On request of Assemblyman Goedhart, the privilege of the floor of the Assembly Chamber for this day was extended to Tommy Rowe and Valerie Osgood.

On request of Assemblyman Gustavson, the privilege of the floor of the Assembly Chamber for this day was extended to Kenneth Penn.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Harrison Griffin and Josh Griffin

On request of Assemblyman Munford, the privilege of the floor of the Assembly Chamber for this day was extended to Guy Rocha and Daphne Beleon.

On request of Assemblyman Settelmeyer, the privilege of the floor of the Assembly Chamber for this day was extended to Robert Schultz and Pete Harding.

On request of Assemblyman Stewart, the privilege of the floor of the Assembly Chamber for this day was extended to Bruce Breslow.

Assemblyman Oceguera moved that the Assembly adjourn until Monday, April 20, 2009, at 10:30 a.m.

Motion carried.

Assembly adjourned at 2:58 p.m.

Approved: BARBARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL
Chief Clerk of the Assembly