

THE ONE HUNDRED AND NINETEENTH DAY

CARSON CITY (Sunday), May 31, 2009

Assembly called to order at 11:09 a.m.

Madam Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Bernie Anderson.

Almighty God, our Father, by whose grace we live, move and have our very being; You who see into our hearts and into the minds of those who are believers and of those who are tolerant of our beliefs. We pray for protection for our families and all who are traveling or soon will be. We ask for peace in our world. Protect our soldiers from harm and bring a conclusion to their mission, and comfort and support for their families.

God, we would ask that you give an extra measure of strength to the staff that supports our work, and remind us of our obligation to use the gifts You have given us to do good, ever mindful of the truly great blessing of liberty we enjoy. Deliver us from the fear of what might happen, and help us strive after what ought to be.

Mindful of the gifts You have already given us with a bright new day in front of us, we ask anew for Your help in all that we do.

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.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 236.

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

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 521.

The following Senate amendment was read:

Amendment No. 970.

AN ACT relating to occupational diseases; revising provisions governing coverage for cancer as an occupational disease of certain firefighters; expanding the list of substances which are deemed to be known carcinogens that are reasonably associated with specific disabling cancers; ~~providing that coverage for cancer as an occupational disease applies to a firefighter who has been employed for 2 years or more under certain circumstances;~~

requiring ~~[certain]~~ annual physical examinations of certain firefighters who qualify for coverage for cancer as an occupational disease; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, cancer which results in temporary disability, permanent disability or death is an occupational disease and compensable as such under the provisions of chapter 617 of NRS if the cancer develops or manifests itself out of and in the course of employment of a person who, for 5 years or more, has been employed as a full-time firefighter or has been acting as a volunteer firefighter and who, during the course of the employment, was exposed to a known carcinogen that is reasonably associated with the disabling cancer. Existing law also sets forth a list of substances that shall be deemed to be known carcinogens that are reasonably associated with specific disabling cancers. (NRS 617.453) This bill ~~[provides that coverage for cancer as an occupational disease applies if a firefighter has been employed for 2 years or more. This bill also]~~ expands the list of substances which are deemed to be known carcinogens that are reasonably associated with specific disabling cancers. In addition, this bill requires each firefighter who **is employed in this State in a full-time salaried occupation of fire fighting for the benefit or safety of the public and who** qualifies for coverage for cancer as an occupational disease to submit to an annual physical examination. ~~[and]~~ **This bill also** requires the employer of the firefighter to pay for the physical examination.

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

Section 1. NRS 617.453 is hereby amended to read as follows:

617.453 1. Notwithstanding any other provision of this chapter, cancer, resulting in either temporary or permanent disability, or death, is an occupational disease and compensable as such under the provisions of this chapter if:

(a) The cancer develops or manifests itself out of and in the course of the employment of a person who, for 5 ~~12~~ years or more, has been:

(1) Employed in this State in a full-time salaried occupation of fire fighting for the benefit or safety of the public; or

(2) Acting as a volunteer firefighter in this State and is entitled to the benefits of chapters 616A to 616D, inclusive, of NRS pursuant to the provisions of NRS 616A.145; and

(b) It is demonstrated that:

(1) He was exposed, while in the course of the employment, to a known carcinogen as defined by the International Agency for Research on Cancer or the National Toxicology Program; and

(2) The carcinogen is reasonably associated with the disabling cancer.

2. With respect to a person who, for 5 ~~12~~ years or more, has been employed in this State in a full-time salaried occupation of fire fighting for

the benefit or safety of the public, the following substances shall be deemed, for the purposes of paragraph (b) of subsection 1, to be known carcinogens that are reasonably associated with the following disabling cancers:

(a) Diesel exhaust, formaldehyde and polycyclic aromatic hydrocarbon shall be deemed to be known carcinogens that are reasonably associated with bladder cancer.

(b) Acrylonitrile, formaldehyde and vinyl chloride shall be deemed to be known carcinogens that are reasonably associated with brain cancer.

(c) Diesel exhaust and formaldehyde shall be deemed to be known carcinogens that are reasonably associated with colon cancer.

(d) Formaldehyde shall be deemed to be a known carcinogen that is reasonably associated with Hodgkin's lymphoma.

(e) Formaldehyde and polycyclic aromatic hydrocarbon shall be deemed to be known carcinogens that are reasonably associated with kidney cancer.

(f) Chloroform, soot and vinyl chloride shall be deemed to be known carcinogens that are reasonably associated with liver cancer.

(g) Acrylonitrile, benzene, formaldehyde, polycyclic aromatic hydrocarbon, soot and vinyl chloride shall be deemed to be known carcinogens that are reasonably associated with lymphatic or haematopoietic cancer.

(h) Diesel exhaust, soot, aldehydes and polycyclic aromatic hydrocarbon shall be deemed to be known carcinogens that are reasonably associated with basal cell carcinoma, squamous cell carcinoma and malignant melanoma.

(i) Acrylonitrile, benzene and formaldehyde shall be deemed to be known carcinogens that are reasonably associated with prostate cancer.

(j) Diesel exhaust, soot and polychlorinated biphenyls shall be deemed to be known carcinogens that are reasonably associated with testicular cancer.

(k) Diesel exhaust, benzene and X-ray radiation shall be deemed to be known carcinogens that are reasonably associated with thyroid cancer.

3. The provisions of subsection 2 do not create an exclusive list and do not preclude any person from demonstrating, on a case-by-case basis for the purposes of paragraph (b) of subsection 1, that a substance is a known carcinogen that is reasonably associated with a disabling cancer.

4. Each employee who is employed in this State in a full-time salaried occupation of fire fighting for the benefit or safety of the public and is to be covered for cancer pursuant to the provisions of this section shall submit to a physical examination, including:

(a) Upon employment, a chest X ray, a thyroid ultrasound scan, a blood panel, a urine occult blood test and:

(1) For men, a prostate-specific antigen test; and

(2) For women, a baseline mammogram; and

(b) On an annual basis while employed, a thyroid ultrasound scan and, for men, a prostate-specific antigen test.

5. All physical examinations required pursuant to subsection 4 must be paid for by the employer.

6. Compensation awarded to the employee or his dependents for disabling cancer pursuant to this section must include:

(a) Full reimbursement for related expenses incurred for medical treatments, surgery and hospitalization in accordance with the schedule of fees and charges established pursuant to NRS 616C.260 or, if the insurer has contracted with an organization for managed care or with providers of health care pursuant to NRS 616B.527, the amount that is allowed for the treatment or other services under that contract; and

(b) The compensation provided in chapters 616A to 616D, inclusive, of NRS for the disability or death.

~~{5-}~~ 7. Disabling cancer is presumed to have developed or manifested itself out of and in the course of the employment of any firefighter described in this section. This rebuttable presumption applies to disabling cancer diagnosed after the termination of the person's employment if the diagnosis occurs within a period, not to exceed 60 months, which begins with the last date the employee actually worked in the qualifying capacity and extends for a period calculated by multiplying 3 months by the number of full years of his employment. This rebuttable presumption must control the awarding of benefits pursuant to this section unless evidence to rebut the presumption is presented.

~~{6-}~~ 8. The provisions of this section do not create a conclusive presumption.

Sec. 2. This act becomes effective on July 1, 2009.

Assemblyman Conklin moved that the Assembly concur in the Senate Amendment No. 970 to Assembly Bill No. 521.

Motion carried.

The following Senate amendment was read:

Amendment No. 971.

AN ACT relating to occupational diseases; revising provisions governing coverage for cancer as an occupational disease of certain firefighters; expanding the list of substances which are deemed to be known carcinogens that are reasonably associated with specific disabling cancers; providing that coverage for cancer as an occupational disease applies to a firefighter who has been employed for 2 years or more under certain circumstances; ~~[requiring certain annual physical examinations of firefighters who qualify for coverage for cancer as an occupational disease;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, cancer which results in temporary disability, permanent disability or death is an occupational disease and compensable as such under the provisions of chapter 617 of NRS if the cancer develops or manifests itself out of and in the course of employment of a person who, for 5 years or more, has been employed as a full-time firefighter or has been

acting as a volunteer firefighter and who, during the course of the employment, was exposed to a known carcinogen that is reasonably associated with the disabling cancer. Existing law also sets forth a list of substances that shall be deemed to be known carcinogens that are reasonably associated with specific disabling cancers. (NRS 617.453) This bill provides that coverage for cancer as an occupational disease applies if a firefighter has been employed for 2 years or more. This bill also expands the list of substances which are deemed to be known carcinogens that are reasonably associated with specific disabling cancers. ~~[In addition, this bill requires each firefighter who qualifies for coverage for cancer as an occupational disease to submit to an annual physical examination and requires the employer of the firefighter to pay for the physical examination.]~~

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

Section 1. NRS 617.453 is hereby amended to read as follows:

617.453 1. Notwithstanding any other provision of this chapter, cancer, resulting in either temporary or permanent disability, or death, is an occupational disease and compensable as such under the provisions of this chapter if:

(a) The cancer develops or manifests itself out of and in the course of the employment of a person who, for ~~{5}~~ 2 years or more, has been:

(1) Employed in this State in a full-time salaried occupation of fire fighting for the benefit or safety of the public; or

(2) Acting as a volunteer firefighter in this State and is entitled to the benefits of chapters 616A to 616D, inclusive, of NRS pursuant to the provisions of NRS 616A.145; and

(b) It is demonstrated that:

(1) He was exposed, while in the course of the employment, to a known carcinogen as defined by the International Agency for Research on Cancer or the National Toxicology Program; and

(2) The carcinogen is reasonably associated with the disabling cancer.

2. With respect to a person who, for ~~{5}~~ 2 years or more, has been employed in this State in a full-time salaried occupation of fire fighting for the benefit or safety of the public, the following substances shall be deemed, for the purposes of paragraph (b) of subsection 1, to be known carcinogens that are reasonably associated with the following disabling cancers:

(a) Diesel exhaust, formaldehyde and polycyclic aromatic hydrocarbon shall be deemed to be known carcinogens that are reasonably associated with bladder cancer.

(b) Acrylonitrile, formaldehyde and vinyl chloride shall be deemed to be known carcinogens that are reasonably associated with brain cancer.

(c) Diesel exhaust and formaldehyde shall be deemed to be known carcinogens that are reasonably associated with colon cancer.

(d) Formaldehyde shall be deemed to be a known carcinogen that is reasonably associated with Hodgkin's lymphoma.

(e) Formaldehyde and polycyclic aromatic hydrocarbon shall be deemed to be known carcinogens that are reasonably associated with kidney cancer.

(f) Chloroform, soot and vinyl chloride shall be deemed to be known carcinogens that are reasonably associated with liver cancer.

(g) Acrylonitrile, benzene, formaldehyde, polycyclic aromatic hydrocarbon, soot and vinyl chloride shall be deemed to be known carcinogens that are reasonably associated with lymphatic or haemotopoietic cancer.

(h) Diesel exhaust, soot, aldehydes and polycyclic aromatic hydrocarbon shall be deemed to be known carcinogens that are reasonably associated with basal cell carcinoma, squamous cell carcinoma and malignant melanoma.

(i) Acrylonitrile, benzene and formaldehyde shall be deemed to be known carcinogens that are reasonably associated with prostate cancer.

(j) Diesel exhaust, soot and polychlorinated biphenyls shall be deemed to be known carcinogens that are reasonably associated with testicular cancer.

(k) Diesel exhaust, benzene and X-ray radiation shall be deemed to be known carcinogens that are reasonably associated with thyroid cancer.

3. The provisions of subsection 2 do not create an exclusive list and do not preclude any person from demonstrating, on a case-by-case basis for the purposes of paragraph (b) of subsection 1, that a substance is a known carcinogen that is reasonably associated with a disabling cancer.

~~4. Each employee who is to be covered for cancer pursuant to the provisions of this section shall submit to a physical examination, including:~~

~~(a) Upon employment, a chest X ray, a thyroid ultrasound scan, a blood panel, a urine occult blood test and:~~

~~(1) For men, a prostate specific antigen test; and~~

~~(2) For women, a baseline mammogram; and~~

~~(b) On an annual basis while employed, a thyroid ultrasound scan and, for men, a prostate specific antigen test.~~

~~5. All physical examinations required pursuant to subsection 4 must be paid for by the employer.~~

~~6.~~ Compensation awarded to the employee or his dependents for disabling cancer pursuant to this section must include:

(a) Full reimbursement for related expenses incurred for medical treatments, surgery and hospitalization in accordance with the schedule of fees and charges established pursuant to NRS 616C.260 or, if the insurer has contracted with an organization for managed care or with providers of health care pursuant to NRS 616B.527, the amount that is allowed for the treatment or other services under that contract; and

(b) The compensation provided in chapters 616A to 616D, inclusive, of NRS for the disability or death.

5. ~~7.7~~ Disabling cancer is presumed to have developed or manifested itself out of and in the course of the employment of any firefighter described in this section. This rebuttable presumption applies to disabling cancer diagnosed after the termination of the person's employment if the diagnosis occurs within a period, not to exceed 60 months, which begins with the last date the employee actually worked in the qualifying capacity and extends for a period calculated by multiplying 3 months by the number of full years of his employment. This rebuttable presumption must control the awarding of benefits pursuant to this section unless evidence to rebut the presumption is presented.

6. ~~8.7~~ The provisions of this section do not create a conclusive presumption.

Sec. 2. This act becomes effective on July 1, 2009.

Assemblyman Conklin moved that the Assembly concur in the Senate Amendment No. 971 to Assembly Bill No. 521.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblywoman Koivisto moved that the Assembly do not recede from its actions on Amendments No. 684, 870, Senate Bill No. 263, and that a conference be requested, and that Madam Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Motion carried.

Assemblywoman Koivisto moved that the Assembly recede from its action on Amendment No. 891 to Senate Bill No. 263.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Madam Speaker appointed Assemblymen Kihuen, Segerblom, and Hambrick as a Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 263.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 503.

The following Senate amendment was read:

Amendment No. 639.

AN ACT relating to transportation; creating an advisory committee to develop recommendations relating to the funding of the construction and maintenance of highways in this State; providing for the membership, compensation and duties of the advisory committee; authorizing the advisory committee to place advisory questions regarding its recommendations on the ballot for the general election to be held in 2010; requiring the Secretary of State to appoint committees to prepare arguments for and against approval of

the recommendation proposed in any such advisory question placed on the ballot; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill creates an advisory committee to develop recommendations for increasing funding for highways in this State. The committee consists of ~~six~~ **eight** members, three appointed by the Majority Leader of the Senate, ~~and~~ three appointed by the Speaker of the Assembly ~~and one appointed by the Minority Leader of the Senate and one appointed by the Minority Leader of the Assembly~~. Not more than one member of the committee may be a member of the Senate, who must be appointed by the Majority Leader of the Senate, and not more than one member may be a member of the Assembly ~~and who must be appointed by the Speaker of the Assembly~~. To the extent practicable, the members of the advisory committee must reflect the geographic diversity of this State. The advisory committee: (1) is charged with developing recommendations relating to the funding of the construction and maintenance of highways in this State; and (2) is authorized to ask the voters of the State for their advice on those recommendations by placing advisory questions on the ballot for the general election to be held in 2010. If the advisory committee places an advisory question on the ballot, the Secretary of State must appoint committees to prepare arguments for and against approval of the recommendation proposed in the advisory question.

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

Section 1. As used in this act, "advisory committee" means the advisory committee created by subsection 1 of section 2 of this act.

Sec. 2. 1. There is hereby created an advisory committee to develop recommendations for increasing the funding of highways in this State.

2. The advisory committee consists of ~~six~~ **eight** members appointed as follows:

- (a) Three members appointed by the Majority Leader of the Senate; ~~and~~
- (b) Three members appointed by the Speaker of the Assembly ~~and~~;
- (c) One member appointed by the Minority Leader of the Senate; and
- (d) One member appointed by the Minority Leader of the Assembly.

3. Not more than one member of the advisory committee may be a member of the Senate, who must be appointed by the Majority Leader of the Senate, and not more than one member of the advisory committee may be a member of the Assembly ~~and who must be appointed by the Speaker of the Assembly~~.

4. The Majority and Minority Leaders of the Senate and the Speaker and Minority Leader of the Assembly shall, to the extent practicable, ensure that the members appointed to the advisory committee reflect the geographic diversity of this State.

~~5.~~ 5. The term of each member of the advisory committee commences on July 1, 2009, and expires on June 30, 2011.

~~5-1~~ 6. Members of the advisory committee serve without compensation, except that while engaged in the business of the advisory committee, each member is entitled to the per diem allowance and travel expenses provided for state officers and employees generally, to be paid from the Legislative Fund.

~~6-1~~ 7. The advisory committee shall ~~meet~~:

(a) ~~Meet~~ at least once every 3 months ~~;~~ and

(b) ~~To the extent practicable, conduct its meetings via video conference.~~

~~7-1~~ 8. At its first meeting, the advisory committee shall elect a Chairman and a Vice Chairman from among its members.

~~8-1~~ 9. A vacancy in the membership of the advisory committee must be filled in the same manner as the original appointment.

Sec. 3. 1. The advisory committee shall develop recommendations relating to increasing the funding of the construction and maintenance of highways in this State.

2. When developing recommendations pursuant to the provisions of subsection 1, the advisory committee shall consider, without limitation, the most recent, if any, transportation project lists developed by the Department of Transportation and the regional transportation commission of any county whose population is 100,000 or more.

Sec. 4. 1. The advisory committee may, at the general election held in 2010, ask the advice of the registered voters of the State on any question regarding the recommendations developed by the committee pursuant to section 3 of this act.

2. To place an advisory question on the ballot at the general election held in 2010, the advisory committee shall, not less than 120 days before the general election, submit to the Secretary of State a resolution that:

(a) Sets forth:

(1) Each question, in language indicating clearly that the question is advisory only;

(2) An explanation of the question; and

(3) A description of the anticipated financial effect on the State; and

(b) Provides that the result of the voting on the question does not impose any legal requirement on the Legislature, any member of the Legislature or any other officer of the State.

3. If the advisory committee places an advisory question on the ballot pursuant to this section, on the sample ballot for the election, the advisory question must appear:

(a) With a title in substantially the following form: "Advisory Ballot Question No.."; and

(b) With its explanation, arguments and description of the anticipated financial effect.

Sec. 5. 1. For each advisory question to be placed on the ballot pursuant to the provisions of section 4 of this act, the Secretary of State shall, pursuant to subsection 4, appoint two committees. Except as otherwise provided in subsection 2, one committee must be composed of three persons who favor approval by the voters of the recommendation proposed in the advisory question and the other committee must be composed of three persons who oppose approval by the voters of the recommendation proposed in the advisory question.

2. If the Secretary of State is unable to appoint three persons who are willing to serve on a committee, he may appoint fewer than three persons to that committee, but he must appoint at least one person to each committee appointed pursuant to this section.

3. With respect to a committee appointed pursuant to this section:

(a) A person may not serve simultaneously on the committee that favors approval by the voters of the recommendation proposed in the advisory question and the committee that opposes approval by the voters of the recommendation proposed in the advisory question.

(b) Members of the committee serve without compensation.

(c) The term of office for each member commences upon appointment and expires upon the publication of the sample ballot containing the advisory question.

4. The Secretary of State shall consider appointing to a committee pursuant to this section:

(a) Any person who has expressed an interest in serving on the committee; and

(b) A person who is a member of an organization that has expressed an interest in having a member of the organization serve on the committee.

5. A committee appointed pursuant to this section:

(a) Shall elect a chairman for the committee;

(b) Shall meet and conduct its affairs as necessary to fulfill the requirements of this section;

(c) May seek and consider comments from the general public;

(d) Shall, based on whether the members were appointed to advocate or oppose approval by the voters of the recommendation proposed in the advisory question, prepare an argument either advocating or opposing approval by the voters of the recommendation proposed in the advisory question;

(e) Shall prepare a rebuttal to the argument prepared by the other committee appointed pursuant to this section;

(f) Shall address in the argument and rebuttal prepared pursuant to paragraphs (d) and (e):

(1) The fiscal impact of the recommendation proposed in the advisory question;

(2) The environmental impact of the recommendation proposed in the advisory question; and

(3) The impact of the recommendation proposed in the advisory question on the public health, safety and welfare; and

(g) Shall submit the argument and rebuttal prepared pursuant to paragraphs (d), (e) and (f) to the Secretary of State not later than the date prescribed by the Secretary of State pursuant to subsection 6.

6. The Secretary of State shall provide, by rule or regulation:

(a) The maximum permissible length of an argument and rebuttal prepared pursuant to this section; and

(b) The date by which an argument and rebuttal prepared pursuant to this section must be submitted by a committee to the Secretary of State.

7. Upon receipt of an argument or rebuttal prepared pursuant to this section, the Secretary of State:

(a) May consult with persons who are generally recognized by a national or statewide organization as having expertise regarding transportation and transportation-related issues; and

(b) Shall reject each statement in the argument or rebuttal that he believes is libelous or factually inaccurate.

➡ The decision of the Secretary of State to reject a statement pursuant to this subsection is a final decision for the purposes of judicial review. Not later than 5 days after the Secretary of State rejects a statement pursuant to this subsection, the committee that prepared the statement may appeal that rejection by filing a complaint in the First Judicial District Court. The Court shall set the matter for hearing not later than 3 working days after the complaint is filed and shall give priority to such a complaint over all other matters pending before the court, except for criminal proceedings.

8. The Secretary of State may revise the language submitted by a committee pursuant to this section so that it is clear, concise and suitable for incorporation in the sample ballot, but shall not alter the meaning or effect of the language without the consent of the committee.

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

Assemblyman Atkinson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 503.

Remarks by Assemblyman Atkinson.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblywoman Smith moved that the Assembly do not recede from its action on Amendment No. 949, Senate Bill No. 293, that a conference be requested, and that Madam Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Madam Speaker appointed Assemblymen Smith, Mastroluca, and Hardy as a Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 293.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:23 a.m.

ASSEMBLY IN SESSION

At 11:27 a.m.

Madam Speaker presiding.

Quorum present.

REMARKS FROM THE FLOOR

Assemblyman Ocegüera requested that the following remarks be entered in the Journal.

Madam Speaker requested the privilege of the Chair for the purpose of making the following remarks:

This session will be ending shortly—I don't predict when—but we know it will end for sure by tomorrow. I would like to speak about a matter of great importance to this body. We are going to be losing some of our members to term limits, and I thought it only appropriate to celebrate the service of some of our members who won't be returning. I'm not going to roast these members. Instead of speaking from sadness, I am going to speak as a celebration of their service. The members are a depository of so much institutional knowledge. We have Bernie Anderson, Morse Arberry, Harry Mortenson, Jerry Claborn, Mark Manendo, John Carpenter, Ellen Koivisto, Sheila Leslie, and Kathy McClain. They take with them a wealth of knowledge, talent, energy, and experience that will serve them in good stead wherever they next may go.

I am going to start with a couple of the members, and then maybe in the next floor session, we will continue on until we have talked about each one of them and what they've meant to Nevada.

I am going to start with Assemblyman Morse Arberry. "The Moose," Assemblyman "No Dough" Arberry, Assemblyman Morse Arberry—he's not only given 25 years of legislative service, he gave us all his hair! Now in his twenty-fifth year of legislative service, Morse Arberry has been an inspiration to me and so many others, combining a friendly, easygoing nature with incredible knowledge, compassion, and determination.

When I first arrived in 1995, Moose was already a ten-year veteran of the Legislature. That was our notable session where we were tied 21-21, Republican-Democratic control. I was fortunate enough to watch Moose share power with Assemblyman John Marvel. They did it as friends; they did it as colleagues. They were an inspiration to everyone else because they made it look easy to share power.

Moose has always been kind of a protective big brother to me. I think of all the things that really kind of sum Moose up. First, he's just so gentle. It doesn't mean you can't be tough, but we'll have a contentious hearing and we'll have witnesses out of control, and Moose will say, "My brother, just calm down a little bit." And no one takes offense because of the way he handles people. At the same time, though, Moose never forgets who elected him and who brought him here. He is always fighting for the underdog, whether it's the community colleges, minority issues, or creating opportunity for everyone in his district. He never forgets that and never forgets why he is here.

When I first started practicing law at Legal Aid, the first year all I did was evictions. Person after person would come into our office with an eviction notice, and it only took me a few days to realize the problem was they couldn't afford the rent because there wasn't enough affordable housing. If you are making \$800 a month in social security, how are you going to afford a place to live when the average rent is \$1,000? That is why most people were being evicted. Assemblyman Morse Arberry sponsored legislation to create Nevada's Account for Low-Income Housing, and I'll never forget that. It is probably one of the best pieces of legislation ever introduced, and as a result of that, thousands and thousands of units have been built around Nevada so that senior citizens have a place where they can live on their social security checks. Not many people even remember that now. They just see these units go up around the state. We have pictures of some of them coming a little later, so when you look at all these units and wonder what they are doing in this slide, it is because of Assemblyman Morse Arberry creating them for our state.

So here's a little bit about Moose for those of you who don't know him. He was born in Berkley, California, but grew up and spent most of his life in southern Nevada. He graduated from Western High School and earned a bachelor of science in engineering from Northern Arizona University. He worked for the City of Las Vegas for years in public works, engineering, building plans, and neighborhood services. In recent years, he has gone back to UNLV for business administration. He is the president and chief executive officer of a mortgage company in Las Vegas.

Moose asks me for legal advice every now and then, and it is always for someone else. It is always, "Hey, Barb, I have an employee, and they are just in a little bit of trouble." Or "I am getting somebody a mortgage, and they just have this bad thing on their credit report, and it wasn't their problem. How can I make it right for them? What can we do to help them?" He's always looking out for other people.

When he first arrived in the Assembly in 1985, he was assigned to serve on three committees: Judiciary, Education, and Economic Development and Tourism. It wasn't until his second regular session that Moose was able to even get on Ways and Means. It seems unlikely to all of us, but that's the way it was. Moose has chaired the Assembly Ways and Means Committee since 1993—a long time. The 2009 Session marks the ninth regular session that Moose either chaired or cochaired the Ways and Means Committee, which is an all-time Assembly record that will never be repeated by anyone else because of term limits. The previous record was set by Assemblyman Don Mello. His service on this committee has spanned an amazing 23 years, and during that time, he has alternated as either chair or vice chair of the Interim Finance Committee since 1993.

As I talked about before, he has many interests. Even this session, he sponsored A.B. 451 to establish an innovative program to provide reduced-rate lending to qualified businesses, giving preferences to minority-owned racial and ethnic minorities, women, and veterans. In earlier sessions, Moose sponsored measures, including a study of community colleges, appropriations for sickle cell anemia, funding to help relocate homeowners in North Las Vegas whose homes were sinking, and provisions to prevent patients from being dumped from one hospital to another. In 1987, he was the primary sponsor of the legislation to create a Martin Luther King holiday and the day after Thanksgiving as a legal holiday in the State of Nevada. As I talked about, the Account for Low-Income Housing that he created has allocated now, since he sponsored it in 1989, \$86 million to create affordable housing in our state. It has been used for down payment assistance, rehab, new construction, and weatherization. It can't be overstated how much this has created. In Clark County alone, we have 18 apartment complexes for low income seniors and families as a result of what Moose did.

We also have a photo of how this helped other folks. We have a senior citizen complex in Battle Mountain, which was created by Moose's bill, and it's appropriately named after his good buddy John Marvel, as they sat side by side for so many years. The next photo is a rendering of McKnight Village II Senior Apartments—another thing Moose did. The next photo is the Senator Richard Bryan Senior Apartments. The next is a project that I worked on, using the funding created by Moose. This is the Silver Sky Assisted Living Project. This is the first nonprofit assisted living project ever built in the State of Nevada. So many senior citizens don't

want to go to nursing homes—they cost \$4,000 a month. They want to live independently, with dignity, and that is a result of this funding that was sponsored by Moose.

As you all know, besides his service here, Moose has a number of other outside interests, whether it is classic automobiles, boating, athletics, sports, or golf. I understand he already has his tee time scheduled for June 4, 2009, when we get out of here. There are one or two short stories about Moose.

A number of years ago, the Fiscal Analysis Division had its offices here in the building, and they had windows overlooking the grass outside. One day they noticed a man out on the grass all by himself, moving his body and his arms in strange ways. Was it tai chi? No. Was it a rain dance? No. Somebody then noticed Moose was playing basketball—without the ball. He was just loosening up, getting ready for the Legislature. The Fiscal staff was very impressed. They said his moves were as smooth as a gazelle. I think they were exaggerating.

Moose, when he first came here, had great friendships with Gene Porter and Wendell Williams. They have lots of stories to tell about that era. One of them was when they decided to rent a large A-frame house in Lakeview, in Carson City. When they got there, they backed their U-Haul up and took parts of the house with them. They managed to move their belongings into the house, they set up a workout room, they got it all fixed up. Then one day, Moose and Wendell went to the workout room in the house, and they found a dead mouse. They were too scared to pick it up, so they stopped working out because they couldn't go into the room to pick up the mouse. And then the snow came. These city boys from southern Nevada—they don't do snow. They were too afraid to drive to the Legislative Building, so they had to call their secretary to come pick them up in her four-wheel drive to take them to work that day. For the rest of the session, Reba Combs, Cindy Southerland, and Marilyn Jane took turns collecting them from their house on snowy or icy mornings to drive them to the Legislative Building.

At the end of that same session after packing up all their things and loading them into a U-Haul truck, they left the truck outside the Sedway Building. Someone noticed it there; they thought it was stolen, so they repossessed it. Moose came out the next day, and his U-Haul was gone. He has had some incredible experiences over his tenure.

I think if you want to talk about Moose the man, you have to talk about his daughter. He is always talking about Raina—how proud he is of her and what she is doing with her school and with her activities. It is when I see the biggest smile on his face.

You have been an incredible legislator, Moose. We love you.

If you want to share an embarrassing story about Assemblyman Morse Arberry, you have an opportunity now. Otherwise, we'll leave it on a high note. Moose is giving you the Moose shake.

ASSEMBLYMAN HORNE:

Those of you who have been around for a little bit have watched me and the chairman from District 17 always giving Moose a hard time about his age. When we first got here in 2003, he was old enough to be our daddy. Now that it is 2009, he is old enough to be our granddaddy. He is aging faster than the rest of us. He's losing his sight—he had to leave to go get surgery on his eye because he's going blind.

One story I want to tell you falls right in line with the fact that we're always teasing him about his age. We were sitting in the caucus room having a meal and he said, "Hey, Dude. Come here. Dude. Who's that right there?" And I was like, "Who?" And I can't remember who he had pointed to—maybe Chad Christensen, who had come into the room. I was like, "That's Chad Christensen. He's been here since '03." He said, "Really? Oh." I said, "How old are you, exactly, Moose?" So that has been a running joke, and every now and then he will throw it out there— "Who was that?" And I'll say, "That was the Speaker. That was the Speaker—Barbara. You've been serving with her for quite some time. You're all right. We got a little more time. June 1 and you get to go home where all the surroundings are familiar to you."

On a more serious note, I want to say to Moose, I love you, man. I'm going to try to get through this without crying—because he knows how much I care for him. He took me under his wing when I first said I wanted to run. Many of you know that when you first jump in there, sometimes it is difficult to even find that person who is willing to sit down and talk to you. As

you've all been here, you hear many people come and tell you they are interested in running for office and the like. But he genuinely took the time and helped me through that process. Once I got here, not only was it not uncommon for me to go to his office and sit down and talk to him, but he would come to my office and sit down. "How you doin', dog? You okay?" He did that. He's a friend, and he recognizes when you need that, and he comes to you. And he has done that on several tough occasions. He recognizes it, and he comes to you to see how you are doing. I will always love you for that. Thank you.

ASSEMBLYMAN MUNFORD:

This is sort of things in reverse because I have known Moose since he was 15 years old in high school at Western. I had just gotten hired in the district, and I was sort of his mentor, so to speak, because I was working at Doolittle Recreation Center. Moose used to come up there all the time with all the other young men in the neighborhood. I was still young—well, I'm not too old now. I was a lot older than he was. They all thought I had just left the Lakers and I was in town, and they thought I was a basketball guru, so to speak, and they all wanted to challenge me. I was the one they wanted to play against. Moose, himself, was on a state championship basketball team in 1971. He was one of the major players. He was a good player in high school. That's where he got the name Moose because they always wanted him to go under the boards and be tough. "Come on, Moose! Come on, Moose!" And sometimes he came through.

Here I am now in the Legislature. I was his mentor, and now I go to him for advice, so he is sort of like my mentor, so to speak. And I voted for him. He was my representative for many years, and I voted for him for many years. We all became quite proud of him. He has had a good career up here, and I guess when it is all over, he'll continue to have a real impact and be a factor in our community. We all look forward to working with him someday again. Moose, thanks for everything. You are a good man.

ASSEMBLYMAN HARDY:

I rise in support of Moose Arberry. Moose, you were the brother who called me brother. Thank you, brother.

ASSEMBLYMAN ATKINSON:

I hope to do a little better than my colleague from District 34 and not cry. Moose, what can I say? I remember when I first came here, I was really intimidated by him for some reason. I couldn't understand why he kept calling me "dog." "That's right, dog." "Of course, dog!" I got to know him throughout the sessions, and he has been a good friend.

I want to tell another story about the "old" thing and how my colleague and I always make fun of him and talk about him. You know, that is another thing. There is not anyone else I know you can make fun of who goes along with you. I remember we were out to dinner one night and I told him, "Moose, you are so old; you wake up in the middle of the night to check your pulse." He came in the next day and said, "Dog, you told me that yesterday, and I woke up last night, and I checked my pulse." He said, "Y'all so crazy."

I don't know if he remembers this, but I certainly do. I remember going through some troubles after my freshman session and being in D.C. with him and my colleague from District 34 and receiving a few phone calls telling me that I probably shouldn't run again. I remember being out to dinner with Moose and him saying, "That's not going to happen. You're going to run again. You're not going to listen to anybody. That is your district. Your district voted for you, and they're the ones that should tell you when you should leave." So I owe it to you, Moose. I have no doubt that he is the reason I stayed and why I am still here today. I want to thank you for your friendship throughout the years, and I know it doesn't end today. He has truly been an inspiration to me, and I will never forget him. I love you, Moose.

ASSEMBLYWOMAN GANSERT:

I also rise in support of Moose. I have had the honor of serving on Ways and Means with him for the last three sessions and the interims. You are a kind and gentle man. The Assemblyman from Boulder City mentioned that he is one of your brothers. Well, I know another one; his name is John Marvel. And when John Marvel was in the hospital, Moose went to the hospital and told them he was his brother and was able to visit with him. The resemblance is there. You

took the time when John was ill, and I know how much he appreciated that and I appreciated that. That shows your kindness and your gentleness. I thank you for your service and for your friendship to all of us. Thank you.

ASSEMBLYMAN ANDERSON:

I rise in support of my good friend, Morse Arberry. I had the pleasure of being a freshman here when both he and Wendell Williams and the Majority Leader shared a place together. I am not allowed to speak about any of those stories—and don't worry, I won't. Those will stay secrets between the two of us. I wouldn't want any of them to get out.

It was very, very interesting because of the group of three. The one individual out of that group that you never heard derogatory stories about was Mr. Arberry. I would ask, "Moose, can this possibly be true? Did I hear this story?" He would say, "You don't have the half of it." And he has kept a great secret.

My two colleagues who have already spoken have not had to go through this problem of Mr. Williams and Mr. Arberry being constantly confused by members of this body as to which one was who. It was like, "No, I am Williams." "No, I am Arberry." It was a constant discussion, even down to the kind of ties that could be worn at any particular moment in time and the hidden meanings that might be put into a tie. I have never seen anything like it.

The person who always stood above it, who always saw through the reality of what was important, was Morse Arberry. When I was a freshman, we had very, very small offices. It came close to Mr. Arberry's birthday. In my office, one of my daughters had given me one of her stuffed toys to put up on the wall. It was a moose—a big moose head. So when colleagues would ask how small my office was, I would say, "I don't have a small office. I have a big office. It has got a big moose head on the wall." They would come down there and see this little moose head sticking there. The staff determined that they needed it for his birthday. I had to go wrestle it back to give it back to my daughter so that she would not be upset with me about losing her moose head permanently.

Moose clearly understood the realities of the relationships that are here. He has been a good friend. I look across the aisle every day, and I give him candy to keep his sugar high going to make our days easier. Most of all, I have always known that he was the rock that made the financial part of this place work. When he said there was no money, he meant there was no money. When he said we'll see what we can do, it wasn't a halfway promise. He has always been a man of compassion, a man of great worth, and my friend. I am going to miss the relationship more than I can possibly say.

ASSEMBLYMAN OHRENSCHALL:

I think the Legislature will be much poorer when we do not have Moose Arberry serving. I want to relate a story from last session, my freshman session. When I came up here, I thought I knew it all. I quickly learned I didn't know it all. There was this bill that everyone liked, and everyone thought it was really, really great. I looked at the bill, and suddenly I said, "This bill could be misused. It could hurt poor people." I went around and talked to some people I thought I should talk to, and they said, "James, didn't we tell you that you don't know it all? You really don't know it all. You don't know it all." I was not happy and I was bitter. One day I was in the stairwell, and I was going down the stairs, and who is coming up the stairs but Moose. Luckily, I had that bill in my hand, and I cornered him. "Moose, you've got to look at this bill. This bill could be misused. It could hurt poor people." He looked at it a minute, he skimmed over the language, and he said, "James, you may be a freshman, but you're right." The next week I came back up, and that bill didn't become law. I remember at the end of session, I was sad about this bill not passing and this bill didn't pass, but I always consider that a really big victory—that Moose listened to me and he read over what I asked him to, and he agreed with me. We were right on that one, and he really did help a lot of people on that one.

One other thing—I've been trying to avoid this all session, trying to avoid talking about my mother—but for 12 years she always considered you a great friend and admired you. I know every session she came back, I think because she got to work with you. So I would like to mention that as well, Moose.

ASSEMBLYWOMAN SMITH:

As someone who hopefully will have the privilege of continuing to serve on the Ways and Means Committee in a future session, I want to thank you for the opportunities you've given me, Moose. From my first session on Ways and Means, you treated me as an equal, and you have always given me so much opportunity and have taught me so much. In my future service, if I am able to return to this body, it will mean a lot to me and hopefully the state, because of the example you have set for all of us and how we conduct our business and how we treat people and how we consider our legislation and the budgets before us. I sat through so many hearings this session when we had more speakers than usual come before us. They packed the rooms, and we sat there and teared up together in a few of those hearings, listening to the stories of people wanting to save something in the budget. You were so kind and respectful. You've set such a good example.

The unfortunate thing is that the other day you told your vice chair what a great job she has done over the past years, and you gave her a present and you did the little song for her and told her that you're her gingerbread man. You know the old "Run, run, as fast as you can; you can't get away from the gingerbread man." Well, that was how Moose ended his time with Sheila and thanked her for her service. So the bad thing is I've been saying that forevermore, I'm going to be thinking of you running down the road like this, Moose. Thank you.

Madam Speaker requested the privilege of the Chair for the purpose of making the following remarks:

Thank you for your service. Let's move on to Bernie Anderson.

Bernie Anderson was first elected to the Nevada State Assembly in November of 1990, and at the end of his current term of office, he will have completed a full 20 years as a member of this honorable body, or as Bernie likes to call it, the People's House.

Anyone who knows Bernie will know he loves history, so I thought we would start with a little bit of the history of the other Andersons in the Nevada Legislature.

Bernie is actually the fourth Anderson to serve in the Nevada State Assembly, although they were not related to Bernie as far as we know. We had Harold Anderson of Elko, who served in 1949 and 1951 and was the Majority Floor Leader in his second session. We had Lawrence Anderson of Wells in Elko County, who served in the 1933 Session and chaired the Livestock Committee. Like Bernie, both of these gentlemen were Democrats. The first Anderson elected to the Assembly was J. M. Anderson from Gold Hill in Storey County. He served in the 1869 Session, belonged to the Union Party, and chaired the Assembly Committee on Trade and Manufactures. But the most illustrious Anderson ever to serve in the Nevada State Assembly is our own Bernard "Bernie" Anderson.

Bernie is a native Nevadan, having been born in Reno kind of a long time ago. He graduated from Bishop Manogue High School and later received his bachelor of science degree in education from the University of Nevada. We all know Bernie worked as an educator. A beloved teacher, he taught at Reed High School in Sparks, where he tortured—I mean taught—his students and shared his love of history, government, and the State of Nevada with his classes.

Bernie has lived in the City of Sparks most of his life and has been a long, proud resident and champion of Nevada's Rail City. He is particularly proud of his lovely family: his wife Clyda, daughters Cairn and Natha, and now his grandsons Connor and Teague.

During his 19 years in the Assembly, he served ten regular sessions and nine special sessions. He was Speaker pro Tempore in 2007 and 2009. There's a picture of his board on the overhead screens. You've got to love that board—that's where good bills went to live and bad bills went to die. It is Bernie's long and distinguished service on the Judiciary Committee that most identifies his legislative career. He has now chaired the Judiciary Committee a record seven regular legislative sessions and served as its cochair in 1995. The previous Nevada record for most sessions was four, held by a mentor to Bernie, the esteemed Assemblyman Bob Sader.

I remember when I first joined the Judiciary Committee. Like James, I was a freshman, so I knew everything. I sat between Mr. Anderson, to my left, and Mr. Carpenter, to my right, and I thought, "What the heck do these guys know about the law? I'm a lawyer." Well, I found out pretty quick. There really is no substitute when it comes to common sense and knowing what's right and what's wrong. That's all you need, and, boy, Bernie has it.

Any member of the Assembly who has served on the Judiciary Committee can attest to how many bills they get, but in every one of them, Bernie made sure the little guy was never forgotten. He combined compassion with firmness. Bernie is quick to let you know how he feels about things, which he attributes to his Irish roots. I remember how proud I was to get my hat that said, "I survived mornings with Bernie."

There are many important bills that Bernie sponsored over the years. Before highlighting just a few, I want to point out that Bernie was the primary sponsor of the bill to revise judicial discipline—he championed that issue. He sponsored the constitutional amendment that was approved by the Legislature in 1995 and 1997 and became law in 1998. That was so important. Before that, we had instances where no one was regulating the judiciary, and we had folks losing access to justice. Bernie took that on, despite the opposition.

This session he was able to gain passage and approval of A.B. 213, the cancer drug donation program. It is very similar—when it comes to showing his compassion—to his very first bill, A.B. 353, which provides special license plates to veterans of the U.S. Armed Forces who are awarded the Purple Heart. That was Bernie's first bill. Throughout his career, he sponsored legislation prohibiting the abuse, neglect, and exploitation of older people—A.B. 267. He and Assemblyman Carpenter and I spent four years on the child welfare system, studying it from beginning to end. It was great work, chaired by our chairman. There also was his shepherding of the drug courts. We can go on and on, whether it was public schools, education, state-owned land, the Sparks Heritage Museum, judicial discovery, automotive repairs, genetic testing, the death penalty. We don't have enough time to talk about all the measures that he is responsible for, although I do think we have to mention railroad safety—we can't forget those trains.

You either get Bernie Anderson or you don't. I get Bernie Anderson. No one has a bigger heart than Bernie Anderson. There is no one I would rather be in a foxhole with than Bernie Anderson.

For his incredible commitment to the State of Nevada—what a mark you have left on this state—thank you, Mr. Chairman.

ASSEMBLYMAN CHRISTENSEN:

Thank you, Madam Speaker. Chairman, this being my fourth session, we haven't had a whole lot of interaction. I've never had the opportunity to serve on Judiciary. I was just thinking—listening to some of the history—that I really have to stand and give, perhaps, a different perspective of you than maybe others would have.

It has been exciting for me to have my family here during the session, which means that a number of the Christensen five have been running around here in the building and have come to know you, I would say, very well. This has given me an opportunity to spend more time with you as you have sat with me and shared your stories. I just wanted to share with the body that this man has shared with me some of the best fathering tips through the stories and experiences that he has shared with me, talking about his own father, and how he fathered, and his mother and what it was like growing up in his family.

Madam Speaker, as you have said, he is a wise man with a tremendously large heart. I have come to know that this session—I am glad this session—and just want to say, Mr. Chairman, that I feel like my skills as a father have been enhanced over these last few months because of your interest in me and your interest in my boys and their experience here. From the bottom of my heart, I just want to say thank you and I love you for that. I really appreciate your taking that time and ownership in the Christensen gang. Thank you.

ASSEMBLYMAN CARPENTER:

Thank you, Madam Speaker. Bernie and I have been friends for many, many years. Other than my wife, I don't think I have shared the mornings with anybody other than Bernie. Bernie, I think that on most things, we have agreed. The things we didn't agree on, we became even better buddies for that. I am going to miss you, Bernie, and I am going to miss those mornings. Good luck, and when you become the mayor of Sparks, I want an invitation to the inaugural. Thank you.

ASSEMBLYMAN BOBZIEN:

Thank you, Madam Speaker. I am going to swear from the outset that I didn't coordinate these remarks with my colleague from southern Nevada. When I first decided I was going to run—as we all do—we have to do all of our meetings and we have to go talk to this person, talk to that person, and everyone else. I remember being utterly terrified of having to go talk to Mr. Anderson. I knew that there were some specific questions that he had for me that I wasn't quite sure how I was going to answer and resolve. But we had a good coffee. I remember coming away from that not really knowing where I stood with him. I always sort of feel that way—that I'm always kind of on edge with him.

Over the years, I have learned so much from him. I have a story from last session. At one point in the session, I decided I wanted to mix it up on a bill that was coming over from the Senate, because I had an issue with it. I was going to get some support for an amendment, and everyone was telling me, "Oh yeah. Just talk to this person; talk to that person. Keep everyone in the loop." I said, "Yeah, yeah, yeah. I'm doing that. I'm doing that. Yeah, yeah." "Did you talk to Bernie? Because it came out of his committee." "Oh, yeah, yeah. I sent him an email. It's all good." Wrong. So as a few of you remember, when that finally blew up and didn't go my way, I suffered one of the most severe beat downs that I have ever gotten. I came away from that just stinging. But I know now, looking back, that it was a very important lesson to learn. The times that he has left me with stinging comments and with tough criticism—I know now that it has just made me a better legislator.

I guess because I share a lot of background with Mr. Anderson, having grown up in an Irish Catholic family, I know that he has the same affinity for my family. And I thank him for the support that he has shown me and that Clyda has shown me and my family. For instance, my proudest day was being able to send them a picture of my two boys in the shamrock onesies that he had gotten them for St. Patrick's Day.

I know that he is always looking out for me. I have learned so many lessons from him, from his respect for the institution to making sure all of us understand that this is not about any one particular legislator. This is about the decisions that are made for the State of Nevada from this body and demanding the utmost respect for that dynamic. It is something that we are going to greatly, greatly miss. I don't throw this term around lightly, but Bernie, you are a father figure, and you can be damn sure I will be calling you up for years to come looking for your advice. Thank you.

ASSEMBLYMAN GRADY:

Looking at the folks in the house here, I probably go back with Bernie further than anyone. Bernie and I went to high school together. Bernie still accuses me of putting him upside down in a garbage can when we were playing football together. I still deny it because when I was lobbying, I never wanted to go before his committee just because of that reason.

Bernie, I think all of us appreciate not only what you have done here, but what you have done for the City of Sparks, your community, and your church. You are very dedicated to the church and the priests that have come through Sparks and are still there today. On behalf of all of us from the Bishop Manogue Catholic High School family, congratulations and good luck in the future.

ASSEMBLYMAN ATKINSON:

My freshman session, I'm not sure I would have been standing here giving kind remarks about Bernie. Madam Speaker, you spoke earlier about "getting" Bernie Anderson. I didn't "get" Bernie Anderson my freshman year, and I think that was intentional on his part. The man that I have gotten to know has been a phenomenal person. What I've learned—and what I didn't understand then—is that Bernie is huge on respect and huge on paying your dues. I think as a freshman, I thought that because I was elected, I had paid my dues. Bernie consistently reminded me that I hadn't. I think that made me dislike him in a way, but he didn't care. He knew there was something that I just couldn't get to with him, and he knew it, and he pressed my buttons every single time and reminded me. Some of the other freshmen always wonder why I always call them freshmen. Bernie never let me forget that I was a freshman in 2003 and that I wouldn't be elevated until he felt—he felt—I had paid my dues.

Now coming full circle, we were in Commerce and Labor about two weeks ago, and our chairman, Mr. Conklin, was testifying in another committee, so I had to chair the committee. Someone testifying was a little bit out of order, and I had to get a little stern with them. Bernie laughed and came over to me afterwards, when no one else was listening, and he said, “I have been wondering who I was going to be able to pass my gavel to. You are getting my gavel when I leave here.” Bernie, though, I have to tell you, nobody can do it like you. You are taking your gavel with you. If we could find a way to bronze it for you, we’d do that for you, but I can tell you that no one can take your place. I will say that, Bernie, you’ve become a very good friend of mine and a very good mentor, and I think if people are trying to figure out what respecting this institution means, I am sure Bernie can write a book on it. Thank you for your friendship and thank you for your guidance throughout the years.

ASSEMBLYMAN GOEDHART:

Thank you, Madam Speaker. My very first session—I am a relative newcomer to this house—I had the honor of sitting on your committee. One of my favorite stories I always tell is that I had a colleague from District 26, and one morning it seemed kind of warm in that committee room. While you were speaking, the gentleman stood up, took off his jacket, and draped it on the back of his chair. All of a sudden, I heard you stop talking, and the whole room became very quiet. At that point in time, the colleague of mine kind of looked around and asked, “Why has everyone stopped talking? Why is everyone staring at me?” And that’s when you said, “Hey, we have decorum in this committee, and no one takes off their jacket unless I tell them it is okay.” So after he put his jacket on, a few minutes later Bernie says, “You know what? It’s kind of warm in here. Everybody can take off their jackets.” I will always remember that—it was so funny. You know how to run a committee. My hat’s off to you. Thanks for embracing me my freshman term. I learned a lot that first session sitting in your committee. We will all miss you. Thank you, sir.

ASSEMBLYMAN MANENDO:

Thank you, Madam Speaker. My colleague from District 34 talked about beat downs. If you have not had a beat down from Mr. Anderson, then he doesn’t love you. It’s the old saying of tough love. I think everybody gets a beat down from the chairman at one point or another. I came here in 1995. It was a tied house. When you are a freshman—and he reminds everybody, again, that you are a freshman—you aren’t on too many people’s radar screens. We had these little, tiny offices about where the Republican leadership is now or close to Room 3100—those little cubby holes that we used to have. This man comes into the office. Of course, I knew it was Bernie, and sweat just started dripping down my face because I didn’t know what was up. He just sat down and started talking. I never really had a chance to meet him other than when we came up here—I knew him a couple of sessions before but never really had a conversation with him. It was really nice because he actually took the time—he was the only one who took the time to come and talk to me, and I appreciated that. I know how busy you were, Bernie, because you were a freshman chairman, and you had a lot on your agenda. You had a lot on your plate to do, but you took the time to do that, and I never forgot that.

I think our colleague from District 6 might have played center, but the real center in my eyes is the man who, as in football, nothing happens without the ball being hiked to. Nothing happens in Judiciary unless the chairman is ready to move. You’re a legend. I want you to know that in my 30 years living in the State of Nevada, I’ve never met somebody who has greater love and compassion for our state. I think that is something that we can always think about and live by—that you should really love your country, really love your state, but nobody loves the State of Nevada like Bernie Anderson. Thank you for your service, Mr. Anderson, Mr. Chairman.

ASSEMBLYWOMAN SMITH:

As the other legislator in the house who shares the City of Sparks with Chairman Anderson, I have to say thank you. I will join, probably, in many of the stories about being a bit intimidated as a freshman. I really appreciated my colleague from District 24 getting here, because it let me off the hook. It is like the family rivalry thing—that if the parent zeroed in on someone else, then it’s not you. So when I got elevated to sophomore status, it was a huge relief.

You know, the one thing I want to say to you is that your public support of us has always been so meaningful. No matter whether I felt you were concerned with something I may have done or if we were in disagreement over a position, when we're together in public, you are always right there for us. Every time on the campaign trail, you would get up and sing my praises and be so supportive. I saw that with my colleagues all the time, and I see that here, as well. Thank you for that—for getting us to that point and for teaching us so much about this process and for what you've given to our city. You have given much to our city, and on behalf of the residents of that city, I want to thank you.

ASSEMBLYMAN CONKLIN:

Thank you, Madam Speaker. I'm going to keep this very short, or I'll be the worst person in the house for tears on the floor—that would be the house that I live in outside of the building with my roommates.

Bernie, I have a list of things I want to thank you for; these are the most important ones. First and foremost, I want to thank you for A.B. 51 in the 2005 Session. I know how important that was to you, and it was ten times more important for me, because it gave me the greatest learning experience I have had in this building, from which everything else has stemmed. So I appreciate that. I appreciate you being, probably, the best friend I have in this building, in good times and in bad. I appreciate the fact that you understand that two fingers of Jameson means four, and I appreciate the fact—and I am very thankful for the fact—that you are the only man in this house that knows what the ears on a person's head can tell us. Thank you, my friend.

ASSEMBLYMAN HORNE:

I have served on the Judiciary Committee all four of my sessions here at the Legislature. You learn how to be a chairman from watching other chairs. I have learned more from Bernie than anywhere else, and that has been good and bad. And when I have displayed the bad habits, he is the first to tell me and let me know that I have done it. He is the consummate teacher. Even after his retirement, he has continued to teach. I have really appreciated that.

My colleague from Las Vegas is correct—that's love when he is giving you a beat down. That is because he cares enough, because he knows you can do better, and he's demanding that. Having served two of those sessions as his vice chair—and as the Majority Leader and the Speaker know having served as his vice chairs as well—Bernie demands a lot from you. You're a good vice chair because he gives you this authority to speak for the committee and himself; it is his way of teaching you how to do your job better. I will never forget that. I will never forget how he knows when he is going over the edge—and we have all seen him go over the edge from time to time. Having been the vice chair, people come to you when they have to talk to Bernie about something, because they don't want to talk to Bernie. My rule always is that I let them vent to me, but then eventually I tell them they have to go talk to Bernie. What people don't know is that Bernie beats himself up more than any one of us ever could when he does that.

For those of you who don't remember, he has this rule about cell phones ringing in committee. We all do. I've seen him dress down many a person when his phone has gone off. I have seen grown men who have worked in this building for 20 or 30 years turn sheet white when their phone rang. They got up and ran out because they were afraid of Bernie, and their phone just went off. One day Bernie's phone went off in committee—classic. There was this hush. At first Bernie is looking, "Somebody is ready to get in my sights." Then he realizes that it is his phone. The committee was at first quiet because they thought, "Oh no, what is going to happen now?" He knew that it was all on him, and he was so gracious. Everyone busted up in laughter, and he laughed right along with everybody. It showed the true Bernie—the one those of us who have gotten to know him better know, as a friend, as a mentor, and as a teacher. I love you, Bernie. Don't think that just because the session ends and you leave that you won't be hearing from me. Thank you very much.

ASSEMBLYMAN OHRENSCHALL:

Chairman Anderson, I think you've helped thousands of Nevadans through your work establishing the drug courts and helping people recover from their drug problems. I think that is something that needs to be noted. I have been very impressed in committee with all the different criminal law bills, how you try to balance being tough on crime with the constitutional rights of

the accused. I've also been very impressed at how much you care for the rights of the incarcerated and making sure they have the medicines they need and that the prison system isn't doing anything that it shouldn't be doing. I also want to thank you for the opportunities you've given to me to grow, as a member, on your committee and on the floor. I'll miss you very much, Bernie.

ASSEMBLYWOMAN PIERCE:

I'm not a member of Judiciary, and Chairman Anderson has always been very kind to me. We've heard a lot of stories about Bernie being tough and that kind of thing. I think the thing that strikes me most is that I am a person of high emotion. When I sit here on the floor and something strikes me and tears well up in my eyes and I don't want anyone to know, I always know that all I have to do is turn around and look at Bernie—and he started crying before me. I love you for that. Thank you.

ASSEMBLYMAN CLABORN:

Thank you, Madam Speaker. This is kind of hard for me to say. Bernie put me under his wing when I came up in 1999. Of course, I was like James Ohrenschall and thought I knew a lot of things and thought that I knew it all. Well right from the start, I was like my colleague from Sparks—he scared the daylight out of me, even though I was in my fifties or maybe even sixties. I would listen to him and think, “Is this guy the hangman's judge here or is he the chairman? I didn't know this guy had this much power.”

Our friendship grew and grew. Bernie, I love you, and I am going to miss you so much. What I will really miss is that he has an uncanny power—especially every time I get down in the dumps or I get into trouble with the Speaker or I said something in my committee to get in trouble. I'm sitting here at my desk with my head in hands or I am up in my office with my hands and my face on my desk. I look up and I see this face looking at me, and it's Mr. Anderson. He looks at me and says, “Jerry, you screwed up, didn't you?” I said, “Boy, I did. Are you going to take me to the woodshed?” He said, “No, I'm not.” And I said, “Well, I'm sure glad of that.” So he says, “But did you learn anything?” I said, “I sure did. I don't think I will ever do that again.” He said, “As long as you learned something, then okay, you won't have to go to the woodshed with me today.”

I am going to miss you, Bernie. I am going to miss your phone calls, and most of all, I'm going to miss the conversations that we have every day. I love you. What I am going to miss the most of all, though, is when you come into a room. I feel so good when you come into a room because you have a bigger belly than I do. Thank you. I love you.

ASSEMBLYMAN SEGERBLOM:

Thank you, Madam Speaker. I just wanted to thank Bernie for helping me this past year and really teaching me a lot of things that I really can't tell you about right now. Just watching him closely and observing him and all the things he knows and the historical stuff he knows is just really phenomenal. We need to make sure he does stick around and teach us over the next few years. But the one thing I wanted to say that most impresses me is his support for you, Madam Speaker. I don't think you could have anyone more loyal. He would jump out the window. He'll jump on a grenade. The Chief Justice and every major lobbyist will go in that room and stare him down, and he'll stare them down—for you. It is just phenomenal. I have so much respect for what you've done for the institution and your loyalty to the institution and to the Speaker. Thank you very much for letting me see that.

ASSEMBLYMAN ARBERRY:

I want to share a quick story with you. When Giunchigliani was the chair of Labor and Management, Bernie was the vice chair. Back then we had phone booths in the building. When you needed to make a call, you would go in the phone booth. As soon as Chris would call roll, Wendell and I would sneak out, and she would send Bernie looking for us. Wendell and I would be in one of those phone booths together. We would be standing inside the phone booth watching Bernie walk back and forth—and security because she has everyone looking for us. We didn't want to be in the Labor and Management—we just hated Labor and Management. To share with you, Bernie—I learned more about education. I know your heart is about educators

and your family. I will always miss you. You've been a fantastic partner. Thanks for the caramel candy. It kept me moving. Between you and John, it's been a whole lot of fun. I can write many, many good articles in this book, but we're putting a close to it. We do have a brand new chapter starting after this.

Madam Speaker requested the privilege of the Chair for the purpose of making the following remarks:

Let's move on to John Carpenter.

The Suzy Q is safely stowed in dry-dock in her home port of Elko, Nevada. Very soon the Assemblyman from Elko County will join her in his beloved northeastern Nevada with his wife of 56 years, Rosanne, and with regular visits from his children and their families that we saw a little bit more of this session. It's a very sad time, as we know; all of these great legislators will not be returning.

During our service, we have so many serious moments, tense moments. We can always count on our friend from Elko to give us a little levity. John served for 22 years through 12 regular and 10 special sessions. He is the dean of his caucus and second in overall seniority in the Nevada State Assembly. John is a native Nevadan born in Fallon in 1930 and a graduate of White Pine High School in Ely. Before coming to Carson, he was chairman of the Elko County Commission, served on the hospital board, the recreation board, and the convention and visitors authority. He is a long-time businessman and rancher in northeastern Nevada and is known as someone who keeps his word.

First serving as an Assemblyman in the 1987 Session, John has sponsored many bills involving various aspects of life in Nevada. He certainly enjoyed passing legislation through the Natural Resources Committee, including the '91 christening of the Suzy Q on her maiden voyage to improve watercraft safety. He has served on the Natural Resources Committee since 1991 and was the Republican chairman of that committee during the 1995 Session, when we had split leadership. He has served as an alternate on Public Lands but probably will be best remembered for his work on the Judiciary Committee.

You will recall in February we had a fabulous tribute where the Elko County Law Enforcement Center was renamed in his honor as the John C. Carpenter Law Enforcement Center. John sat on the Judiciary Committee his first session and for 11 sessions after that. As part of his work, he supported reforms in the corrections system, balancing the needs between the public and dangerous felons, including how folks could be rehabilitated. He fought for the establishment of minimum security camps in the rural communities, which provides needed wildfire protection as well as an economic boost for those small communities.

It never mattered to John while on the Judiciary Committee whether something would be considered politically dangerous—when we would consider issues such as what do you do about the issue of statutory rape when you have a 17-year-old boy or an 18-year old boy and a 16-year old girl. Should that young man be labeled a sex offender for life? It didn't matter what law enforcement said, whether they accused him of being soft on crime or wrong, John would just keep coming back, "Well, these two kids were just doing what kids do. Is this the right thing?" It didn't matter how much he got pummeled. He always cared if it was the right thing. I remember meeting John on the Judiciary Committee, and I thought, "What does this cowboy know about the law?" He taught me plenty. He called me his first session and said "Now, you're going to become my lady lawyer." He would come and say, "Hey, let's look at this line. What's this really mean?" He takes those bills home every night and reads every single word. He is never afraid of joining the Democrats—and never afraid of standing against the Democrats—because he is a Nevadan first and foremost.

He also brought us the Cowboy Hall of Fame, which we just celebrated—a welcome respite from our darker days. At his February tribute, many people talked about wanting to get into the Cowboy Hall of Fame. John, you did good for all the freshmen, letting them in so early. Bernie never would have done that. Probably the most amazing thing about Mr. Carpenter's career that most people probably don't know about is that in the September 2002 Republican primary in Humboldt County, there was an error on the ballot. There was no check next to John's name on the ballot. By the time the error was found, it was too late; the ballots had already been printed. Despite the lack of a voting circle next to John's name, John won over 72 percent of the ballot.

Can you imagine? Without having a check mark. So as the boss of the house saddles up for a final time for his ride home, we're just glad to know you, and the state is better for having you.

Thank you, Mr. Carpenter.

All right. Anybody have anything to say about this guy?

ASSEMBLYMAN ANDERSON:

John Carpenter is a friend of mine. That is enormous to me, personally. As a freshman when I arrived here, I was assigned to Bob Sader's Judiciary Committee, and I had assumed that Judiciary would have been the last place that they would have placed me. I kind of thought that they would send me to Government Affairs since I had served on some charter committees and bylaw committees and local government groups—that it would be a better fit. Bob Sader told me, "Judiciary is the perfect place for you." "Whatever you say, Mr. Sader," whom I was very much intimidated by. There were 22 freshmen in my class, and they were all, I think, in Judiciary except for the Majority Leader and Bob Sader, Mr. Porter, Mr. Williams, and the current Governor, although his wife was there for the longest part of that, which made it much easier in the beginning. Mr. Carpenter was the steady part of that.

Mr. Sader had a piece of legislation that came in front of us—and I'm sure John will recall—dealing with living wills, and it was very, very contentious and a very, very difficult emotional issue for a lot of people to understand in terms of whether we were sanctioning or giving somebody the right to commit suicide. Mr. Sader felt it was probably going to fail. It was very, very clear that Mr. Carpenter and I were going to be the deciding votes in the committee to get it out. Both of us have very, very strong feelings about suicide from our backgrounds that we commonly share, and so we did an investigation. I went and talked with John, and we had many heart-to-heart talks about how that particular bill was going to come out. As a result of that, John and I agreed that we could support the bill the way it was, and I went to see Mr. Sader and explained to him I thought we had the votes.

From that point forward, I served with him on Labor and Management, where I was the vice chair. We were dealing with contentious issues involving SIIS that everybody was up in arms about. We were together in Transportation. So as a freshman, all three of my committee days were spent with John Carpenter, and we continued on that road. He is my friend, so much that when I became the chair in 1995, I recognized that I had the good fortune of having you, Madam Speaker, as my vice chair. We had some very, very contentious issues, one dealing with Tailhook, as I recall. We knew that we were going to have a very, very strong committee, and how it was going to come out. It suddenly dawned on me that I had the perfect solution: when Carpenter, Anderson, and Buckley agreed, the committee was ready to go; if you weren't in the cab, you weren't along for the ride. When Carpenter was ready to go, we had everything we needed. John, for your friendship, number one, and for your constant support, for your level head, for your cowboy way, for everything you mean to the people of the State of Nevada and to me personally, thank you for your friendship and thank you for your great service to our state.

ASSEMBLYMAN GOICOECHEA:

It's no secret John and I have been friends and neighbors—probably longer than a lot of you in this body have been alive—but that doesn't really mean anything. Just walk down the street with John in any community in this state, and you will find out he has friends and neighbors. The other side of it is if you've been in the livestock industry at any time in the last 20 years, you've met with John Carpenter in one of his ranches. He's been all over the state.

I'll go back to my first session as a freshman here. Of course, I'd known John when he was on the Elko County Commission and I was just going on the Eureka County Commission. When I came here my first session, John and I would be discussing a bill, and pretty quick his patience would wear thin and he'd say, "Pete, read the damn bill." Just last week he told me, "Pete, read the damn bill." You can have the computers and all the shortcuts you want, but you know John Carpenter has read the bill, and if you're going to discuss it with him, you better read the thing.

Thank you.

ASSEMBLYMAN ARBERRY:

Thank you, Speaker. John, it's been a long time. I remember when John came in, right after my first session. I was learning much about the cowboys and cowboy hats, and he was always a

steady person, no matter how it went, no matter how everyone else would get all flustered. John was always cool so we looked at it, from the city side, as though he was one of us. Back in the day when Wendell had a bill about drive-by shootings, John came to Wendell and me and said, “Look, I know you guys are having problems in the inner city, but if you take our guns from us and we can’t shoot as we are driving down the street, we’re going to have a problem.” Wendell and I looked at each other and said, “Well, we’ve got to take the rural areas out because I guess that’s what they like to do.”

When I was trying to get the Martin Luther King holiday back then, I was running around trying to get the votes. And I was really close—you know, you need 22 to get it passed. I went to John and said, “John, I need your vote.” He said “Sure.” About three days later he came back and he said, “You know, Mr. Moose”—and it was really nice back then that we let each other know when we couldn’t support a piece of legislation. He said, “I can’t vote for that bill.” I said, “I understand, John, with no more words said.” I left it at that. The day of the vote, he looked at me and gave me that cowboy nod; the vote went down 42 to 0. He was letting me know that he was a good man and he didn’t mind crossing the barrier, no matter how much pressure was probably being put on him and the other rural boys. They all came with John, and I was proud of that.

Another thing I wanted to share about John was that when Virgil gave me the cow, they would always try to invite me to ride on the train or the camel rides. I learned about cowboy poetry, and coming from Las Vegas, this is as far north as we normally go. Over the years, he always wanted me to come and venture to the other areas. Well, John, maybe sometime in the near future I will have to do that because we’ll have some time on our hands. I will never lose sight of you, and I will always be there for you.

ASSEMBLYMAN OHRENSCHALL:

Thank you very much, Madam Speaker. I rise in support of Mr. Carpenter. John, I feel like you are kind of a bridge to the old Nevada, to a kinder, gentler period that I think a lot of us grew up in. I know we will lose that when you leave.

There are a couple of stories I wanted to tell. When I first got elected as a freshman, I had a talk with my mother and asked, “Well, you know, you have been around here 12 years. Who can I turn to for advice? Who can I trust?” You were at the top of that list. She said, “You can always trust John Carpenter. You can always turn to him. He is a man who keeps his word and he will tell it to you like it is.” And I found that out to be true, here in my two sessions serving with you.

I have had some fun experiences serving with you on the Natural Resources Committee. I have learned a lot about diseases that affect cattle and I have learned a lot about other parts of cows and sheep. My colleague from District 32 had a bill this session that I particularly liked. Actually, I think I supported it initially because I had studied some of this in constitutional law and thought, “It will be a great test case. We are going to give our state courts jurisdiction over a federal agency. This is the stuff we dream about in our constitutional law classes.” I talked to Mr. Carpenter and I said, “John, you know, I am with you. I am with the rurals. We are going to stick it to the feds. I am with you on this bill. We are going to have a great test case and we are going to prove that we are right. State’s rights supreme.” I think it was John who turned to me and said, “I am all for the test case but not if they come into Elko and take my cattle and make my cattle the test case.”

I learned a lot from you John and I will miss you a lot and I hope that we will stay in touch.

ASSEMBLYMAN STEWART:

Thank you, Madam Speaker. I, too, rise in support of John Carpenter, although John Carpenter doesn’t need any support. He stands alone with his character, with his knowledge, and with the great standards that he has. I love John Carpenter’s laugh. You can always hear him coming before you see him. I love his good, rugged Nevada looks. Most of all, I love the cowboy sayings he has left behind. I remember last session that he once said, “Never ask your barber if you need a haircut.” You know, that sounds kind of dumb at first but if you think about it, wow, that’s really heavy. Or how about, “It don’t take no rocket scientist to spot a goat in a herd of sheep.”

I think we need to make a change in the dictionary and near the word Nevada or across from the word Nevada we just need to put a picture of John Carpenter.

ASSEMBLYWOMAN KIRKPATRICK:

Thank you, Madam Speaker. First of all, I do want to say that out of all ten of the legislators that are leaving us, you know you played a big role in all of our hearts with little things that you have done. I could say tons of things about each and every one of you, but I chose to save mine for Mr. Carpenter, because I can only do tears once a week, especially after Saturday.

I just wanted to say that Mr. Carpenter has been great to me. It started my freshman year. I was the good person coming back on Monday mornings and it was me and Mr. Carpenter and I would be saying, "Hurry up, because I want to get to the building. I've got time to smoke." And he would say, "How about them girl scouts?" He was trying to keep my mind occupied all the way, to get to the building, because it was a long ride for me as a freshman. He invited me to the cowboy breakfast every morning, so I made as many as I could. My sophomore session, I came back and the first thing I wanted to make sure that I got to be a part of was coming in, in the mornings, and having a real breakfast, sitting down, and talking about the day.

You know, some days I have bad days, and some days I have good days. He always stopped to say, "Take a deep breath. It is not the end. Just relax. It's all good." Really, where that all came from was Mr. Carpenter always just telling me to just relax. So, I think I have learned a lot about our entire state. I have learned how to have some patience and not be so passionate about things and I will tell you that you will be the one person who I will always think about. When I was a freshman and I came in here, everybody used to talk about Joe Dini and I was like, "Who is that?" Or they used to talk about Governor O'Callaghan and I would be like, "Where were we? I wasn't here." I will run this by the freshman—you will someday be in the same spot. And so, Mr. Carpenter, you are the one person that I will talk about in, hopefully, my next three sessions.

I just want to tell you that you have made a big difference in my life and you have saved me a lot of quarters for every time I said those words. I tried to save some money. I just want everyone to know that each and every one of you has made an impact on my life and my ability to be a legislator. But, Mr. Carpenter, I personally want to thank you for taking the time to help me learn the cowboy way and be part of Nevada.

ASSEMBLYMAN SETTELMAYER:

Thank you, Madam Speaker. There is an old cowboy poem I kind of modified a little bit for Mr. Carpenter, if you can stay with me with it:

The stain of alkali, sand, and mud,
smeared grease, and crimson blood,
Battered and bent from constant use,
still you stood the dang abuse.
A true companion through all these years,
riding broncs and branding steers,
I dedicate this to John C. for the useful things that he did,
and the things he has yet to do.

Pushed up big and knocked down flat,
Has been the lot of John C.s' Stetson hat.

Carrying oats to a piebald bronc,
security for drinks and a honky tonk,
Mistreated, abused, on a round-up spree,
Walked on, trampled on, old J.C.

He's been everywhere a man can go,
from Alberta to Texas, to Mexico,
We've all grown old as we've trailed along,
but you, J.C, are still going strong.

ASSEMBLYMAN GRADY:

Thank you, Madam Speaker. I guess, first off, I have to go back, again, when I was lobbying for the League of Counties and we used to get together and say, “Okay, we have this problem. And we have this problem. Who is going to go talk to whom?” No one wanted to go talk to Mr. C because we knew he would never change his mind or at least he would never tell us he was going to change his mind. So, when you counted votes, and Mr. C had originally told you no, you might as well just say he was a no until he pressed the button, then we would know what he really felt about it.

John, it was always great when my friend from Eureka and I came in here, together, and I guess it was John that said, “I will take the two of you from the brush and turn you into legislators.” We did it every morning and every afternoon when we could—we would be with Mr. C. But I will tell you, unless you have been in this corner, just to listen to some of the conversations between the boss and Ms. Woodbury—we could write a book. The one good thing about John . . . Pete and I like to, once in a while, have a cocktail. John always has his 7-Up. When we started out with John, it was a 7-Up with two cherries. And we knew, by the time he finished that big 7-Up we probably could probably have two drinks. The other night we got John to have a 7-Up with four cherries. Pete and I had a good time. Thank you, John.

ASSEMBLYMAN ATKINSON:

Thank you, Madam Speaker. I guess you got three for three today with me. Mr. Carpenter, I almost don’t even know where to begin. I wrote down some quick notes so I hope you all will bear with me for a moment. I will try not to make it three for three, for crying today, though.

Mr. Carpenter has been a really good person to me. Since my freshman session he and I have served on multiple committees together and he has always been quick to remind me that I wasn’t quite the cowboy he needed me to be. He called me the Rhinestone Cowboy the other day, which made me understand that I am still not quite there with him yet after what I thought I had become. One thing I do know is that every last one of us in this body has wanted to be in the Cowboy Hall of Fame. Not because we thought we were cowboys and not because we thought that one day we would live the rural life and ride away on horses, but I think we have all wanted to be in because of the respect for the man. I think all of us respect Mr. Carpenter a great deal and being in the Hall of Fame makes us feel like we are being respected by him. And so I know that was the main reason I wanted to be in.

One thing I have always enjoyed about Mr. Carpenter and have respected is that once he gave you his word—that is what it was. Mr. Grady just spoke about that. I remember in 2005, I didn’t realize that he was in the minority, because he killed one of my bills! I know you remember the knifing bill. It was in Judiciary and even the chairman of Judiciary came to me and said, “Mr. Carpenter has a problem with one of your bills.” “Mr. Carpenter? What do I care?” “If Mr. Carpenter has a problem, it’s not getting out of here.” “What do you mean? We have the majority here.” “You need to talk to Mr. Carpenter.” And I remember Mr. Carpenter and Mr. Goicoechea actually coming to my office to talk to me about it. “So, what if someone goes into a school and they just happen to have a knife, you know, a pocket knife in their pocket. And what if it’s a parent?” There were all these other scenarios. And by the time they were done with me, I voted against my own bill. So I will never forget that, Mr. Carpenter.

Mr. Carpenter, throughout the years, has always called me Mr. Atkinson, Mr. A, or Mr. Chairman. He has never called me by my first name. Most recently, though, he has stopped calling me those and he’s called me his friend. And I really appreciate that. I had Mr. Carpenter in my office just a couple of hours ago and we were discussing something and he told me he couldn’t vote for what I was asking him about. He got up and got ready to walk out of my office and he turned around to me and said, “I don’t know who sent you or who asked you to talk to me, but I am glad it was you, because you are my friend.” We embraced and he walked out and I shed a tear or two. My secretary asked me if I was okay and I told her I would be fine. Thank you, Mr. Carpenter, and thank you for calling me your friend.

ASSEMBLYMAN CLABORN:

Thank you, Madam Speaker. I found a friend when I came up here and his name was John Carpenter. As you know, I was with the Operating Engineers for 40-plus years. When I figured I would come up here, I would handle the cop-boy bills and the labor bills and I was just going

to tear this place up with organizing everybody. I found out that didn't work as well as I thought it was going to work.

When I ran into Mr. Carpenter, he asked me, "Jerry, do you hunt?" I said, "Oh, sure. Yeah, my family . . . I've got a couple of sons and grandkids. We just tear the mountains up." Well, he said, "Are you interested in deer hunting?" I said, "Oh, gosh yeah. That's my best sport, really. I am a deer hunting fool." So, anyway, Mr. Carpenter says, "Well, you know what? Can you help me a little bit on some of these predators and predator control? They are devastating our cattle and our sheep industry." I said, "You mean the deer are eating the sheep and the cows?" He said, "No, no. The predators are eating them." I said, "Okay, I've got you. What do you want me to do?" So he says, "Well, we need to put some bills together. Maybe we can find a little bit of money and we can get the state to hire some trappers and take out some of these predators that are killing all these cows and stuff before we run out of beef or whatever, to eat." I said, "That's a good idea." We were on Natural Resources together, and in 1999 we put together a bill and luckily enough we passed it. We got a little bit of money for the bill, which was A.B. 291. So, we started stretching this thing out a little bit more to get more predator control and more money. Every year, it got worse. It got tough. That was the first bill, A.B. 291, which was pretty easy. So, anyway, we started running into enormous headwinds. My goodness! We thought everybody was on our side and we found out that everybody wasn't.

So, anyway, there are a few things. Mr. Carpenter has stuck by me and a couple of my other colleagues on my committee and I'll never forget it. I am so tickled that I did make the Hall of Fame a couple of sessions ago. But, when I go down in history here, when I leave tomorrow, I have a new name. It's not Jerry C. anymore. It's Jerry MuleDeer. So, I want to thank you for that, Mr. Carpenter, and I want to thank you for being my friend. They always say this thing is not over until the fat lady sings, but this is not over until John Carpenter sings. We will see you after this session and, by golly, we might go see some of those predators face to face. So, thank you, John, for all the help here. I love you. You're a great man. Thank you.

ASSEMBLYWOMAN GANSERT:

Thank you, Madam Speaker. Mr. Carpenter has a lot of friends in this building and I am very fortunate to believe I am one of those. He is one of those people that you cherish their friendship. He is also a statesman. He has stood in this body and in this house and made some tough calls. I can tell whenever I see that Mr. Carpenter is voting another way or we talk in caucus about a particular bill, I look at it again and I think it over again, and we talk some more about it because he has such great knowledge and such an institutional history and he's a man for Nevada. He is a person who will do what he thinks is right. It does not matter what the politics are. I greatly respect him for that. He is also someone who brings a good sense of humor here, with the Suzy Q and the cowboy caucus. I can tell you I looked forward to being a member of the cowboy caucus. It took me three sessions. We need to get to know each other a little bit better. And so, that was a huge honor.

Lately, he has been talking to the Lord, more and more, and he's been getting some good advice there. I have enjoyed working with you and I am proud to be your friend and honored to be your friend and appreciate that we have had statespeople and we will continue to have statespeople in this body. You are just a perfect example for all of us, so thank you.

ASSEMBLYMAN MANENDO:

Thank you, Madam Speaker. My friend John Carpenter, the gentleman cowboy, with a big heart and just a wealth of knowledge. Seven of my eight sessions have been in Judiciary. You know, your fingerprints are all over the place and I keep thinking, what is that committee, that specific committee, going to do without John Carpenter? Over the years, bringing bills to Mr. Carpenter to look at, to maybe cosponsor, he would ask, "Is this a mobile home bill, young man, or is this a puppy bill? What are we doing this time?"

Having an opportunity to sit next to my friend this session was just really special and I appreciated all your knowledge and historical knowledge of Nevada. You know, being in the third class of Cowboy Hall of Fame, in the days when we had time to go out and tour Nevada and educate the city slickers on what the other part of Nevada is all about, we actually got a chance to go to Elko. It was just absolutely amazing that just everybody knew who John Carpenter was. Actually, at one of the events, and this is my personal funny story, we were at

one of the basque restaurants and Mr. Carpenter and some folks presented me with a cowbell. Morky Manendo is what they put on there because when we were out taking a break on the side of the road, there were some cows and it had been a long time . . . I come from farming country in Pennsylvania and it has been a long time since I actually had an opportunity to go out and say hello to the cows and it was nice to just be out in nature. There's where they got the funny story from, because everyone was hanging out at the van and I was out in the field, petting the cows. He said, "What are you trying to do? Register them to vote?"

Mr. Carpenter, I am going to miss you more than anyone in this building and I think the State of Nevada is losing somebody that will never, ever be replaced. Thank you and I love you.

ASSEMBLYMAN HARDY:

Thank you, Madam Speaker. John, you have your priorities in the right place. You've shown how you can like people and disagree with them. You have shown us an example of the priority of marriage when you left this building, weren't here, may have missed votes, may have missed committee meetings, and then came back and shared the wisdom. This place was not important. What you do didn't make any difference. You were with your wonderful partner and companion. What a wonderful example you have set for all of us. Thank you, John.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 1:15 p.m.

ASSEMBLY IN SESSION

At 1:48 p.m.

Madam Speaker presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 31, 2009

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 561, Senate Amendment No. 973, and requests a conference, and appointed Senators Woodhouse, Rhoads and Hardy as a Conference Committee to meet with a like committee of the Assembly.

SHERRY L. RODRIGUEZ

Assistant Secretary of the Senate

UNFINISHED BUSINESS

APPOINTMENT OF CONFERENCE COMMITTEES

Madam Speaker appointed Assemblymen Conklin, McClain, and Goicoechea as a Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 561.

MOTIONS, RESOLUTIONS AND NOTICES

Vetoed Assembly Bill No. 22 of the 75th Session.

Bill read.

The question was put: "Shall the bill pass, notwithstanding the objections of the Governor?"

Remarks by Assemblymen Conklin and Hardy.

Assemblyman Ocegüera requested that the following remarks be entered in the Journal.

ASSEMBLYMAN CONKLIN:

Thank you, Madam Speaker. I will try to keep this brief. The Governor has vetoed this bill. He has claimed in his veto that this bill creates a private right of action for deceptive trade practices and shifts the traditional burden of proof to the defendant.

My reading of the bill was that is not the case. I asked the Legislative Counsel Bureau to draft a legal opinion on what the bill does. I believe many of my colleagues from the other party did the same, and I will just tell you now very briefly what that opinion says. It says, "You have asked . . . whether Assembly Bill No. 22 . . . (1) creates a private right of action for deceptive trade practices; and (2) shifts the traditional burden of proof in civil litigation from the plaintiff to the defendant" And skipping six pages to the conclusion, just to make it brief: "In conclusion, based on the foregoing, it is the opinion of this office that: (1) Assembly Bill No. 22 does not create a private right of action for deceptive trade practices; and (2) Assembly Bill No. 22 does not shift the traditional burden of proof from the plaintiff to the defendant in civil litigation for private actions for deceptive trade practices." I urge support in an override of this veto.

ASSEMBLYMAN HARDY:

I think I agree with the Assistant Majority Leader on this and have the same legal opinion, it sounds like. In the letter that I received likewise from LCB that was prepared with some alacrity, but certainly is comprehensive enough, it also did an interesting thing. If I may quote from the letter, "also provides an additional statutory defense which defendants may use if they wish." And I think made this an even better bill than it ever was before. And I will be supporting the bill's passage, as it were, notwithstanding. Thank you.

The roll was called, and the Assembly overrode the veto of the Governor by the following vote:

Roll call on Assembly Bill No. 22:

YEAS—42.

NAYS—None.

Bill ordered transmitted to the Senate.

Vetoed Assembly Bill No. 135 of the 75th Session.

Bill read.

The question was put: "Shall the bill pass, notwithstanding the objections of the Governor?"

Remarks by Assemblymen Leslie, Gansert, and Atkinson.

Assemblyman Ocegüera requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN LESLIE:

Thank you, Madam Speaker. I rise in support of the override. The Ways and Means Committee sponsored this bill as a committee bill to provide more oversight on state financial obligations. The bill passed unanimously out of both houses of the Legislature. In his veto letter, the Governor said the legislation provides "an additional, unnecessary layer of government bureaucracy" and "will impede certain state agencies' ability to negotiate public-private partnerships" I disagree. Assembly Bill 135 would provide oversight and a form of checks and balances to better ensure the best possible funding mechanism for the state is being used to complete projects. Some examples of projects that would be reviewed include toll roads, transmission lines, bridges, and highway improvements, as well as tobacco securitization and state lottery conceptual ideas. This bill is necessary because the state can be left with a downgrade of its bond rating should projects adversely reflect on the state's ability to pay debt.

This would lead to higher financing rates on bonds, leaving the state with less money to finance projects or even possibly with an inability to sell bonds for projects.

This bill is about good government and would help ensure that we find out about bad financial deals. And I would just ask you to consider the Carlin Fire Center—not to rub salt in an old wound—but think about deals like that, that seem so good on the surface at the beginning and have caused our state great harm at the end. We would find out about these bad transactions before they happen. We need transparency and accountability on these public-private partnerships.

I would just remind the body that this is not about routine Department of Transportation projects. This is about public-private partnerships, minimum of \$5 million. We have to remember that sometimes people try to sell us things—like toll roads, for example—and they have an interest in them. The only way to ensure that we don't have conflicts of interest on these huge, multimillion dollar projects would be to have an independent financial review, and I believe the Treasurer's Office is the appropriate spot in state government to accomplish that. I urge your support. Thank you.

ASSEMBLYWOMAN GANSERT:

Thank you, Madam Speaker. I rise in opposition to A.B. 135. I do sit on Ways and Means, and I do believe in the transparency and the check on the system. I thought we had fixed this bill so that it was going to work, but I did have a conversation in the last couple of days with Susan Martinovich over at NDOT, and what she told me is it would preclude her from getting some of the projects done that she needs to do in a timely manner and also that the Transportation Board oversees her bonding, and so this would be another layer. With her bonding, she felt the Transportation Board was doing a good job and that we did have the transparency and the oversight. Thank you.

ASSEMBLYMAN ATKINSON:

Thank you, Madam Speaker. I rise in support of Assembly Bill 135. I actually have a few thoughts that may be contrary to what our Minority Leader just said. As we looked at this past interim, we saw some misuse of state money and taxpayers' dollars. The NDOT spent over \$5 million on consulting fees for something that we do not even have the authority to do in this state, and that is toll roads. We do not have the authority in statute to do toll roads in this state, and our investigation, review of the documents that were presented to us, and even testimony from the department proved and showed us that there was misuse of state monies and taxpayer dollars. I am not sure if it is ever appropriate to use money that is going nowhere. It obviously wasn't going anywhere because we do not have the language to do toll roads, and so we spent \$5 million—\$5 million—of taxpayer dollars to do something that we don't have the authority to do. So when you look at that and you have a department telling us that they don't need oversight and that they should be able to spend the taxpayers' money on efforts like that, I don't think there is any question in this body—and don't think there will be any questions from our constituents—that we do need this bill and we do need the oversight that my colleague from Reno suggested. I urge an override. Thank you.

ASSEMBLYWOMAN GANSERT:

Thank you, Madam Speaker, for a second time. When I looked at this bill, it had to do with bonding. They absolutely need oversight, and I think that is what the Board of Transportation is trying to do. So this really has to do with a check on the bonding, not just the expenditures of the Department of Transportation, and they do need oversight, and I think that is why we have the Transportation Board, just to let you know. So again, it was a bonding issue, not total oversight, in this bill.

ASSEMBLYMAN ATKINSON:

Thank you for recognizing me again. I think what we are trying to convey is the money—the \$5 million could have been bonded for highway transportation projects, and so it is bonding, and I understand. But any money that we receive can be bonded. Thank you.

The roll was called, and the Assembly overrode the veto of the Governor by the following vote:

Roll call on Assembly Bill No. 135:

YEAS—31.

NAYS—Christensen, Gansert, Goedhart, Goicoechea, Grady, Gustavson, Hambrick, Hardy, McArthur, Settlemeyer, Stewart—11.

Bill ordered transmitted to the Senate.

Vetoed Assembly Bill No. 410 of the 75th Session.

Governor's message stating his objections read.

OFFICE OF THE GOVERNOR

May 23, 2009

THE HONORABLE BARBARA BUCKLEY, *Speaker of the Assembly*, Legislative Building, 401

South Carson Street, Carson City, NV 89701

RE: Assembly Bill No. 410 of the 75th Legislative Session

DEAR SPEAKER BUCKLEY:

I am herewith forwarding to you for filing within the constitutional time limit and without my approval, Assembly Bill 410, which is entitled:

AN ACT relating to industrial insurance; allowing the provisions of certain collective bargaining agreements to supersede various statutory provisions relating to industrial insurance; and providing other matters properly relating thereto.

This bill would allow collective bargaining agreements to supersede state laws pertaining to industrial insurance. Nevada's industrial insurance laws have been developed and refined over the course of many decades and many legislative sessions.

To allow collective bargaining agreements to usurp existing laws would lead to a plethora of unintended consequences, as those agreements are often written by and agreed to by individuals who are not experts in the field of industrial insurance. This bill could result in the preclusion of worker's compensation benefits for workers who are currently entitled to those benefits pursuant to state law. Additionally, this bill could cause confusion and delay in the provision of benefits due to difficulties interpreting the language of varying collective bargaining agreements. Existing law allows workers entitled to benefits to choose physicians outside an approved provider list under certain circumstances. This bill could severely curtail if not eliminate the ability currently afforded to workers to choose a different physician. These are examples of only some of the unintended and harmful consequence to Nevadans that would result if this bill were to unwind years of legislative efforts and become law.

For these reasons, I hereby exercise my constitutional grant of authority and veto Assembly Bill 410.

Sincerely,
JIM GIBBONS
Governor

Bill read.

The question was put: "Shall the bill pass, notwithstanding the objections of the Governor?"

Remarks by Assemblymen Claborn and Smith.

Assemblyman Ocegüera requested that the following remarks be entered in the Journal.

ASSEMBLYMAN CLABORN:

Thank you, Madam Speaker. I've got a couple of questions from our Governor that I am going to answer here. His letter says A.B. 410 was vetoed because it was giving collective agreements the power to supersede industrial insurance law. That's not quite true. Assembly Bill 410 includes specific language ensuring that no benefits to injured workers shall be diminished under Nevada's state industrial insurance laws. This is the same language used in other states that protect all rights of injured workers in accordance with the industrial insurance laws.

Question number two: "To allow collective bargaining agreements to usurp existing laws would lead to a plethora of unattended consequences, as those agreements are often written by and agreed to by individuals who are not experts in the field of industrial insurance." Answer: The current Nevada workers' compensation system is plagued with the unintended consequences of injured workers that are not provided with the services contained in A.B. 410. Assembly Bill 410 is designed to improve the delivery of medical benefits to injured workers through the cooperation of affected insurance carriers, labor representatives, employers, employees, and injured workers. It has proven effective in other states to help injured workers return to work faster, receive better medical treatment, and obtain second opinions and assistance from independent case nurses and managers designated by labor and management representatives.

The Governor added that the bill would curtail, if not eliminate, the ability of injured workers to choose a different doctor. The language of Assembly Bill 410 allows labor and management representatives to establish a network of superior medical providers and allows workers to choose doctors from an extensive list of occupational specialists. Assembly Bill 410 allows injured workers the ability to request a different doctor or independent medical evaluation and other assistance that is not provided under the current Nevada industrial insurance laws. This is a very good bill, and I urge your support. Thank you very much.

ASSEMBLYWOMAN SMITH:

Thank you, Madam Speaker. I rise in support of the override on Assembly Bill 410. I think it is unfortunate in a case like this where collective bargaining probably caused some concern over the bill and possibly a veto that is unjustified. Throughout the session, we've heard that this is a bill business and workers both like. This week after the override, we heard from a local Reno businessman how important this legislation is because he wants this advantage—which is strictly voluntary—that he believes will make him competitive in this market. He feels that, believe it or not, the California workers' comp system that has allowed this is giving them an advantage over him. We do not hear that very often—that we are not competitive with California workers' comp. Not too long ago, we heard about the California businessmen who came over here to hear about why businesses were relocating. Here is an opportunity for us to take some action that would keep us in that competitive market. So what I say to you is put aside those collective bargaining words, if they scare you, and look at the heart of this issue, consider that it is voluntary, consider that business and labor both want this to make them more competitive and to bring more jobs.

The roll was called, and the Assembly overrode the veto of the Governor by the following vote:

Roll call on Assembly Bill No. 410:

YEAS—28.

NAYS—Carpenter, Christensen, Cobb, Gansert, Goedhart, Goicoechea, Grady, Gustavson, Hambrick, Hardy, McArthur, Settelmeyer, Stewart, Woodbury—14.

Bill ordered transmitted to the Senate.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 2:11 p.m.

ASSEMBLY IN SESSION

At 2:11 p.m.

Mr. Speaker pro Tempore presiding.

Quorum present.

Vetoed Assembly Bill No. 446 of the 75th Session.

Bill read.

The question was put: “Shall the bill pass, notwithstanding the objections of the Governor?”

Remarks by Assemblywoman Buckley.

Assemblyman Ocegüera requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN BUCKLEY:

Thank you, Mr. Speaker pro Tempore. Assembly Bill 446 requires state government to engage in long-term planning and to make meaningful disclosures of agency performance to the public. As any manager knows, long-term planning and performance reviews are the foundation for sound, efficient, and effective operation of any enterprise. Nevada statutes already require performance indicator reviews, but as my colleague from Assembly District 28 points out all the time, they are not done very well.

When running for Governor, Jim Gibbons told the AARP, “As Governor, I will make sure we properly prioritize state spending. I will work to identify programs that are not serving the needs of Nevada taxpayers, eliminate them, and redirect the funding to programs that serve their intended essential purpose.” Yet he vetoes a bill that will essentially accomplish that.

On the Executive Branch’s website, the Governor introduces his Nevada Open Government Initiative with the statement, “. . . I signed an Executive Order that requires transparency and accountability in government so all Nevadans will be able to see how their taxpayer dollars are being spent. This type of transparency and accountability is especially crucial during these tough economic times.” Yet he vetoes a bill that codifies this Executive Order. In vetoing Assembly Bill 446, the Governor’s message admits “The budgetary methods used in evaluating the performance of state government needs improvement, and this legislation would work to that end” Yet because this body did not agree to increase the size of a government agency, he vetoed Assembly Bill 446.

At the hearings on this bill, officials from higher education and the State Controller, Kim Wallin, all volunteered to help the state rewrite its performance indicators—for free. As the Governor recently noted, Nevada families are tightening their belts, Nevada businesses are tightening their belts, and Nevada’s government is doing the same thing. Right now, every state agency is being asked to do more with less. Why would the Budget Office be exempt from that? This is a bill that was sponsored and supported by the Chamber of Commerce and the Nevada Taxpayer’s Association and received unanimous, bipartisan approval in both houses—because it makes sense.

I heard someone comment in the hallway, “But this bill had a fiscal note, and that is why it is being rejected.” I would like to talk about that for a second. Here’s how our process works: when we sponsor a bill, an agency puts a fiscal note on it to explain why they think it costs money. Sometimes our Ways and Means Committee and our Senate Finance Committee review that fiscal note. Sometimes it’s right; sometimes it’s wrong. And for the freshmen—just in case you haven’t figured this out yet—sometimes it’s put on a bill to kill a bill. Right now, the Governor is already required to plan. State agencies are already required to do performance indicators, but because we don’t have a uniform format, you can’t use them to measure anything. How can we go to the public and say we are doing more with less but not compare apples to apples? Those who sat on this committee looked at the model of Texas, which is doing performance indicators, and they are great. The formats are the same; you can consider how the agency is performing. And as we go back to our constituents and say we cut \$1 billion and we

raised \$780 million in revenue, it is important for us to show them what we are doing with their money. It doesn't cost money to do a job right, and that is why the Ways and Means Committee considered the fiscal note. They didn't ignore it; they said it doesn't cost any more money to do the job right. That is what this bill is all about, and I would urge my colleagues to stand with me.

The roll was called, and the Assembly overrode the veto of the Governor by the following vote:

Roll call on Assembly Bill No. 446:

YEAS—34.

NAYS—Christensen, Cobb, Goedhart, Gustavson, Hambrick, Hardy, McArthur, Settlemeyer—8.

Bill ordered transmitted to the Senate.

Vetoed Assembly Bill No. 493 of the 75th Session.

Bill read.

The question was put: "Shall the bill pass, notwithstanding the objections of the Governor?"

Remarks by Assemblywoman Buckley.

Assemblyman Ocegüera requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN BUCKLEY:

Thank you, Mr. Speaker pro Tempore. Assembly Bill 493 concerns the Public Employees' Retirement System. It requires the board to identify and report on investments that are made in companies that invest and do business with Iran. American military and political officials have long claimed that Iran is supplying insurgents and foreign fighters in Iraq. By some estimates, they have killed as many as 200 American soldiers.

I do not need to repeat the testimony that I gave before the Government Affairs Committee or this body when this measure was approved. Basically, it requires PERS to identify this information. PERS did; they brought the information to the hearings. We learned what companies were conducting these investments. In his veto message, the Governor says that the bill requires PERS to study and identify investments. "Due to constitutional issues, the finding of this study . . . cannot impact the investment strategy" with regard to these funds. I strongly disagree. Looking at investment strategies changes how people view the performance of companies. Let's turn back to Nelson Mandela of South Africa. Isn't that how this started? Divestment? Trying to change behavior by pointing out when investments were made that were hurting our country?

Just last session, Governor Gibbons asked me to join with him on a letter concerning investment in Darfur, and I agreed and signed that letter, with Senator Raggio and the Governor, to the PERS Board, about those investments and how that was affecting our world. This bill follows in that tradition. It calls attention to investments between companies that are supporting Iran. That is all it does. But transparency brings discussion, discussion brings change, and that is all the bill does. So when the Governor basically says that any study cannot impact behavior, I disagree. And obviously the testimony wasn't examined because it really doesn't require a study. Basically, Dana Bilyeu just ran the list of the companies, and she presented it to you all. I ask you to join with me in saying that this is not too much to ask and that transparency matters and where investments are made matters.

Assemblyman Conklin moved to waive a portion of Assembly Standing Rule No. 23, which requires individual disclosure, for purposes of a group disclosure regarding vetoed Assembly Bill No. 493 of the 75th Session.

Motion carried.

ASSEMBLYMAN CONKLIN:

For the purposes of Rule No. 23, we would like to disclose that either we personally are public employees or members of our families are public employees who participate in the Public Employees' Retirement System. Under Rule No. 23, we determined that our interest as a result of that participation does not impede our independence of judgment, because our interest is no greater than the interest of any other participant in PERS. Therefore, the following people will be voting on the bill: Assemblymen Aizley, Anderson, Arberry, Atkinson, Buckley, Carpenter, Denis, Dondero Loop, Gansert, Goicoechea, Grady, Gustavson, Kirkpatrick, Koivisto, Leslie, Mastroluca, McClain, Munford, Ocegüera, Parnell, Segerblom, Settelmeyer, Spiegel, Stewart, and Woodbury.

The roll was called, and the Assembly overrode the veto of the Governor by the following vote:

Roll call on Assembly Bill No. 493:

YEAS—42.

NAYS—None.

Bill ordered transmitted to the Senate.

Mr. Speaker pro Tempore announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 2:24 p.m.

ASSEMBLY IN SESSION

At 2:24 p.m.

Madam Speaker presiding.

Quorum present.

COMMUNICATIONS

OFFICE OF THE GOVERNOR

May 28, 2009

THE HONORABLE STEVEN HORSFORD, *Senate Majority Leader*, Legislative Building, 401
South Carson Street, Carson City, NV 89701

RE: Senate Bill 234 of the 75th Legislative Session

DEAR SENATOR HORSFORD:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Senate Bill 234, which is entitled:

AN ACT relating to motor vehicles; revising certain provisions governing the fees charged by a short-term lessor of passenger cars; increasing the governmental services fee on short-term leases of passenger cars; revising the definition of "uninsured motor vehicle" to include a leased passenger car under certain circumstances; making various changes concerning the disclosure of certain information relating to the short-term lease of a passenger car; providing a penalty; and providing other matters properly relating thereto.

Senate Bill 234 is a bill that relates to the fees charged by car rental companies. These fees are in addition to the actual cost of the rental. The bill authorizes car rental companies to charge additional fees to their customers which will effectively make the rental of automobiles more expensive. This is a fee increase that I will not support because it will impact not only Nevadans but businessmen and women and tourists who visit our State.

For these reasons, I hereby exercise my constitutional grant of authority and veto Senate Bill No. 234.

Sincerely,
JIM GIBBONS
Governor

MOTIONS, RESOLUTIONS AND NOTICES

Vetoed Senate Bill No. 234 of the 75th Session.

Bill read.

The question was put: "Shall the bill pass, notwithstanding the objections of the Governor?"

The roll was called, and the Assembly overrode the veto of the Governor by the following vote:

Roll call on Senate Bill No. 234:

YEAS—34.

NAYS—Christensen, Cobb, Goedhart, Gustavson, Hambrick, McArthur, Settlemeyer, Woodbury—8.

Bill ordered transmitted to the Senate.

COMMUNICATIONS

OFFICE OF THE GOVERNOR

May 29, 2009

THE HONORABLE STEVEN HORSFORD, *Senate Majority Leader*, Legislative Building, 401
South Carson Street, Carson City, NV 89701

RE: Senate Bill 415 of the 75th Legislative Session

DEAR SENATOR HORSFORD:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Senate Bill 415, which is entitled:

AN ACT relating to programs for public personnel; establishing for the next biennium the amount to be paid to the Public Employees' Benefits Program for group insurance for certain active and retired public officers and employees; and providing other matters properly relating thereto.

Senate Bill 415 establishes premiums and contributions for state employees who participate in the Public Employees' Benefits Program. The Executive Budget, which was based on recommendations from the Spending and Government Efficiency Commission, proposed different premium costs for the biennium in order to save money. Because the recommendations set forth in the Executive Budget were replaced with the amounts set forth in Senate Bill 415, I cannot support the bill.

For these reasons, I hereby exercise my constitutional grant of authority and veto Senate Bill 415.

Sincerely,
JIM GIBBONS
Governor

MOTIONS, RESOLUTIONS AND NOTICES

Vetoed Senate Bill No. 415 of the 75th Session.

Bill read.

The question was put: "Shall the bill pass, notwithstanding the objections of the Governor?"

Assemblyman Conklin moved to waive a portion of Assembly Standing Rule No. 23, which requires individual disclosure, for purposes of a group disclosure regarding Vetoed Senate Bill No. 415 of the 75th Session.

Motion carried.

ASSEMBLYMAN CONKLIN:

For the purposes of Rule No. 23, we would like to disclose that either we personally are public employees or members of our families are public employees who participate in the Public Employees' Benefits Program. Under Rule No. 23, we determined that our interest as a result of that participation does not impede our independence of judgment, because our interest is no greater than the interest of any other participant in PEBP. Therefore, the following people will be voting on the bill: Assemblymen Aizley, Anderson, Arberry, Atkinson, Buckley, Carpenter, Denis, Dondero Loop, Gansert, Goicoechea, Grady, Gustavson, Kirkpatrick, Koivisto, Leslie, Mastroluca, McClain, Munford, Ocegueda, Parnell, Segerblom, Settelmeyer, Spiegel, Stewart, and Woodbury.

The roll was called, and the Assembly overrode the veto of the Governor by the following vote:

Roll call on Senate Bill No. 415:

YEAS—38.

NAYS—Cobb, Goedhart, Hambrick, McArthur—4.

Bill ordered transmitted to the Senate.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 31, 2009

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 523, Senate Amendment No. 957, and requests a conference, and appointed Senators Parks, Hardy, and Amodei as a Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 561, Senate Amendment No. 973, and requests a conference, and appointed Senators Woodhouse, Rhoads, and Hardy as a Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the Conference Committee concerning Assembly Bill No. 259.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the Conference Committee concerning Assembly Bill No. 60.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the Conference Committee concerning Senate Bill No. 183.

SHERRY L. RODRIGUEZ

Assistant Secretary of the Senate

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Madam Speaker:

The Conference Committee concerning Assembly Bill No. 202, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 812 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 14, which is attached to and hereby made a part of this report.

KATHY MCCLAIN
MARCUS CONKLIN
JOE HARDY

Assembly Conference Committee

MAGGIE CARLTON
DAVID PARKS
MARK AMODEI

Senate Conference Committee

Conference Amendment No. CA14.

SUMMARY—Makes various changes concerning ~~the State Board of Cosmetology~~ **cosmetology and certain related practices.** (BDR 54-681)

AN ACT relating to cosmetology; **requiring certain persons who engage in the practice of threading or who own or operate certain facilities in which threading is conducted to register with the State Board of Cosmetology under certain circumstances;** revising various definitions; revising provisions relating to the qualifications for examination as an instructor of aestheticians, an instructor in nail technology, a nail technologist or an aesthetician; revising provisions relating to cosmetologists' apprentices; increasing the required instruction hours for an aesthetician; **providing a penalty;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1.4 of this bill requires certain persons who engage in the practice of threading or who own or operate certain facilities in which threading is conducted to register with State Board of Cosmetology each year. Section 1.4 also authorizes the Board to inspect, during regular business hours, any facility in this State in which threading is conducted.

Sections ~~1.1~~ **1.8** and **3** of this bill revise the definitions of "aesthetician" and "cosmetologist" to reference sugaring. (NRS 644.0205, 644.023) **Section 5** of this bill changes the term "manicurist" to "nail technologist," and this bill carries out this change for variations of the term "manicurist" that appear in chapter 644 of NRS. (NRS 644.029)

Section 11 of this bill revises the requirements for admission to examination as an instructor of aestheticians, effective July 1, 2010. (NRS 644.1955) **Section 13** of this bill revises the requirements for admission to examination as an instructor in nail technology, effective July 1, 2010. (NRS 644.197) **Section 15** of this bill revises the requirements for admission to examination for a license as a nail technologist, effective July 1, 2010. (NRS 644.205) **Section 16** of this bill revises the requirements for admission to examination for a license as an aesthetician, effective July 1, 2010. (NRS 644.207)

Existing law sets forth various requirements that must be met before the ~~State Board of Cosmetology~~ may issue to a person a certificate of registration as a cosmetologist's apprentice. (NRS 644.217) **Section 17** of this bill: (1) eliminates the requirement that such a person be a resident of a county whose population is less than 50,000; (2) requires the training of the person as a cosmetologist's apprentice to be conducted at a licensed cosmetological establishment that is located 60 miles or more from a licensed

school of cosmetology; and (3) authorizes the Board to waive, for good cause shown, various requirements for an applicant for a certificate of registration as a cosmetologist's apprentice.

Existing law sets forth the requirements which must be met before the Board renews a license issued pursuant to chapter 644 of NRS. (NRS 644.325) **Section 24.5** of this bill requires that before a person applies for the renewal of a license on or after January 1, 2011, as a cosmetologist, hair designer, aesthetician, electrologist, nail technologist or demonstrator of cosmetics, the person must complete at least 4 hours of instruction relating to infection control.

Section 29 of this bill increases from 120 to 150 the number of hours of instruction a student enrolled as an aesthetician must receive before commencing work on members of the public. (NRS 644.408)

Section 30.5 of this bill requires the Board, on or before February 1, 2011, to prepare and submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislature a report concerning the practice of threading in this State.

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

Section 1. Chapter 644 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.2 and 1.4 of this act.

Sec. 1.2. "Threading" means to remove superfluous hair from the body of a person by twisting thread around the hair and pulling it from the skin.

Sec. 1.4. 1. Each natural person who engages in the practice of threading and each owner or operator of a kiosk or other stand-alone facility in which a natural person engages in the practice of threading shall, on or before January 1 of each year, register with the Board on a form prescribed by the Board. The registration must include:

(a) The name, address and telephone number of the person, owner or operator; and

(b) Any other information relating to the practice of the person or the operation of the kiosk or other facility required by the Board. The Board shall not charge a fee for registering a person, owner or operator pursuant to this subsection.

2. The Board may, during regular business hours, inspect any facility in this State in which threading is conducted.

Sec. 1.6. NRS 644.020 is hereby amended to read as follows:

644.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 644.0205 to 644.029, inclusive, **and section 1.2 of this act** have the meanings ascribed to them in those sections.

~~**Section 1.7**~~ **Sec. 1.8. NRS 644.0205 is hereby amended to read as follows:**

644.0205 **1.** "Aesthetician" means any person who engages in the practices of:

~~{1-}~~ (a) Beautifying, massaging, cleansing or stimulating the skin of the human body ~~{-except the scalp-}~~ by the use of cosmetic preparations, antiseptics, tonics, lotions or creams, or any device, electrical or otherwise, for the care of the skin;

~~{2-}~~ (b) Applying cosmetics or eyelashes to any person, tinting eyelashes and eyebrows, and lightening hair on the body ; ~~{except the scalp-}~~ and

~~{3-}~~ (c) Removing superfluous hair from the body of any person by the use of depilatories, waxing , ~~{or}~~ tweezers ~~{-}~~ **or sugaring,**

↪ but does not include the branches of cosmetology of a cosmetologist, hair designer, electrologist or ~~{manicurist-}~~ **nail technologist.**

2. As used in this section, "depilatories" does not include the practice of threading.

Sec. 2. NRS 644.0225 is hereby amended to read as follows:

644.0225 "Cosmetological establishment" means any premises, mobile unit, building or part of a building where cosmetology is practiced, other than a licensed barbershop in which one or more licensed ~~{manicurists}~~ **nail technologists** practice.

Sec. 3. NRS 644.023 is hereby amended to read as follows:

644.023 **1.** "Cosmetologist" means a person who engages in the practices of:

~~{1-}~~ (a) Cleansing, stimulating or massaging the scalp or cleansing or beautifying the hair by the use of cosmetic preparations, antiseptics, tonics, lotions or creams.

~~{2-}~~ (b) Cutting, trimming or shaping the hair.

~~{3-}~~ (c) Arranging, dressing, curling, waving, cleansing, singeing, bleaching, tinting, coloring or straightening the hair of any person with the hands, mechanical or electrical apparatus or appliances, or by other means, or similar work incident to or necessary for the proper carrying on of the practice or occupation provided by the terms of this chapter.

~~{4-}~~ (d) Removing superfluous hair from the surface of the body of any person by the use of electrolysis where the growth is a blemish, or by the use of depilatories, waxing , ~~{or}~~ tweezers ~~{-}~~ **or sugaring,** except for the permanent removal of hair with needles.

~~{5-}~~ (e) Manicuring the nails of any person.

~~{6-}~~ (f) Beautifying, massaging, stimulating or cleansing the skin of the human body by the use of cosmetic preparations, antiseptics, tonics, lotions, creams or any device, electrical or otherwise, for the care of the skin.

~~{7-}~~ (g) Giving facials or skin care or applying cosmetics or eyelashes to any person.

2. As used in this section, "depilatories" does not include the practice of threading.

Sec. 4. NRS 644.024 is hereby amended to read as follows:

644.024 "Cosmetology" includes the occupations of a cosmetologist, aesthetician, electrologist, hair designer, demonstrator of cosmetics and ~~manicurist,~~ **nail technologist**.

Sec. 5. NRS 644.029 is hereby amended to read as follows:

644.029 ~~["Manicurist"]~~ **"Nail technologist"** means any person who, for compensation or by demonstration, engages in the practices of:

1. Care of another's fingernails or toenails.
2. Beautification of another's nails.
3. Extension of another's nails.
4. Massaging of another's hands, forearms, feet or lower legs.

Sec. 6. NRS 644.030 is hereby amended to read as follows:

644.030 1. The State Board of Cosmetology consisting of seven members appointed by the Governor is hereby created.

2. The Board must consist of four cosmetologists, one ~~manicurist,~~ **nail technologist**, one aesthetician and one member representing customers of cosmetology.

Sec. 7. NRS 644.040 is hereby amended to read as follows:

644.040 1. No person is eligible for appointment as a member of the Board:

- (a) Who is not licensed as a ~~manicurist,~~ **nail technologist**, electrologist, aesthetician or cosmetologist under the provisions of this chapter.
- (b) Who is not, at the time of appointment, actually engaged in the practice of his respective branch of cosmetology.
- (c) Who is not at least 25 years of age.
- (d) Who has not been a resident of this State for at least 3 years immediately before his appointment.

2. The requirements of paragraphs (a) and (b) of subsection 1 do not apply to a person appointed to represent customers of cosmetology.

3. Not more than one member of the Board may be connected, directly or indirectly, with any school of cosmetology, or have been so connected while previously serving as a member of the Board.

Sec. 8. NRS 644.130 is hereby amended to read as follows:

644.130 1. The Board shall keep a record containing the name, known place of business, and the date and number of the license of every ~~manicurist,~~ **nail technologist**, electrologist, aesthetician, hair designer, demonstrator of cosmetics and cosmetologist, together with the names and addresses of all cosmetological establishments and schools of cosmetology licensed pursuant to this chapter. The record must also contain the facts which the applicants claimed in their applications to justify their licensure.

2. The Board may disclose the information contained in the record kept pursuant to subsection 1 to:

- (a) Any other licensing board or agency that is investigating a licensee.
- (b) A member of the general public, except information concerning the home and work address and telephone number of a licensee.

Sec. 9. NRS 644.193 is hereby amended to read as follows:

644.193 1. The Board may grant a provisional license as an instructor to a person who:

- (a) Has successfully completed the 12th grade in school or its equivalent and submits written verification of the completion of his education;
- (b) Has practiced as a full-time licensed cosmetologist, hair designer, aesthetician or ~~manicurist~~ **nail technologist** for 1 year and submits written verification of his experience;
- (c) Is licensed pursuant to this chapter;
- (d) Applies for a provisional license on a form supplied by the Board;
- (e) Submits two current photographs of himself; and
- (f) Has paid the fee established pursuant to subsection 2.

2. The Board shall establish and collect a fee of not less than \$40 and not more than \$75 for the issuance of a provisional license as an instructor.

3. A person issued a provisional license pursuant to this section may act as an instructor for compensation while accumulating the number of hours of training required for an instructor's license.

4. A provisional license as an instructor expires upon accumulation by the licensee of the number of hours of training required for an instructor's license or 1 year ~~from~~ **after** the date of issuance, whichever occurs first. The Board may grant an extension of not more than 45 days to those provisional licensees who have applied to the Board for examination as instructors and are awaiting examination.

Sec. 10. NRS 644.195 is hereby amended to read as follows:

644.195 1. Each instructor must:

- (a) Be licensed as a cosmetologist pursuant to this chapter.
- (b) Have successfully completed the 12th grade in school or its equivalent.
- (c) Have 1 year of experience as a cosmetologist or as a licensed student instructor.

- (d) Have completed 1,000 hours of training as an instructor or 500 hours of training as a **licensed** provisional instructor in a school of cosmetology.

- (e) Except as otherwise provided in subsection 2, take one or more courses in advanced techniques for teaching or training, approved by the Board, whose combined duration is at least 30 hours during each 2-year period.

2. The provisions of paragraph (e) of subsection 1 do not apply to an instructor who is initially licensed not more than 6 months before the renewal date of the license. An instructor who is initially licensed more than 6 months but less than 1 year before the renewal date of the license must take one or more courses specified in paragraph (e) whose combined duration is at least 15 hours during each 2-year period.

3. Each instructor shall pay an initial fee for a license of not less than \$60 and not more than \$90.

Sec. 11. NRS 644.1955 is hereby amended to read as follows:

644.1955 1. The Board shall admit to examination for a license as an instructor of aestheticians any person who has applied to the Board in proper form, paid the fee and:

- (a) Is at least 18 years of age;
- (b) Is of good moral character;
- (c) Has successfully completed the 12th grade in school or its equivalent;
- (d) Has received a minimum of ~~{800}~~ 700 hours of training as an instructor or ~~{400}~~ 500 hours of training as a **licensed** provisional instructor in a licensed school of cosmetology;
- (e) Is licensed as an aesthetician pursuant to this chapter; and
- (f) Has practiced as a full-time licensed aesthetician or as a licensed student instructor for 1 year.

2. Except as otherwise provided in subsection 3, an instructor of aestheticians shall complete at least 30 hours of advanced training in a course approved by the Board during each 2-year period of his license.

3. The provisions of subsection 2 do not apply to an instructor of aestheticians who is initially licensed not more than 6 months before the renewal date of the license. An instructor of aestheticians who is initially licensed more than 6 months but less than 1 year before the renewal date of the license must take one or more courses specified in subsection 2 whose combined duration is at least 15 hours during each 2-year period.

Sec. 12. NRS 644.197 is hereby amended to read as follows:

644.197 1. The Board shall admit to examination for a license as an instructor in ~~{manicuring}~~ **nail technology** any person who has applied to the Board in proper form, paid the fee and:

- (a) Is at least 18 years of age;
- (b) Is of good moral character;
- (c) Has successfully completed the 12th grade in school or its equivalent;
- (d) Has received a minimum of 500 hours of training as an instructor or 250 hours of training as a provisional instructor in a licensed school of cosmetology;
- (e) Is licensed as a ~~{manicurist}~~ **nail technologist** pursuant to this chapter; and
- (f) Has practiced as a full-time licensed ~~{manicurist}~~ **nail technologist** or as a licensed student instructor for 1 year.

2. Except as otherwise provided in subsection 3, an instructor in ~~{manicuring}~~ **nail technology** shall complete at least 30 hours of advanced training in a course approved by the Board during each 2-year period of his license.

3. The provisions of subsection 2 do not apply to an instructor in ~~{manicuring}~~ **nail technology** who is initially licensed not more than 6 months before the renewal date of the license. An instructor in ~~{manicuring}~~ **nail technology** who is initially licensed more than 6 months but less than 1 year before the renewal date of the license must take one or more courses specified in subsection 2 whose combined duration is at least 15 hours during each 2-year period.

Sec. 13. NRS 644.197 is hereby amended to read as follows:

644.197 1. The Board shall admit to examination for a license as an instructor in nail technology any person who has applied to the Board in proper form, paid the fee and:

- (a) Is at least 18 years of age;
- (b) Is of good moral character;
- (c) Has successfully completed the 12th grade in school or its equivalent;
- (d) Has received a minimum of 500 hours of training as an instructor or ~~[250 hours of training]~~ as a **licensed** provisional instructor in a licensed school of cosmetology;
- (e) Is licensed as a nail technologist pursuant to this chapter; and
- (f) Has practiced as a full-time licensed nail technologist or as a licensed student instructor for 1 year.

2. Except as otherwise provided in subsection 3, an instructor in nail technology shall complete at least 30 hours of advanced training in a course approved by the Board during each 2-year period of his license.

3. The provisions of subsection 2 do not apply to an instructor in nail technology who is initially licensed not more than 6 months before the renewal date of the license. An instructor in nail technology who is initially licensed more than 6 months but less than 1 year before the renewal date of the license must take one or more courses specified in subsection 2 whose combined duration is at least 15 hours during each 2-year period.

Sec. 14. NRS 644.205 is hereby amended to read as follows:

644.205 The Board shall admit to examination for a license as a ~~[manicurist]~~ **nail technologist** any person who has made application to the Board in proper form, paid the fee ~~[]~~ and who, before or on the date of the examination:

1. Is not less than 18 years of age.
2. Is of good moral character.
3. Has successfully completed the 10th grade in school or its equivalent.
4. Has had any one of the following:
 - (a) Practical training of at least 500 hours under the immediate supervision of a licensed instructor in a licensed school of cosmetology in which the practice is taught.
 - (b) Practice as a full-time licensed ~~[manicurist]~~ **nail technologist** for 1 year outside the State of Nevada.

Sec. 15. NRS 644.205 is hereby amended to read as follows:

644.205 The Board shall admit to examination for a license as a nail technologist any person who has made application to the Board in proper form, paid the fee ~~[]~~ and who, before or on the date of the examination:

1. Is not less than 18 years of age.
2. Is of good moral character.
3. Has successfully completed the 10th grade in school or its equivalent.
4. Has had any one of the following:

(a) Practical training of at least ~~[500]~~ **600** hours under the immediate supervision of a licensed instructor in a licensed school of cosmetology in which the practice is taught.

(b) Practice as a full-time licensed nail technologist for 1 year outside the State of Nevada.

Sec. 16. NRS 644.207 is hereby amended to read as follows:

644.207 The Board shall admit to examination for a license as an aesthetician any person who has made application to the Board in proper form, paid the fee and:

1. Is at least 18 years of age;
 2. Is of good moral character;
 3. Has successfully completed the 10th grade in school or its equivalent;
- and

4. Has received a minimum of ~~[600]~~ **900** hours of training, which includes theory, modeling and practice, in a licensed school of cosmetology or who has practiced as a full-time licensed aesthetician for at least 1 year.

Sec. 17. NRS 644.217 is hereby amended to read as follows:

644.217 1. The Board may issue a certificate of registration as a cosmetologist's apprentice to a person if:

(a) The person is ~~[a resident of a county whose population is less than 50,000;~~

~~(b) The person is]~~ required to travel more than 60 miles from his place of residence to attend a licensed school of cosmetology; and

~~[(c)] (b)~~ The training of the person as a cosmetologist's apprentice will be conducted at a licensed cosmetological establishment that is located ~~[in such a county.]~~ **60 miles or more from a licensed school of cosmetology.**

2. The Board may, for good cause shown, waive the requirements of subsection 1 for a particular applicant.

3. An applicant for a certificate of registration as a cosmetologist's apprentice must submit an application to the Board on a form prescribed by the Board. The application must be accompanied by a fee of \$100 and must include:

(a) A statement signed by the licensed cosmetologist who will be supervising and training the cosmetologist's apprentice which states that the licensed cosmetologist has been licensed by the Board to practice cosmetology in this State for not less than 3 years immediately preceding the date of the application and that his license has been in good standing during that period;

(b) A statement signed by the owner of the licensed cosmetological establishment where the applicant will be trained which states that the owner will permit the applicant to be trained as a cosmetologist's apprentice at the cosmetological establishment; and

(c) Such other information as the Board may require by regulation.

~~{3-}~~ 4. A certificate of registration as a cosmetologist's apprentice is valid for 2 years after the date on which it is issued and may be renewed by the Board upon good cause shown.

Sec. 18. NRS 644.220 is hereby amended to read as follows:

644.220 1. In addition to the fee for an application, the fees for examination are:

(a) For examination as a cosmetologist, not less than \$75 and not more than \$200.

(b) For examination as an electrologist, not less than \$75 and not more than \$200.

(c) For examination as a hair designer, not less than \$75 and not more than \$200.

(d) For examination as a ~~{manicurist,}~~ **nail technologist**, not less than \$75 and not more than \$200.

(e) For examination as an aesthetician, not less than \$75 and not more than \$200.

(f) For examination as an instructor of aestheticians, hair designers, cosmetology or ~~{manicuring,}~~ **nail technology**, not less than \$75 and not more than \$200.

➔ The fee for each reexamination is not less than \$75 and not more than \$200.

2. In addition to the fee for an application, the fee for examination or reexamination as a demonstrator of cosmetics is \$75.

3. Each applicant referred to in subsections 1 and 2 shall, in addition to the fees specified therein, pay the reasonable value of all supplies necessary to be used in the examination.

Sec. 19. NRS 644.240 is hereby amended to read as follows:

644.240 Examinations for licensure as a cosmetologist may include:

1. Practical demonstrations in shampooing the hair, hairdressing, styling of hair, finger waving, coloring of hair, ~~{manicuring,}~~ **nail technology**, cosmetics, thermal curling, marcelling, facial massage, massage of the scalp with the hands, and cutting, trimming or shaping hair;

2. Written or oral tests on:

(a) Antisepsis, sterilization and sanitation;

(b) The use of mechanical apparatus and electricity as applicable to the practice of a cosmetologist; and

(c) The laws of Nevada and the regulations of the Board relating to the practice of cosmetology; and

3. Such other demonstrations and tests as the Board may require.

Sec. 20. NRS 644.245 is hereby amended to read as follows:

644.245 The examination for a license as a ~~{manicurist}~~ **nail technologist** may include:

1. Practical demonstrations in manicuring, pedicuring or the wrapping or extension of nails;

2. Written and oral tests on:

- (a) Antisepsis, sterilization and sanitation;
 - (b) The use of mechanical apparatus and electricity in caring for the nails;
- and

(c) The laws of Nevada and regulations of the Board relating to cosmetology; and

3. Such other demonstrations and tests as the Board requires.

Sec. 21. NRS 644.260 is hereby amended to read as follows:

644.260 The Board shall issue a license as a cosmetologist, aesthetician, electrologist, hair designer, ~~manicurist,~~ **nail technologist**, demonstrator of cosmetics or instructor to each applicant who:

1. Passes a satisfactory examination, conducted by the Board to determine his fitness to practice that occupation of cosmetology; and

2. Complies with such other requirements as are prescribed in this chapter for the issuance of the license.

Sec. 22. NRS 644.300 is hereby amended to read as follows:

644.300 Every licensed ~~manicurist,~~ **nail technologist**, electrologist, aesthetician, hair designer, demonstrator of cosmetics or cosmetologist shall, within 30 days after changing his place of business, as designated in the records of the Board, notify the Secretary of the Board of his new place of business. Upon receipt of the notification, the Secretary shall make the necessary change in the records.

Sec. 23. NRS 644.320 is hereby amended to read as follows:

644.320 1. The license of every cosmetologist, aesthetician, electrologist, hair designer, ~~manicurist,~~ **nail technologist**, demonstrator of cosmetics and instructor expires:

(a) If the last name of the licensee begins with the letter "A" through the letter "M," on the date of birth of the licensee in the next succeeding odd-numbered year or such other date in that year as specified by the Board.

(b) If the last name of the licensee begins with the letter "N" through the letter "Z," on the date of birth of the licensee in the next succeeding even-numbered year or such other date in that year as specified by the Board.

2. The Board shall adopt regulations governing the proration of the fee required for initial licenses issued for less than 1 1/2 years.

Sec. 24. NRS 644.325 is hereby amended to read as follows:

644.325 1. An application for renewal of any license issued pursuant to this chapter must be:

- (a) Made on a form prescribed and furnished by the Board;
- (b) Made on or before the date for renewal specified by the Board;
- (c) Accompanied by the fee for renewal; and
- (d) Accompanied by all information required to complete the renewal.

2. The fees for renewal are:

(a) For ~~manicurists,~~ **nail technologists**, electrologists, aestheticians, hair designers, demonstrators of cosmetics and cosmetologists, not less than \$50 and not more than \$100.

(b) For instructors, not less than \$60 and not more than \$100.

(c) For cosmetological establishments, not less than \$100 and not more than \$200.

(d) For schools of cosmetology, not less than \$500 and not more than \$800.

3. For each month or fraction thereof after the date for renewal specified by the Board in which a license is not renewed, there must be assessed and collected at the time of renewal a penalty of \$50 for a school of cosmetology and \$20 for a cosmetological establishment and all persons licensed pursuant to this chapter.

4. An application for the renewal of a license as a cosmetologist, hair designer, aesthetician, electrologist, ~~manicurist,~~ **nail technologist**, demonstrator of cosmetics or instructor must be accompanied by two current photographs of the applicant which are 1 1/2 by 1 1/2 inches. The name and address of the applicant must be written on the back of each photograph.

Sec. 24.5. NRS 644.325 is hereby amended to read as follows:

644.325 1. An application for renewal of any license issued pursuant to this chapter must be:

- (a) Made on a form prescribed and furnished by the Board;
- (b) Made on or before the date for renewal specified by the Board;
- (c) Accompanied by the fee for renewal; and
- (d) Accompanied by all information required to complete the renewal.

2. The fees for renewal are:

(a) For nail technologists, electrologists, aestheticians, hair designers, demonstrators of cosmetics and cosmetologists, not less than \$50 and not more than \$100.

(b) For instructors, not less than \$60 and not more than \$100.

(c) For cosmetological establishments, not less than \$100 and not more than \$200.

(d) For schools of cosmetology, not less than \$500 and not more than \$800.

3. For each month or fraction thereof after the date for renewal specified by the Board in which a license is not renewed, there must be assessed and collected at the time of renewal a penalty of \$50 for a school of cosmetology and \$20 for a cosmetological establishment and all persons licensed pursuant to this chapter.

4. An application for the renewal of a license as a cosmetologist, hair designer, aesthetician, electrologist, nail technologist, demonstrator of cosmetics or instructor must be accompanied by two current photographs of the applicant which are 1 1/2 by 1 1/2 inches. The name and address of the applicant must be written on the back of each photograph.

5. Before a person applies for the renewal of a license on or after January 1, 2011, as a cosmetologist, hair designer, aesthetician, electrologist, nail technologist or demonstrator of cosmetics, the person must complete at least 4 hours of instruction relating to infection control in a professional course or seminar approved by the Board.

Sec. 25. (Deleted by amendment.)

Sec. 26. NRS 644.330 is hereby amended to read as follows:

644.330 1. A ~~manicurist,~~ **nail technologist**, electrologist, aesthetician, hair designer, cosmetologist, demonstrator of cosmetics or instructor whose license has expired may have his license renewed only upon payment of all required fees and submission of all information required to complete the renewal.

2. Any ~~manicurist,~~ **nail technologist**, electrologist, aesthetician, hair designer, cosmetologist, demonstrator of cosmetics or instructor who retires from practice for more than 1 year may have his license restored only upon payment of all required fees and submission of all information required to complete the restoration.

3. No ~~manicurist,~~ **nail technologist**, electrologist, aesthetician, hair designer, cosmetologist, demonstrator of cosmetics or instructor who has retired from practice for more than 4 years may have his license restored without examination and must comply with any additional requirements established in regulations adopted by the Board.

Sec. 27. NRS 644.360 is hereby amended to read as follows:

644.360 1. Every holder of a license issued by the Board to operate a cosmetological establishment shall display the license in plain view of members of the general public in the principal office or place of business of the holder.

2. Except as otherwise provided in this section, the operator of a cosmetological establishment may lease space to or employ only licensed ~~manicurists,~~ **nail technologists**, electrologists, aestheticians, hair designers, demonstrators of cosmetics and cosmetologists at his establishment to provide cosmetological services. This subsection does not prohibit an operator of a cosmetological establishment from:

(a) Leasing space to or employing a barber. Such a barber remains under the jurisdiction of the State Barbers' Health and Sanitation Board and remains subject to the laws and regulations of this State applicable to his business or profession.

(b) Leasing space to any other professional, including, without limitation, a provider of health care pursuant to subsection 3. Each such professional remains under the jurisdiction of the regulatory body which governs his business or profession and remains subject to the laws and regulations of this State applicable to his business or profession.

3. The operator of a cosmetological establishment may lease space at his cosmetological establishment to a provider of health care for the purpose of providing health care within the scope of his practice. The provider of health care shall not use the leased space to provide such health care at the same time a cosmetologist uses that space to engage in the practice of cosmetology. A provider of health care who leases space at a cosmetological establishment pursuant to this subsection remains under the jurisdiction of the regulatory body which governs his business or profession and remains

subject to the laws and regulations of this State applicable to his business or profession.

4. As used in this section:

(a) "Provider of health care" means a person who is licensed, certified or otherwise authorized by the law of this State to administer health care in the ordinary course of business or practice of a profession.

(b) "Space" includes, without limitation, a separate room in the cosmetological establishment.

Sec. 28. NRS 644.370 is hereby amended to read as follows:

644.370 A cosmetological establishment must, at all times, be under the immediate supervision of a licensed ~~manicurist,~~ **nail technologist**, electrologist, aesthetician, hair designer or cosmetologist.

Sec. 29. NRS 644.408 is hereby amended to read as follows:

644.408 A student must receive the following minimum amount of instruction in the classroom before commencing work on members of the public:

1. A student enrolled as a cosmetologist must receive at least 300 hours.
2. A student enrolled as a hair designer must receive at least 300 hours.
3. A student enrolled as a ~~manicurist,~~ **nail technologist** must receive at least 100 hours.
4. A student enrolled as an electrologist's apprentice must receive at least 150 hours.
5. A student enrolled as an aesthetician must receive at least ~~120~~ **150** hours.

Sec. 30. NRS 644.430 is hereby amended to read as follows:

644.430 1. The following are grounds for disciplinary action by the Board:

(a) Failure of an owner of a cosmetological establishment, a licensed aesthetician, cosmetologist, hair designer, electrologist, instructor, ~~manicurist,~~ **nail technologist**, demonstrator of cosmetics or school of cosmetology, or a cosmetologist's apprentice to comply with the requirements of this chapter or the applicable regulations adopted by the Board.

(b) Obtaining practice in cosmetology or any branch thereof, for money or any thing of value, by fraudulent misrepresentation.

(c) Gross malpractice.

(d) Continued practice by a person knowingly having an infectious or contagious disease.

(e) Drunkenness or the use or possession, or both, of a controlled substance or dangerous drug without a prescription, while engaged in the practice of cosmetology.

(f) Advertisement by means of knowingly false or deceptive statements.

(g) Permitting a license to be used where the holder thereof is not personally, actively and continuously engaged in business.

(h) Failure to display the license as provided in NRS 644.290, 644.360 and 644.410.

(i) Entering, by a school of cosmetology, into an unconscionable contract with a student of cosmetology.

(j) Continued practice of cosmetology or operation of a cosmetological establishment or school of cosmetology after the license therefor has expired.

(k) Any other unfair or unjust practice, method or dealing which, in the judgment of the Board, may justify such action.

2. If the Board determines that a violation of this section has occurred, it may:

- (a) Refuse to issue or renew a license;
- (b) Revoke or suspend a license;
- (c) Place the licensee on probation for a specified period;
- (d) Impose a fine not to exceed \$2,000; or
- (e) Take any combination of the actions authorized by paragraphs (a) to (d), inclusive.

3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Sec. 30.5. On or before February 1, 2011, the State Board of Cosmetology shall prepare and submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislature a report concerning the practice of threading in this State. The report must include, without limitation:

- 1. An overview of the practice of threading in this State;**
- 2. An analysis of any health issues relating to the practice of threading;**
- 3. The extent to which the practice of threading is or should be regulated in this State;**
- 4. Any recommendations for legislation relating to the practice of threading; and**
- 5. Any other information required by the Board.**

Sec. 31. 1. This section and sections 1 to 9, inclusive, 12, 14, 17 to 24, inclusive, and 26 to ~~30~~ **30.5**, inclusive, of this act become effective upon passage and approval.

2. Sections 10, 11, 13, 15 and 16 of this act become effective on July 1, 2010.

3. Section 24.5 of this act becomes effective on January 1, 2011.

Assemblywoman McClain moved that the Assembly adopt the report of the Conference Committee concerning Assembly Bill No. 202.

Remarks by Assemblywoman McClain.

Motion carried by a constitutional majority.

Madam Speaker:

The Conference Committee concerning Senate Bill No. 183, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 751 of the Assembly be concurred in.

TICK SEGERBLOM

TERRY CARE

RUBEN KIHUEN

DAVID PARKS

JOHN HAMBRICK

MIKE MCGINNESS

Assembly Conference Committee

Senate Conference Committee

Assemblyman Segerblom moved that the Assembly adopt the report of the Conference Committee concerning Senate Bill No. 183.

Motion carried by a constitutional majority.

Madam Speaker:

The Conference Committee concerning Assembly Bill No. 309, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 876 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 18, which is attached to and hereby made a part of this report.

MARILYN DONDERO LOOP

TERRY CARE

JOHN HAMBRICK

VALERIE WIENER

Assembly Conference Committee

Senate Conference Committee

Conference Amendment No. CA10.

SUMMARY—Revises provisions relating to the crime of stalking.
(BDR 15-994)

AN ACT relating to crimes; revising provisions relating to the crime of stalking; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits stalking and authorizes the issuance of a temporary or extended order restricting certain conduct related to the crime of stalking, aggravated stalking or harassment. (NRS 200.575, 200.591) ~~[This bill adds]~~
Section 1 of this bill includes within the definition of the crime of stalking a course of conduct which would cause a reasonable person to feel fearful for the immediate safety of a member of the person's family or household and which actually causes a victim to feel such fear. Sections 1, 3 and 4 of this bill add text messaging to the existing crime of stalking with the use of a communication device, which is punishable as a category C felony.

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

Section 1. NRS 200.575 is hereby amended to read as follows:

200.575 1. A person who, without lawful authority, willfully or maliciously engages in a course of conduct that would cause a reasonable person to feel terrorized, frightened, intimidated, ~~or~~ harassed ~~or~~ **or fearful for the immediate safety of a family or household member**, and that actually causes the victim to feel terrorized, frightened, intimidated, ~~or~~ harassed ~~or~~

or fearful for the immediate safety of a family or household member, commits the crime of stalking. Except where the provisions of subsection 2 or 3 are applicable, a person who commits the crime of stalking:

(a) For the first offense, is guilty of a misdemeanor.

(b) For any subsequent offense, is guilty of a gross misdemeanor.

2. A person who commits the crime of stalking and in conjunction therewith threatens the person with the intent to cause him to be placed in reasonable fear of death or substantial bodily harm commits the crime of aggravated stalking. A person who commits the crime of aggravated stalking 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 15 years, and may be further punished by a fine of not more than \$5,000.

3. A person who commits the crime of stalking with the use of an Internet or network site, ~~for~~ electronic mail, **text messaging** or any other similar means of communication to publish, display or distribute information in a manner that substantially increases the risk of harm or violence to the victim shall be punished for a category C felony as provided in NRS 193.130.

4. Except as otherwise provided in subsection 2 of NRS 200.571, a criminal penalty provided for in this section may be imposed in addition to any penalty that may be imposed for any other criminal offense arising from the same conduct or for any contempt of court arising from the same conduct.

5. The penalties provided in this section do not preclude the victim from seeking any other legal remedy available.

6. As used in this section:

(a) "Course of conduct" means a pattern of conduct which consists of a series of acts over time that evidences a continuity of purpose directed at a specific person.

(b) **"Family or household member" means a spouse, a former spouse, a parent or other person who is related by blood or marriage or is or was actually residing with the person.**

(c) "Internet or network site" has the meaning ascribed to it in NRS 205.4744.

~~((c))~~ (d) "Network" has the meaning ascribed to it in NRS 205.4745.

~~((d))~~ (e) "Provider of Internet service" has the meaning ascribed to it in NRS 205.4758.

~~((e))~~ (f) **"Text messaging" means a communication in the form of electronic text or one or more electronic images sent from a telephone or computer to another person's telephone or computer by addressing the communication to the recipient's telephone number.**

~~((f))~~ (g) "Without lawful authority" includes acts which are initiated or continued without the victim's consent. The term does not include acts which are otherwise protected or authorized by constitutional or statutory law,

regulation or order of a court of competent jurisdiction, including, but not limited to:

(1) Picketing which occurs during a strike, work stoppage or any other labor dispute.

(2) The activities of a reporter, photographer, cameraman or other person while gathering information for communication to the public if that person is employed or engaged by or has contracted with a newspaper, periodical, press association or radio or television station and is acting solely within that professional capacity.

(3) The activities of a person that are carried out in the normal course of his lawful employment.

(4) Any activities carried out in the exercise of the constitutionally protected rights of freedom of speech and assembly.

Sec. 2. (Deleted by amendment.)

Sec. 3. NRS 176A.413 is hereby amended to read as follows:

176A.413 1. Except as otherwise provided in subsection 2, if a defendant is convicted of stalking with the use of an Internet or network site, ~~for~~ electronic mail, **text messaging** or any other similar means of communication pursuant to subsection 3 of NRS 200.575, an offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive, or luring a child or a person with mental illness through the use of a computer, system or network pursuant to paragraph (a) or (b) of subsection 4 of NRS 201.560 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 that the defendant not own or use a computer, including, without limitation, use electronic mail, a chat room or the Internet.

2. The court is not required to impose a condition of probation or suspension of sentence set forth in subsection 1 if the court finds that:

(a) The use of a computer by the defendant will assist a law enforcement agency or officer in a criminal investigation;

(b) The defendant will use the computer to provide technological training concerning technology of which the defendant has a unique knowledge; or

(c) The use of the computer by the defendant will assist companies that require the use of the specific technological knowledge of the defendant that is unique and is otherwise unavailable to the company.

3. Except as otherwise provided in subsection 1, if a defendant is convicted of an offense that involved the use of a computer, system or network and the court grants probation or suspends the sentence, the court may, in addition to any other condition ordered pursuant to NRS 176A.400, order as a condition of probation or suspension that the defendant not own or use a computer, including, without limitation, use electronic mail, a chat room or the Internet.

4. As used in this section:

(a) "Computer" has the meaning ascribed to it in NRS 205.4735.

- (b) "Network" has the meaning ascribed to it in NRS 205.4745.
- (c) "System" has the meaning ascribed to it in NRS 205.476.
- (d) **"Text messaging" has the meaning ascribed to it in NRS 200.575.**

Sec. 4. NRS 213.1258 is hereby amended to read as follows:

213.1258 1. Except as otherwise provided in subsection 2, if the Board releases on parole a prisoner convicted of stalking with the use of an Internet or network site, ~~for~~ electronic mail, **text messaging** or any other similar means of communication pursuant to subsection 3 of NRS 200.575, an offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive, or luring a child or a person with mental illness through the use of a computer, system or network pursuant to paragraph (a) or (b) of subsection 4 of NRS 201.560, the Board shall, in addition to any other condition of parole, require as a condition of parole that the parolee not own or use a computer, including, without limitation, use electronic mail, a chat room or the Internet.

2. The Board is not required to impose a condition of parole set forth in subsection 1 if the Board finds that:

- (a) The use of a computer by the parolee will assist a law enforcement agency or officer in a criminal investigation;
- (b) The parolee will use the computer to provide technological training concerning technology of which the defendant has a unique knowledge; or
- (c) The use of the computer by the parolee will assist companies that require the use of the specific technological knowledge of the parolee that is unique and is otherwise unavailable to the company.

3. Except as otherwise provided in subsection 1, if the Board releases on parole a prisoner convicted of an offense that involved the use of a computer, system or network, the Board may, in addition to any other condition of parole, require as a condition of parole that the parolee not own or use a computer, including, without limitation, use electronic mail, a chat room or the Internet.

4. As used in this section:

- (a) "Computer" has the meaning ascribed to it in NRS 205.4735.
- (b) "Network" has the meaning ascribed to it in NRS 205.4745.
- (c) "System" has the meaning ascribed to it in NRS 205.476.
- (d) **"Text messaging" has the meaning ascribed to it in NRS 200.575.**

Assemblyman Anderson moved that the Assembly adopt the report of the Conference Committee concerning Assembly Bill No. 309.

Motion carried by a constitutional majority.

Madam Speaker:

The Conference Committee concerning Assembly Bill No. 454, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 763 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 12, which is attached to and hereby made a part of this report.

WILLIAM HORNE
KATHY MCCLAIN

MAGGIE CARLTON
ALLISON COPENING

Assembly Conference Committee

Senate Conference Committee

Conference Amendment No. CA12.

AN ACT relating to housing; revising certain provisions relating to the grounds of termination for certain rental or lease agreements affecting certain tenants in a manufactured home park; revising provisions for the summary eviction of a tenant under certain circumstances; revising provisions concerning the board of directors or trustees of a mobile home park owned or leased by a nonprofit organization; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 5 of this bill provides that a rental agreement between a landlord and a tenant for the rental or lease of certain lots in a manufactured home park in this State may only be terminated on one or more of the grounds listed in existing law regardless of the fact that a notice of termination may have been served upon the tenant. (NRS 118B.190, 118B.200)

Section 6.5 of this bill revises provisions for the summary eviction of a tenant for default in payment of rent. (NRS 40.253)

Section 7 of this bill increases from 2 to 4 years the term of office for a person serving on the board of directors or trustees of a mobile home park owned or leased by a nonprofit organization. (NRS 461A.215)

Section 8 of this bill provides for the staggering of such terms.

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

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. NRS 118B.200 is hereby amended to read as follows:

118B.200 1. Notwithstanding the expiration of a period of a tenancy ~~for~~ **or service of a notice pursuant to subsection 1 of NRS 118B.190**, the rental agreement described in NRS 118B.190 may not be terminated except ~~for~~ **on one or more of the following grounds:**

(a) Failure of the tenant to pay rent, utility charges or reasonable service fees within 10 days after written notice of delinquency served upon the tenant in the manner provided in NRS 40.280;

(b) Failure of the tenant to correct any noncompliance with a law, ordinance or governmental regulation pertaining to manufactured homes or recreational vehicles or a valid rule or regulation established pursuant to NRS 118B.100 or to cure any violation of the rental agreement within a reasonable time after receiving written notification of noncompliance or violation;

(c) Conduct of the tenant in the manufactured home park which constitutes an annoyance to other tenants;

(d) Violation of valid rules of conduct, occupancy or use of park facilities after written notice of the violation is served upon the tenant in the manner provided in NRS 40.280;

(e) A change in the use of the land by the landlord pursuant to NRS 118B.180;

(f) Conduct of the tenant which constitutes a nuisance as defined in NRS 40.140 or which violates a state law or local ordinance, specifically including, without limitation:

- (1) Discharge of a weapon;
- (2) Prostitution;
- (3) Illegal drug manufacture or use;
- (4) Child molestation or abuse;
- (5) Elder molestation or abuse;
- (6) Property damage as a result of vandalism; and
- (7) Operating a motor vehicle while under the influence of alcohol or any other controlled substance; or

(g) In a manufactured home park that is owned by a nonprofit organization or housing authority, failure of the tenant to meet qualifications relating to age or income which:

- (1) Are set forth in the lease signed by the tenant; and
- (2) Comply with federal, state and local law.

2. A tenant who is not a natural person and who has received three or more 10-day notices to quit for failure to pay rent in the preceding 12-month period may have his tenancy terminated by the landlord for habitual failure to pay timely rent.

Sec. 6. (Deleted by amendment.)

Sec. 6.5. NRS 40.253 is hereby amended to read as follows:

40.253 1. Except as otherwise provided in subsection 10, in addition to the remedy provided in NRS 40.2512 and 40.290 to 40.420, inclusive, when the tenant of any dwelling, apartment, mobile home, recreational vehicle or commercial premises with periodic rent reserved by the month or any shorter period is in default in payment of the rent, the landlord or his agent, unless otherwise agreed in writing, may serve or have served a notice in writing, requiring in the alternative the payment of the rent or the surrender of the premises:

- (a) At or before noon of the fifth full day following the day of service; or
- (b) If the landlord chooses not to proceed in the manner set forth in paragraph (a) and the rent is reserved by a period of 1 week or less and the

tenancy has not continued for more than 45 days, at or before noon of the fourth full day following the day of service.

↪ As used in this subsection, “day of service” means the day the landlord or his agent personally delivers the notice to the tenant. If personal service was not so delivered, the “day of service” means the day the notice is delivered, after posting and mailing pursuant to subsection 2, to the sheriff or constable for service if the request for service is made before noon. If the request for service by the sheriff or constable is made after noon, the “day of service” shall be deemed to be the day next following the day that the request is made for service by the sheriff or constable.

2. A landlord or his agent who serves a notice to a tenant pursuant to paragraph (b) of subsection 1 shall attempt to deliver the notice in person in the manner set forth in paragraph (a) of subsection 1 of NRS 40.280. If the notice cannot be delivered in person, the landlord or his agent:

(a) Shall post a copy of the notice in a conspicuous place on the premises and mail the notice by overnight mail; and

(b) After the notice has been posted and mailed, may deliver the notice to the sheriff or constable for service in the manner set forth in subsection 1 of NRS 40.280. The sheriff or constable shall not accept the notice for service unless it is accompanied by written evidence, signed by the tenant when he took possession of the premises, that the landlord or his agent informed the tenant of the provisions of this section which set forth the lawful procedures for eviction from a short-term tenancy. Upon acceptance, the sheriff or constable shall serve the notice within 48 hours after the request for service was made by the landlord or his agent.

3. A notice served pursuant to subsection 1 or 2 must:

(a) Identify the court that has jurisdiction over the matter; and

(b) Advise the tenant of his right to contest the matter by filing, within the time specified in subsection 1 for the payment of the rent or surrender of the premises, an affidavit with the court that has jurisdiction over the matter stating that he has tendered payment or is not in default in the payment of the rent.

4. If the tenant files such an affidavit at or before the time stated in the notice, the landlord or his agent, after receipt of a file-stamped copy of the affidavit which was filed, shall not provide for the nonadmittance of the tenant to the premises by locking or otherwise.

5. Upon noncompliance with the notice:

(a) The landlord or his agent may apply by affidavit of complaint for eviction to the Justice Court of the township in which the dwelling, apartment, mobile home or commercial premises are located or to the district court of the county in which the dwelling, apartment, mobile home or commercial premises are located, whichever has jurisdiction over the matter. ~~[The]~~ **If the tenant is in possession of commercial premises, the** court may thereupon issue an order directing the sheriff or constable of the county to remove the tenant within 24 hours after receipt of the order. **If the tenant is**

in possession of a dwelling, apartment or mobile home or if the rent is reserved by a period of 1 week or less, the court may thereupon issue an order directing the sheriff or constable of the county to remove the tenant not sooner than 2 days after receipt of the order. The affidavit must state or contain:

- (1) The date the tenancy commenced.
- (2) The amount of periodic rent reserved.
- (3) The amounts of any cleaning, security or rent deposits paid in advance, in excess of the first month's rent, by the tenant.
- (4) The date the rental payments became delinquent.
- (5) The length of time the tenant has remained in possession without paying rent.
- (6) The amount of rent claimed due and delinquent.
- (7) A statement that the written notice was served on the tenant in accordance with NRS 40.280.
- (8) A copy of the written notice served on the tenant.
- (9) A copy of the signed written rental agreement, if any.

(b) Except when the tenant has timely filed the affidavit described in subsection 3 and a file-stamped copy of it has been received by the landlord or his agent, and except when the landlord is prohibited pursuant to NRS 118A.480, the landlord or his agent may, in a peaceable manner, provide for the nonadmittance of the tenant to the premises by locking or otherwise.

6. Upon the filing by the tenant of the affidavit permitted in subsection 3, regardless of the information contained in the affidavit, and the filing by the landlord of the affidavit permitted by subsection 5, the Justice Court or the district court shall hold a hearing, after service of notice of the hearing upon the parties, to determine the truthfulness and sufficiency of any affidavit or notice provided for in this section. If the court determines that ~~there~~ :

(a) There is no legal defense as to the alleged unlawful detainer and the tenant is guilty of an unlawful detainer, the court may issue a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant. ~~If the court determines that there~~

(b) There is a legal defense as to the alleged unlawful detainer, the court shall refuse to grant either party any relief, and, except as otherwise provided in this subsection, shall require that any further proceedings be conducted pursuant to NRS 40.290 to 40.420, inclusive. The issuance of a summary order for removal of the tenant does not preclude an action by the tenant for any damages or other relief to which he may be entitled. If the alleged unlawful detainer was based upon subsection 5 of NRS 40.2514, the refusal by the court to grant relief does not preclude the landlord thereafter from pursuing an action for unlawful detainer in accordance with NRS 40.251.

7. The tenant may, upon payment of the appropriate fees relating to the filing and service of a motion, file a motion with the court, on a form provided by the clerk of the court, to dispute the amount of the costs, if any, claimed by the landlord pursuant to NRS 118A.460 for the inventory,

moving and storage of personal property left on the premises. The motion must be filed within 20 days after the summary order for removal of the tenant or the abandonment of the premises by the tenant, or within 20 days after:

- (a) The tenant has vacated or been removed from the premises; and
 - (b) A copy of those charges has been requested by or provided to the tenant,
- ➡ whichever is later.

8. Upon the filing of a motion pursuant to subsection 7, the court shall schedule a hearing on the motion. The hearing must be held within 10 days after the filing of the motion. The court shall affix the date of the hearing to the motion and order a copy served upon the landlord by the sheriff, constable or other process server. At the hearing, the court may:

- (a) Determine the costs, if any, claimed by the landlord pursuant to NRS 118A.460, and any accumulating daily costs; and
- (b) Order the release of the tenant's property upon the payment of the charges determined to be due or if no charges are determined to be due.

9. A landlord shall not refuse to accept rent from a tenant that is submitted after the landlord or his agent has served or had served a notice pursuant to subsection 1 if the refusal is based on the fact that the tenant has not paid collection fees, attorney's fees or other costs other than rent, a reasonable charge for late payments of rent or dishonored checks, or a security. As used in this subsection, "security" has the meaning ascribed to it in NRS 118A.240.

10. This section does not apply to the tenant of a mobile home lot in a mobile home park or to the tenant of a recreational vehicle lot in an area of a mobile home park in this State other than an area designated as a recreational vehicle lot pursuant to the provisions of subsection 6 of NRS 40.215.

Sec. 7. NRS 461A.215 is hereby amended to read as follows:

461A.215 1. Notwithstanding any provision of law to the contrary, if a nonprofit organization owns or leases a mobile home park:

- (a) The board of directors or trustees which controls the mobile home park must be selected as set forth in this section; and
- (b) The provisions of this section govern the operation of the nonprofit organization and the mobile home park.

2. If a nonprofit organization owns or leases only one mobile home park, the board of directors or trustees which controls the mobile home park must be composed of:

- (a) Three directors or trustees who are residents of the mobile home park and are elected by a majority of the residents who live in the mobile home park, with each unit in the mobile home park authorized to cast one vote;
- (b) Except as otherwise provided in subsection 4, three directors or trustees appointed by the governing body of the local government with jurisdiction over the location of the mobile home park; and

(c) Three directors or trustees elected by a majority of the other directors or trustees selected pursuant to this subsection.

3. If a nonprofit organization owns or leases more than one mobile home park, the board of directors or trustees which controls the mobile home parks must be composed of:

(a) For each mobile home park, one director or trustee who is a resident of that mobile home park and is elected by a majority of the residents who live in that mobile home park, with each unit in the mobile home park authorized to cast one vote;

(b) Except as otherwise provided in subsection 4, one director or trustee appointed for each mobile home park by the governing body of the local government with jurisdiction over the location of that mobile home park; and

(c) For each mobile home park, one director or trustee elected by a majority of the other directors or trustees selected pursuant to this subsection.

4. The governing body of a local government with jurisdiction over the location of a mobile home park owned or leased by a nonprofit organization shall not appoint a director or trustee pursuant to paragraph (b) of subsection 2 or paragraph (b) of subsection 3 unless the land upon which the mobile home park is located or the improvements to that land are owned by any governmental entity, patented to any governmental entity or leased to the nonprofit organization by any governmental entity.

5. The term of office of a director or trustee selected pursuant to this section:

(a) Is ~~two~~ 4 years, except that upon the expiration of his term of office he shall continue to serve until his successor is selected; and

(b) Commences on July 1, ~~for each odd-numbered year.~~

6. Any vacancy occurring in the membership of the board of directors or trustees selected pursuant to this section must be filled in the same manner as the original election or appointment.

7. The Attorney General shall:

(a) Enforce the provisions of this section;

(b) Investigate suspected violations of the provisions of this section; and

(c) Institute proceedings on behalf of this State, an agency or political subdivision of this State, or as parens patriae of a person residing in a mobile home park:

(1) For injunctive relief to prevent and restrain a violation of any provision of this section; and

(2) To collect any costs or fees awarded pursuant to the provisions of this section.

8. The provisions of this section may be enforced with regard to a nonprofit organization or a mobile home park by:

(a) The nonprofit organization;

(b) The board of directors or trustees required to be selected pursuant to this section, or any member thereof;

(c) A person who claims membership on the board of directors or trustees required to be selected pursuant to this section;

(d) A resident of the mobile home park;

(e) The local government with jurisdiction over the location of the mobile home park; or

(f) Any combination of the persons described in paragraphs (a) to (e), inclusive.

9. In any action to enforce the provisions of this section, including, without limitation, an action to prevent or restrain a violation of the provisions of this section, if a person is found to have knowingly acted as a director or trustee on a board of directors or trustees required to be selected pursuant to this section while he was not authorized to act as such a director or trustee pursuant to this section:

(a) The court shall award the prevailing party costs and attorney's fees;

(b) If the nonprofit organization which owns or leases a mobile home park participates in the action, the court shall award the nonprofit organization costs and attorney's fees; and

(c) Costs and attorney's fees awarded pursuant to this section must be recovered from the person. If in the same action to enforce the provisions of this section, more than one person is found to have knowingly acted as a director or trustee on a board of directors or trustees required to be selected pursuant to this section while he was not authorized to act as such a director or trustee pursuant to this section, each such person is jointly and severally liable for the costs and attorney's fees awarded pursuant to this section.

10. The provisions of this section do not apply to a corporate cooperative park.

11. As used in this section:

(a) "Board of directors or trustees which controls the mobile home park" means:

(1) If the nonprofit organization which owns or leases a mobile home park does not own or operate any substantial asset that is unrelated to the mobile home park, the board of directors or trustees of the nonprofit organization; or

(2) If the nonprofit organization which owns or leases a mobile home park owns or operates a substantial asset that is unrelated to the mobile home park, a board of directors or trustees which:

(I) Has full and independent control over the affairs of the nonprofit organization that are related to the mobile home park, including, without limitation, full and independent control over all policies, operation, property, assets, accounts and records of the nonprofit organization which are related to or derived from the park;

(II) Notwithstanding any provision of law to the contrary, exercises the powers described in sub-subparagraph (I) without being subject to any control by the board of directors or trustees of the nonprofit organization or

any other person, group or entity within or related to the nonprofit organization; and

(III) If the nonprofit organization owns or leases more than one mobile home park, controls all of the mobile home parks owned or leased by the nonprofit organization.

(b) "Corporation for public benefit" has the meaning ascribed to it in NRS 82.021.

(c) "Governmental entity" includes, without limitation, the Federal Government, this State, an agency or political subdivision of this State, a municipal corporation and a housing authority.

(d) "Nonprofit organization" includes, without limitation, a corporation for public benefit.

(e) "Owns or leases a mobile home park" means being the owner or lessee of:

(1) The land upon which the mobile home park is located; or

(2) The improvements to the land upon which the mobile home park is located.

Sec. 8. Notwithstanding the provisions of subsection 5 of NRS 461A.215, as amended by section 7 of this act, for the terms commencing on July 1, 2009:

1. Of the three directors or trustees elected pursuant to paragraph (a) of subsection 2 of NRS 461A.215:

(a) One director or trustee must be elected to a term expiring on July 1, 2011; and

(b) Two directors or trustees must be elected to terms expiring on July 1, 2012.

2. Of the three directors or trustees appointed pursuant to paragraph (b) of subsection 2 of NRS 461A.215:

(a) One director or trustee must be appointed to a term expiring on July 1, 2011; and

(b) Two directors or trustees must be appointed to terms expiring on July 1, 2012.

Sec. 9. This act becomes effective upon passage and approval.

Assemblyman Horne moved that the Assembly adopt the report of the Conference Committee concerning Assembly Bill No. 454.

Remarks by Assemblyman Horne.

Motion carried by a constitutional majority.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that Senate Bill No. 412 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 412.

Bill read third time.

Roll call on Senate Bill No. 412:

YEAS—35.

NAYS—Christensen, Cobb, Goedhart, Gustavson, Hambrick, McArthur, Settelmeyer—7.

Senate Bill No. 412 having received a constitutional majority,

Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assemblyman Ocegüera moved that the Assembly recess until 5 p.m.

Motion carried.

Assembly in recess at 2:44 p.m.

ASSEMBLY IN SESSION

At 6:11 p.m.

Madam Speaker presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 31, 2009

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 212.

SHERRY L. RODRIGUEZ

Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 212.

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

Motion carried.

COMMUNICATIONS

OFFICE OF THE GOVERNOR

May 25, 2009

THE HONORABLE STEVEN HORSFORD, *Senate Majority Leader*, Legislative Building, 401

South Carson Street, Carson City, NV 89701

RE: Senate Bill No. 283 of the 75th Legislative Session

DEAR SENATOR HORSFORD:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Senate Bill 283, which is entitled:

AN ACT relating to domestic relations; providing for the registration and dissolution of domestic partnerships in the State of Nevada; setting forth the rights and responsibilities attendant to such partnerships; and providing other matters properly relating thereto.

Senate Bill 283 would extend to domestic partners nearly all of the rights, protections, benefits and privileges currently available only to married persons. Article I, Section 21 of the

Nevada Constitution, enacted by vote of the people less than a decade ago, provides that "[o]nly a marriage between a male and a female person shall be recognized and given effect in this state." Senate Bill 283 would effectively bypass that constitutional mandate by allowing the rights and privileges of marriage to be bestowed upon non-married persons.

Notwithstanding the suspect constitutionality of Senate Bill 283, I believe that because the voters have determined that the rights of marriage should apply only to married couples, only the voters should determine whether those rights should equally apply to domestic partners.

Furthermore, many of the rights granted in Senate Bill 283 are readily available today by way of private contracts. For example, estate planning allows a person to bequeath their assets to anyone of their choosing, including a domestic partner. Similarly, living wills allow individuals to designate responsibility for healthcare decisions to others, including a domestic partner. Finally, amendments to leases or deeds of trust allows individuals to ensure that others have a right to access property in the event of death or disability, and such amendments can be made regardless of whether the individuals are married. I also recently signed Senate Bill 314 which streamlines and eases the laws pertaining to powers of attorney, which will benefit all Nevadans.

My disapproval of this bill should not be taken to suggest that domestic partners are in any way undeserving of rights and protections. I recently signed Senate Bill 207, which prohibits discrimination in Nevada based on sexual orientation. However, I believe that Senate Bill 283 represents a fundamental departure from the will of the voters expressed in Article 1, Section 21 of the Nevada Constitution, and only the voters should have the right to undo or amend constitutional mandates.

For these reasons, I hereby exercise my constitutional grant of authority and veto Senate Bill 283.

Sincerely,
JIM GIBBONS
Governor

MOTIONS, RESOLUTIONS AND NOTICES

Vetoed Senate Bill No. 283 of the 75th Session.

Bill read.

The question was put: "Shall the bill pass, notwithstanding the objections of the Governor?"

Remarks by Assemblywoman Leslie.

Assemblyman Ocegüera requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN LESLIE:

Thank you, Madam Speaker. Like many of you, I feel so privileged today to have this opportunity to represent my constituents on this historic vote for equality and justice. This is the most important civil rights legislation we have had in all my years here, and I am so happy and honored to be a part of it.

Years from now, we may look back on this day and wonder what the controversy was all about. Why did we struggle so much and so hard to decide this basic issue of fairness for our citizens? I know it has been a struggle for many of you here in this body. I know you have searched your hearts for the answer, and each of us will vote our conscience today, and that vote should be respected. That vote will also be remembered in our state, in our history—perhaps more than any other in our career—for its impact on so many people in Nevada. We'll remember this beautiful Sunday and this moment in time when our grandchildren or our great grandchildren ask us about it, and we will be able to proudly say, "Yes, I was there that day, and this is what happened." We'll tell them how this bill affected so many lives and enabled so many people to make their own choices without interference from their state government.

There are many people who drove down here this morning from Reno, thinking we were going to vote. Some of them are still here, and I know there are thousands of Nevadans listening on the Internet and in every corner of our state and even throughout our nation. They are not

asking for us to approve of their lives or how they live, but they are asking us for respect. As citizens of this great state, they are asking that their government give them the ability to choose whom they will live with and whom they will love. They're asking that we give them the tools to live their lives with dignity and with the knowledge that we value their lives and their families in equal measure. So as we pause to reflect before we take this historic vote, I hope you will search your heart once more and ask why we should not provide that dignity and that respect to our citizens.

We start every day in this body with the Pledge of allegiance to the Flag. We state our allegiance to our country and its values of liberty and justice for all. Know that your vote today will translate into equality for thousands of Nevada's families who will always be grateful for your willingness to stand up for equality and for fairness and for justice for all—not justice for some—justice for all. I urge your support.

The roll was called, and the Assembly overrode the veto of the Governor by the following vote:

Roll call on Senate Bill No. 283:

YEAS—28.

NAYS—Carpenter, Christensen, Cobb, Denis, Gansert, Goicoechea, Grady, Gustavson, Hambrick, Hardy, McArthur, Settlemeyer, Stewart, Woodbury—14.

Bill ordered transmitted to the Senate.

Vetoed Assembly Bill No. 121 of the 75th Session.

Bill read.

The question was put: "Shall the bill pass, notwithstanding the objections of the Governor?"

Remarks by Assemblywoman Koivisto.

Assemblyman Ocegüera requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN KOIVISTO:

Thank you, Madam Speaker. The Governor's letter says that the bill unnecessarily legislates in an area that should be addressed by medical professionals and health care management. Those are the very folks that helped write the bill. I urge your support.

The roll was called, and the Assembly overrode the veto of the Governor by the following vote:

Roll call on Assembly Bill No. 121:

YEAS—37.

NAYS—Christensen, Cobb, Goedhart, Hambrick, Woodbury—5.

Bill ordered transmitted to the Senate.

Vetoed Assembly Bill No. 147 of the 75th Session.

Bill read.

The question was put: "Shall the bill pass, notwithstanding the objections of the Governor?"

Remarks by Assemblywoman Spiegel.

Assemblyman Ocegüera requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN SPIEGEL:

Thank you, Madam Speaker. In the Governor's letter, he said "Assembly Bill 147 would require local governments to spend more money on public works and other contracts by giving a

5 percent preference to local companies. While there is a justifiable interest in promoting local companies to support our economy and help local workers, Nevada's local governments will be hard pressed to meet this additional fiscal burden on contracting. During this difficult economic time for the state and local governments, it's not appropriate to place this burden on local governments in this way."

We were cognizant of these concerns, and we were cognizant of the economic impact that this bill could have on local government, and that is why we included provisions in two places in this bill where the local governments have an out. If they find that by giving the 5 percent bidding preference it is not in the public's best interest, then they can simply choose not to award the contract to the local bidder.

This is really looking to help Nevada businesses, to get our Nevadans back to work, and to keep our local dollars working for us locally. I urge your support.

The roll was called, and the Assembly overrode the veto of the Governor by the following vote:

Roll call on Assembly Bill No. 147:

YEAS—32.

NAYS—Christensen, Cobb, Gansert, Goedhart, Goicoechea, Gustavson, Hambrick, McArthur, Settlemeyer, Woodbury—10.

Bill ordered transmitted to the Senate.

Vetoed Assembly Bill No. 304 of the 75th Session.

Bill read.

The question was put: "Shall the bill pass, notwithstanding the objections of the Governor?"

Remarks by Assemblymen Segerblom, Munford, and Madam Speaker.

Assemblyman Oceguela requested that the following remarks be entered in the Journal.

ASSEMBLYMAN SEGERBLOM:

Thank you, Madam Speaker. This bill starts to preserve the history of southern Nevada. Many of you from northern Nevada may think that is an oxymoron, but in fact we do have history in southern Nevada, as the Assemblyman from southern Nevada's wife can attest to. It also deals with the very historic area, F Street. In the Governor's veto, he talked about how much money it would cost to reopen F Street and how terrible this would be. But if you drive from here to the airport in Reno and you look on the hill, you will see a beautiful highway going up there in northern Nevada, and the Governor has never objected to that ridiculous spending of money. This is an African-American neighborhood in southern Nevada, and we are trying to commit some money there to do what is right to preserve the history of that neighborhood. I urge you to support this bill and override the veto. Thank you.

ASSEMBLYMAN MUNFORD:

Thank you, Madam Speaker. The closure of F Street not only represents a wall, it is a symbol of past injustices in the community. It is best summarized by a long-time resident of the F Street area, R. B. Hambrick, an 82-year-old retired United States Naval petty officer who lives on F and Adams Streets, who said the following: "Harry S. Truman once said 'There is nothing new but the history you don't know.'" In 1968, the City of Las Vegas closed seven streets. The residents protested, claiming segregation, and unsuccessfully reopened two of those seven streets. The two streets were D and F.

Forty-one years later, history repeats itself. We reopened D Street, and hopefully F Street will follow. May the reopening of this street be a constant reminder that our representatives perceive those in the community as respected, taxpaying citizens whose safety and well-being really matters. This is very important and extremely valuable to this community. I urge your support of this measure. Thank you.

Madam Speaker requested the privilege of the Chair for the purpose of making the following remarks:

Thank you, Assemblyman Munford. With the permission of the body, I would like to express my support for the measure, as well. West Las Vegas has a unique place in the history of our state. It is where many entertainers were forced to stay when our hotels were still segregated, and it is a community that has been neglected, and it deserves respect, so I proudly stand with my colleague who represents Assembly District 6.

The roll was called, and the Assembly overrode the veto of the Governor by the following vote:

Roll call on Assembly Bill No. 304:

YEAS—29.

NAYS—Christensen, Cobb, Gansert, Goedhart, Goicoechea, Grady, Gustavson, Hambrick, Hardy, McArthur, Settelmeyer, Stewart, Woodbury—13.

Bill ordered transmitted to the Senate.

Vetoed Assembly Bill No. 319 of the 75th Session.

Bill read.

The question was put: “Shall the bill pass, notwithstanding the objections of the Governor?”

Remarks by Assemblyman Segerblom.

Assemblyman Ocegüera requested that the following remarks be entered in the Journal.

ASSEMBLYMAN SEGERBLOM:

Thank you, Madam Speaker. I know I said the last bill was the most important bill tonight, but this is the most important bill.

Madam Speaker requested the privilege of the Chair for the purpose of making the following remarks:

How many bills did you get vetoed, Mr. Segerblom?

ASSEMBLYMAN SEGERBLOM:

I still have two more to go, but this is the most important one right now. Thank you.

This bill gives basic rights to teachers—not great rights, but basic rights. We have the same rights for police officers in the peace officers’ bill of rights, which are in statute. This year, we have had to tell teachers that we can’t give them what they want. They had to lose their raises and their step increases. They have had to suffer, along with other state employees. The least we can do is give them a few basic rights.

If you start at a school right now, the teacher makes less than the police officer in the same school. That police officer has these rights; the teacher does not have these rights. I think it is time we show our teachers respect, show them that we care about them, and give them some basic rights. I urge you to override the veto. Thank you.

The roll was called, and the Assembly overrode the veto of the Governor by the following vote:

Roll call on Assembly Bill No. 319:

YEAS—28.

NAYS—Carpenter, Christensen, Cobb, Gansert, Goedhart, Goicoechea, Grady, Gustavson, Hambrick, Hardy, McArthur, Settelmeyer, Stewart, Woodbury—14.

Bill ordered transmitted to the Senate.

Vetoed Assembly Bill No. 381 of the 75th Session.

Bill read.

The question was put: “Shall the bill pass, notwithstanding the objections of the Governor?”

Remarks by Assemblyman Segerblom.

Assemblyman Oceguela requested that the following remarks be entered in the Journal.

ASSEMBLYMAN SEGERBLOM:

Thank you, Madam Speaker. I know you won’t believe this, but I am not kidding this time, and I am really serious. This is the most important bill—and I say that in all seriousness—because this gives basic rights for people who are forced into arbitration, and these rights do not exist today. I would encourage everyone to support me in overriding the veto. Thank you, Madam Speaker.

The roll was called, and the Assembly overrode the veto of the Governor by the following vote:

Roll call on Assembly Bill No. 381:

YEAS—28.

NAYS—Carpenter, Christensen, Cobb, Gansert, Goedhart, Goicoechea, Grady, Gustavson, Hambrick, Hardy, McArthur, Settlemeyer, Stewart, Woodbury—14.

Bill ordered transmitted to the Senate.

Vetoed Assembly Bill No. 467 of the 75th Session.

Bill read.

The question was put: “Shall the bill pass, notwithstanding the objections of the Governor?”

Remarks by Assemblywoman Pierce.

Assemblyman Oceguela requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN PIERCE:

Thank you, Madam Speaker. This bill was amended in the Senate, and there was a great deal of consensus. Everyone came together in agreement on this. It has important provisions, and particularly an enforcement provision, so I urge your support.

The roll was called, and the Assembly overrode the veto of the Governor by the following vote:

Roll call on Assembly Bill No. 467:

YEAS—28.

NAYS—Carpenter, Christensen, Cobb, Gansert, Goedhart, Goicoechea, Grady, Gustavson, Hambrick, Hardy, McArthur, Settlemeyer, Stewart, Woodbury—14.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

APPOINTMENT OF CONFERENCE COMMITTEES

Madam Speaker appointed Assemblymen Conklin, Kirkpatrick, and Christensen as a Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 523.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 482.

The following Senate amendment was read:

Amendment No. 942.

AN ACT relating to motor vehicles; transferring the authority for the regulation of trade practices of garages, garagemen and body shops from the Commissioner of Consumer Affairs to the Department of Motor Vehicles; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for regulation of garages, garagemen and body shops by the Commissioner of Consumer Affairs and for their registration or licensure with the Department of Motor Vehicles. (NRS 487.530-487.570, 487.600-487.690, 597.480-597.590) **Sections 2-21** of this bill transfer authority for regulation to the Department and provide for enforcement of those provisions by the Director of the Department.

Section 1 of this bill allows the Department of Motor Vehicles to fine a person who engages in certain deceptive trade practices relating to the sale or lease of a vehicle regardless of whether the person has been fined for that act under the provisions of NRS 598.0903 to 598.0999, inclusive. (NRS 482.554)

Section 29.3 of this bill creates a revolving account for the Bureau of Consumer Protection, overseen by the Consumer's Advocate, to be used for the undercover investigation of alleged violations of **sections 4-21** of this bill or deceptive trade practices.

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

Section 1. NRS 482.554 is hereby amended to read as follows:

482.554 1. The Department may impose an administrative fine of not more than \$10,000 against any person who engages in a deceptive trade practice. The Department shall afford to any person so fined an opportunity for a hearing pursuant to the provisions of NRS 233B.121.

2. For the purposes of this section, a person shall be deemed to be engaged in a "deceptive trade practice" if, in the course of his business or occupation, he:

(a) Enters into a contract for the sale of a vehicle on credit with a customer, exercises a valid option to cancel the vehicle sale and then, after the customer returns the vehicle with no damage other than reasonable wear and tear, the seller:

(1) Fails to return any down payment or other consideration in full, including, returning a vehicle accepted in trade;

(2) Knowingly makes a false representation to the customer that the customer must sign another contract for the sale of the vehicle on less favorable terms; or

(3) Fails to use the disclosure as required in subsection 3.

(b) Uses a contract for the sale of the vehicle or a security agreement that materially differs from the form prescribed by law.

(c) Engages in any deceptive trade practice, as defined in NRS 598.0915 to 598.0925, inclusive, that involves the purchase and sale or lease of a motor vehicle.

(d) Engages in any other acts prescribed by the Department by regulation as a deceptive trade practice.

3. If a seller of a vehicle exercises a valid option to cancel the sale of a vehicle to a customer, the seller must provide a disclosure, and the customer must sign that disclosure, before the seller and customer may enter into a new agreement for the sale of the same vehicle on different terms, or for the sale of a different vehicle. The Department shall prescribe the form of the disclosure by regulation.

4. All administrative fines collected by the Department pursuant to this section must be deposited with the State Treasurer to the credit of the State Highway Fund.

5. ~~{Except as otherwise provided in this subsection, the}~~ *The* administrative remedy provided in this section is not exclusive and is intended to supplement existing law. ~~{The Department may not impose a fine pursuant to this section against any person who engages in a deceptive trade practice if a fine has previously been imposed against that person pursuant to NRS 598.0903 to 598.0999, inclusive, for the same act.}~~ The provisions of this section do not deprive a person injured by a deceptive trade practice from resorting to any other legal remedy.

Sec. 1.5. Chapter 487 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 21, inclusive, of this act.

Sec. 2. *"Body shop" means any place where the body of a motor vehicle is painted, fixed, repaired or replaced for compensation.*

Sec. 3. *"Person authorizing repairs" means a person who uses the services of a garage. The term includes an insurance company, its agents or its representatives authorizing repairs to motor vehicles under a policy of insurance.*

Sec. 4. 1. *Each garageman shall display conspicuously in those areas of his place of business frequented by persons seeking repairs on motor vehicles a sign, not less than 22 inches by 28 inches in size, setting forth in boldface letters the following:*

**STATE OF NEVADA
REGISTERED GARAGE**

**THIS GARAGE IS REGISTERED WITH THE
DEPARTMENT OF MOTOR VEHICLES**

**NEVADA AUTOMOTIVE REPAIR
CUSTOMER BILL OF RIGHTS**

AS A CUSTOMER IN NEVADA:

YOU have the right to receive repairs from a business that is REGISTERED with the Department of Motor Vehicles that will ensure the proper repair of your vehicle. (cite to this section of this act)

YOU have the right to receive a WRITTEN ESTIMATE of charges for repairs made to your vehicle which exceed \$50. (cite to section 6 of this act)
YOU have the right to read and understand all documents and warranties BEFORE YOU SIGN THEM. (cite to this section of this act)

YOU have the right to INSPECT ALL REPLACED PARTS and accessories that are covered by a warranty and for which a charge is made. (cite to section 11 of this act)

YOU have the right to request that all replaced parts and accessories that are not covered by a warranty BE RETURNED TO YOU AT THE TIME OF SERVICE. (cite to section 11 of this act)

YOU have the right to require authorization BEFORE any additional repairs are made to your vehicle if the charges for those repairs exceed 20% of the original estimate or \$100, whichever is less. (cite to section 7 of this act)

YOU have the right to receive a COMPLETED STATEMENT OF CHARGES for repairs made to your vehicle. (cite to section 18 of this act)

**FOR MORE INFORMATION PLEASE CONTACT:
THE DEPARTMENT OF MOTOR VEHICLES**

2. Each body shop shall display conspicuously in those areas of its place of business frequented by persons seeking repairs on motor vehicles a sign, not less than 22 inches by 28 inches in size, setting forth in boldface letters the following:

**STATE OF NEVADA
LICENSED BODY SHOP**

**THIS BODY SHOP IS LICENSED BY THE
DEPARTMENT OF MOTOR VEHICLES**

**NEVADA AUTOMOTIVE REPAIR
CUSTOMER BILL OF RIGHTS**

AS A CUSTOMER IN NEVADA:

YOU have the right to receive repairs from a business that is LICENSED with the Department of Motor Vehicles that will ensure the proper repair of your vehicle. (cite to this section of this act)

YOU have the right to receive a WRITTEN ESTIMATE of charges for repairs made to your vehicle which exceed \$50. (cite to section 6 of this act)
YOU have the right to read and understand all documents and warranties BEFORE YOU SIGN THEM. (cite to this section of this act)

YOU have the right to INSPECT ALL REPLACED PARTS and accessories that are covered by a warranty and for which a charge is made. (cite to section 11 of this act)

YOU have the right to request that all replaced parts and accessories that are not covered by a warranty BE RETURNED TO YOU AT THE TIME OF SERVICE. (cite to section 11 of this act)

YOU have the right to require authorization BEFORE any additional repairs are made to your vehicle if the charges for those repairs exceed 20% of the original estimate or \$100, whichever is less. (cite to section 7 of this act)

YOU have the right to receive a COMPLETED STATEMENT OF CHARGES for repairs made to your vehicle. (cite to section 18 of this act)
FOR MORE INFORMATION PLEASE CONTACT:

THE DEPARTMENT OF MOTOR VEHICLES

3. *The sign required pursuant to the provisions of subsection 1 or 2 must include a replica of the Great Seal of the State of Nevada. The Seal must be 2 inches in diameter and be centered on the face of the sign directly above the words "STATE OF NEVADA."*

4. *Any person who violates the provisions of this section is guilty of a misdemeanor.*

Sec. 5. *Whenever any body shop or garageman accepts or assumes control of a motor vehicle for the purpose of making or completing any repair, the body shop or garageman shall comply with the provisions of sections 6 to 19, inclusive, of this act.*

Sec. 6. 1. *Except as otherwise provided in section 8 of this act, a person requesting or authorizing the repair of a motor vehicle that is more than \$50 must be furnished a written estimate or statement signed by the person making the estimate or statement on behalf of the body shop or garageman indicating the total charge for the performance of the work necessary to accomplish the repair, including the charge for labor and all parts and accessories necessary to perform the work.*

2. *If the estimate is for the purpose of diagnosing a malfunction, the estimate must include the cost of:*

(a) *Diagnosis and disassembly; and*

(b) Reassembly, if the person does not authorize the repair.

3. The provisions of this section do not require a body shop or garageman to reassemble a motor vehicle if the body shop or garageman determines that the reassembly of the motor vehicle would render the vehicle unsafe to operate.

Sec. 7. Except as otherwise provided in section 8 of this act, if it is determined that additional charges are required to perform the repair authorized, and those additional charges exceed, by 20 percent or \$100, whichever is less, the amount set forth in the estimate or statement required to be furnished pursuant to the provisions of section 6 of this act, the body shop or garageman shall notify the owner and insurer of the motor vehicle of the amount of those additional charges.

Sec. 8. The person authorizing the repairs may waive the estimate or statement required pursuant to the provisions of section 6 of this act or the notification required by section 7 of this act by executing a written waiver of that requirement or notification. The waiver must be executed by the person authorizing the repairs at the time he authorizes those repairs.

Sec. 9. If a body shop or garage performs repairs on a motor vehicle, the body shop or garage shall perform the repairs in accordance with any specifications of the manufacturer of the motor vehicle and the written estimate or statement of the cost of the repairs that is most recently agreed upon by the body shop or garage and the person authorizing repairs.

Sec. 10. 1. An owner and the insurer of a motor vehicle who have been notified of additional charges pursuant to section 7 of this act shall:

(a) Authorize the performance of the repair at the additional expense; or

(b) Without delay, and upon payment of the authorized charges, take possession of the motor vehicle.

2. Until the election provided for in subsection 1 has been made, the body shop or garageman shall not undertake any repair which would involve such additional charges.

3. If the owner or insurer of the motor vehicle elects to take possession of the motor vehicle but fails to take possession within a 24-hour period after the election, the body shop or garageman may charge for storage of the vehicle.

Sec. 11. 1. Whenever the repair work performed on a motor vehicle requires the replacement of any parts or accessories, the body shop or garageman shall, at the request of the person authorizing the repairs or any person entitled to possession of the motor vehicle, deliver to the person all parts and accessories replaced as a result of the work done.

2. The provisions of subsection 1 do not apply to parts or accessories which must be returned to a manufacturer or distributor under a warranty arrangement or which are subject to exchange, but the customer, on request, is entitled to be shown the warranty parts for which a charge is made.

Sec. 12. *The body shop or garageman shall retain copies of any estimate, statement or waiver required by sections 6 to 19, inclusive, of this act as an ordinary business record of the body shop or garage, for a period of not less than 1 year after the date the estimate, statement or waiver is signed.*

Sec. 13. *In every instance where charges are made for the repair of a motor vehicle by a garageman, the garageman making the repairs shall comply with the provisions of sections 6 to 19, inclusive, of this act. A garageman is not entitled to detain a motor vehicle by virtue of any common law or statutory lien, or otherwise enforce such a lien, or to sue on any contract for repairs made by him unless he has complied with the requirements of sections 6 to 19, inclusive, of this act.*

Sec. 14. *A person shall be deemed to be engaged in a "deceptive trade practice" if, in the course of his business or occupation, he:*

1. *Engages in any deceptive trade practice, as defined in NRS 598.0915 to 598.0925, inclusive, that involves the repair of a motor vehicle; or*

2. *Engages in any other acts prescribed by the Director by regulation as a deceptive trade practice.*

Sec. 15. (Deleted by amendment.)

Sec. 16. 1. *The Director may request an undercover investigation of a person who is allegedly engaging in a deceptive trade practice or violating the provisions of sections 4 to 21, inclusive, of this act.*

2. *The Bureau of Consumer Protection in the Office of the Attorney General may conduct an undercover investigation of a person who is allegedly engaging in a deceptive trade practice or violating the provisions of sections 4 to 21, inclusive, of this act on its own motion or upon a request received pursuant to subsection 1. Nothing in this subsection requires the Bureau to conduct an undercover investigation.*

Sec. 17. 1. *In addition to any other penalty, the Director may impose an administrative fine of not more than \$10,000 against any person who engages in a deceptive trade practice as set forth in section 14 of this act. The Director shall provide to any person so fined an opportunity for a hearing pursuant to the provisions of NRS 233B.121.*

2. *All administrative fines collected by the Director pursuant to this section must be deposited with the State Treasurer to the credit of the State Highway Fund.*

3. *The administrative remedy provided in this section is not exclusive and is intended to supplement existing law. The provisions of this section do not deprive a person injured by a deceptive trade practice from resorting to any other legal remedy.*

Sec. 18. 1. *If charges are made for the repair of a motor vehicle, the garageman or body shop making the charges shall present to the person authorizing repairs or the person entitled to possession of the motor vehicle a statement of the charges setting forth the following information:*

(a) *The name and signature of the person authorizing repairs;*

- (b) A statement of the total charges;*
- (c) An itemization and description of all parts used to repair the motor vehicle indicating the charges made for labor; and*
- (d) A description of all other charges.*

2. Any person violating this section is guilty of a misdemeanor.

3. In the case of a motor vehicle registered in this State, no lien for labor or materials provided under NRS 108.265 to 108.367, inclusive, may be enforced by sale or otherwise unless a statement as described in subsection 1 has been given by delivery in person or by certified mail to the last known address of the registered and the legal owner of the motor vehicle. In all other cases, the notice must be made to the last known address of the registered owner and any other person known to have or to claim an interest in the motor vehicle.

Sec. 19. 1. On or before January 1 of each year, the Director of the Department shall prepare a report concerning garages, garagemen and body shops. The report must include:

(a) The number of complaints relating to garages, garagemen and body shops made to and acted upon by the Department during the year for which the report is prepared;

(b) The number of investigations conducted during that year by the Department relating to garages, garagemen and body shops; and

(c) The outcome of each investigation specified in paragraph (b) and the extent to which any information relating to each investigation is subject to disclosure to the members of the public.

2. On or before January 1 of each even-numbered year, the Director of the Department shall submit the report required pursuant to subsection 1 to the Legislative Commission. On or before January 1 of each odd-numbered year, the Director of the Department shall submit the report to the Director of the Legislative Counsel Bureau for transmittal to:

(a) The Senate Standing Committee on Energy, Infrastructure and Transportation; and

(b) The Assembly Standing Committee on Transportation.

Sec. 20. The Attorney General or any district attorney may bring an action in any court of competent jurisdiction in the name of the State of Nevada on the complaint of the Director, or of any person allegedly aggrieved by a violation of the provisions of sections 6 to 19, inclusive, of this act, to enjoin any violation of the provisions of sections 6 to 19, inclusive, of this act.

Sec. 21. Any person who knowingly violates any provision of sections 5 to 19, inclusive, of this act is liable, in addition to any other penalty or remedy which may be provided by law, to a civil penalty of not more than \$500 for each offense, which may be recovered by civil action on complaint of the Director or the district attorney.

Sec. 21.5. NRS 487.002 is hereby amended to read as follows:

487.002 1. The Advisory Board on Automotive Affairs, consisting of seven members appointed by the Governor, is hereby created within the Department.

2. The Governor shall appoint to the Board:

- (a) One representative of the Department;
- (b) One representative of licensed operators of body shops;
- (c) One representative of licensed automobile wreckers;
- (d) One representative of registered garagemen;
- (e) One representative of licensed operators of salvage pools; and
- (f) Two representatives of the general public.

3. After the initial terms, each member of the Board serves a term of 4 years. The members of the Board shall annually elect from among their number a Chairman and a Vice Chairman. The Department shall provide secretarial services for the Board.

4. The Board shall meet regularly at least twice each year and may meet at other times upon the call of the Chairman. Each member of the Board is entitled to the per diem allowance and travel expenses provided for state officers and employees generally.

5. The Board shall:

(a) Study the regulation of garagemen, automobile wreckers and operators of body shops and salvage pools, including, without limitation, the registration or licensure of such persons and the methods of disciplinary action against such persons;

(b) Analyze and advise the Department relating to any consumer complaints ~~provided to the Department by the Consumer Affairs Division of the Department of Business and Industry pursuant to NRS 598.985 or otherwise~~ received by the Department concerning garagemen, automobile wreckers or operators of body shops or salvage pools;

(c) Make recommendations to the Department for any necessary regulations or proposed legislation pertaining to paragraph (a) or (b);

(d) On or before January 15 of each odd-numbered year, prepare and submit a report concerning its activities and recommendations to the Governor and to the Director of the Legislative Counsel Bureau for transmission to the Legislature; and

(e) Perform any other duty assigned by the Department.

Sec. 22. NRS 487.530 is hereby amended to read as follows:

487.530 As used in NRS 487.530 to ~~[487.570,]~~ **487.690**, inclusive, *and sections 2 to 21, inclusive, of this act*, unless the context otherwise requires, the words and terms defined in NRS ~~[487.535]~~ **487.540** to 487.550, inclusive, *and sections 2 and 3 of this act* have the meanings ascribed to them in those sections.

Sec. 23. NRS 487.555 is hereby amended to read as follows:

487.555 The provisions of NRS 487.530 to ~~[487.570,]~~ **487.690**, inclusive, *and sections 2 to 21, inclusive, of this act* do not apply to a service

station that is exclusively engaged in the business of selling motor vehicle fuel, lubricants or goods unrelated to the repair of motor vehicles.

Sec. 24. NRS 487.563 is hereby amended to read as follows:

487.563 1. Each person who submits an application for registration pursuant to the provisions of NRS 487.560 shall file with the Department a bond in the amount of \$5,000, with a corporate surety for the bond that is licensed to do business in this State. The form of the bond must be approved by the Attorney General and be conditioned upon whether the applicant conducts his business as an owner or operator of a garage without fraud or fraudulent representation and in compliance with the provisions of ***sections 4 to 21, inclusive, of this act and*** NRS 487.530 to ~~487.570,~~ ***487.567, inclusive.*** ~~[, and 597.480 to 597.590, inclusive.]~~

2. The bond must be continuous in form and the total aggregate liability on the bond must be limited to the payment of the total amount of the bond.

3. The bond must provide that any person injured by the action of the garageman may:

(a) Apply to the Director for compensation from the bond. The Director, for good cause shown and after notice and opportunity for hearing, may determine the amount of compensation and the person to whom it is to be paid. The surety shall then make payment.

(b) Present to the Director an order of a court requiring the Director to pay to the person an amount of compensation from the bond. The Director shall inform the surety, and the surety shall then make payment.

4. In lieu of a bond required to be filed pursuant to the provisions of subsection 1, a person may deposit with the Department, pursuant to the terms prescribed by the Department:

(a) A like amount of money or bonds of the United States or of the State of Nevada of an actual market value of not less than the amount fixed by the Department; or

(b) A savings certificate of a bank or savings and loan association located in this State, which must indicate an account of an amount equal to the amount of the bond that would otherwise be required pursuant to this section and that the amount is unavailable for withdrawal except upon order of the Department. Interest earned on the certificate accrues to the account of the applicant.

5. A deposit made pursuant to subsection 4 may be disbursed by the Director, for good cause shown and after notice and opportunity for hearing, in an amount determined by him to compensate a person injured by an action of the garageman or released upon receipt of:

(a) An order of a court requiring the Director to release all or a specified portion of the deposit; or

(b) A statement signed by the person under whose name the deposit is made and acknowledged before any person authorized to take acknowledgments in this State, requesting that the Director release the

deposit, or a specified portion thereof, and stating the purpose for which the release is requested.

6. If a person fails to comply with an order of a court that relates to the repair of a motor vehicle, or fails to pay or otherwise discharge any final judgment rendered and entered against him or any court order issued and arising out of the repair of a motor vehicle in the operation of a garage, the Department shall revoke or refuse to renew the certificate of registration of the person who failed to comply with the order or satisfy the judgment.

7. The Department may reinstate or renew a certificate of registration that is revoked pursuant to the provisions of subsection 6 if the person whose certificate of registration is revoked complies with the order of the court.

8. A garageman whose registration has been revoked pursuant to the provisions of subsection 6 shall furnish to the Department a bond in the amount specified in subsection 1 before the reinstatement of his registration.

Sec. 25. NRS 487.564 is hereby amended to read as follows:

487.564 1. The Department may refuse to issue a registration or may suspend, revoke or refuse to renew a registration to operate a garage upon any of the following grounds:

(a) A false statement of a material fact in a certification for a salvage vehicle required pursuant to NRS 487.800.

(b) A false statement or certification for an inspection pursuant to NRS 487.800 which attests to the mechanical fitness or safety of a salvage vehicle.

(c) The Director determines that the garage or garageman has engaged in a deceptive trade practice or violated the provisions of ~~NRS 597.480 to 597.590, inclusive.~~ **sections 4 to 21, inclusive, of this act.**

(d) Evidence of unfitness of the applicant or registrant pursuant to NRS 487.165.

(e) A violation of any regulation adopted by the Department governing the operation of a garage.

(f) A violation of any statute or regulation that constitutes fraud in conjunction with the repair of a motor vehicle or operation of a garage.

2. A person for whom a certificate of registration has been suspended or revoked pursuant to the provisions of this section, subsection 6 of NRS 487.563 or similar provisions of the laws of any other state or territory of the United States shall not be employed by, or in any manner affiliated with, the operation of a garage subject to registration in this State.

3. As used in this section, "salvage vehicle" has the meaning ascribed to it in NRS 487.770.

Sec. 26. NRS 487.600 is hereby amended to read as follows:

487.600 As used in NRS 487.600 to ~~487.690,~~ **487.687**, inclusive, unless the context otherwise requires, the words and terms defined in NRS ~~487.602~~ **487.604** to 487.608, inclusive, have the meanings ascribed to them in those sections.

Sec. 27. NRS 487.640 is hereby amended to read as follows:

487.640 1. No license may be issued to an operator of a body shop until he procures and files with the Department a good and sufficient bond in the amount of \$10,000, with a corporate surety thereon licensed to do business in the State of Nevada, approved as to form by the Attorney General, and conditioned that the applicant shall conduct his business as an operator of a body shop without fraud or fraudulent representation, and in compliance with the provisions of *sections 4 to 21, inclusive, of this act and* NRS 487.600 to ~~[487.690,]~~ **487.687**, inclusive. ~~[, and 597.480 to 597.590, inclusive.]~~ The Department may, by agreement with any operator of a body shop who has been licensed by the Department for 5 years or more, allow a reduction in the amount of the bond of the operator, if the business of the operator has been conducted satisfactorily for the preceding 5 years, but no bond may be in an amount less than \$1,000.

2. The bond may be continuous in form and the total aggregate liability on the bond must be limited to the payment of the total amount of the bond.

3. The bond must provide that any person injured by the action of the operator of the body shop in violation of any of the provisions of *sections 4 to 21, inclusive, of this act and* NRS 487.600 to ~~[487.690,]~~ **487.687**, inclusive, ~~[and 597.480 to 597.590, inclusive,]~~ may apply to the Director for compensation from the bond. The Director, for good cause shown and after notice and opportunity for hearing, may determine the amount of compensation and the person to whom it is to be paid. The surety shall then make the payment.

4. In lieu of a bond an operator of a body shop may deposit with the Department, under the terms prescribed by the Department:

(a) A like amount of money or bonds of the United States or of the State of Nevada of an actual market value of not less than the amount fixed by the Department; or

(b) A savings certificate of a bank, credit union or savings and loan association situated in Nevada, which must indicate an account of an amount equal to the amount of the bond which would otherwise be required by this section and that this amount is unavailable for withdrawal except upon order of the Department. Interest earned on the certificate accrues to the account of the applicant.

5. A deposit made pursuant to subsection 4 may be disbursed by the Director, for good cause shown and after notice and opportunity for hearing, in an amount determined by him to compensate a person injured by an action of the licensee, or released upon receipt of:

(a) An order of a court requiring the Director to release all or a specified portion of the deposit; or

(b) A statement signed by the person under whose name the deposit is made and acknowledged before any person authorized to take acknowledgments in this State, requesting the Director to release the deposit,

or a specified portion thereof, and stating the purpose for which the release is requested.

6. When a deposit is made pursuant to subsection 4, liability under the deposit is in the amount prescribed by the Department. If the amount of the deposit is reduced or there is an outstanding judgment of a court for which the licensee is liable under the deposit, the license is automatically suspended. The license must be reinstated if the licensee:

- (a) Files an additional bond pursuant to subsection 1;
- (b) Restores the deposit with the Department to the original amount required under this section; or
- (c) Satisfies the outstanding judgment for which he is liable under the deposit.

7. A deposit made pursuant to subsection 4 may be refunded:

- (a) By order of the Director, 3 years after the date the licensee ceases to be licensed by the Department, if the Director is satisfied that there are no outstanding claims against the deposit; or
- (b) By order of court, at any time within 3 years after the date the licensee ceases to be licensed by the Department, upon evidence satisfactory to the court that there are no outstanding claims against the deposit.

8. Any money received by the Department pursuant to subsection 4 must be deposited with the State Treasurer for credit to the Motor Vehicle Fund.

Sec. 28. NRS 487.650 is hereby amended to read as follows:

487.650 1. The Department may refuse to issue a license or may suspend, revoke or refuse to renew a license to operate a body shop upon any of the following grounds:

(a) Failure of the applicant or licensee to have or maintain an established place of business in this State.

(b) Conviction of the applicant or licensee or an employee of the applicant or licensee of a felony, or of a misdemeanor or gross misdemeanor for a violation of a provision of this chapter.

(c) Any material misstatement in the application for the license.

(d) Willful failure of the applicant or licensee to comply with the motor vehicle laws of this State and **sections 4 to 21, inclusive, of this act or** NRS 487.600 to ~~[487.690,]~~ **487.687, inclusive .** ~~[, or 597.480 to 597.590, inclusive.]~~

(e) Failure or refusal by the licensee to pay or otherwise discharge any final judgment against him arising out of the operation of the body shop.

(f) Failure or refusal to provide to the Department an authorization for the disclosure of financial records for the business as required pursuant to subsection 2.

(g) A finding of guilty or guilty but mentally ill by a court of competent jurisdiction in a case involving a fraudulent inspection, purchase, sale or transfer of a salvage vehicle by the applicant or licensee or an employee of the applicant or licensee.

(h) An improper, careless or negligent inspection of a salvage vehicle pursuant to NRS 487.800 by the applicant or licensee or an employee of the applicant or licensee.

(i) A false statement of material fact in a certification of a salvage vehicle pursuant to NRS 487.800 or a record regarding a salvage vehicle by the applicant or licensee or an employee of the applicant or licensee.

(j) The display of evidence of unfitness for a license pursuant to NRS 487.165.

2. Upon the receipt of any report or complaint alleging that an applicant or a licensee has engaged in financial misconduct or has failed to satisfy financial obligations related to the operation of a body shop, the Department may require the applicant or licensee to submit to the Department an authorization for the disclosure of financial records for the business as provided in NRS 239A.090. The Department may use any information obtained pursuant to such an authorization only to determine the suitability of the applicant or licensee for initial or continued licensure. Information obtained pursuant to such an authorization may be disclosed only to those employees of the Department who are authorized to issue a license to an applicant pursuant to NRS 487.600 to ~~487.690,~~ **487.687**, inclusive, or to determine the suitability of an applicant or a licensee for licensure.

3. As used in this section, “salvage vehicle” has the meaning ascribed to it in NRS 487.770.

Sec. 29. NRS 487.690 is hereby amended to read as follows:

487.690 Any person who violates any of the provisions of **sections 4 to 21, inclusive, of this act or** NRS ~~487.600~~ **487.530** to 487.680, inclusive, is guilty of a misdemeanor.

Sec. 29.3. Chapter 228 of NRS is hereby amended by adding thereto a new section to read as follows:

1. There is hereby created a revolving account for the Bureau of Consumer Protection in the sum of \$7,500, which must be used for the payment of expenses relating to conducting an undercover investigation of a person who is allegedly engaging in a deceptive trade practice or violating the provisions of sections 4 to 21, inclusive, of this act.

2. The Consumer’s Advocate shall deposit the money in the revolving account in a bank or credit union qualified to receive deposits of public money as provided by law, and the deposit must be secured by a depository bond satisfactory to the State Board of Examiners.

3. The Consumer’s Advocate or his designee may:

(a) Sign all checks drawn upon the revolving account; and

(b) Make withdrawals of cash from the revolving account.

4. Payments made from the revolving account must be promptly reimbursed from the legislative appropriation, if any, to the Consumer’s Advocate for the expenses relating to conducting an undercover investigation of a person who is allegedly engaging in a deceptive trade practice or violating the provisions of sections 4 to 21, inclusive, of this act.

The claim for reimbursement must be processed and paid as other claims against the State are paid.

5. The Consumer's Advocate shall:

(a) Approve any disbursement from the revolving account; and

(b) Maintain records of any such disbursement.

Sec. 29.7. NRS 228.300 is hereby amended to read as follows:

228.300 As used in NRS 228.300 to 228.390, inclusive, **and section 29.3 of this act**, unless the context otherwise requires, the words and terms defined in NRS 228.302 to 228.308, inclusive, have the meanings ascribed to them in those sections.

Sec. 30. (Deleted by amendment.)

Sec. 31. (Deleted by amendment.)

Sec. 32. NRS 686A.300 is hereby amended to read as follows:

686A.300 1. An insurer who issues insurance covering damage to a motor vehicle shall not delay making payment for any claim involving damage to a motor vehicle after receiving a statement of charges, pursuant to the provisions of ~~[NRS 597.5705.]~~ **section 18 of this act**, from any garage or licensed body shop previously authorized by the insured to perform the repairs required by that claim.

2. A delay, within the meaning of this section, is failure to issue a check or draft, payable to the garage or licensed body shop or jointly to the insured and the garage or licensed body shop, within 30 days after the insurer's receipt of the statement of charges for repairs which have been satisfactorily completed.

3. If the damaged vehicle is subject to a security interest or the legal owner of the damaged vehicle is different from the registered owner, the vehicle must be repaired by a garage or licensed body shop unless:

(a) The insurer has declared the vehicle a total loss; or

(b) The total charge for the repair of the vehicle, as set forth in the statement of charges presented pursuant to ~~[NRS 597.5705.]~~ **section 18 of this act**, is \$300 or less.

4. Except as otherwise provided in subsection 3, nothing in this section shall be deemed to prohibit an insurer and insured from settling a claim involving damage to a motor vehicle without providing for the repair of the vehicle.

5. As used in this section, "licensed body shop" means a body shop for which a license has been issued pursuant to chapter 487 of NRS.

Sec. 33. NRS 487.535, 487.568, 487.570, 487.602, 597.480, 597.490, 597.500, 597.510, 597.520, 597.530, 597.535, 597.540, 597.550, 597.560, 597.570, 597.5701, 597.5702, 597.5703, 597.5704, 597.5705, 597.5706, 597.580, 597.590, 598.971, 598.975, 598.981, 598.985 and 598.990 are hereby repealed.

Sec. 34. This act becomes effective on July 1, 2009.

LEADLINES OF REPEALED SECTIONS

487.535 "Division" defined.

487.568 Penalty.

487.570 Garageman to comply with certain provisions relating to trade practices.

487.602 "Body shop" defined.

597.480 Definitions.

597.490 Display of sign required; contents of sign; penalty.

597.500 Duties of body shop or garageman on acceptance of vehicle for repair.

597.510 Estimate of costs required for certain repairs.

597.520 Notice of additional charges over estimate required in certain cases.

597.530 Waiver of estimate of costs or notice of additional charges; execution of waiver.

597.535 Duty of body shop and garage to repair vehicle in accordance with manufacturer's specifications and estimate of costs required for repair.

597.540 Duties of owner and insurer upon receipt of notice of additional charges.

597.550 Replaced parts to be delivered to person authorizing repairs if requested; exception.

597.560 Records to be retained by body shop or garageman.

597.570 Compliance with NRS 597.510 to 597.5706, inclusive; enforcement of liens and contracts.

597.5701 Certain acts deemed to be deceptive trade practice.

597.5702 Revolving account for Bureau of Consumer Protection: Creation; use; deposits; claims.

597.5703 Commissioner or Director authorized to request undercover investigation of alleged deceptive trade practice; Bureau of Consumer Protection authorized to conduct such investigation.

597.5704 Administrative fine for engaging in deceptive trade practice; deposit and use of money collected as administrative fine.

597.5705 Statement of charges required for repair of vehicle; violation constitutes misdemeanor; statement required for enforcement of lien.

597.5706 Submission of annual report by Commissioner to Legislative Commission.

597.580 Violations: Injunctive relief.

597.590 Violations: Civil penalties.

598.971 Definitions.

598.975 "Department" defined.

598.981 "Division" defined.

598.985 Division and Department to cooperate to protect persons who authorize repair of motor vehicles.

598.990 Division to establish and maintain toll-free telephone number concerning alleged violations and develop program to provide certain information to public.

Assemblyman Atkinson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 482.

Remarks by Assemblyman Atkinson.

Potential conflict of interest declared by Assemblyman Manendo.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

REPORTS OF CONFERENCE COMMITTEES

Madam Speaker:

The Conference Committee concerning Assembly Bill No. 320, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 694 of the Senate be concurred in.

It has agreed to recommend that Amendment No. 871 of the Senate be receded from and a 4th reprint be created in accordance with this action.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 19, which is attached to and hereby made a part of this report.

TICK SEGERBLOM

PEGGY PIERCE

JOHN CARPENTER

Assembly Conference Committee

MIKE MCGINNESS

ALLISON COPENING

TERRY CARE

Senate Conference Committee

Conference Amendment No. CA19.

AN ACT relating to guardianships; requiring additional information in a petition for appointment of a guardian under certain circumstances; requiring that a proposed adult ward be advised of his right to counsel; revising provisions relating to the attendance of a proposed adult ward at a guardianship hearing; requiring a guardian to petition a court before moving a ward into certain residential facilities under certain circumstances; making various other changes relating to guardianships; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 3 of this bill requires that a petitioner for the appointment of a guardian for a proposed adult ward provide the court with an assessment completed by a licensed physician of the proposed adult ward's needs and limitations in capacity before the court makes a final order in the case. (NRS 159.044)

Section 4 of this bill provides that a proposed adult ward must be advised of his right to counsel in the guardianship proceeding and requires that certain information or responses provided by the adult ward relating to his right to counsel and to the proceeding be transmitted to the court. (NRS 159.0485)

Existing law provides that a proposed ward found in this State must attend a hearing for the appointment of a guardian unless a certificate is signed indicating the reasons the proposed ward cannot appear. (NRS 159.0535) **Section 5** of this bill provides that a proposed ward who is unable to attend a hearing for the appointment of a general or special guardian may attend by videoconference. **Section 5** further provides that if a proposed ward is an adult and cannot attend the hearing or appear by videoconference, the court must have the person who signs the certificate to excuse the proposed adult ward from attending the hearing meet with the proposed adult ward and report back to the court regarding the proposed adult ward's desire for representation at the hearing, preferences if a guardianship is imposed and any information the person believes may have limited any of the proposed adult ward's responses.

Existing law provides that a guardian must file with the court annually, or at such other times the court deems appropriate, a written report on the condition of the ward and the exercise of authority and the performance of duties by the guardian. (NRS 159.081) **Section 6** of this bill: (1) provides that a guardian must also file with the court a report within 10 days of moving a ward to a secured residential long-term care facility; and (2) authorizes the court to determine the form and contents of such a report.

Section 7 of this bill requires a guardian to petition the court and receive the court's consent before moving a ward into a secured residential long-term care facility. However, a guardian does not need to petition the court if the court has already granted the guardian the authority to move the ward to such a facility or if a licensed physician, a physician employed by the Department of Veterans Affairs, a licensed social worker or an employee of the county's office of protective services recommends the transfer in writing. (NRS 159.113)

Section 8 of this bill makes a technical correction to section 27 of Senate Bill No. 277 of this session, which establishes the allowable compensation of an attorney of a personal representative. (NRS 150.060)

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

Section 1. Chapter 159 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *"Secured residential long-term care facility" means a residential facility providing long-term care that is designed to restrict a resident of the facility from leaving the facility, a part of the facility or the grounds of the facility through the use of locks or other mechanical means unless the resident is accompanied by a staff member of the facility or another person authorized by the facility or the guardian.*

2. *The term does not include a residential facility providing long-term care which uses procedures or mechanisms only to track the location or*

actions of a resident or to assist a resident to perform the normal activities of daily living.

Sec. 2. NRS 159.013 is hereby amended to read as follows:

159.013 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 159.014 to 159.027, inclusive, **and section 1 of this act**, have the meanings ascribed to them in those sections.

Sec. 3. NRS 159.044 is hereby amended to read as follows:

159.044 1. Except as otherwise provided in NRS 127.045, a proposed ward, a governmental agency, a nonprofit corporation or any interested person may petition the court for the appointment of a guardian.

2. To the extent the petitioner knows or reasonably may ascertain or obtain, the petition must include, without limitation:

- (a) The name and address of the petitioner.
- (b) The name, date of birth and current address of the proposed ward.
- (c) A copy of one of the following forms of identification of the proposed ward which must be placed in the records relating to the guardianship proceeding and, except as otherwise provided in NRS 239.0115 or as otherwise required to carry out a specific statute, maintained in a confidential manner:

- (1) A social security number;
- (2) A taxpayer identification number;
- (3) A valid driver's license number;
- (4) A valid identification card number; or
- (5) A valid passport number.

↪ If the information required pursuant to this paragraph is not included with the petition, the information must be provided to the court not later than 120 days after the appointment of a guardian or as otherwise ordered by the court.

(d) If the proposed ward is a minor, the date on which he will attain the age of majority and:

(1) Whether there is a current order concerning custody and, if so, the state in which the order was issued; and

(2) Whether the petitioner anticipates that the proposed ward will need guardianship after attaining the age of majority.

(e) Whether the proposed ward is a resident or nonresident of this State.

(f) The names and addresses of the spouse of the proposed ward and the relatives of the proposed ward who are within the second degree of consanguinity.

(g) The name, date of birth and current address of the proposed guardian. If the proposed guardian is a private professional guardian, the petition must include proof that the guardian meets the requirements of NRS 159.0595. If the proposed guardian is not a private professional guardian, the petition must include a statement that the guardian currently is not receiving compensation for services as a guardian to more than one ward who is not related to the person by blood or marriage.

(h) A copy of one of the following forms of identification of the proposed guardian which must be placed in the records relating to the guardianship proceeding and, except as otherwise provided in NRS 239.0115 or as otherwise required to carry out a specific statute, maintained in a confidential manner:

- (1) A social security number;
- (2) A taxpayer identification number;
- (3) A valid driver's license number;
- (4) A valid identification card number; or
- (5) A valid passport number.

(i) Whether the proposed guardian has ever been convicted of a felony and, if so, information concerning the crime for which he was convicted and whether the proposed guardian was placed on probation or parole.

(j) A summary of the reasons why a guardian is needed and recent documentation demonstrating the need for a guardianship. The documentation may include, without limitation:

(1) A certificate signed by a physician who is licensed to practice medicine in this State stating the need for a guardian;

(2) A letter signed by any governmental agency in this State which conducts investigations stating the need for a guardian; or

(3) A certificate signed by any other person whom the court finds qualified to execute a certificate stating the need for a guardian.

(k) Whether the appointment of a general or a special guardian is sought.

(l) A general description and the probable value of the property of the proposed ward and any income to which the proposed ward is or will be entitled, if the petition is for the appointment of a guardian of the estate or a special guardian. If any money is paid or is payable to the proposed ward by the United States through the Department of Veterans Affairs, the petition must so state.

(m) The name and address of any person or care provider having the care, custody or control of the proposed ward.

(n) The relationship, if any, of the petitioner to the proposed ward and the interest, if any, of the petitioner in the appointment.

(o) Requests for any of the specific powers set forth in NRS 159.117 to 159.175, inclusive, necessary to enable the guardian to carry out the duties of the guardianship.

(p) Whether the guardianship is sought as the result of an investigation of a report of abuse or neglect that is conducted pursuant to chapter 432B of NRS by an agency which provides child welfare services. As used in this paragraph, "agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

(q) Whether the proposed ward is a party to any pending criminal or civil litigation.

(r) Whether the guardianship is sought for the purpose of initiating litigation.

(s) Whether the proposed ward has executed a durable power of attorney for health care, a durable power of attorney for financial matters or a written nomination of guardian and, if so, who the named agents are for each document.

3. Before the court makes a finding pursuant to NRS 159.054, a petitioner seeking a guardian for a proposed adult ward must provide the court with an assessment of the needs of the proposed adult ward completed by a licensed physician which identifies the limitations of capacity of the proposed adult ward and how such limitations affect the ability of the proposed adult ward to maintain his safety and basic needs. The court may prescribe the form in which the assessment of the needs of the proposed adult ward must be filed.

Sec. 4. NRS 159.0485 is hereby amended to read as follows:

159.0485 1. *At the first hearing for the appointment of a guardian for a proposed adult ward, the court shall advise the proposed adult ward who is in attendance at the hearing or who is appearing by videoconference at the hearing of his right to counsel and determine whether the proposed adult ward wishes to be represented by counsel in the guardianship proceeding. If the proposed adult ward is not in attendance at the hearing because the proposed adult ward has been excused pursuant to NRS 159.0535 and is not appearing by videoconference at the hearing, the person who signs the certificate pursuant to NRS 159.0535 to excuse the proposed adult ward from attending the hearing shall advise the proposed adult ward of his right to counsel and determine whether the proposed adult ward wishes to be represented by counsel in the guardianship proceeding.*

2. If an adult ward or proposed adult ward is unable to retain legal counsel and requests the appointment of counsel, at any stage in a guardianship proceeding and whether or not the adult ward or proposed adult ward lacks or appears to lack capacity, the court shall, at or before the time of the next hearing, appoint an attorney who works for legal aid services, if available, or a private attorney to represent the adult ward or proposed adult ward. The appointed attorney must represent the adult ward or proposed adult ward until relieved of the duty by court order.

~~{2.}~~ 3. Subject to the discretion and approval of the court, the attorney for the adult ward or proposed adult ward is entitled to reasonable compensation which must be paid from the estate of the adult ward or proposed adult ward. If the court finds that a person has unnecessarily or unreasonably caused the appointment of an attorney, the court may order the person to pay to the estate of the adult ward or proposed adult ward all or part of the expenses associated with the appointment of the attorney.

Sec. 5. NRS 159.0535 is hereby amended to read as follows:

159.0535 1. A proposed ward who is found in this State must attend the hearing for the appointment of a guardian unless:

(a) A certificate signed by a physician who is licensed to practice in this State specifically states the condition of the proposed ward, ~~and~~ the reasons why the proposed ward is unable to appear in court ~~[-]~~ *and whether the proposed ward's attendance at the hearing would be detrimental to the physical health of the proposed ward;* or

(b) A certificate signed by any other person the court finds qualified to execute a certificate states the condition of the proposed ward, ~~and~~ the reasons why the proposed ward is unable to appear in court ~~[-]~~ *and whether the proposed ward's attendance at the hearing would be detrimental to the physical health of the proposed ward.*

2. *A proposed ward found in this State who cannot attend the hearing for the appointment of a general or special guardian as set forth in a certificate pursuant to subsection 1 may appear by videoconference. If the proposed ward is an adult and cannot attend by videoconference, the person who signs the certificate described in subsection 1 shall:*

(a) *Inform the proposed adult ward that the petitioner is requesting that the court appoint a guardian for the proposed adult ward;*

(b) *Ask the proposed adult ward for a response to the guardianship petition;*

(c) *Inform the proposed adult ward of his right to counsel and ask whether the proposed adult ward wishes to be represented by counsel in the guardianship proceeding; and*

(d) *Ask the preferences of the proposed adult ward for the appointment of a particular person as his guardian.*

3. *If the proposed ward is an adult, the person who signs the certificate described in subsection 1 shall state in the certificate:*

(a) *That the proposed adult ward has been advised of his right to counsel and asked whether he wishes to be represented by counsel in the guardianship proceeding;*

(b) *The responses of the proposed adult ward to the questions asked pursuant to subsection 2; and*

(c) *Any conditions that the person believes may have limited the responses by the proposed adult ward.*

4. *The court may prescribe the form in which the certificate must be filed. If the certificate consists of separate parts, each part must be signed by a person identified in subsection 1.*

5. If the proposed ward is not in this State, the proposed ward must attend the hearing only if the court determines that the attendance of the proposed ward is necessary in the interests of justice.

Sec. 6. NRS 159.081 is hereby amended to read as follows:

159.081 1. A guardian of the person shall make and file in the guardianship proceeding for review of the court a written report on the condition of the ward and the exercise of authority and performance of duties by the guardian:

(a) Annually, not later than 60 days after the anniversary date of the appointment of the guardian; ~~and~~

(b) *Within 10 days of moving a ward to a secured residential long-term care facility; and*

(c) At such other times as the court may order.

2. *A report filed pursuant to paragraph (b) of subsection 1 must:*

(a) *Include a copy of the written recommendation upon which the transfer was made; and*

(b) *Be served, without limitation, on the attorney for the ward, if any.*

3. *The court may prescribe the form and contents for filing a report described in subsection 1.*

4. The guardian of the person shall give to the guardian of the estate, if any, a copy of each report not later than 30 days after the date the report is filed with the court.

~~{2-}~~ 5. The court is not required to hold a hearing or enter an order regarding the report.

Sec. 7. NRS 159.113 is hereby amended to read as follows:

159.113 1. Before taking any of the following actions, the guardian shall petition the court for an order authorizing the guardian to:

(a) Invest the property of the ward pursuant to NRS 159.117.

(b) Continue the business of the ward pursuant to NRS 159.119.

(c) Borrow money for the ward pursuant to NRS 159.121.

(d) Except as otherwise provided in NRS 159.079, enter into contracts for the ward or complete the performance of contracts of the ward pursuant to NRS 159.123.

(e) Make gifts from the ward's estate or make expenditures for the ward's relatives pursuant to NRS 159.125.

(f) Sell, lease or place in trust any property of the ward pursuant to NRS 159.127.

(g) Exchange or partition the ward's property pursuant to NRS 159.175.

(h) Release the power of the ward as trustee, personal representative or custodian for a minor or guardian.

(i) Exercise or release the power of the ward as a donee of a power of appointment.

(j) Change the state of residence or domicile of the ward.

(k) Exercise the right of the ward to take under or against a will.

(l) Transfer to a trust created by the ward any property unintentionally omitted from the trust.

(m) Submit a revocable trust to the jurisdiction of the court if:

(1) The ward or the spouse of the ward, or both, are the grantors and sole beneficiaries of the income of the trust; or

(2) The trust was created by the court.

(n) Pay any claim by the Department of Health and Human Services to recover benefits for Medicaid correctly paid to or on behalf of the ward.

(o) Except as otherwise provided in subsection 6, move the ward into a secured residential long-term care facility.

2. Before taking any of the following actions, unless the guardian has been otherwise ordered by the court to petition the court for permission to take specified actions or make specified decisions in addition to those described in subsection 1, the guardian may petition the court for an order authorizing the guardian to:

(a) Obtain advice, instructions and approval of any other proposed act of the guardian relating to the ward's property.

(b) Take any other action which the guardian deems would be in the best interests of the ward.

3. The petition must be signed by the guardian and contain:

(a) The name, age, residence and address of the ward.

(b) A concise statement as to the condition of the ward's estate.

(c) A concise statement as to the advantage to the ward of or the necessity for the proposed action.

(d) The terms and conditions of any proposed sale, lease, partition, trust, exchange or investment, and a specific description of any property involved.

4. Any of the matters set forth in subsection 1 may be consolidated in one petition, and the court may enter one order authorizing or directing the guardian to do one or more of those acts.

5. A petition filed pursuant to paragraphs (b) and (d) of subsection 1 may be consolidated in and filed with the petition for the appointment of the guardian, and if the guardian is appointed, the court may enter additional orders authorizing the guardian to continue the business of the ward, enter contracts for the ward or complete contracts of the ward.

6. Without filing a petition pursuant to paragraph (o) of subsection 1, a guardian may move a ward into a secured residential long-term care facility if:

(a) The court has previously granted the guardian authority to move the ward to such a facility based on findings made when the court appointed the general or special guardian; or

(b) The transfer is made pursuant to a written recommendation by a licensed physician, a physician employed by the Department of Veterans Affairs, a licensed social worker or an employee of a county's office for protective services.

7. As used in this section, "protective services" has the meaning ascribed to it in NRS 200.5092.

Sec. 8. Section 27 of Senate Bill No. 277 of this session is hereby amended to read as follows:

Sec. 27. NRS 150.060 is hereby amended to read as follows:

150.060 1. Attorneys for personal representatives are entitled to reasonable compensation for their services, to be paid out of the decedent's estate.

2. *An attorney for a personal representative may be compensated based on:*

- (a) The applicable hourly rate of the attorney;*
- (b) The value of the estate accounted for by the personal representative;*
- (c) An agreement as set forth in subsection 4 of section 21 of this act; or*
- (d) Any other method preapproved by the court pursuant to a request in the initial petition for the appointment of the personal representative.*

3. *If the attorney is requesting compensation based on the hourly rate of the attorney, he may include, as part of that compensation for ordinary services, a charge for legal services or paralegal services performed by a person under his direction and supervision.*

4. *If the attorney is requesting compensation based on the value of the estate accounted for by the personal representative, the allowable compensation of the attorney for ordinary services must be determined as follows:*

- (a) For the first \$100,000, at the rate of 4 percent;*
- (b) For the next \$100,000, at the rate of 3 percent;*
- (c) For the next \$800,000, at the rate of 2 percent;*
- (d) For the next \$9,000,000, at the rate of 1 percent;*
- (e) For the next \$15,000,000, at the rate of ~~1.05~~ 0.5 percent; and*
- (f) For all amounts above \$25,000,000, a reasonable amount to be determined by the court.*

5. *Before an attorney may receive compensation based on the value of the estate accounted for by the personal representative, the personal representative must sign a written agreement as required by subsection 8. The agreement must be prepared by the attorney and must include detailed information, concerning, without limitation:*

- (a) The schedule of fees to be charged by the attorney;*
- (b) The manner in which compensation for extraordinary services may be charged by the attorney; and*
- (c) The fact that the court is required to approve the compensation of the attorney pursuant to subsection 8 before the personal representative pays any such compensation to the attorney.*

6. *For the purposes of determining the compensation of an attorney pursuant to subsection 4, the value of the estate accounted for by the personal representative:*

- (a) Is the total amount of the appraisal of property in the inventory, plus:*
 - (1) The gains over the appraisal value on sales; and*
 - (2) The receipts, less losses from the appraisal value on sales; and*
- (b) Does not include encumbrances or other obligations on the property of the estate.*

7. *In addition to the compensation for ordinary services of an attorney set forth in this section, an attorney may also be entitled to receive*

compensation for extraordinary services as set forth in section 21 of this act.

8. The ~~{amount}~~ **compensation of the attorney** must be fixed by **written** agreement between the personal representative and the attorney, **and is** subject to approval by the court, after petition, notice and hearing as provided in ~~{subsection 2-}~~ **this section**. If the personal representative and the attorney fail to reach agreement, or if the attorney is also the personal representative, the amount must be determined and allowed by the court. The petition **requesting approval of the compensation of the attorney** must contain specific and detailed information supporting the entitlement to compensation, including:

(a) ***If the attorney is requesting compensation based upon the value of the estate accounted for by the personal representative, the attorney must provide the manner of calculating the compensation in the petition; and***

(b) ***If the attorney is requesting compensation based on an hourly basis, or is requesting compensation for extraordinary services, the attorney must provide the following information to the court:***

(1) Reference to time and hours;

~~{(b)}~~ (2) The nature and extent of services rendered;

~~{(c)}~~ (3) Claimed ordinary and extraordinary services;

~~{(d)}~~ (4) The complexity of the work required; and

~~{(e)}~~ (5) Other information considered to be relevant to a determination of entitlement.

~~{2-}~~ 9. The clerk shall set the petition for hearing, and the petitioner shall give notice of the petition to the personal representative if he is not the petitioner and to all known heirs in an intestacy proceeding and devisees in a will proceeding. The notice must be given for the period and in the manner provided in NRS 155.010. If a complete copy of the petition is not attached to the notice, the notice must include a statement of the amount of the fee which the court will be requested to approve or allow.

~~{3-}~~ 10. On similar petition, notice and hearing, the court may make an allowance to an attorney for services rendered up to a certain time during the proceedings.

~~{4-}~~ ***If the attorney is requesting compensation based upon the value of the estate as accounted for by the personal representative, the court may apportion the compensation as it deems appropriate given the amount of work remaining to close the estate.***

11. An heir or devisee may file objections to a petition filed pursuant to this section, and the objections must be considered at the hearing.

~~{5-}~~ 12. Except as otherwise provided in this subsection, an attorney for minor, absent, unborn, incapacitated or nonresident heirs is entitled to compensation primarily out of the estate of the distributee so represented by him in those cases and to such extent as may be determined by the court. If the court finds that all or any part of the services performed by the attorney for the minor, absent, unborn, incapacitated or nonresident heirs was of value

to the decedent's entire estate as such and not of value only to those heirs, the court shall order that all or part of the attorney's fee be paid to the attorney out of the money of the decedent's entire estate as a general administrative expense of the estate. The amount of these fees must be determined in the same manner as the other attorney's fees provided for in this section.

Sec. 9. 1. This section and section 8 of this act become effective upon passage and approval.

2. Sections 1 to 7, inclusive, of this act become effective on October 1, 2009.

Assemblyman Segerblom moved that the Assembly adopt the report of the Conference Committee concerning Assembly Bill No. 320.

Remarks by Assemblyman Segerblom.

Motion carried by a constitutional majority.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 6:44 p.m.

ASSEMBLY IN SESSION

At 9:58 p.m.

Madam Speaker presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 31, 2009

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day failed to sustain the Governor's veto of Assembly Bills Nos. 246, 410; Senate Bills Nos. 195, 319, 363, 394.

SHERRY L. RODRIGUEZ

Assistant Secretary of the Senate

COMMUNICATIONS

OFFICE OF THE GOVERNOR

May 28, 2009

THE HONORABLE STEVEN HORSFORD, *Senate Majority Leader*, Legislative Building, 401
South Carson Street, Carson City, NV 89701

RE: Senate Bill No. 195 of the 75th Legislative Session

DEAR SENATOR HORSFORD:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Senate Bill 195, which is entitled:

AN ACT relating to industrial insurance; revising provisions relating to the denial or acceptance of a claim for compensation; revising provisions relating to examinations and permanent partial disabilities; increasing certain death benefits; revising provisions relating to the imposition of administrative fines and benefit penalties for certain violations; establishing continuous care coverage as a line of insurance for which a producer may be licensed; revising provisions for the issuance of a certificate of registration as an administrator; and providing other matters properly relating thereto.

Senate Bill 195 ,would make various changes to industrial insurance and workers compensation, including what factors may be considered when determining compensation levels and dictating the use of the 5th Edition of the American Medical Association's Guides to the *Evaluation of Permanent Impairment*.

In 2005 the Legislature adopted a bill requiring automatic adoption of the most recent edition of the AMA' s guidebook. I have not been convinced of the benefit in using anything other than the most scientifically advanced guide when evaluating permanent impairment for disability claims. For example, the 6th Edition of the guide deals with soft tissue injuries while the 5th Edition does not consider such injuries. It only makes sense to use the best available information when evaluating these impairments.

Senate Bill 195 also allows for the consideration of stress as a factor when evaluating a person for a permanent partial disability. I do not believe it's appropriate to consider such a subjective and transitive factor as stress when making a determination of permanency.

For these reasons, I hereby exercise my constitutional grant of authority and veto Senate Bill 195.

Sincerely,
JIM GIBBONS
Governor

MOTIONS, RESOLUTIONS AND NOTICES

Vetoed Senate Bill No. 195 of the 75th Session.

Bill read.

The question was put: “Shall the bill pass, notwithstanding the objections of the Governor?”

The roll was called, and the Assembly overrode the veto of the Governor by the following vote:

Roll call on Senate Bill No. 195:

YEAS—28.

NAYS—Carpenter, Christensen, Cobb, Gansert, Goedhart, Goicoechea, Grady, Gustavson, Hambrick, Hardy, McArthur, Settlemeyer, Stewart, Woodbury—14.

Bill ordered transmitted to the Senate.

COMMUNICATIONS

OFFICE OF THE GOVERNOR

May 26, 2009

THE HONORABLE STEVEN HORSFORD, *Senate Majority Leader*, Legislative Building, 401
South Carson Street, Carson City, NV 89701

RE: Senate Bill No. 319 of the 75th Legislative Session

DEAR SENATOR HORSFORD:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Senate Bill 319, which is entitled:

AN ACT relating to health care; revising provisions relating to reports of sentinel events; requiring certain investigations relating to sentinel events; requiring the Health Division of the Department of Health and Human Services to prepare an annual summary of the reports; requiring the Health Division to study certain issues relating to the tracking and reporting of near-miss events; and providing other matters properly relating thereto.

Senate Bill 319 pertains primarily to the reporting of sentinel events by medical facilities. Existing law requires the reporting of sentinel events to the Department of Health and Human Services. This bill amends and expands upon many of these reporting requirements and many of those additions and amendments represent sound public policy. However, the bill also requires

publication of many reports related to sentinel events. The publication of such reports creates an opportunity for mischief from those who would seek to profit from the misfortunes of others by identifying events that could become the basis of litigation. Reports are already filed with and maintained by the Department of Health and Human Services, and that agency is equipped to respond to problems identified in the reports.

For these reasons, I hereby exercise my constitutional grant of authority and veto Senate Bill 319.

Sincerely,
JIM GIBBONS
Governor

MOTIONS, RESOLUTIONS AND NOTICES

Vetoed Senate Bill No. 319 of the 75th Session.

Bill read.

The question was put: "Shall the bill pass, notwithstanding the objections of the Governor?"

The roll was called, and the Assembly overrode the veto of the Governor by the following vote:

Roll call on Senate Bill No. 319:

YEAS—34.

NAYS—Christensen, Cobb, Goedhart, Goicoechea, Gustavson, Hambrick, McArthur, Settelmeyer—8.

Bill ordered transmitted to the Senate.

COMMUNICATIONS

OFFICE OF THE GOVERNOR

May 28, 2009

THE HONORABLE STEVEN HORSFORD, *Senate Majority Leader*, Legislative Building, 401
South Carson Street, Carson City, NV 89701

RE: Senate Bill No. 363 of the 75th Legislative Session

DEAR SENATOR HORSFORD:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval Senate Bill 363, which is entitled:

AN ACT relating to industrial insurance; authorizing the surviving spouse of a deceased employee to continue to receive death benefits under industrial insurance after the surviving spouse remarries; and providing other matters properly relating thereto.

Senate Bill 363 would eliminate the section of state law that terminates workers compensation death benefit payments when surviving spouses get remarried, continuing those payments in perpetuity. While everyone can empathize with someone whose spouse dies while on the job, the death benefit payments outlined in workers compensation coverage are not intended to compensate that surviving spouse for their loss. Instead, the death benefit is meant to ensure the surviving spouse is able to sustain his or her livelihood and continue living in a lifestyle similar to the one they grew accustomed to during their marriage.

While there is no way to make up for the loss of a spouse the decision to remarry marks a significant change in lifestyle for that individual. Existing law was structured recognizing this change and ends death benefit payments appropriately including a one-time, lump sum payment worth two years' benefits to provide a cushion for the surviving spouse. Nothing has changed that alters the reasoning that went into existing law for death benefits compensation.

Additionally, providing death benefit payments in perpetuity to surviving spouses who remarry is an unfunded mandate upon other governmental entities that pay these benefits. While the total liability for these governments may be difficult to quantify, this liability most assuredly

exists and creates additional exposure for these groups without a clear reason for making this change in policy.

For these reasons, I hereby exercise my constitutional grant of authority and veto Senate Bill 363.

Sincerely,
JIM GIBBONS
Governor

MOTIONS, RESOLUTIONS AND NOTICES

Vetoed Senate Bill No. 363 of the 75th Session.

Bill read.

The question was put: “Shall the bill pass, notwithstanding the objections of the Governor?”

The roll was called, and the Assembly overrode the veto of the Governor by the following vote:

Roll call on Senate Bill No. 363:

YEAS—28.

NAYS—Carpenter, Christensen, Cobb, Gansert, Goedhart, Goicoechea, Grady, Gustavson, Hambrick, Hardy, McArthur, Settlemeyer, Stewart, Woodbury—14.

Bill ordered transmitted to the Senate.

COMMUNICATIONS

OFFICE OF THE GOVERNOR

May 26, 2009

THE HONORABLE STEVEN HORSFORD, *Senate Majority Leader*, Legislative Building, 401
South Carson Street, Carson City, NV 89701

RE: Senate Bill No. 394 of the 75th Legislative Session

DEAR SENATOR HORSFORD:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Senate Bill 394, which is entitled:

AN ACT relating to off-highway vehicles; requiring certain owners of off-highway vehicles to obtain certificates of title and registration for those vehicles; requiring the Department of Motor Vehicles to charge and collect certain fees; creating the Fund for Off-Highway Vehicles; creating the Commission on Off-Highway Vehicles; creating the Revolving Account for the Administration of Off-Highway Vehicle Titling and Registration as a special account in the Motor Vehicle Fund; eliminating the requirement that certain persons obtain certificates of operation before operating off highway vehicles; providing for the licensing of dealers, manufacturers and lessors of off-highway vehicles and for the consignment of off-highway vehicles; making various other changes relating to off-highway vehicles; providing penalties; and providing other matters properly relating thereto.

Senate Bill 394 requires the registration of off-highway vehicles and enacts a new fee for such registration. Although the fee increase has the support of some off-highway vehicle proponents and off-highway vehicle retailers, the fee would not be imposed on those groups but would instead be borne by the individual owners of off-highway vehicles. I do not support a new fee on an activity that Nevadans have previously enjoyed freely.

For these reasons, I hereby exercise my constitutional grant of authority and veto Senate Bill 394.

Sincerely,
JIM GIBBONS
Governor

MOTIONS, RESOLUTIONS AND NOTICES

Vetoed Senate Bill No. 394 of the 75th Session.

Bill read.

The question was put: "Shall the bill pass, notwithstanding the objections of the Governor?"

The roll was called, and the Assembly overrode the veto of the Governor by the following vote:

Roll call on Senate Bill No. 394:

YEAS—36.

NAYS—Christensen, Cobb, Goedhart, Gustavson, McArthur, Settelmeyer—6.

Bill ordered transmitted to the Senate.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 31, 2009

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 355.

Also, I have the honor to inform your honorable body that the Senate on this day failed to sustain the Governor's veto of Assembly Bills Nos. 146, 543, 552, 562, 563.

Also, I have the honor to inform your honorable body that the Senate on this day adopted, as amended, Assembly Concurrent Resolution No. 30, Amendment No. 995, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 223, Senate Amendment No. 963, and requests a conference, and appointed Senators Lee, Raggio and Care as a Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 385, Senate Amendment No. 975, and requests a conference, and appointed Senators Care, Wiener and McGinness as a Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the Conference Committee concerning Assembly Bill No. 202.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 208, 303.

Also, I have the honor to inform your honorable body that the Senate on this day adopted, as amended, Senate Concurrent Resolution No. 26.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 978 to Senate Bill No. 242.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Raggio, Rhoads and Lee as a Conference Committee concerning Senate Bill No. 263.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Wiener, Care, and Cegavske as a Conference Committee concerning Senate Bill No. 293.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the Conference Committee concerning Senate Bill No. 55.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the Conference Committee concerning Senate Bill No. 68.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the Conference Committee concerning Senate Bill No. 332.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the Conference Committee concerning Senate Bill No. 411.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 208.

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

Motion carried.

Senate Bill No. 303.

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

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 26.

Assemblywoman Koivisto moved that the resolution be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

UNFINISHED BUSINESS

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Conklin moved that the Assembly do not recede from its action on Amendment No. 978, Senate Bill No. 242, that a conference be requested, and that Madam Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Madam Speaker appointed Assemblymen Kirkpatrick, Anderson, and Settelmeyer as a Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 242.

REPORTS OF CONFERENCE COMMITTEES

Madam Speaker:

The Conference Committee concerning Assembly Bill No. 84, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 773 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 23, which is attached to and hereby made a part of this report.

MARCUS CONKLIN
MARILYN KIRKPATRICK
HEIDI GANSERT

Assembly Conference Committee

ALLISON COPENING
MICHAEL SCHNEIDER

Senate Conference Committee

Conference Amendment No. CA23.

AN ACT relating to compensation; revising provisions related to compensation for overtime; revising provisions for the collection of benefits required to be repaid to the Employment Security Division of the Department of Employment, Training and Rehabilitation; establishing a penalty for fraudulently obtaining unemployment benefits under certain circumstances; revising provisions relating to the authorized use of money in the Employment Security Fund by the Administrator of the Division; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 8.3 of this bill revises provisions related to an exception to certain requirements for compensation for overtime.

Section 8.5 of this bill authorizes the Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation to assess against a person who is overpaid benefits certain administrative fees prescribed by an agency of the United States. **Section 9** of this bill revises existing law by providing that certain fraudulent activity conducted by a person in order to obtain or increase any unemployment benefit or payment, including the filing of a claim while incarcerated without expressly disclosing that the person is incarcerated, constitutes unemployment insurance fraud. **Section 9** also requires a person who commits unemployment insurance fraud to repay to the Administrator all of the benefits received by that person, in addition to any interest, penalties and costs. **Section 9** further provides that a person is disqualified from receiving unemployment compensation benefits for a specified period, but authorizes the Administrator to waive the period of disqualification for good cause shown or if the person adheres to a repayment schedule. Additionally, **section 9** provides that a person who obtains benefits of \$250 or more while committing unemployment insurance fraud shall be punished in the same manner as if he committed theft. **Section 9** also provides that the repayment of such benefits may not be done by the withholding of benefits otherwise due and payable to the person unless the period of disqualification is waived by the Administrator. Finally, **section 9** authorizes the Administrator to impose a penalty equal to not more than 25 or 50 percent of the total amount of benefits improperly obtained by a person, depending on the amount improperly obtained by the person. (NRS 612.445)

Section 10 of this bill revises existing law by authorizing the Administrator to use money from the Employment Security Fund for the payment of costs of any program or the implementation of procedures for the proper payment of benefits and the collection of contributions and reimbursements. (NRS 612.615)

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

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 8.3. NRS 608.018 is hereby amended to read as follows:

608.018 1. An employer shall pay 1 1/2 times an employee's regular wage rate whenever an employee who receives compensation for employment at a rate less than 1 1/2 times the minimum rate prescribed pursuant to NRS 608.250 works:

(a) More than 40 hours in any scheduled week of work; or

(b) More than 8 hours in any workday unless by mutual agreement the employee works a scheduled 10 hours per day for 4 calendar days within any scheduled week of work.

2. An employer shall pay 1 1/2 times an employee's regular wage rate whenever an employee who receives compensation for employment at a rate not less than 1 1/2 times the minimum rate prescribed pursuant to NRS 608.250 works more than 40 hours in any scheduled week of work.

3. The provisions of subsections 1 and 2 do not apply to:

(a) Employees who are not covered by the minimum wage provisions of NRS 608.250;

(b) Outside buyers;

(c) ~~[Salesmen earning commissions]~~ **Employees** in a retail *or service* business if their regular rate is more than 1 1/2 times the minimum wage, and more than ~~[one-half]~~ **half** their compensation **for a representative period** comes from commissions ~~[:] on goods or services, with the representative period being, to the extent allowed pursuant to federal law, not less than one month;~~

(d) Employees who are employed in bona fide executive, administrative or professional capacities;

(e) Employees covered by collective bargaining agreements which provide otherwise for overtime;

(f) Drivers, drivers' helpers, loaders and mechanics for motor carriers subject to the Motor Carrier Act of 1935, as amended;

(g) Employees of a railroad;

(h) Employees of a carrier by air;

(i) Drivers or drivers' helpers making local deliveries and paid on a trip-rate basis or other delivery payment plan;

(j) Drivers of taxicabs or limousines;

(k) Agricultural employees;

(l) Employees of business enterprises having a gross sales volume of less than \$250,000 per year;

(m) Any salesman or mechanic primarily engaged in selling or servicing automobiles, trucks or farm equipment; and

(n) A mechanic or workman for any hours to which the provisions of subsection 3 or 4 of NRS 338.020 apply.

Sec. 8.5. NRS 612.365 is hereby amended to read as follows:

612.365 1. Any person who is overpaid any amount as benefits under this chapter is liable for the amount overpaid unless:

(a) The overpayment was not due to fraud, misrepresentation or willful nondisclosure on the part of the recipient; and

(b) The overpayment was received without fault on the part of the recipient, and its recovery would be against equity and good conscience, as determined by the Administrator.

2. The amount of the overpayment must be assessed to the liable person, and he must be notified of the basis of the assessment. The notice must specify the amount for which the person is liable. In the absence of fraud, misrepresentation or willful nondisclosure, notice of the assessment must be mailed or personally served not later than 1 year after the close of the benefit year in which the overpayment was made.

3. At any time within 5 years after the notice of overpayment, the Administrator may recover the amount of the overpayment by using the same methods of collection provided in NRS 612.625 to 612.645, inclusive, 612.685 and 612.686 for the collection of past due contributions or by deducting the amount of the overpayment from any benefits payable to the liable person under this chapter.

4. The Administrator may waive recovery or adjustment of all or part of the amount of any such overpayment which he finds to be uncollectible or the recovery or adjustment of which he finds to be administratively impracticable.

5. *To the extent allowed pursuant to federal law, the Administrator may assess any administrative fee prescribed by an applicable agency of the United States regarding the recovery of such overpayments.*

6. Any person against whom liability is determined under this section may appeal therefrom within 11 days after the date the notice provided for in this section was mailed to, or served upon, the person. An appeal must be made and conducted in the manner provided in this chapter for the appeals from determinations of benefit status. The 11-day period provided for in this subsection may be extended for good cause shown.

Sec. 9. NRS 612.445 is hereby amended to read as follows:

612.445 ~~When the Administrator finds that any~~

1. A person ~~has made~~ **shall not make** a false statement or representation, knowing it to be false, or knowingly ~~failed~~ **fail** to disclose a material fact in order to obtain or increase any benefit or other payment under this chapter, **including, without limitation, by failing to properly report earnings or by filing a claim for benefits using the social security number, name or other personal identifying information of another person.**

A person who violates the provisions of this subsection commits unemployment insurance fraud.

2. When the Administrator finds that a person has committed unemployment insurance fraud pursuant to subsection 1, the person shall repay to the Administrator for deposit in the Fund a sum equal to all of the benefits received by or paid to the person for each week with respect to which the false statement or representation was made or to which he failed to disclose a material fact ~~[The]~~ in addition to any interest, penalties and costs related to that sum.

3. Except as otherwise provided in this subsection and subsection 8, the person is disqualified from receiving unemployment compensation benefits under this chapter ~~for~~:

(a) For a period ~~of~~ beginning with the first week claimed in violation of subsection 1 and ending not more than 52 consecutive weeks ~~beginning with~~ after the week in which it is determined that ~~[an improper]~~ a claim was filed ~~[involving the false statement or representation or failure to disclose a material fact.]~~ in violation of subsection 1; or

(b) Until the sum described in subsection 2, in addition to any interest, penalties or costs related to that sum, is repaid to the Administrator, ➡ whichever is longer. The Administrator shall fix the period of disqualification according to the circumstances in each case.

4. It is a violation of subsection 1 for a person to file a claim, or to cause or allow a claim to be filed on his behalf, if:

(a) The person is incarcerated in the state prison or any county or city jail or detention facility or other correctional facility in this State; and

(b) The claim does not expressly disclose his incarceration.

5. A person who obtains benefits of \$250 or more in violation of subsection 1 shall be punished in the same manner as theft pursuant to subsection 3 or 4 of NRS 205.0835.

6. In addition to the repayment of benefits required pursuant to subsection 2, if the amount of benefits which must be repaid is greater than \$1,000, the Administrator may impose a penalty equal to not more than:

(a) If the amount of such benefits is greater than \$1,000 but not greater than \$2,500, 25 percent; or

(b) If the amount of such benefits is greater than \$2,500, 50 percent, ➡ of the total amount of benefits received by the person in violation of subsection 1 or any other provision of this chapter.

7. Except as otherwise provided in subsection 8, a person may not pay benefits as required pursuant to subsection 2 by using benefits which would otherwise be due and payable to the person if he was not disqualified.

8. The Administrator may waive the period of disqualification prescribed in subsection 3 for good cause shown or if the person adheres to a repayment schedule authorized by the Administrator that is designed to fully repay benefits received from an improper claim, in addition to any

related interest, penalties and costs, within 18 months. If the Administrator waives the period of disqualification pursuant to this subsection, the person may repay benefits ~~and any related interest, penalties and costs~~ as required pursuant to subsection 2 by using any benefits which are due and payable to the person ~~+~~, except that benefits which are due and payable to the person may not be used to repay any related interest, penalties and costs.

9. The Administrator may recover any money required to be paid pursuant to this section in accordance with the provisions of NRS 612.365 and may collect interest on any such money in accordance with the provisions of NRS 612.620.

Sec. 10. NRS 612.615 is hereby amended to read as follows:

612.615 1. There is hereby created the Employment Security Fund as a special revenue fund.

2. All interest and forfeits collected under NRS 612.618 to 612.675, inclusive, and 612.740 must be paid into the Fund.

3. All money which is deposited or paid into the Fund is hereby appropriated and made available to the Administrator. The money may not be expended or made available for expenditure in any manner which would permit its substitution for, or a corresponding reduction in, federal payments which would, in the absence of this money, be available to finance expenditures for the administration of the employment security laws of the State of Nevada.

4. This section does not prevent this money from being used as a revolving fund to cover expenditures, necessary and proper under the law, for which federal payments have been duly requested but not yet received, subject to the repayment to the Fund of such expenditures when received.

5. The money in this Fund must be used by the Administrator for the payment of costs of ~~administration~~ :

(a) Administration which are found not to have been properly and validly chargeable against federal grants received for or in the Unemployment Compensation Administration Fund ~~+~~ ; *or*

(b) Any program or the implementation of procedures deemed necessary by the Administrator to ensure the proper payment of benefits and collection of contributions and reimbursements pursuant to this chapter.

6. Any balances in this Fund do not lapse at any time, but are continuously available to the Administrator for expenditure consistent with this chapter.

7. Money in this Fund must not be commingled with other state money, but must be maintained in a separate account on the books of the depository.

Sec. 11. NRS 612.715 is hereby amended to read as follows:

612.715 ~~[Whoever]~~ *Except as otherwise provided in subsection 5 of NRS 612.445, whoever* makes a false statement or representation knowing it to be false, or knowingly fails to disclose a material fact, to obtain or increase

any benefit or other payment under this chapter, either for himself or for any other person, is guilty of a misdemeanor.

Sec. 12. NRS 612.720 is hereby amended to read as follows:

612.720 ~~[Whenever]~~ ***Except as otherwise provided in subsection 5 of NRS 612.445, whenever*** two or more persons ~~[shall]~~ conspire to obtain or increase any benefit or other payment under this chapter by a false statement or representation knowing it to be false, or by knowingly failing to disclose a material fact, or whenever any person makes a series of false statements or representations knowing them to be false, to obtain or increase benefit payments under this chapter over a period of more than 1 week, every such person is guilty of a gross misdemeanor.

Sec. 13. NRS 612.725 is hereby amended to read as follows:

612.725 ~~[Any]~~ ***Except as otherwise provided in subsection 5 of NRS 612.445, any*** person residing in this State who claims benefits under any agreement existing between the Division and some other state or the Federal Government, who willfully makes a false statement or representation or knowingly fails to disclose a material fact to obtain or increase benefits under the provisions of the unemployment law of any other state or the Federal Government is guilty of a misdemeanor.

Sec. 14. This act becomes effective on July 1, 2009.

Assemblyman Conklin moved that the Assembly adopt the report of the Conference Committee concerning Assembly Bill No. 84.

Motion carried by a constitutional majority.

APPOINTMENT OF CONFERENCE COMMITTEES

Madam Speaker appointed Assemblymen Smith, Kirkpatrick, and Hardy as a Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 223.

Madam Speaker appointed Assemblymen Horne, McClain, and Carpenter as a Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 385.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that the action whereby the Conference Report for Assembly Bill No. 309 was adopted be rescinded.

Motion carried.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Madam Speaker:

The Conference Committee concerning Senate Bill No. 68, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment Nos. 626 and 877 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 17, which is attached to and hereby made a part of this report.

MARILYN DONDERO LOOP

TERRY CARE

RUBEN KIHUEN

VALERIE WIENER

RICHARD MCARTHUR

Senate Conference Committee

Assembly Conference Committee

Conference Amendment No. CA17.

AN ACT relating to real property; establishing the responsibility for the maintenance of certain security walls within certain common-interest communities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill revises the responsibilities of unit-owners' associations of certain common-interest communities to provide that each such association is responsible for the maintenance, repair, restoration and replacement of any security wall which is located within the common-interest community. ~~It , unless the governing documents provide otherwise.~~

Section 2 of this bill similarly revises the law with respect to such security walls located in such common-interest communities which are governed by certain limited-purpose associations. (NRS 116.1201) **Section 6** of this bill provides that if a common-interest community was created before October 1, 2009, the requirements of the bill do not apply to the common-interest community until January 1, 2013. ~~It , unless the governing documents provide that the association is responsible for the maintenance, repair, restoration and replacement of the security wall.~~

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

Section 1. Chapter 116 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2 and NRS 116.31135, the association is responsible for the maintenance, repair, restoration and replacement of any security wall which is located within the common-interest community.

2. The provisions of this section do not apply if the governing documents provide that a unit's owner or an entity other than the association is responsible for the maintenance, repair, restoration and replacement of the security wall.

3. For the purpose of carrying out the maintenance, repair, restoration and replacement of a security wall pursuant to this section:

(a) The association, the members of its executive board and its officers, employees, agents and community manager may enter the grounds of a unit after providing written notice and, notwithstanding any other provision of law, are not liable for trespass.

(b) Any such maintenance, repair, restoration and replacement of a security wall must be performed:

(1) During normal business hours;

(2) Within a reasonable length of time; and

(3) In a manner that does not adversely affect access to a unit or the legal rights of a unit's owner to enjoy the use of his unit.

(c) Notwithstanding any other provision of law, the executive board is prohibited from imposing an assessment without obtaining prior approval of the units' owners unless the total amount of the assessment is less than 5 percent of the annual budget of the association.

4. As used in this section, "security wall" means any wall composed of stone, brick, concrete, concrete blocks, masonry or similar building material, including, without limitation, ornamental iron or other fencing material, together with footings, pilasters, outriggers, grillwork, gates and other appurtenances, constructed around the perimeter of a residential subdivision with respect to which a final map has been recorded pursuant to NRS 278.360 to 278.460, inclusive, to protect the several tracts in the subdivision and their occupants from vandalism.

Sec. 2. NRS 116.1201 is hereby amended to read as follows:

116.1201 1. Except as otherwise provided in this section and NRS 116.1203, this chapter applies to all common-interest communities created within this State.

2. This chapter does not apply to:

(a) A limited-purpose association, except that a limited-purpose association:

(1) Shall pay the fees required pursuant to NRS 116.31155;

(2) Shall register with the Ombudsman pursuant to NRS 116.31158;

(3) Shall comply with the provisions of:

(I) NRS 116.31038, 116.31083 and 116.31152; ~~and~~

(II) *Section 1 of this act, if the limited-purpose association is created for maintaining the landscape of the common elements of the common-interest community; and*

(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. 3. NRS 116.1203 is hereby amended to read as follows:

116.1203 1. Except as otherwise provided in subsection 2, if a planned community contains no more than 12 units and is not subject to any

developmental rights, it is subject only to NRS 116.1106 and 116.1107 unless the declaration provides that this entire chapter is applicable.

2. Except for NRS 116.3104, 116.31043, 116.31046 and 116.31138, the provisions of NRS 116.3101 to 116.350, inclusive, ***and section 1 of this act***, and the definitions set forth in NRS 116.005 to 116.095, inclusive, to the extent that such definitions are necessary in construing any of those provisions, apply to a residential planned community containing more than six units.

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. Notwithstanding the amendatory provisions of this act, if a common-interest community was created before October 1, 2009, the amendatory provisions of this act do not apply to the common-interest community until January 1, 2013 ~~FF~~, **unless the governing documents provide that the association is responsible for the maintenance, repair, restoration and replacement of the security wall.**

Assemblywoman Dondero Loop moved that the Assembly adopt the report of the Conference Committee concerning Senate Bill No. 68.

Motion carried by a constitutional majority.

Madam Speaker:

The Conference Committee concerning Senate Bill No. 411, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 840 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 24, which is attached to and hereby made a part of this report.

JERRY CLABORN

DEAN RHODS

DAVID PARKS

PETE GOICOECHEA

Assembly Conference Committee

Senate Conference Committee

Conference Amendment No. CA24.

AN ACT relating to wildlife; providing for the permanent revocation of a license, permit or privilege to hunt, fish or trap in certain circumstances; requiring a person to maintain a principal and permanent residence in this State to be eligible for a resident license, tag or permit to hunt, fish or trap; providing for the forfeiture of a bonus point or other increased opportunity to be awarded a tag for making a false statement or furnishing false information in certain circumstances; requiring a person seeking to obtain a license, tag or permit on behalf of another for a fee or other compensation to have a power of attorney to do so; ~~making it unlawful intentionally to remove, disturb or interfere with the trap of a holder of a trapping license under certain circumstances; providing a penalty;~~ **revising provisions governing certain additional big game tags;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a license, permit or privilege of a person to hunt, fish or trap may be suspended or revoked for wildlife convictions, but not for more than 3 years except in certain circumstances. The license, permit or privilege of a person who is convicted pursuant to NRS 501.376 of: (1) a gross misdemeanor may not be suspended or revoked for more than 5 years; and (2) a felony may not be suspended or revoked for more than 10 years. (NRS 501.1816) **Section 2** of this bill expands the suspension and revocation penalties to require that the license, permit or privilege of a person who has been convicted of two or more felonies pursuant to NRS 501.376 be permanently revoked.

Existing law requires that a person meet certain requirements before he can be issued a resident license, tag or permit pursuant to chapter 502 of NRS. (NRS 502.015) **Section 3** of this bill clarifies the language regarding domicile to mean maintaining a principal and permanent residence in this State beyond just owning a home in Nevada.

Existing law prohibits giving a false statement or furnishing false information to obtain any license, tag or permit, making such an action a misdemeanor, or to obtain a big game tag, making such an action a gross misdemeanor. (NRS 502.060) **Section 4** of this bill adds a provision that any person who is convicted of giving a false statement or furnishing false information to obtain a license, tag, permit or big game tag forfeits any bonus point or other increased opportunity to be awarded a tag in a subsequent drawing.

Existing law requires a person attempting to obtain a license, tag or permit on behalf of another person to have a power of attorney giving him the authority to do so. (NRS 502.061) **Section 5** of this bill restricts the requirement to have a power of attorney to only those persons attempting to acquire a license, tag or permit on behalf of another for a fee or other compensation.

~~Existing law makes it unlawful for a person to remove or disturb the trap of a holder of a trapping license while the trap is being used by the trapper on public land or on land where he has permission to trap. (NRS 503.454) If a person commits such a violation, he is guilty of a misdemeanor punishable by a fine of not less than \$50 or more than \$500, or by imprisonment in the county jail for not more than 6 months, or by both fine and imprisonment. (NRS 501.385) Section 6 of this bill revises existing law by making it unlawful for a person intentionally to remove, disturb or interfere with the trap of the holder of the trapping license. Section 6 defines the phrase "interfere with" to mean any act that physically impedes, hinders or obstructs the trap.] Sections 6.2-6.8, inclusive, of this bill revise various provisions governing certain additional big game tags to be known as "Dream Tags."~~

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

Section 1. NRS 501.1814 is hereby amended to read as follows:

501.1814 1. The Commission shall establish and the Department shall administer and enforce a system of assessing demerit points for wildlife convictions. The system must be uniform in its operation.

2. Pursuant to the schedule of demerit points established by regulation of the Commission for each wildlife conviction occurring within this State affecting any holder of a license, permit or privilege issued pursuant to this title, the Department shall assess demerit points for the 60-month period preceding a person's most recent wildlife conviction. Sixty months after the date of the conviction, the demerit points for that conviction must be deleted from the total demerit points accumulated by that person. The date of the ~~violation~~ **conviction** shall be deemed the date on which accumulated demerit points must be assessed. If a conviction of two or more wildlife violations committed at a single event is obtained, demerit points must be assessed for the offense having the greater number of demerit points.

Sec. 2. NRS 501.1816 is hereby amended to read as follows:

501.1816 1. If a person accumulates 9 or more demerit points, but less than 12, the Department shall notify him of that fact by certified mail. If, after the Department mails the notice, the person presents proof to the Department that he has, after his most recent wildlife conviction, successfully completed a course of instruction in the responsibilities of hunters approved by the Department, the Department shall deduct 4 demerit points from his record. A person may attend a course of instruction in the responsibilities of hunters only once in 60 months for the purpose of reducing his demerit points.

2. If a person accumulates 12 or more demerit points before completing a course of instruction pursuant to subsection 1, the Department shall suspend or revoke any license, permit or privilege issued to him pursuant to this title.

3. Not later than 60 days after the Department determines that a person has accumulated 12 demerit points, the Department shall notify the person by certified mail that his privileges will be suspended or revoked. Except as otherwise provided in subsection 4, the Department shall suspend or revoke those privileges 30 days after it mails the notice.

4. Any person who receives the notice required by subsection 3 may submit to the Department a written request for a hearing before the Commission not later than 30 days after the receipt of the notice. If a written request for a hearing is received by the Department:

(a) The suspension or revocation of the license, permit or privilege is stayed until a determination is made by the Commission after the hearing.

(b) The hearing must be held within 60 days after the request is received.

5. The periods of suspension or revocation imposed pursuant to this section must run concurrently. Except as otherwise provided in this subsection, no license, permit or privilege may be suspended or revoked pursuant to this section for more than 3 years. The license, permit or privilege of a person who is convicted pursuant to NRS 501.376 of:

(a) A gross misdemeanor may not be suspended or revoked for more than 5 years; ~~for~~

(b) ~~[A]~~ *Except as otherwise provided in paragraph (c), a felony may not be suspended or revoked for more than 10 years* ~~[-]; or~~

(c) *Two or more felonies, arising from separate events, must be permanently revoked.*

6. If the Department suspends or revokes a license, permit or privilege pursuant to this section, the period of suspension or revocation begins 30 days after notification pursuant to subsection 3 or a determination is made by the Commission pursuant to subsection 4. After a person's license, permit or privilege is suspended or revoked pursuant to this section, all demerit points accumulated by that person must be cancelled.

Sec. 3. NRS 502.015 is hereby amended to read as follows:

502.015 1. For the purpose of issuing and using resident licenses, tags or permits pursuant to this chapter, a person is considered to be a resident of the State of Nevada if:

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

(b) During the 6 months next preceding his application to the Department for a license, tag or permit, he:

(1) ~~[Was domiciled]~~ *Maintained his principal and permanent residence* in this State;

(2) Was physically present in this State, except for temporary absences; and

(3) Did not purchase or apply for any resident license, tag or permit to hunt, fish or trap in another state, country or province.

2. A person who ~~is not domiciled]~~ *does not maintain his principal and permanent residence* in Nevada but who is attending an institution of higher learning in this State as a full-time student is eligible for a resident license, tag or permit if, during the 6 months next preceding his application to the Department for a license, tag or permit, he:

(a) Was physically present in Nevada, except for temporary trips outside of the State; and

(b) Did not purchase or apply for any resident license, tag or permit to hunt, fish or trap in another state, country or province.

3. A resident license, tag or permit issued by this State is void if the person to whom it was issued establishes *or maintains* his ~~[domicile]~~ *principal and permanent residence* in and obtains any *hunting, fishing or trapping* privilege or entitlement conditional on residency from another state, country or province.

4. *As used in this section, "principal and permanent residence" means a place where a person is legally domiciled and maintains a permanent habitation in which he lives and to which he intends to return when he leaves the state in which the permanent habitation is located. The term does not include merely owning a residence in a state.*

Sec. 4. NRS 502.060 is hereby amended to read as follows:

502.060 1. A person applying for and procuring a license, ***tag or permit***, as provided in this chapter, shall give to the license agent his name and residence address, which must be entered by the license agent ~~for the license and stub,~~ ***manually or electronically in a record specified by the Department***, together with the date of issuance and a description of the person. If a child under the age of 18 years is applying for a license to hunt, the child's parent or legal guardian must sign the application and an attached statement acknowledging that the parent or legal guardian has been advised of the provisions of NRS 41.472.

2. Except as otherwise provided in subsection 3, any person who makes any false statement or furnishes false information to obtain any license, tag or permit issued pursuant to the provisions of this title is guilty of a misdemeanor.

3. Any person who makes any false statement or furnishes false information to obtain any big game tag issued pursuant to the provisions of this title is guilty of a gross misdemeanor.

4. It is unlawful for any person to hunt, fish or trap using any hunting, fishing or trapping license which is invalid by reason of expiration or a false statement made to obtain the license.

5. ***Any person convicted of violating the provisions of subsection 2 or 3 forfeits any bonus point or other increased opportunity to be awarded a tag in a subsequent drawing conducted for that tag if the bonus point or other increased opportunity was acquired by the false statement or false information.***

6. As used in this section, "big game tag" means a tag permitting a person to hunt any species of pronghorn antelope, bear, deer, mountain goat, mountain lion, bighorn sheep or elk.

Sec. 5. NRS 502.061 is hereby amended to read as follows:

502.061 1. A person, ***for a fee or other form of compensation***, may obtain or attempt to obtain on behalf of an applicant any license, tag or permit issued pursuant to this chapter ***only*** if the person acts pursuant to a power of attorney or other written instrument that:

(a) Provides that the power of attorney or other written instrument is executed for the sole purpose of authorizing the person to apply in the State of Nevada on behalf of the applicant for a license, tag or permit for a specific season;

(b) Provides that the power of attorney or other written instrument expires on February 28 of the year following the year in which the power of attorney or other written instrument is executed; and

(c) Is acknowledged and includes a jurat as defined in NRS 240.0035, or is otherwise certified.

2. Any license, tag or permit which is obtained by the use of a power of attorney or other written instrument that does not comply with the provisions of subsection 1 is void.

Sec. 6. ~~NRS 503.454 is hereby amended to read as follows:~~

~~503.454 1. Every person who takes fur-bearing mammals by any legal method or unprotected mammals by trapping or sells raw furs for profit shall procure a trapping license.~~

~~2. It is unlawful *intentionally* to remove, [or] disturb *or interfere with* the trap of any holder of a trapping license while the trap is being legally used by him on public land or on land where he has permission to trap. As used in this subsection, "*interfere with*" means any act that physically impedes, hinders or obstructs the trap. (Deleted by amendment.)~~

Sec. 6.2. Section 3 of Assembly Bill No. 246 of this Session is hereby amended to read as follows:

Sec. 3. 1. The Department shall issue an apprentice hunting license to a person who:

(a) Is 12 years of age or older;

(b) Has not previously been issued a hunting license by the Department, another state, ~~or~~ an agency of a Canadian province ~~or~~ or an agency of any other foreign country, including, without limitation, an apprentice hunting license; and

(c) Except as otherwise provided in subsection 5, is otherwise qualified to obtain a hunting license in this State.

2. Except as otherwise provided in this subsection, the Department shall not impose a fee for the issuance of an apprentice hunting license. For each apprentice hunting license issued, the applicant or the mentor hunter for the applicant shall pay:

(a) Any service fee required by a license agent pursuant to NRS 502.040;

(b) The habitat conservation fee required by NRS 502.242; and

(c) Any transaction fee that is set forth in a contract of this State with a third-party electronic services provider for each online transaction that is conducted with the Department.

3. An apprentice hunting license authorizes the apprentice hunter to hunt in this State as provided in this section.

4. It is unlawful for an apprentice hunter to hunt in this State unless a mentor hunter accompanies and directly supervises the apprentice hunter at all times during a hunt. During the hunt, the mentor hunter shall ensure that:

(a) The apprentice hunter safely handles and operates the firearm or weapon used by the apprentice hunter; and

(b) The apprentice hunter complies with all applicable laws and regulations concerning hunting and the use of firearms.

5. A person is not required to complete a course of instruction in the responsibilities of hunters as provided in NRS 502.340 to obtain an apprentice hunting license.

6. The issuance of an apprentice hunting license does not:

(a) Authorize the apprentice hunter to obtain any other hunting license;

(b) Authorize the apprentice hunter to hunt any animal for which a tag is required pursuant to NRS 502.130; or

(c) Exempt the apprentice hunter from any requirement of this title.

7. The Commission may adopt regulations to carry out the provisions of this section.

8. As used in this section:

(a) "Accompanies and directly supervises" means maintains close visual and verbal contact with, provides adequate direction to and maintains the ability readily to assume control of any firearm or weapon from an apprentice hunter.

(b) "Apprentice hunter" means a person who obtains an apprentice hunting license pursuant to this section.

(c) "Mentor hunter" means a person 18 years of age or older who holds a hunting license issued in this State and who accompanies and directly supervises an apprentice hunter. The term does not include a person who holds an apprentice hunting license pursuant to this section.

Sec. 6.4. Section 4 of Assembly Bill No. 246 of this Session is hereby amended to read as follows:

Sec. 4. 1. The Commission ~~shall~~ may establish a program for the issuance of additional big game tags each year to be known as "Dream Tags." ~~The~~ If the Commission establishes such a program, the program must provide:

(a) For the issuance of ~~the~~ Dream ~~Tags~~ Tags to either a resident or nonresident of this State;

(b) For the issuance of one Dream Tag for each species of big game for which 50 or more tags were available under the quota established for the species by the Commission during the previous year; and

(c) For the sale of Dream Tags to a nonprofit organization pursuant to this section. ~~and~~

~~(d) Such~~

2. The Commission may adopt regulations establishing such other provisions concerning ~~the~~ Dream ~~Tags~~ Tags as the Commission determines reasonable or necessary in carrying out the program.

~~2.~~ **3.** A nonprofit organization established through the Community Foundation of Western Nevada which is exempt from taxation pursuant to 26 U.S.C. § 501(c)(3) and which has as its principal purpose the preservation, protection, management or restoration of wildlife and its habitat may purchase such Dream Tags from the Department as are authorized by the Commission, at prices established by the Commission, subject to the following conditions:

(a) The nonprofit organization must agree to award the Dream Tags by raffle, with unlimited chances to be sold for \$5 each to persons who purchase a resource enhancement stamp pursuant to section 5 of this act.

(b) The nonprofit organization must agree to enter into a contract with a private entity that is approved by the Department which requires that the private entity agree to act as the agent of the nonprofit organization to sell chances to win ~~the~~ Dream ~~Tags~~ Tags, conduct any required drawing for ~~the~~

Dream ~~[Tag]~~ Tags and issue ~~[a]~~ Dream ~~[Tag]~~ Tags. For the purposes of this paragraph, a private entity that has entered into a contract with the Department pursuant to NRS 502.175 to conduct a drawing and to award and issue tags or permits as established by the Commission shall be deemed to be approved by the Department.

(c) All money received by the nonprofit organization from the proceeds of the Dream Tag raffle, less the cost of the Dream Tags purchased by the nonprofit organization and any administrative costs charged by the Community Foundation of Western Nevada, must be used for the preservation, protection, management or restoration of ~~[wildlife]~~ game and its habitat, as determined by the Advisory Board on Dream Tags created by section 6 of this act.

~~[3]~~ 4. All money received by the Department for Dream Tags pursuant to this section must be deposited with the State Treasurer for credit to the Wildlife Account in the State General Fund.

~~[4]~~ 5. The ~~[Department]~~ nonprofit organization shall, on or before February 1 of each year, report to the Commission and the Interim Finance Committee concerning the Dream Tag program, including, without limitation:

(a) The number of Dream Tags issued during the immediately preceding calendar year;

(b) The total amount of money paid to the Department for Dream Tags during the immediately preceding calendar year;

(c) The total amount of money received by the nonprofit organization from the proceeds of the Dream Tag raffle, the amount of such money expended by the nonprofit organization and a description of each project for which the money was spent; and

(d) Any recommendations ~~[of the Department]~~ concerning the continuation of the program or necessary legislation.

~~[5]~~ 6. As used in this section, "big game tag" means a tag permitting a person to hunt any species of pronghorn antelope, bear, deer, mountain goat, mountain lion, bighorn sheep or elk.

Sec. 6.6. Section 5 of Assembly Bill No. 246 of this Session is hereby amended to read as follows:

Sec. 5. 1. To be eligible to participate in the Dream Tag raffle, a person must purchase a resource enhancement stamp.

2. Resource enhancement stamps must be sold for a fee of \$10 each by the Department and by persons authorized by the Department to sell the stamps. **All money received by the Department for resource enhancement stamps pursuant to this section must be deposited with the State Treasurer for credit to the Wildlife Account in the State General Fund.**

3. The Department shall determine the form of the stamps.

Sec. 6.8. Section 6 of Assembly Bill No. 246 of this Session is hereby amended to read as follows:

Sec. 6. 1. There is hereby created the Advisory Board on Dream Tags, consisting of the following five members:

- (a) One member appointed by the Governor;
 - (b) One member appointed by the Majority Leader of the Senate;
 - (c) One member appointed by the Speaker of the Assembly;
 - (d) One member appointed by the Advisory Board on Natural Resources;
- and
- (e) The Vice Chairman of the Commission, who serves as an ex officio member of the Board.

2. Each appointed member of the Board must be a resident of this State and, following the initial terms, serves a term of 2 years.

3. At its first meeting each year, the members of the Board shall elect a Chairman, who shall serve until the next Chairman is elected. The Board shall meet as necessary at the call of the Chairman.

4. A majority of the members of the Board 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 Board.

5. While engaged in the business of the Board, to the extent of legislative appropriation, each member of the Board is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

6. To the extent of legislative appropriation, the Department shall provide the Board with such staff as is necessary to carry out the duties of the Board.

7. The Board shall, in accordance with the requirements of paragraph (c) of subsection ~~4~~ 3 of section 4 of this act, determine the appropriate use of money received by a nonprofit organization from the proceeds of a Dream Tag raffle.

Sec. 7. 1. This section and sections 6.2 to 6.8, inclusive, of this act become effective upon passage and approval.

2. Sections 1 to 6, inclusive, of this act ~~becomes~~ become effective on January 1, 2010.

Assemblyman Claborn moved that the Assembly adopt the report of the Conference Committee concerning Senate Bill No. 411.

Motion carried by a constitutional majority.

Madam Speaker:

The Conference Committee concerning Senate Bill No. 332, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 745 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 16, which is attached to and hereby made a part of this report.

ELLEN SPIEGEL
MARILYN DONDERO LOOP
PETE GOICOECHEA
Assembly Conference Committee

SHIRLEY BREEDEN
MICHAEL SCHNEIDER
DENNIS NOLAN
Senate Conference Committee

Conference Amendment No. CA16.

SUMMARY—Revises provisions governing the use and taxation of ~~[alternative] certain~~ fuels ~~, [and clean vehicles.]~~ (BDR 43-1147)

AN ACT relating to vehicles; revising provisions governing the use of alternative fuels and clean vehicles by fleets owned, operated or leased by certain state agencies and local governing bodies; authorizing a program to provide incentives to acquire clean vehicles and motor vehicles that use alternative fuels; providing for the taxation of ethanol and methanol as motor vehicle fuels and biodiesel and blends of biodiesel and petroleum-based diesel as special fuels; making various changes concerning the licensure and regulation of persons who manufacture special fuel; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 1-11 of this bill revise provisions governing the use of alternative fuels by certain fleet vehicles. (NRS 486A.010-486A.180) **Section 4** revises the definition of "alternative fuel" to authorize the State Environmental Commission to define the term by regulation. (NRS 486A.030) **Section 5** revises the definition of "fleet" to limit the applicability of **sections 1-11** to a fleet of 50 or more motor vehicles which are registered in the same county and which are under the common control of and owned, leased or operated by a state agency or a local governing body. (NRS 486A.080) **Section 6** excludes certain vehicles that have a manufacturer's gross vehicle weight rating of more than 26,000 pounds from the requirements of **sections 1-11**. (NRS 486A.110)

Section 12 of this bill revises provisions encouraging the voluntary use of clean vehicles and motor vehicles that use alternative fuels by persons who are not subject to the requirements of **sections 1-11** of this bill. (NRS 486A.200)

Existing law provides for the taxation of certain motor vehicle fuels, including gasoline. (NRS 365.060, 365.175-365.192) Section 20 of this bill includes ethanol and methanol within the definition of "motor vehicle fuel" and thereby requires ethanol and methanol to be taxed in the same manner and at the same rate as gasoline. In addition, the inclusion of ethanol and methanol as motor vehicle fuels will subject dealers, suppliers, exporters and transporters of ethanol and methanol to the same requirements and penalties currently applicable to dealers, suppliers, exporters and transporters of gasoline, including, without limitation, requirements concerning licensing, bonding, recordkeeping and the collection and payment of taxes. (NRS 365.270, 365.290, 365.322, 365.324, 365.330, 365.500-365.530, 365.570-365.605) Sections 17 and 18 of this bill authorize the Department of Motor Vehicles to take certain administrative action against a person licensed pursuant to chapter 365 of NRS or a person who acts as a motor vehicle fuel supplier without a license, including the imposition of administrative fines and the

suspension or revocation of the license of a licensee under certain circumstances.

Existing law provides for the taxation of certain special fuels for motor vehicles, including any combustible gas or liquid other than the fuels which are taxed as motor vehicle fuels pursuant to chapter 365 of NRS, and any emulsion of water-phased hydrocarbon fuel used in a motor vehicle. (NRS 366.060, 366.190, 366.195) Sections 23, 24 and 29 of this bill provide for the taxation of biodiesel and blends of biodiesel and a petroleum-based product as special fuels.

Section 25 of this bill defines a “special fuel manufacturer” as a person who manufactures, blends, produces, refines, prepares, distills or compounds only special fuel containing biodiesel or biodiesel blend in this State for his personal use in this State or for sale or delivery in or outside of this State. Section 30 of this bill exempts a special fuel manufacturer from regulation as a special fuel supplier. Section 33 of this bill prohibits a person from acting as a special fuel manufacturer without first obtaining a license from the Department of Motor Vehicles. The Department is authorized to adopt regulations relating to the issuance of a license to a special fuel manufacturer and to collect fees for the issuance of such a license.

Sections 40 and 41 of this bill require a special fuel manufacturer to file tax returns with the Department in the same manner as a special fuel dealer. Section 42 of this bill requires a special fuel manufacturer to pay the taxes on special fuels imposed by chapter 366 of NRS. Section 26 of this bill requires a special fuel manufacturer to submit certain monthly reports to the Department. Section 36 of this bill provides that the Department must require a special fuel manufacturer who is habitually delinquent in the payment of special fuel taxes to execute a bond payable to the State in an amount of not less than \$2,500. Section 43 of this bill requires a special fuel manufacturer to keep certain records as required by the Department.

Sections 27 and 46 of this bill authorize the Department to take certain administrative action against a person licensed pursuant to chapter 366 of NRS or a person who acts as special fuel supplier without a license, including the imposition of administrative fines and the suspension or revocation of the license of a licensee under certain circumstances. A special fuel manufacturer or any other person who makes a false or fraudulent report with the intent to evade the taxes imposed pursuant to chapter 366 of NRS is guilty of a gross misdemeanor. (NRS 366.710) A special fuel manufacturer who violates any other provision of chapter 366 of NRS as amended by this bill is guilty of a misdemeanor. (NRS 366.720, 366.730)

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

Section 1. Chapter 486A of NRS is hereby amended by adding thereto a new section to read as follows:

“Clean vehicle” means any motor vehicle which complies with the specifications for clean vehicles established by the Commission.

Sec. 2. NRS 486A.010 is hereby amended to read as follows:

486A.010 The Legislature finds that:

1. ~~[Protection of the]~~ ***The State’s environment, particularly the quality of its air, [requires a reduction,] ~~can~~ may be improved,*** especially in metropolitan areas, ~~[of the contaminants resulting from the combustion of conventional fuels in motor]~~ ***through the use of alternative fuels and clean vehicles.***

2. A very large proportion of ~~[these]~~ ***air*** contaminants ~~[results]~~ ***result*** from the burning of liquid and gaseous fuels to operate trucks and buses, many of which are operated in fleets. Each fuel can be evaluated as to the air pollution it causes when burned in motor vehicles [-

~~3.—Conversion of these fleets to use cleaner burning alternative fuels can reduce contaminants sufficiently to permit the continued use of conventional fuels in individually owned motor], and particular models of motor vehicles can be evaluated to assess the amount of contaminants those motor vehicles emit.~~

3. Fleets operated by state agencies and local governing bodies can reduce air contaminants through the use of cleaner-burning alternative fuels and the acquisition of clean vehicles.

Sec. 3. NRS 486A.020 is hereby amended to read as follows:

486A.020 As used in NRS 486A.010 to 486A.180, inclusive, ***and section 1 of this act***, unless the context otherwise requires, the words and terms defined in NRS 486A.030 to 486A.130, inclusive, ***and section 1 of this act*** have the meanings ascribed to them in those sections.

Sec. 4. NRS 486A.030 is hereby amended to read as follows:

486A.030 “Alternative fuel” means any fuel which complies with the standards and requirements ***for alternative fuel*** established by the Commission. ~~[The term includes:~~

~~1.—Reformulated gasoline; and~~

~~2.—Finished diesel fuel that:~~

~~(a) Meets ASTM International specification D975; and~~

~~(b) Includes at least 5 percent biodiesel fuel blend stock for distillate fuels meeting ASTM International specification D6751,~~

~~↪ which comply with any applicable regulations adopted by the United States Environmental Protection Agency pursuant to the standards for the control of emissions from motor vehicles established in the Clean Air Act Amendments of 1990, Public Law 101-549, November 15, 1990.] The term does not include a fuel that is required for use in this State pursuant to a state implementation plan adopted by this State pursuant to 42 U.S.C. § 7410.~~

Sec. 5. NRS 486A.080 is hereby amended to read as follows:

486A.080 "Fleet" means ~~[40]~~ 50 or more motor vehicles ~~[that]~~ **which are registered in the same county and which are under the common control of and** owned, leased or operated by ~~[the State or a local governing body. The term includes fleets that are used by the State,]~~ a state agency or a local governing body. The term does not include long haul trucks for use in interstate transportation or motor vehicles held for lease or rental to the general public.

Sec. 6. 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. Farm tractor as defined in NRS 482.035;
2. Moped as defined in NRS 482.069; ~~and~~
3. Motorcycle as defined in NRS 482.070 ~~[-]~~ ; **and**
4. **Vehicle having a manufacturer's gross vehicle weight rating of more than 26,000 pounds, unless the vehicle is designed for carrying more than 15 passengers.**

Sec. 7. NRS 486A.140 is hereby amended to read as follows:

486A.140 The provisions of NRS 486A.010 to 486A.180, inclusive, **and section 1 of this act** do not apply to:

1. The owner of a fleet of motor vehicles that operates only in a county whose population is less than 100,000.
2. Any governmental agency exempted by federal statute or regulation.
3. Any person exempted by the Commission.

Sec. 8. NRS 486A.150 is hereby amended to read as follows:

486A.150 The Commission shall adopt regulations necessary to carry out the provisions of NRS 486A.010 to 486A.180, inclusive, **and section 1 of this act**, including, ~~[but not limited to,]~~ **without limitation**, regulations concerning:

1. Standards and requirements for alternative fuel. ~~[The Commission shall]~~ **In establishing standards and requirements for alternative fuel, the Commission:**

(a) **Must consider fuels that are recognized by the Environmental Protection Agency ~~[-]~~ and the Department of Energy ~~and the California Air Resources Board~~ to improve air quality or reduce harmful air emissions.**

(b) **Shall** not discriminate against any product that is petroleum based.

2. **Specifications for clean vehicles and motor vehicles that use alternative fuels. To the extent practicable and appropriate, the specifications established by the Commission must be consistent with the specifications established by the Environmental Protection Agency ~~[-]~~ and the Department of Energy ~~and the California Air Resources Board~~ for the vehicle category and year of manufacture.**

3. The ~~[conversion of fleets to use alternative fuels if the]~~ **acquisition of clean vehicles and motor vehicles that use alternative fuels by a fleet that** is operated in a county whose population is 100,000 or more ~~[-~~

~~3. Standards for alternative fuel injection systems for diesel motor vehicles.] , including, without limitation, recordkeeping and reporting requirements concerning such vehicles.~~

4. Standards for levels of emissions from motor vehicles that are converted to use alternative fuels.

5. The establishment of a procedure for approving **variances or** exemptions to the requirements of NRS 486A.010 to 486A.180, inclusive ~~[-~~

~~6. Standards related to the use of dedicated alternative fuel motor vehicles.] , and section 1 of this act. The Commission may approve a variance or exemption based upon:~~

(a) **A determination by the Commission that compliance with the requirements of NRS 486A.010 to 486A.180, inclusive, and section 1 of this act:**

(1) **Would void or reduce the coverage under a manufacturer's warranty for any vehicle or vehicle component;**

(2) **Would result in financial hardship to the owner or operator of a fleet; or**

(3) **Is impractical because of the lack of availability of clean vehicles, alternative fuel or motor vehicles that use alternative fuel; or**

(b) **Any other reason which the Commission determines is appropriate.**

Sec. 9. NRS 486A.160 is hereby amended to read as follows:

486A.160 1. The Department shall:

(a) Make such determinations and issue such orders as may be necessary to carry out the provisions of NRS 486A.010 to 486A.180, inclusive ~~[-]~~, **and section 1 of this act;**

(b) Enforce the regulations adopted by the Commission pursuant to the provisions of NRS 486A.010 to 486A.180, inclusive ~~[-]~~, **and section 1 of this act;** and

(c) Conduct any investigation, research or study necessary to carry out the provisions of NRS 486A.010 to 486A.180, inclusive ~~[-]~~, **and section 1 of this act.**

2. Upon request, the Department of Motor Vehicles shall provide to the Department information contained in records of registration of motor vehicles.

Sec. 10. NRS 486A.170 is hereby amended to read as follows:

486A.170 1. An authorized representative of the Department may enter and inspect any fleet of ~~[10 or more]~~ motor vehicles that is subject to the requirements of NRS 486A.010 to 486A.180, inclusive, **and section 1 of this act** to ascertain compliance with the provisions of NRS 486A.010 to 486A.180, inclusive, **and section 1 of this act** and **any** regulations adopted pursuant thereto.

2. A person who owns or leases a fleet of ~~[10 or more]~~ **motor** vehicles shall not:

(a) Refuse entry or access to the motor vehicles to any authorized representative of the Department who requests entry for the purpose of inspection as provided in subsection 1.

(b) Obstruct, hamper or interfere with any such inspection.

3. If requested by the owner or lessor of a fleet of motor vehicles, the Department shall prepare a report of an inspection made pursuant to subsection 1 setting forth all facts determined which relate to the owner's or lessor's compliance with the provisions of NRS 486A.010 to 486A.180, inclusive, **and section 1 of this act** and any regulations adopted pursuant thereto.

Sec. 11. NRS 486A.180 is hereby amended to read as follows:

486A.180 1. Except as otherwise provided in subsection 4, any person who violates any provision of NRS 486A.010 to 486A.180, inclusive, **and section 1 of this act** or any regulation adopted pursuant thereto, is guilty of a civil offense and shall pay an administrative fine levied by the Commission of not more than \$5,000. Each day of violation constitutes a separate offense.

2. The Commission shall by regulation establish a schedule of administrative fines of not more than \$1,000 for lesser violations of any provision of NRS 486A.010 to 486A.180, inclusive, **and section 1 of this act** or any regulation ~~[in force]~~ **adopted** pursuant thereto.

3. Action pursuant to subsection 1 or 2 is not a bar to enforcement of the provisions of NRS 486A.010 to 486A.180, inclusive, **and section 1 of this act** and **any** regulations ~~[in force]~~ **adopted** pursuant thereto, by injunction or other appropriate remedy. The Commission or the Director of the Department may institute and maintain in the name of the State of Nevada any such enforcement proceeding.

4. A person who fails to pay a fine levied pursuant to subsection 1 or 2 within 30 days after the fine is imposed is guilty of a misdemeanor. The provisions of this subsection do not apply to a person found by the court to be indigent.

5. The Commission and the Department shall deposit all money collected pursuant to this section in the State General Fund. Money deposited in the State General Fund pursuant to this subsection must be accounted for separately and may only be expended upon legislative appropriation.

Sec. 12. NRS 486A.200 is hereby amended to read as follows:

486A.200 1. After consulting with the Department of Business and Industry, the Department may, within limits of legislative appropriations or authorizations or grants available for this purpose, develop and carry out a program to provide incentives to encourage those persons who are not otherwise required to do so pursuant to NRS 486A.010 to 486A.180, inclusive, **and section 1 of this act** to ~~[use clean burning fuel in motor vehicles]~~ **acquire clean vehicles and motor vehicles that use alternative**

fuels. The program may include, without limitation, a method of educating the members of the general public concerning:

- (a) The program administered by the Department; and
- (b) The benefits of using ~~[clean-burning-fuel-in]~~ *clean vehicles and* motor vehicles ~~[]~~ *that use alternative fuels.*

2. The Department may adopt regulations to carry out the provisions of this section.

3. As used in this section:

- (a) ~~["Clean-burning-fuel" has the meaning ascribed to alternative fuel in 40 C.F.R. § 490.2.]~~ *"Clean vehicle" has the meaning ascribed to it in section 1 of this act.*

- (b) "Department" means the State Department of Conservation and Natural Resources.

- (c) "Motor vehicle" has the meaning ascribed to it in NRS 365.050.

Sec. 13. (Deleted by amendment.)

Sec. 14. Chapter 365 of NRS is hereby amended by adding thereto the provisions set forth as sections 15 to 18, inclusive, of this act.

Sec. 15. "Ethanol" means denatured ethyl alcohol produced for use as a fuel.

Sec. 16. "Methanol" means anhydrous methyl alcohol produced for use as a fuel.

Sec. 17. 1. The Department may take disciplinary action in accordance with subsection 2 against any person who, below the terminal rack:

(a) Sells or stores for personal consumption any motor vehicle fuel for a use which the person selling or storing the fuel knows, or has reason to know, is a taxable use of the fuel and does not report and pay the applicable tax to the Department;

(b) Willfully alters the volume or composition of any motor vehicle fuel which is intended for a taxable use and does not report and pay the applicable tax to the Department; or

(c) Sells motor vehicle fuel which the person selling the fuel knows, or has reason to know, is formulated in a manner that violates any provision of state or federal law governing standards for the formulation of motor vehicle fuel.

2. For any violation described in subsection 1, the Department may:

(a) For a first violation within 4 years, impose an administrative fine of not more than \$2,500 and suspend any license issued to the person pursuant to the provisions of this chapter for not more than 30 days;

(b) For a second violation within 4 years, impose an administrative fine of not more than \$5,000 and suspend any license issued to the person pursuant to the provisions of this chapter for not more than 60 days; and

(c) For a third or subsequent violation within 4 years, impose an administrative fine of not more than \$10,000 and revoke any license issued to the person pursuant to the provisions of this chapter.

Sec. 18. 1. If the Department determines through an audit that a retailer has sold motor vehicle fuel which substantially exceeds the ethanol tolerance for motor vehicle fuel prescribed by federal law, the Department may:

(a) For a first violation and each subsequent violation committed during the first violation year, impose an administrative fine of not more than \$1,000 on the retailer and the supplier of the motor vehicle fuel. The total fines imposed on a person pursuant to this paragraph must not exceed \$100,000.

(b) For each violation committed during the second violation year, impose an administrative fine of not more than \$2,500 on the retailer and the supplier of the motor vehicle fuel and suspend any license issued to the retailer or the supplier pursuant to the provisions of this chapter for not more than 60 days. The total fines imposed on a person pursuant to this paragraph must not exceed \$250,000.

(c) For each violation committed during the third or subsequent violation year, impose an administrative fine of not more than \$5,000 on the retailer and the supplier of the motor vehicle fuel and permanently revoke any license issued to the retailer or the supplier pursuant to the provisions of this chapter. The total fines imposed on a person pursuant to this paragraph must not exceed \$500,000.

2. As used in this section:

(a) "Substantially exceeds" means that a motor vehicle fuel contains a concentration of alcohol or is formulated in a manner which exceeds the standards for the formulation of motor vehicle fuel established by federal law in an amount established by the Department.

(b) "Supplier" includes a person who acts as a supplier of motor vehicle fuel but who is not licensed to engage in business as a supplier pursuant to the provisions of this chapter.

(c) "Violation year" means any calendar year in which the retailer or supplier commits a violation.

Sec. 19. NRS 365.010 is hereby amended to read as follows:

365.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 365.015 to 365.092, inclusive, *and sections 15 and 16 of this act* have the meanings ascribed to them in those sections.

Sec. 20. NRS 365.060 is hereby amended to read as follows:

365.060 "Motor vehicle fuel" means gasoline, natural gasoline, casing-head gasoline, *methanol, ethanol* or any other inflammable or combustible liquid, regardless of the name by which the liquid is known or sold, the chief use of which in this State is for the propulsion of motor vehicles, motorboats or aircraft other than jet or turbine-powered aircraft. The term does not include kerosene, gas oil, fuel oil, fuel for jet or turbine-powered aircraft, diesel fuel, *biodiesel, biodiesel blend*, liquefied petroleum gas and an

emulsion of water-phased hydrocarbon fuel, as that term is defined in NRS 366.026.

Sec. 21. NRS 365.600 is hereby amended to read as follows:

365.600 1. ~~[The]~~ Except as otherwise provided in sections 17 and 18 of this act, the Department may impose an administrative fine, not to exceed \$2,500, for a violation of any provision of this chapter, or any regulation or order adopted or issued pursuant thereto.

2. The Department shall afford to any person ~~fee~~ fined pursuant to this section or section 17 or 18 of this act an opportunity for a hearing pursuant to the provisions of NRS 233B.121.

~~[2.]~~ 3. All administrative fines collected by the Department pursuant to subsection 1 or section 17 or 18 of this act must be deposited with the State Treasurer to the credit of the State Highway Fund.

~~[3.]~~ 4. In addition to any other remedy provided by this chapter, the Department may compel compliance with any provision of this chapter and any regulation or order adopted or issued pursuant thereto by injunction or other appropriate remedy. The Department may institute and maintain in the name of the State of Nevada any such enforcement proceedings.

Sec. 22. Chapter 366 of NRS is hereby amended by adding thereto the provisions set forth as sections 23 to 27, inclusive, of this act.

Sec. 23. "Biodiesel" means a fuel composed of mono-alkyl esters of long-chain fatty acids or any other fuel sold or labeled as biodiesel which is suitable for use as a fuel in a motor vehicle.

Sec. 24. "Biodiesel blend" means a blend of biodiesel and a petroleum-based product suitable for use as a fuel in a motor vehicle.

Sec. 25. "Special fuel manufacturer" means a person who manufactures, blends, produces, refines, prepares, distills or compounds only special fuel containing biodiesel or biodiesel blend in this State for his personal use in this State or for sale or delivery in or outside of this State.

Sec. 26. Each special fuel manufacturer shall, not later than the last day of each month, submit to the Department a written report which sets forth:

1. The number of gallons of special fuel containing biodiesel or biodiesel blend the special fuel manufacturer manufactured, blended, produced, refined, prepared, distilled or compounded in this State;

2. The number of gallons of special fuel containing biodiesel or biodiesel blend the special fuel manufacturer manufactured, blended, produced, refined, prepared, distilled or compounded for personal use in this State;

3. The number of gallons of special fuel containing biodiesel or biodiesel blend the special fuel manufacturer sold or delivered in this State;

4. The name and mailing address of each person to whom the special fuel manufacturer sold or delivered special fuel containing biodiesel or biodiesel blend in this State; and

5. The number of gallons of special fuel containing biodiesel or biodiesel blend the special fuel manufacturer sold or distributed to each person described in subsection 4.

Sec. 27. 1. If the Department determines through an audit that a retailer has sold special fuel containing biodiesel or biodiesel blend which substantially exceeds the biodiesel tolerance for the biodiesel blend posted by the retailer, the Department may:

(a) For a first violation and each subsequent violation committed during the first violation year, impose an administrative fine of not more than \$1,000 on the retailer and the supplier of the special fuel. The total fines imposed on a person pursuant to this paragraph must not exceed \$100,000.

(b) For each violation committed during the second violation year, impose an administrative fine of not more than \$2,500 on the retailer and the supplier of the special fuel and suspend any license issued to the retailer or the supplier pursuant to the provisions of this chapter for not more than 60 days. The total fines imposed on a person pursuant to this paragraph must not exceed \$250,000.

(c) For each violation committed during the third or subsequent violation year, impose an administrative fine of not more than \$5,000 on the retailer and the supplier of the special fuel and permanently revoke any license issued to the retailer or the supplier pursuant to the provisions of this chapter. The total fines imposed on a person pursuant to this paragraph must not exceed \$500,000.

2. As used in this section:

(a) "Substantially exceeds" means that a special fuel contains a biodiesel blend which exceeds the total volume displayed on the special fuel pump in an amount established by the Department.

(b) "Supplier" includes a person who acts as a supplier of special fuel but who is not licensed to engage in business as a supplier pursuant to the provisions of this chapter.

(c) "Violation year" means any calendar year in which the retailer or supplier commits a violation.

Sec. 28. NRS 366.020 is hereby amended to read as follows:

366.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 366.025 to 366.100, inclusive, and sections 23, 24 and 25 of this act have the meanings ascribed to them in those sections.

Sec. 29. NRS 366.060 is hereby amended to read as follows:

366.060 "Special fuel" means any combustible gas or liquid used for the generation of power for the propulsion of motor vehicles, including ,without limitation, biodiesel, biodiesel blend and an emulsion of water-phased hydrocarbon fuel. The term does not include motor vehicle fuel as defined in chapter 365 of NRS.

Sec. 30. NRS 366.070 is hereby amended to read as follows:

366.070 1. "Special fuel supplier" means a person who:

~~1-1~~ (a) Imports or acquires immediately upon importation into this State special fuel from within or without a state, territory or possession of the United States or the District of Columbia into a terminal located in this State;

~~1-2~~ (b) Produces, manufactures or refines special fuel in this State; or

~~1-3~~ (c) Otherwise acquires for distribution in this State special fuel with respect to which there has been no previous taxable sale or use.

2. The term does not include a special fuel manufacturer.

Sec. 31. NRS 366.150 is hereby amended to read as follows:

366.150 1. The Department or its authorized agents may:

(a) Examine the books, papers, records and equipment of any special fuel supplier, special fuel dealer, special fuel exporter, special fuel transporter, special fuel user, special fuel manufacturer or any other person transporting or storing special fuel;

(b) Investigate the character of the disposition which any person makes of special fuel; and

(c) Stop and inspect a motor vehicle that is using or transporting special fuel,

➔ to determine whether all excise taxes due pursuant to this chapter are being properly reported and paid.

2. The fact that the books, papers, records and equipment described in paragraph (a) of subsection 1 are not maintained in this State at the time of demand does not cause the Department to lose any right of examination pursuant to this chapter at the time and place those books, papers, records and equipment become available.

3. If a special fuel supplier, special fuel dealer, special fuel exporter, special fuel transporter, ~~for~~ special fuel user or special fuel manufacturer wishes to keep proper books and records pertaining to business done in Nevada elsewhere than within the State of Nevada for inspection as provided in this section, he must pay a fee for the examination in an amount per day equal to the amount set by law for out-of-state travel for each day or fraction thereof during which the examiner is actually engaged in examining those books and records, plus the actual expenses of the examiner during the time that the examiner is absent from this State for the purpose of making the examination, but the time must not exceed 1 day going to and 1 day coming from the place where the examination is to be made in addition to the number of days or fractions thereof the examiner is actually engaged in auditing those books and records. Not more than two such examinations may be charged against any special fuel supplier, special fuel dealer, special fuel exporter, special fuel transporter, ~~for~~ special fuel user or special fuel manufacturer in any year.

4. Any money received must be deposited by the Department to the credit of the fund or operating account from which the expenditures for the examination were paid.

5. Upon the demand of the Department, each special fuel supplier, special fuel dealer, special fuel exporter, special fuel transporter, ~~for~~ special

fuel user or special fuel manufacturer shall furnish a statement showing the contents of the records to such extent and in such detail and form as the Department may require.

Sec. 32. NRS 366.160 is hereby amended to read as follows:

366.160 1. All records of mileage operated, origin and destination points within this State, equipment operated in this State, gallons or cubic feet consumed ~~and~~ and tax paid must at all reasonable times be open to the public.

2. All supporting schedules, invoices and other pertinent papers relative to the business affairs and operations of any special fuel supplier, special fuel dealer, special fuel exporter, special fuel transporter, ~~for~~ special fuel user ~~or~~ or special fuel manufacturer, and any information obtained by an investigation of the records and equipment of any special fuel supplier, special fuel dealer, special fuel exporter, special fuel transporter, ~~for~~ special fuel user ~~or~~ or special fuel manufacturer, shall be deemed confidential and must not be revealed to any person except as necessary to administer this chapter or as otherwise provided by NRS 239.0115 or by any other law.

Sec. 33. NRS 366.220 is hereby amended to read as follows:

366.220 1. Except as otherwise provided in this chapter:

(a) Before becoming a special fuel dealer, special fuel supplier, special fuel exporter, special fuel transporter, ~~for~~ special fuel user ~~or~~ or special fuel manufacturer, a person must apply to the Department, on forms to be prescribed by the Department, for a license authorizing the applicant to engage in business as a special fuel dealer, special fuel supplier, special fuel exporter, ~~for~~ special fuel transporter ~~or~~ or special fuel manufacturer or to operate as a special fuel user.

(b) It is unlawful for any person to be:

(1) A special fuel dealer without holding a license as a special fuel dealer pursuant to this chapter.

(2) A special fuel supplier without holding a license as a special fuel supplier pursuant to this chapter.

(3) A special fuel exporter without holding a license as a special fuel exporter pursuant to this chapter.

(4) A special fuel transporter without holding a license as a special fuel transporter pursuant to this chapter.

(5) A special fuel user without holding a license as a special fuel user pursuant to this chapter.

(6) A special fuel manufacturer without holding a license as a special fuel manufacturer pursuant to this chapter.

2. The Department may adopt regulations relating to the issuance of any license pursuant to this chapter and the collection of fees therefor.

Sec. 34. NRS 366.221 is hereby amended to read as follows:

366.221 1. Except as otherwise provided in subsection 2, a special fuel user's license is not required of the following classes of special fuel users:

(a) Operators of motor vehicles who make occasional trips into this State for service or repair.

(b) Operators of house coaches as defined in NRS 484.067.

(c) Operators of motor vehicles having a declared gross weight of 26,000 pounds or less.

(d) Operators of unladen motor vehicles purchased in this State for the trip from the point of delivery to the state boundary.

(e) Operators of motor vehicles who make occasional trips into or across this State for nonprofit or eleemosynary purposes.

(f) Operators of motor vehicles which are operated exclusively within this State.

2. A person otherwise exempt pursuant to subsection 1 who does not purchase special fuel in this State in an amount commensurate with his consumption of special fuel in the propulsion of motor vehicles on the highways of this State shall secure a special fuel user's license.

Sec. 35. NRS 366.223 is hereby amended to read as follows:

366.223 1. A special fuel user may, in lieu of causing a motor vehicle that has a declared gross weight in excess of 26,000 pounds to be licensed pursuant to the provisions of NRS 366.220, obtain a temporary permit for special fuel from a vendor authorized to issue permits pursuant to NRS 481.051 before entering ~~the State or immediately upon entering~~ the State. The fee for a temporary permit for special fuel is \$30 and is not refundable.

2. Except as otherwise provided in subsection 3, a temporary permit for special fuel authorizes the operation of such a motor vehicle over the highways of this State from point of entry to point of exit for not more than 24 consecutive hours.

3. The Department may issue to the owner or operator of a common motor carrier of passengers a temporary permit for special fuel that authorizes the operation of the motor carrier for not more than 120 consecutive hours.

4. The Department may adopt regulations relating to the issuance of a temporary permit for special fuel pursuant to this section.

Sec. 36. NRS 366.235 is hereby amended to read as follows:

366.235 1. An applicant for or holder of a license as a special fuel supplier or special fuel dealer shall provide a bond executed by him as principal, and by a corporation qualified pursuant to the laws of this State as surety, payable to the State of Nevada, and conditioned upon the faithful performance of all the requirements of this chapter and upon the punctual payment of all excise taxes, penalties and interest due the State of Nevada. The total amount of the bond or bonds of any holder of such a license must be fixed by the Department at not less than three times the estimated maximum monthly tax, determined in such a manner as the Department deems proper, but the amount must not be less than \$1,000 for a special fuel supplier and must not be less than \$100 for a special fuel dealer. If a special fuel supplier or special fuel dealer is habitually delinquent in the payment of

amounts due pursuant to this chapter, the Department may increase the amount of his security to not more than five times the estimated maximum monthly tax. When cash or a savings certificate, certificate of deposit or investment certificate is used, the amount required must be rounded off to the next larger integral multiple of \$100.

2. If a special fuel user or special fuel manufacturer is habitually delinquent in the payment of amounts due pursuant to this chapter, the Department shall require the special fuel user or special fuel manufacturer to provide a bond executed by him as principal, and by a corporation qualified pursuant to the laws of this State as surety, payable to the State of Nevada, and conditioned upon the faithful performance of all the requirements of this chapter and upon the punctual payment of all excise taxes, penalties and interest due the State of Nevada. The total amount of the bond must not be less than \$2,500.

3. No recovery on any bond, execution of any new bond or suspension or revocation of any license as a special fuel supplier, special fuel dealer, ~~for~~ special fuel user or special fuel manufacturer affects the validity of any bond.

4. In lieu of a bond or bonds, an applicant for or holder of a license as a special fuel supplier or special fuel dealer, or a person required to provide a bond pursuant to subsection 2, may deposit with the State Treasurer, under such terms as the Department may prescribe, an equivalent amount of lawful money of the United States or any other form of security authorized by NRS 100.065. If security is provided in the form of a savings certificate, certificate of deposit or investment certificate, the certificate must state that the amount is unavailable for withdrawal except upon order of the Department.

5. If the holder of a license as a special fuel supplier or special fuel dealer is required to provide a bond of more than \$5,000, the Department may reduce the requirements for the bond to not less than \$5,000 upon the faithful performance of the special fuel supplier or special fuel dealer of all the requirements of this chapter and the punctual payment of all taxes due the State of Nevada for the 3 preceding calendar years.

6. The Department shall immediately reinstate the original requirements for a bond for a holder of a license as a special fuel supplier or special fuel dealer upon his:

- (a) Lack of faithful performance of the requirements of this chapter; or
- (b) Failure to pay punctually all taxes, fees, penalties and interest due the State of Nevada.

7. For the purposes of this section, a person is "habitually delinquent" if, within any 12-month period, the person commits each of the following acts or commits either of the following acts more than once:

(a) Fails timely to file a monthly or quarterly special fuel tax return, unless the Department determines that:

(1) The failure to file was caused by circumstances beyond the control of the person and occurred notwithstanding the exercise of ordinary care; and

(2) The person has paid any penalty and interest imposed by the Department because of the failure to file.

(b) Fails timely to submit to the Department any tax collected by the person pursuant to this chapter.

Sec. 37. NRS 366.240 is hereby amended to read as follows:

366.240 1. Except as otherwise provided in subsection 2, the Department shall:

(a) Upon receipt of the application and bond in proper form, issue to the applicant a special fuel supplier's or special fuel dealer's license.

(b) Upon receipt of the application in proper form, issue to the applicant a special fuel exporter's, special fuel transporter's, ~~for~~ special fuel user's or special fuel manufacturer's license.

2. The Department may refuse to issue a license pursuant to this section to any person:

(a) Who formerly held a license issued pursuant to this chapter or a similar license of any other state, the District of Columbia, the United States, a territory or possession of the United States or any foreign country which, before the time of filing the application, has been revoked for cause;

(b) Who applies as a subterfuge for the real party in interest whose license, before the time of filing the application, has been revoked for cause;

(c) Who, if he is a special fuel supplier or special fuel dealer, neglects or refuses to furnish a bond as required by this chapter;

(d) Who is in default in the payment of a tax on special fuel in this State, any other state, the District of Columbia, the United States, a territory or possession of the United States or any foreign country;

(e) Who has failed to comply with any provision of this chapter; or

(f) Upon other sufficient cause being shown.

Sec. 38. NRS 366.250 is hereby amended to read as follows:

366.250 Any applicant whose application for a special fuel supplier's license, special fuel dealer's license, special fuel exporter's license, special fuel transporter's license, ~~for~~ special fuel user's license or special fuel manufacturer's license has been denied may petition the Department for a hearing. The Department shall:

1. Grant the applicant a hearing.

2. Provide to the applicant, not less than 10 days before the hearing, written notice of the time and place of the hearing.

Sec. 39. NRS 366.270 is hereby amended to read as follows:

366.270 If any person ceases to be a special fuel supplier, special fuel dealer, special fuel exporter, special fuel transporter, ~~for~~ special fuel user or special fuel manufacturer within this State by reason of the discontinuance, sale or transfer of his business, he shall:

1. Notify the Department in writing at the time the discontinuance, sale or transfer takes effect. The notice must give the date of the discontinuance, sale or transfer, and the name and address of any purchaser or transferee.

2. Surrender to the Department the license issued to him by the Department.

3. If he is:

(a) A special fuel user registered under the Interstate Highway User Fee Apportionment Act, file the tax return required pursuant to NRS 366.380 and pay all taxes, interest and penalties required pursuant to this chapter and chapter 360A of NRS, except that both the filing and payment are due on or before the last day of the month following the month of the discontinuance, sale or transfer of the business.

(b) A special fuel supplier, file the tax return required pursuant to NRS 366.383 and pay all taxes, interest and penalties required pursuant to this chapter and chapter 360A of NRS on or before the last day of the month following the month of the discontinuance, sale or transfer of the business.

(c) A special fuel dealer ~~or~~ or special fuel manufacturer, file the tax return required pursuant to NRS 366.386 and pay all taxes, interest and penalties required pursuant to this chapter and chapter 360A of NRS, except that both the filing and payment are due on or before the last day of the month following the month of the discontinuance, sale or transfer of the business.

(d) A special fuel exporter, file the report required pursuant to NRS 366.387 on or before the last day of the month following the month of the discontinuance, sale or transfer of the business.

(e) A special fuel transporter, file the report required pursuant to NRS 366.695 on or before the last day of the month following the month of the discontinuance, sale or transfer of the business.

Sec. 40. NRS 366.370 is hereby amended to read as follows:

366.370 1. Except as otherwise provided in this chapter, the excise tax imposed by this chapter with respect to the use or sale of special fuel during any calendar quarter is due on or before the last day of the first month following the quarterly period to which it relates.

2. If the due date falls on a Saturday, Sunday or legal holiday, the next business day is the final due date.

3. Payment shall be deemed received on the date shown by the cancellation mark stamped by the United States Postal Service or the postal service of any other country upon an envelope containing payment properly addressed to the Department.

4. A special fuel supplier shall pay the tax imposed by this chapter at the time he files his tax return pursuant to NRS 366.383.

5. A special fuel dealer or special fuel manufacturer shall pay the tax imposed by this chapter at the time he files his tax return pursuant to NRS 366.386.

Sec. 41. NRS 366.386 is hereby amended to read as follows:

366.386 1. On or before the last day of the month following each reporting period, a special fuel dealer or special fuel manufacturer shall file with the Department a tax return for the preceding reporting period,

regardless of the amount of tax collected, on a form prescribed by the Department.

2. The tax return must:

(a) Include information required by the Department for the administration and enforcement of this chapter; and

(b) Be accompanied by a remittance, payable to the Department, for the amount of the tax due.

3. Except as otherwise provided in this subsection, the reporting period for a special fuel dealer or special fuel manufacturer is a calendar month. Upon application by a special fuel dealer ~~or~~ or special fuel manufacturer, the Department may assign to the special fuel dealer or special fuel manufacturer for a specific calendar year:

(a) A reporting period consisting of that entire calendar year if the Department estimates, based upon the tax returns filed by the special fuel dealer or special fuel manufacturer for the preceding calendar year, that the special fuel dealer or special fuel manufacturer will sell not more than 200 gallons of special fuel in this State each calendar month of that reporting period.

(b) Two reporting periods consisting of 6 consecutive calendar months, commencing on the first day of January and July, respectively, if the Department estimates, based upon the tax returns filed by the special fuel dealer or special fuel manufacturer for the preceding calendar year, that the special fuel dealer or special fuel manufacturer will sell more than 200 gallons but not more than 500 gallons of special fuel in this State each calendar month during those reporting periods.

(c) Four reporting periods consisting of 3 consecutive months, commencing on the first day of January, April, July and October, respectively, if the Department estimates, based upon the tax returns filed by the special fuel dealer or special fuel manufacturer for the preceding calendar year, that the special fuel dealer or special fuel manufacturer will sell more than 500 gallons but less than 5,000 gallons of special fuel in this State each calendar month during those reporting periods.

Sec. 42. NRS 366.540 is hereby amended to read as follows:

366.540 1. The tax provided for by this chapter must be paid by special fuel suppliers, special fuel dealers, ~~and~~ special fuel users ~~and~~ and special fuel manufacturers. A special fuel supplier or special fuel dealer shall pay to the Department the excise tax he collects from purchasers of special fuel with the return filed pursuant to NRS 366.383 or 366.386, respectively. The tax paid by a special fuel user must be computed by multiplying the tax rate per gallon provided in this chapter by the amount that the number of gallons of special fuel consumed by the special fuel user in the propulsion of motor vehicles on the highways of this State exceeds the number of gallons of special fuel purchases by him. The tax paid by a special fuel manufacturer must be computed by multiplying the tax rate per gallon provided in this chapter by the number of gallons of special fuel that the special fuel

manufacturer places into or sells for placement into the supply tank of a motor vehicle in this State.

2. If the Department determines that a special fuel supplier or special fuel dealer, or any unlicensed person who collects an excise tax, has failed to submit a tax return when due pursuant to this chapter or failed to pay the tax when due pursuant to this chapter, the Department may order the special fuel supplier, special fuel dealer or unlicensed person to hold the amount of all taxes collected pursuant to this chapter in a separate account in trust for the State. The special fuel supplier, special fuel dealer or unlicensed person shall comply with the order immediately upon receiving notification of the order from the Department.

3. A retailer who receives or sells special fuel for which the taxes imposed pursuant to this chapter have not been paid is liable for the taxes and any applicable penalty or interest if the retailer knew or should have known that the applicable taxes on the special fuel had not been paid.

Sec. 43. NRS 366.685 is hereby amended to read as follows:

366.685 1. Every special fuel supplier, special fuel dealer, special fuel exporter, special fuel transporter, special fuel user, **special fuel manufacturer** and retailer, and every other person transporting or storing special fuel in this State shall keep such records, receipts, invoices and other pertinent papers with respect thereto as the Department requires.

2. The records, receipts, invoices and other pertinent papers described in subsection 1 must be preserved for 4 years after the date on which the record, receipt, invoice or other pertinent paper was created or generated.

3. The records, receipts, invoices and other pertinent papers must be available at all times during business hours to the Department or its authorized agents.

4. In addition to any other penalty that may be imposed, any violation of the provisions of this section constitutes grounds for the Department to deny any future application for a license pursuant to this chapter that is submitted by a person who is determined to be responsible for the violation.

Sec. 44. NRS 366.692 is hereby amended to read as follows:

366.692 1. Each special fuel supplier **or special fuel manufacturer** shall prepare and provide a record of shipment to each person who purchases more than 25 gallons of special fuel and transports the special fuel from the place of purchase. The record of shipment must include the:

- (a) Place where the special fuel was purchased;
 - (b) Place to which the purchaser declares the special fuel will be transported;
 - (c) Number of gallons of special fuel transported;
 - (d) Color and concentration of the dye added to the special fuel, if any;
- and
- (e) Name and address of the purchaser of the special fuel.
2. Each person who transports special fuel in this State shall:

(a) Keep the record of shipment required by subsection 1 in the vehicle in which the special fuel is transported until the special fuel is delivered to the purchaser; and

(b) Upon request from a peace officer, allow the peace officer to inspect the record of shipment.

Sec. 45. NRS 366.720 is hereby amended to read as follows:

366.720 1. Any person who:

(a) Fails or refuses to pay the tax imposed by this chapter;

(b) Engages in business in this State as a special fuel manufacturer, special fuel user, special fuel exporter, special fuel dealer or special fuel supplier, or acts in this State as a special fuel transporter, without being the holder of a license to engage in that business or to act in that capacity;

(c) Fails to make any of the reports required by this chapter;

(d) Makes any false statement in any application, report or statement required by this chapter;

(e) Refuses to permit the Department or any authorized agent to examine records as provided by this chapter;

(f) Fails to keep proper records of quantities of special fuel received, produced, refined, manufactured, compounded, used or delivered in this State as required by this chapter;

(g) Makes any false statement in connection with an application for the refund of any money or taxes provided in this chapter;

(h) Violates the provisions of NRS 366.265;

(i) Fails or refuses to stop his motor vehicle for an inspection to determine if all excise taxes due pursuant to the provisions of this chapter are being properly reported and paid; or

(j) Refuses to allow the Department or an authorized agent to inspect a motor vehicle to determine whether all excise taxes due pursuant to the provisions of this chapter are being properly reported and paid,

↪ is guilty of a misdemeanor.

2. Each day or part thereof during which any person engages in business as a special fuel manufacturer, special fuel dealer, special fuel supplier or special fuel exporter or acts as a special fuel transporter without being the holder of a license authorizing him to engage in that business or to act in that capacity constitutes a separate offense within the meaning of this section.

Sec. 46. NRS 366.735 is hereby amended to read as follows:

366.735 1. The Department may take disciplinary action in accordance with subsection 2 against any person who ~~is~~, below the terminal rack:

(a) Sells or stores for personal consumption any dyed special fuel for a use which the person selling or storing such fuel knows, or has reason to know, is a taxable use of the fuel ~~is~~ and does not report and pay the applicable tax to the Department;

(b) Willfully ~~alters or attempts to alter the strength of composition~~ decreases or attempts to decrease the concentration of any dye in any

special fuel intended to be used for a taxable purpose ~~[; or]~~ **and does not report and pay the applicable tax to the Department;**

(c) Uses dyed special fuel for a taxable purpose ~~[;]~~ **and does not report and pay the applicable tax to the Department;**

(d) **Willfully increases or attempts to increase the volume of any special fuel intended to be used for a taxable purpose by adding to the fuel any quantity of special fuel for which the tax imposed pursuant to this chapter has not been paid or any quantity of other product for which any tax imposed pursuant to the laws of this State has not been paid; or**

(e) **Willfully manufactures, sells, distributes for sale or attempts to manufacture, sell or distribute for sale any special fuel intended to be used for a taxable purpose and for which the tax imposed pursuant to this chapter has not been paid.**

2. For any violation described in subsection 1, the Department may:

(a) If the violation is a first offense, impose an administrative fine of not more than \$2,500 and suspend any license issued to that person pursuant to this chapter for not more than 30 days;

(b) If the violation is a second offense within a period of 4 years, impose an administrative fine of not more than \$5,000 and suspend any license issued to that person pursuant to this chapter for not more than 60 days; and

(c) If the violation is a third or subsequent offense within a period of 4 years, impose an administrative fine of not more than \$10,000 and revoke any license issued to that person pursuant to this chapter.

Sec. 47. NRS 366.740 is hereby amended to read as follows:

366.740 1. Except as otherwise provided in NRS 366.733 and 366.735 ~~[;]~~ **and section 27 of this act,** the Department may impose an administrative fine, not to exceed \$2,500, for a violation of any provision of this chapter, or any regulation or order adopted or issued pursuant thereto.

2. The Department shall afford to any person fined pursuant to this section or NRS 366.733 or 366.735 **or section 27 of this act** an opportunity for a hearing pursuant to the provisions of NRS 233B.121.

3. All administrative fines collected by the Department pursuant to subsection 1 or NRS 366.733 or 366.735 **or section 27 of this act** must be deposited with the State Treasurer to the credit of the State Highway Fund.

4. In addition to any other remedy provided by this chapter, the Department may compel compliance with any provision of this chapter and any regulation or order adopted or issued pursuant thereto by injunction or other appropriate remedy. The Department may institute and maintain in the name of the State of Nevada any such enforcement proceedings.

~~[Sec. 44.]~~ **Sec. 48. 1. NRS 365.072 is hereby repealed.**

2. NRS 486A.040, 486A.060 and 486A.090 are hereby repealed.

~~[Sec. 45.]~~ **Sec. 49. 1. This section and sections 14 to 47, inclusive, and subsection 1 of section 48 of this act become effective upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry**

~~out the provisions of this act and on January 1, 2010, for all other purposes.~~

~~2. Sections 1 to 12, inclusive, and subsection 2 of section 48 of this act~~
~~[become] become~~ effective on July 1, 2009.

TEXT OF REPEALED SECTIONS

~~365.072 "Petroleum-ethanol mixture" defined. "Petroleum-ethanol mixture" means a fuel containing a minimum of 10 percent by volume of ethyl alcohol derived from agricultural products.~~

~~486A.040 "Bi-fueled motor vehicle" defined. "Bi-fueled motor vehicle" means a motor vehicle that is capable of operating on either a clean-burning alternative fuel or a traditional fuel, including, but not limited to, gasoline or diesel fuel.~~

~~486A.060 "Dedicated alternative fuel motor vehicle" defined. "Dedicated alternative fuel motor vehicle" means a motor vehicle that:~~

- ~~1. Operates only on an alternative fuel; or~~
- ~~2. Regardless of the type of fuel on which it operates, has been certified by the United States Environmental Protection Agency as being in compliance with the standards for the control of emissions from an ultra low-emission vehicle, or more stringent standards, as set forth in 40 C.F.R. § 88.104-94 or 88.105-94.~~

~~486A.090 "Flexible fueled vehicle" defined. "Flexible fueled vehicle" means a motor vehicle that is capable of operating on any mixture of an alternative fuel and a traditional fuel, including, but not limited to, gasoline or diesel fuel.~~

Assemblywoman Spiegel moved that the Assembly adopt the report of the Conference Committee concerning Senate Bill No. 332.

Remarks by Assemblywoman Spiegel.

Motion carried by a constitutional majority.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Concurrent Resolution No. 30.

The following Senate amendment was read:

Amendment No. 995.

SUMMARY—Directs the Legislative Commission to conduct an interim study on the development and promotion of logistics and distribution centers and issues concerning infrastructure and transportation in this State. (BDR R-1305)

ASSEMBLY CONCURRENT RESOLUTION—Directing the Legislative Commission to conduct an interim study on the development and promotion of logistics and distribution centers and issues concerning infrastructure and transportation in this State.

WHEREAS, The creation of new jobs and promoting diversification of the Nevada economy is a critical need and an overriding goal of the Legislature; and

WHEREAS, Nevada is uniquely positioned by virtue of its location and favorable business climate to serve as a logistics and distribution center for the receipt, shipment and assembly of goods on the West Coast to points north and east; and

WHEREAS, The Nevada System of Higher Education, including the state universities in Reno and Las Vegas, has expertise in supply chain management and can provide consulting support, managerial development through degree programs and job training opportunities; and

WHEREAS, Foreign trade zones exist in both southern and northern Nevada for the purpose, among other things, of facilitating the growth of logistics and distribution centers; and

WHEREAS, The ~~proposed Ivanpah Valley Airport in~~ Clark County, ~~the~~ Regional Airport System, the Tahoe-Reno Industrial Center in Storey County and the Reno-Tahoe International Airport are poised for future development as logistics and distribution centers and for the creation of a wide range of jobs in supply chain management; and

WHEREAS, The Elko County Rail Port provides additional opportunities for east-west distribution of goods and development of a logistics cluster; and

WHEREAS, The continuing growth of the population in Nevada has caused growing traffic congestion, environmental issues as a result of such congestion and difficulty in maintaining and expanding the transportation infrastructure in this State because of financial, environmental and physical constraints; and

WHEREAS, Mass transportation systems and the infrastructure for transportation systems play an integral role in supporting the diversification and expansion of the workforce and economy; and

WHEREAS, Efficient mass transportation systems and the infrastructure for transportation systems reduce environmental degradation and decrease congestion on major roadways; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Legislative Commission is hereby directed to appoint a subcommittee to study the development and promotion of Nevada as a logistics and distribution center ~~and~~ and issues concerning infrastructure and transportation; and be it further

RESOLVED, That to facilitate the investment of private capital in logistics and distribution centers, the subcommittee may solicit input from representatives of state and local economic development organizations, interstate transportation facilities in Nevada, transport and logistics companies, manufacturing and other business interests, foreign trade zones, institutions within the Nevada System of Higher Education, and such other governmental or private stakeholders as the subcommittee deems appropriate; and be it further

RESOLVED, That the subcommittee shall formulate a strategy and develop an implementation plan detailing the steps that need to be taken to

create and promote the further development of Nevada as a logistics and distribution center which must include, without limitation:

1. Identification of barriers to the development of logistics and distribution centers;

2. The costs and benefits associated with expanding mass transportation systems ~~and~~ **and developing the necessary infrastructure for transportation systems;**

3. Delineation of future foreign trade zones;

4. Prioritization of infrastructure needs, including energy and water , **infrastructure and mass transportation systems, including mass transportation systems and light rail corridors;**

5. Formation of public-private partnerships for financing and incubation of new businesses;

6. Funding options for the expansion of mass ~~transit systems;~~ **transportation systems and light rail corridors;**

7. Attraction of businesses associated with supply chain management activities, including assembly, manufacturing, warehousing and transportation; and

8. Identification of strategic public policy actions to expedite the investment of private development companies in major logistics centers in Nevada; and be it further

RESOLVED, That the Legislative Commission shall submit a report of the results of the study and any recommendations for legislation to the 76th Session of the Nevada Legislature.

Assemblywoman Koivisto moved that the Assembly concur in the Senate amendment to Assembly Concurrent Resolution No. 30.

Remarks by Assemblywoman Koivisto.

Motion carried by a constitutional majority.

Resolution ordered to enrollment.

REPORTS OF CONFERENCE COMMITTEES

Madam Speaker:

The Conference Committee concerning Senate Bill No. 55, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 588 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 15, which is attached to and hereby made a part of this report.

BERNIE ANDERSON

TERRY CARE

RICHARD MCARTHUR

Assembly Conference Committee

ALLISON COPENING

Senate Conference Committee

Conference Amendment No. CA15.

AN ACT relating to business entities; providing that business entities may cancel filings made with the Secretary of State under certain circumstances; revising the provisions relating to the resignation of a registered agent; revising the provisions relating to the filing of certain lists by business

entities; ~~clarifying the provisions relating to the applicability of certain provisions concerning taxation of a business;~~ revising provisions relating to the payment of dividends or distributions of stock to a judgment creditor; revising provisions relating to domestication of an undomesticated organization; making various other changes pertaining to business entities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 1, 3, 7, 8, 11, 14, 16, 22, 29, 31, 39, 50 and 53 of this bill authorize certain business entities that have made a filing with the Secretary of State to cancel the filing if: (1) the Secretary of State has not processed the filing and placed the filing into the public record; and (2) the business entity pays the required fee. (NRS 78.0295, 80.007, 81.006, 82.534, 84.009, 86.568, 87.547, 87A.275, 88.339, 88A.930)

Section 2.5 of this bill amends existing law, which requires a registered agent who wishes to resign with respect to a represented entity to file with the Secretary of State a statement of resignation which includes the name and address of the person to which the agent will send the notice of resignation, to require such registered agent to file with the Secretary of State an affidavit stating that written notice was provided to each represented entity and to keep a copy of such notice on file for 1 year from the date of filing the statement of resignation and to make any such copy available to the Secretary of State upon request. (NRS 77.370)

Sections 4, 9, 13, 18, 20, 24, 26, 32, 34, 40, 42, 47 and 48 of this bill amend existing law, which requires the Secretary of State to mail certain notices and blank forms to certain business entities, to authorize the Secretary of State to provide instead, by any means, notice to those business entities of the applicable statutory obligations to file certain lists. (NRS 78.150, 80.110, 82.523, 86.263, 86.5461, 87.510, 87.541, 87A.290, 87A.560, 88.395, 88.591, 88A.600, 88A.732)

Sections 5, 10, 12, 17, 21, 25, 27, 30, 35, 37, 38, 43, 45, 46, 49, 51 and 52 of this bill provide that a business entity is required to provide the Secretary of State certain information concerning its owners of record only upon the request of the Secretary of State. (NRS 78.152, 80.113, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251)

Under existing law, a corporation sole may be formed for acquiring, holding or disposing of church or religious society property, for the benefit of religion, for works of charity and for public worship. Existing law provides the procedures for forming a corporation sole, the powers of a corporation sole and the process of default, reinstatement or revocation of a charter of a corporation sole. (Chapter 84 of NRS)

Sections 15.5 and 16.2-16.8 of this bill provide that: (1) existing corporations sole may continue in existence; and (2) no new corporations sole may be formed in the future, except that certain subordinate corporations sole may be formed until July 1, 2011.

Sections 23 and 28 of this bill make technical corrections: (1) to an incorrect reference concerning a registered limited-liability partnership; and (2) to include a reference to the requirement to provide information concerning a registered agent when a foreign registered limited-liability partnership is seeking reinstatement. (NRS 87.480, 87.5435)

Section 6.5 of this bill amends existing law to: (1) define the rights of a judgment creditor who, by court order, receives the distribution or dividend of shares of stock from a stockholder who is the judgment debtor; (2) expand the applicability of the court order to corporations with more than 1 but fewer than 100 shareholders; and (3) provide that the court order does not ~~supersede~~ supersede a private agreement between the stockholder and the creditor if the agreement does not conflict with the corporation's articles of incorporation, bylaws or a shareholder agreement to which the stockholder is a party. (NRS 78.746)

Sections 36 and 44 of this bill authorize a partnership to register as a limited-liability limited partnership by filing a combined certificate with the Secretary of State and paying the appropriate fee. (NRS 87A.630, 88.606)

Section 53.5 of this bill amends existing law to provide that an undomesticated organization seeking domestication in this State must provide a certified copy of the charter document and a certificate of good standing, or the equivalent, from the jurisdiction where the organization was chartered immediately preceding the application for domestication. Additionally, **section 53.5** addresses the liability of a shareholder or other type of owner of the organization before and after domestication of the organization in this State. Finally, **section 53.5** expands the availability of domestication in this State from only organizations governed by the laws of a foreign country or jurisdiction outside the United States to include organizations governed by the laws of any state other than this State, including those of other states within the United States. (NRS 92A.270)

~~§ Section 54 of this bill amends the existing definition of "business" to include any entity organized pursuant to title 7 of NRS, including an entity required to file with the Secretary of State, whether or not the entity performs a service or engages in a business for profit, other than a nonprofit corporation or a corporation sole, which clarifies that such a business is required to: (1) obtain a state business license; and (2) register with the Department of Taxation if the business purchases tangible personal property for storage, use or other consumption in this State. (NRS 360.765, 372.220)~~

~~Section 55 of this bill provides that if an applicant for a state business license is a business organized pursuant to title 7 of NRS and on file with the Secretary of State, the applicant must include in its application the exact name on file with the Secretary of State. (NRS 360.780) Section 55 also clarifies that for the purposes of the statutory provisions requiring a person to obtain a state business license, a person is deemed to be conducting a business in this State if a business for which the person is responsible has a registered agent in this State.~~

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

Section 1. Chapter 77 of NRS is hereby amended by adding thereto a new section to read as follows:

If an entity has made a filing with the Secretary of State pursuant to this chapter and the Secretary of State has not processed the filing and placed the filing into the public record, the entity may cancel the filing by:

- 1. Filing a statement of cancellation with the Secretary of State; and***
- 2. Paying a fee of \$50.***

Sec. 1.5. NRS 77.300 is hereby amended to read as follows:

77.300 Whenever a provision of this chapter ~~other than paragraph (d) of subsection 1 of NRS 77.370~~ requires that a filing state an address, the filing must state:

1. An actual street address or rural route box number in this State; and
2. A mailing address in this State, if different from the address under subsection 1.

Sec. 2. (Deleted by amendment.)

Sec. 2.5. NRS 77.370 is hereby amended to read as follows:

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

- (a) The name of the entity;
- (b) The name of the agent; ***and***
- (c) That the agent resigns from serving as agent for service of process for the entity. ~~}; and~~
- ~~(d) The name and address of the person to which the agent will send the notice required by subsection 3.}~~

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

3. The registered agent shall promptly furnish the represented entity with notice in a record of the date on which a statement of resignation was filed ~~};~~ ***and shall file with the Secretary of State an affidavit stating that written notice of the resignation has been provided to each represented entity. The affidavit must include the name of each represented entity that was provided notice, but is not required to include the contact information of the represented entity or the names of the interest holders of the represented entity. The registered agent shall keep a copy of each notice provided to a represented entity on file for 1 year after the date of filing the statement of resignation and shall make any such copy available to the Secretary of State upon request.***

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

contractual rights the entity may have against the agent or that the agent may have against the entity.

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

Sec. 3. NRS 78.0295 is hereby amended to read as follows:

78.0295 1. A corporation may correct a record filed in the Office of the Secretary of State with respect to the corporation if the record contains an inaccurate description of a corporate action or if the record was defectively signed, attested, sealed, verified or acknowledged.

2. To correct a record, the corporation must:

(a) Prepare a certificate of correction which:

(1) States the name of the corporation;

(2) Describes the record, including, without limitation, its filing date;

(3) Specifies the inaccuracy or defect;

(4) Sets forth the inaccurate or defective portion of the record in an accurate or corrected form; and

(5) Is signed by an officer of the corporation or, if no stock has been issued by the corporation, by the incorporator or a director of the corporation.

(b) Deliver the certificate to the Secretary of State for filing.

(c) Pay a filing fee of \$175 to the Secretary of State.

3. A certificate of correction is effective on the effective date of the record it corrects except as to persons relying on the uncorrected record and adversely affected by the correction. As to those persons, the certificate is effective when filed.

4. *If a corporation has made a filing with the Secretary of State and the Secretary of State has not processed the filing and placed the filing into the public record, the corporation may cancel the filing by:*

(a) Filing a statement of cancellation with the Secretary of State; and

(b) Paying the required fee pursuant to subsection 7 of NRS 78.785.

Sec. 4. 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; 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~~ **provide** 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 ~~for~~ ~~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. 5. NRS 78.152 is hereby amended to read as follows:

78.152 1. In addition to any records required to be kept at the registered office pursuant to NRS 78.105, a corporation that is not a publicly traded corporation shall maintain at its registered office or principal place of business in this State:

- (a) A current list of its owners of record; or
- (b) A statement indicating where such a list is maintained.

2. ~~[The]~~ *Upon the request of the Secretary of State, the* corporation shall:

(a) Provide the Secretary of State with the name and contact information of the custodian of the list described in subsection 1. The information required pursuant to this paragraph shall be kept confidential by the Secretary of State.

(b) Provide written notice to the Secretary of State within 10 days after any change in the information contained in the list described in subsection 1.

3. Upon the request of any law enforcement agency in the course of a criminal investigation, the Secretary of State may require a corporation to:

- (a) Submit to the Secretary of State, within 3 business days, a copy of the list required to be maintained pursuant to subsection 1; or
- (b) Answer any interrogatory submitted by the Secretary of State that will assist in the criminal investigation.

4. If a corporation fails to comply with any requirement pursuant to subsection 3, the Secretary of State may take any action necessary, including, without limitation, the suspension or revocation of the corporate charter.

5. The Secretary of State shall not reinstate or revive a charter that was revoked or suspended pursuant to subsection 4 unless:

- (a) The corporation complies with the requirements of subsection 3; or
- (b) The law enforcement agency conducting the investigation advises the Secretary of State to reinstate or revive the corporate charter.

6. The Secretary of State may adopt regulations to administer the provisions of this section.

Sec. 6. (Deleted by amendment.)

Sec. 6.5. NRS 78.746 is hereby amended to read as follows:

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

2. This section:

(a) Applies only to a corporation that:

(1) Has more than 1 but fewer than ~~[75]~~ **100** stockholders of record at any time.

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

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

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

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

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

(e) Does not supersede any private agreement between a stockholder and a creditor ~~[–] if the private agreement does not conflict with the corporation's articles of incorporation, bylaws or any shareholder agreement to which the stockholder is a party.~~

3. As used in this section, "rights of an assignee" means the rights to receive the share of the distributions or dividends paid by the corporation to which the judgment debtor would otherwise be entitled. The term does not include the rights to participate in the management of the business or affairs of the corporation or to become a director of the corporation.

Sec. 7. Chapter 78A of NRS is hereby amended by adding thereto a new section to read as follows:

If a close corporation has made a filing with the Secretary of State and the Secretary of State has not processed the filing and placed the filing into the public record, the close corporation may cancel the filing by:

- 1. Filing a statement of cancellation with the Secretary of State; and***
- 2. Paying the required fee pursuant to subsection 7 of NRS 78.785.***

Sec. 8. NRS 80.007 is hereby amended to read as follows:

80.007 1. A foreign corporation may correct a record filed in the Office of the Secretary of State if the record contains an incorrect statement or was defectively signed, attested, sealed or verified.

2. To correct a record, the corporation must:

(a) Prepare a certificate of correction which:

- (1) States the name of the corporation;
- (2) Describes the record, including, without limitation, its filing date;
- (3) Specifies the inaccuracy or defect;
- (4) Sets forth the inaccurate or defective portion of the record in an accurate or corrected form; and

(5) Is signed by an officer of the corporation or, if no stock has been issued by the corporation, by the incorporator or a director of the corporation.

(b) Deliver the certificate to the Secretary of State for filing.

(c) Pay a filing fee of \$175 to the Secretary of State.

3. A certificate of correction is effective on the effective date of the record it corrects except as to persons relying on the uncorrected record and adversely affected by the correction. As to those persons, the certificate is effective when filed.

4. *If a foreign corporation has made a filing with the Secretary of State and the Secretary of State has not processed the filing and placed the filing into the public record, the foreign corporation may cancel the filing by:*

- (a) *Filing a statement of cancellation with the Secretary of State; and***
- (b) *Paying the required fee pursuant to subsection 7 of NRS 78.785.***

Sec. 9. 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 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~~ **provide** 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~~ **a notice of the fee due pursuant to subsection 3 and a reminder to file the list pursuant to subsection 1**. Failure of any corporation to receive ~~the forms~~ **a notice** 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. 10. NRS 80.113 is hereby amended to read as follows:

80.113 1. A foreign corporation that is not a publicly traded corporation shall maintain at its registered office or principal place of business in this State:

- (a) A current list of its owners of record; or
- (b) A statement indicating where such a list is maintained.

2. ~~The~~ **Upon the request of the Secretary of State, the** foreign corporation shall:

(a) Provide the Secretary of State with the name and contact information of the custodian of the list described in subsection 1. The information required pursuant to this paragraph shall be kept confidential by the Secretary of State.

(b) Provide written notice to the Secretary of State within 10 days after any change in the information contained in the list described in subsection 1.

3. Upon the request of any law enforcement agency in the course of a criminal investigation, the Secretary of State may require a foreign corporation to:

(a) Submit to the Secretary of State, within 3 business days, a copy of the list required to be maintained pursuant to subsection 1; or

(b) Answer any interrogatory submitted by the Secretary of State that will assist in the criminal investigation.

4. If a foreign corporation fails to comply with any requirement pursuant to subsection 3, the Secretary of State may take any action necessary, including, without limitation, the suspension or revocation of the right of the foreign corporation to transact business in this State.

5. The Secretary of State shall not reinstate or revive the right of a foreign corporation to transact business that was revoked or suspended pursuant to subsection 4 unless:

(a) The foreign corporation complies with the requirements of subsection 3; or

(b) The law enforcement agency conducting the investigation advises the Secretary of State to reinstate or revive the right of the foreign corporation to transact business in this State.

6. The Secretary of State may adopt regulations to administer the provisions of this section.

Sec. 11. NRS 81.006 is hereby amended to read as follows:

81.006 1. A nonprofit cooperative corporation, a cooperative association, a charitable organization or any other entity formed under the provisions of this chapter may correct a record filed with the Secretary of State with respect to the entity if the record contains an inaccurate description of an action or if the record was defectively signed, attested, sealed, verified or acknowledged.

2. To correct a record, the entity must:

(a) Prepare a certificate of correction which:

(1) States the name of the entity;

(2) Describes the record, including, without limitation, its filing date;

(3) Specifies the inaccuracy or defect;

(4) Sets forth the inaccurate or defective portion of the record in an accurate or corrected form; and

(5) Is signed by an officer of the entity or, if the certificate is filed before the first meeting of the board of directors, by an incorporator or director.

(b) Deliver the certificate to the Secretary of State for filing.

(c) Pay a filing fee of \$25 to the Secretary of State.

3. A certificate of correction is effective on the effective date of the record it corrects except as to persons relying on the uncorrected record and adversely affected by the correction. As to those persons, the certificate is effective when filed.

4. *If a nonprofit cooperative corporation, a cooperative association, a charitable organization or any other entity formed under the provisions of this chapter has made a filing with the Secretary of State and the Secretary of State has not processed the filing and placed the filing into the public record, the nonprofit cooperative corporation, cooperative association, charitable organization or other entity may cancel the filing by:*

(a) *Filing a statement of cancellation with the Secretary of State; and*

(b) *Paying a fee of \$50.*

Sec. 12. NRS 82.183 is hereby amended to read as follows:

82.183 1. A corporation shall maintain at its registered office or principal place of business in this State:

(a) A current list of its owners of record; or

(b) A statement indicating where such a list is maintained.

2. ~~2. [The]~~ *Upon the request of the Secretary of State, the* corporation shall:

(a) Provide the Secretary of State with the name and contact information of the custodian of the list described in subsection 1. The information required pursuant to this paragraph shall be kept confidential by the Secretary of State.

(b) Provide written notice to the Secretary of State within 10 days after any change in the information contained in the list described in subsection 1.

3. Upon the request of any law enforcement agency in the course of a criminal investigation, the Secretary of State may require a corporation to:

(a) Submit to the Secretary of State, within 3 business days, a copy of the list required to be maintained pursuant to subsection 1; or

(b) Answer any interrogatory submitted by the Secretary of State that will assist in the criminal investigation.

4. If a corporation fails to comply with any requirement pursuant to subsection 3, the Secretary of State may take any action necessary, including, without limitation, the suspension or revocation of the right of the corporation to transact business in this State.

5. The Secretary of State shall not reinstate or revive the right of a corporation to transact business in this State that was revoked or suspended pursuant to subsection 4 unless:

(a) The corporation complies with the requirements of subsection 3; or

(b) The law enforcement agency conducting the investigation advises the Secretary of State to reinstate or revive the right of the corporation to transact business in this State.

6. The Secretary of State may adopt regulations to administer the provisions of this section.

Sec. 13. 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; 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~~ **provide** 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.]~~ **a notice of the fee due pursuant to subsection 3 and a reminder to file the list required pursuant to subsection 1.** Failure of any foreign nonprofit corporation to receive ~~the forms~~ **a notice** 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. 14. NRS 82.534 is hereby amended to read as follows:

82.534 1. A corporation may correct a record filed in the Office of the Secretary of State with respect to the corporation if the record contains an inaccurate description of a corporate action or if the record was defectively signed, attested, sealed, verified or acknowledged.

2. To correct a record, the corporation must:

(a) Prepare a certificate of correction which:

(1) States the name of the corporation;

(2) Describes the record, including, without limitation, its filing date;

(3) Specifies the inaccuracy or defect;

(4) Sets forth the inaccurate or defective portion of the record in an accurate or corrected form; and

(5) Is signed by an officer of the corporation or, if the certificate is filed before the first meeting of the board of directors, by an incorporator or director.

(b) Deliver the certificate to the Secretary of State for filing.

(c) Pay a filing fee of \$25 to the Secretary of State.

3. A certificate of correction is effective on the effective date of the record it corrects except as to persons relying on the uncorrected record and adversely affected by the correction. As to those persons, the certificate is effective when filed.

4. *If a corporation has made a filing with the Secretary of State and the Secretary of State has not processed the filing and placed the filing into the public record, the corporation may cancel the filing by:*

- (a) *Filing a statement of cancellation with the Secretary of State; and*
- (b) *Paying a fee of \$50.*

Sec. 15. (Deleted by amendment.)

Sec. 15.5. Chapter 84 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, no new corporation sole may be formed in this State on or after the effective date of section 56 of this act. A corporation sole formed pursuant to this chapter before the effective date of section 56 of this act may continue in existence until the corporation is dissolved or its charter is revoked. A corporation sole that has its charter revoked pursuant to NRS 84.140 may be reinstated as provided in NRS 84.150.

2. Until July 1, 2011, an archbishop, bishop, president, trustee in trust, president of stake, president of congregation, overseer, presiding elder, district superintendent, other presiding officer or clergyman of a church or religious society or denomination, who has been chosen, elected or appointed in conformity with the constitution, canons, rites, regulations or discipline of the church or religious society or denomination, and in whom is vested the legal title to property held for the purposes, use or benefit of the church or religious society or denomination, may form a new corporation sole if such person:

(a) Is affiliated with and subordinate to the authority of a superior corporation sole which is in good standing under the laws of this State; and

(b) Provides a statement, executed under penalty of perjury, by the presiding officer of the superior corporation sole attesting to the affiliation and stating the name of the superior corporation sole, the name and title of the presiding officer of the superior corporation sole and the nature of the affiliation between the superior corporation sole and the subordinate corporation sole.

Sec. 16. NRS 84.009 is hereby amended to read as follows:

84.009 1. A corporation sole may correct a record filed with the Office of the Secretary of State with respect to the corporation sole if the record contains an inaccurate description of an action of the corporation sole or if the record was defectively signed, attested, sealed, verified or acknowledged.

2. To correct a record, the corporation sole must:

(a) Prepare a certificate of correction which:

- (1) States the name of the corporation sole;
- (2) Describes the record, including, without limitation, its filing date;

(3) Specifies the inaccuracy or defect;

(4) Sets forth the inaccurate or defective portion of the record in an accurate or corrected form; and

(5) Is signed by an archbishop, bishop, president, trustee in trust, president of stake, president of congregation, overseer, presiding elder, district superintendent or other presiding officer or clergyman of a church, religious society or denomination, who has been chosen, elected or appointed in conformity with the constitution, canons, rites, regulations or discipline of the church, religious society or denomination, and in whom is vested the legal title to the property held for the purpose, use or benefit of the church or religious society or denomination.

(b) Deliver the certificate to the Secretary of State for filing.

(c) Pay a filing fee of \$25 to the Secretary of State.

3. A certificate of correction is effective on the effective date of the record it corrects except as to persons relying on the uncorrected record and adversely affected by the correction. As to those persons, the certificate is effective when filed.

4. *If a corporation sole has made a filing with the Secretary of State and the Secretary of State has not processed the filing and placed the filing into the public record, the corporation sole may cancel the filing by:*

(a) *Filing a statement of cancellation with the Secretary of State; and*

(b) *Paying a fee of \$50.*

Sec. 16.2. NRS 84.010 is hereby amended to read as follows:

84.010 ~~[Corporations]~~ **Subject to the provisions of section 15.5 of this act, corporations** may be formed for acquiring, holding or disposing of church or religious society property, for the benefit of religion, for works of charity, and for public worship, in the manner provided in this chapter.

Sec. 16.4. NRS 84.010 is hereby amended to read as follows:

84.010 ~~[Subject to the provisions of section 15.5 of this act, corporations may be formed for acquiring, holding or disposing]~~ **The purpose of a corporation sole is to acquire, hold or dispose** of church or religious society property, for the benefit of religion, for works of charity, and for public worship, in the manner provided in this chapter.

Sec. 16.6. NRS 84.020 is hereby amended to read as follows:

84.020 ~~[An]~~ **Subject to the provisions of section 15.5 of this act, an** archbishop, bishop, president, trustee in trust, president of stake, president of congregation, overseer, presiding elder, district superintendent, other presiding officer or clergyman of a church or religious society or denomination, who has been chosen, elected or appointed in conformity with the constitution, canons, rites, regulations or discipline of the church or religious society or denomination, and in whom is vested the legal title to property held for the purposes, use or benefit of the church or religious society or denomination, may make and sign written articles of incorporation ~~[or amended articles of incorporation]~~ **or amended articles of incorporation**, in duplicate, and file one copy of

the articles or amended articles in the Office of the Secretary of State and retain possession of the other.

Sec. 16.8. NRS 84.020 is hereby amended to read as follows:

84.020 ~~Subject to the provisions of section 15.5 of this act, an~~ An archbishop, bishop, president, trustee in trust, president of stake, president of congregation, overseer, presiding elder, district superintendent, other presiding officer or clergyman of a church or religious society or denomination, who has been chosen, elected or appointed in conformity with the constitution, canons, rites, regulations or discipline of the church or religious society or denomination, and in whom is vested the legal title to property held for the purposes, use or benefit of the church or religious society or denomination, may ~~make and sign written articles of incorporation or amended~~ amend articles of incorporation, in ~~duplicate,~~ writing, and file one copy of the ~~articles or~~ amended articles in the Office of the Secretary of State and retain possession of the other.

Sec. 17. NRS 86.246 is hereby amended to read as follows:

86.246 1. In addition to any records required to be kept pursuant to NRS 86.241, a limited-liability company shall maintain at its registered office or principal place of business in this State:

- (a) A current list of each member and manager; or
- (b) A statement indicating where such a list is maintained.

2. ~~{A}~~ Upon the request of the Secretary of State, the limited-liability company shall:

(a) Provide the Secretary of State with the name and contact information of the custodian of the list described in subsection 1. The information required pursuant to this paragraph shall be kept confidential by the Secretary of State.

(b) Provide written notice to the Secretary of State within 10 days after any change in the information contained in the list described in subsection 1.

3. Upon the request of any law enforcement agency in the course of a criminal investigation, the Secretary of State may require a limited-liability company to:

(a) Submit to the Secretary of State, within 3 business days, a copy of the list required to be maintained pursuant to subsection 1; or

(b) Answer any interrogatory submitted by the Secretary of State that will assist in the criminal investigation.

4. If a limited-liability company fails to comply with any requirement pursuant to subsection 3, the Secretary of State may take any action necessary, including, without limitation, the suspension or revocation of the charter of the limited-liability company.

5. The Secretary of State shall not reinstate or revive a charter that was revoked or suspended pursuant to subsection 4 unless:

(a) The limited-liability company complies with the requirements of subsection 3; or

(b) The law enforcement agency conducting the investigation advises the Secretary of State to reinstate or revive the charter.

6. The Secretary of State may adopt regulations to administer the provisions of this section.

Sec. 18. 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; 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~~ **provide** 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 ~~at~~ **the** list required by subsection 2.

Failure of any company to receive a notice ~~for 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. 19. (Deleted by amendment.)

Sec. 20. 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; 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]~~ **provide** 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.]~~ **a notice of the fee due pursuant to subsection 3 and a reminder to file the list required pursuant to subsection 1.** Failure of any foreign limited-liability company to receive ~~[the forms]~~ **a notice** 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. 21. NRS 86.54615 is hereby amended to read as follows:

86.54615 1. A foreign limited-liability company shall maintain at its registered office or principal place of business in this State:

- (a) A current list of each member and manager; or
- (b) A statement indicating where such a list is maintained.

2. ~~[The]~~ **Upon the request of the Secretary of State, the** foreign limited-liability company shall:

(a) Provide the Secretary of State with the name and contact information of the custodian of the list described in subsection 1. The information required pursuant to this paragraph shall be kept confidential by the Secretary of State.

(b) Provide written notice to the Secretary of State within 10 days after any change in the information contained in the list described in subsection 1.

3. Upon the request of any law enforcement agency in the course of a criminal investigation, the Secretary of State may require a foreign limited-liability company to:

(a) Submit to the Secretary of State, within 3 business days, a copy of the list required to be maintained pursuant to subsection 1; or

(b) Answer any interrogatory submitted by the Secretary of State that will assist in the criminal investigation.

4. If a foreign limited-liability company fails to comply with any requirement pursuant to subsection 3, the Secretary of State may take any action necessary, including, without limitation, the suspension or revocation of the registration of the foreign limited-liability company.

5. The Secretary of State shall not reinstate or revive a registration that was revoked or suspended pursuant to subsection 4 unless:

(a) The foreign limited-liability company complies with the requirements of subsection 3; or

(b) The law enforcement agency conducting the investigation advises the Secretary of State to reinstate or revive the registration.

6. The Secretary of State may adopt regulations to administer the provisions of this section.

Sec. 22. NRS 86.568 is hereby amended to read as follows:

86.568 1. A limited-liability company may correct a record filed in the Office of the Secretary of State with respect to the limited-liability company if the record contains an inaccurate description of a company action or was defectively signed, attested, sealed, verified or acknowledged.

2. To correct a record, the limited-liability company must:

(a) Prepare a certificate of correction that:

(1) States the name of the limited-liability company;

(2) Describes the record, including, without limitation, its filing date;

(3) Specifies the inaccuracy or defect;

(4) Sets forth the inaccurate or defective portion of the record in an accurate or corrected form; and

(5) Is signed by a manager of the company or, if management is not vested in a manager, by a member of the company.

(b) Deliver the certificate to the Secretary of State for filing.

(c) Pay a filing fee of \$175 to the Secretary of State.

3. A certificate of correction is effective on the effective date of the record it corrects except as to persons relying on the uncorrected record and adversely affected by the correction. As to those persons, the certificate is effective when filed.

4. If a limited-liability company has made a filing with the Secretary of State and the Secretary of State has not processed the filing and placed the filing into the public record, the limited-liability company may cancel the filing by:

(a) Filing a statement of cancellation with the Secretary of State; and

(b) Paying a fee of \$50.

Sec. 23. NRS 87.480 is hereby amended to read as follows:

87.480 A registered limited-liability partnership must have a registered agent who resides or is located in this State. A registered agent must have a street address for the service of process that is the principal office of the registered limited-liability ~~company~~ **partnership** in this State, and may have a separate mailing address that is different from his street address.

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 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~~ **provide** 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 ~~for 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 87.515 is hereby amended to read as follows:

87.515 1. A registered limited-liability partnership shall maintain at its registered office or principal place of business in this State:

(a) A current list of its managing partners; or

(b) A statement indicating where such a list is maintained.

2. ~~The~~ **Upon the request of the Secretary of State, the** registered limited-liability partnership shall:

(a) Provide the Secretary of State with the name and contact information of the custodian of the list described in subsection 1. The information required pursuant to this paragraph shall be kept confidential by the Secretary of State.

(b) Provide written notice to the Secretary of State within 10 days after any change in the information contained in the list described in subsection 1.

3. Upon the request of any law enforcement agency in the course of a criminal investigation, the Secretary of State may require a registered limited-liability partnership to:

(a) Submit to the Secretary of State, within 3 business days, a copy of the list required to be maintained pursuant to subsection 1; or

(b) Answer any interrogatory submitted by the Secretary of State that will assist in the criminal investigation.

4. If a registered limited-liability partnership fails to comply with any requirement pursuant to subsection 3, the Secretary of State may take any action necessary, including, without limitation, the suspension or revocation of the certificate of registration.

5. The Secretary of State shall not reinstate or revive a certificate of registration that was revoked or suspended pursuant to subsection 4 unless:

(a) The registered limited-liability partnership complies with the requirements of subsection 3; or

(b) The law enforcement agency conducting the investigation advises the Secretary of State to reinstate or revive the certificate of registration.

6. The Secretary of State may adopt regulations to administer the provisions of this section.

Sec. 26. 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; 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~~ **provide** 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.~~ **a notice of the fee due pursuant to subsection 3 and a reminder to file the list required pursuant to subsection 1.** Failure of any foreign registered limited-liability partnership to receive ~~the forms~~ **a notice** 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. 27. NRS 87.5413 is hereby amended to read as follows:

87.5413 1. A foreign registered limited-liability partnership shall maintain at its registered office or principal place of business in this State:

- (a) A current list of its managing partners; or
- (b) A statement indicating where such a list is maintained.

2. ~~The~~ **Upon the request of the Secretary of State, the** foreign registered limited-liability partnership shall:

(a) Provide the Secretary of State with the name and contact information of the custodian of the list described in subsection 1. The information required pursuant to this paragraph shall be kept confidential by the Secretary of State.

(b) Provide written notice to the Secretary of State within 10 days after any change in the information contained in the list described in subsection 1.

3. Upon the request of any law enforcement agency in the course of a criminal investigation, the Secretary of State may require a foreign registered limited-liability partnership to:

- (a) Submit to the Secretary of State, within 3 business days, a copy of the list required to be maintained pursuant to subsection 1; or
- (b) Answer any interrogatory submitted by the Secretary of State that will assist in the criminal investigation.

4. If a foreign registered limited-liability partnership fails to comply with any requirement pursuant to subsection 3, the Secretary of State may take any action necessary, including, without limitation, the suspension or revocation of the right of the foreign registered limited-liability partnership to transact business in this State.

5. The Secretary of State shall not reinstate or revive the right of a foreign registered limited-liability partnership to transact business in this State that was revoked or suspended pursuant to subsection 4 unless:

- (a) The registered limited-liability partnership complies with the requirements of subsection 3; or
- (b) The law enforcement agency conducting the investigation advises the Secretary of State to reinstate or revive the right of the foreign registered limited-liability partnership to transact business in this State.

6. The Secretary of State may adopt regulations to administer the provisions of this section.

Sec. 28. NRS 87.5435 is hereby amended to read as follows:

87.5435 1. Except as otherwise provided in subsections 3 and 4 and NRS 87.5413, the Secretary of State shall reinstate a foreign registered limited-liability partnership which has forfeited or which forfeits its right to transact business under the provisions of this chapter and shall restore to the foreign registered limited-liability partnership its right to transact business in this State, and to exercise its privileges and immunities, if it:

- (a) Files with the Secretary of State ~~the~~ :

- (1) **The** list required by NRS 87.541; and
 - (2) **The information required pursuant to NRS 77.310; and**

- (b) Pays to the Secretary of State:

- (1) The filing fee and penalty set forth in NRS 87.541 and 87.5425 for each year or portion thereof that its right to transact business was forfeited; and

- (2) A fee of \$300 for reinstatement.

2. When the Secretary of State reinstates the foreign registered limited-liability partnership, he shall issue to the foreign registered limited-liability partnership a certificate of reinstatement if the foreign registered limited-liability partnership:

- (a) Requests a certificate of reinstatement; and
- (b) Pays the required fees pursuant to NRS 87.550.

3. The Secretary of State shall not order a reinstatement unless all delinquent fees and penalties have been paid and the revocation of the right

to transact business occurred only by reason of failure to pay the fees and penalties.

4. If the right of a foreign registered limited-liability partnership to transact business in this State has been forfeited pursuant to the provisions of this chapter and has remained forfeited for a period of 5 consecutive years, the right to transact business must not be reinstated.

5. Except as otherwise provided in NRS 87.544, a reinstatement pursuant to this section relates back to the date on which the foreign registered limited-liability partnership forfeited its right to transact business under the provisions of this chapter and reinstates the foreign registered limited-liability partnership's right to transact business as if such right had at all times remained in full force and effect.

Sec. 29. NRS 87.547 is hereby amended to read as follows:

87.547 1. A registered limited-liability partnership may correct a record filed in the Office of the Secretary of State with respect to the registered limited-liability partnership if the record contains an inaccurate description of a partnership action or if the record was defectively signed, attested, sealed, verified or acknowledged.

2. To correct a record, the registered limited-liability partnership must:

(a) Prepare a certificate of correction that:

(1) States the name of the registered limited-liability partnership;

(2) Describes the record, including, without limitation, its filing date;

(3) Specifies the inaccuracy or defect;

(4) Sets forth the inaccurate or defective portion of the record in an accurate or corrected form; and

(5) Is signed by a managing partner of the registered limited-liability partnership.

(b) Deliver the certificate to the Secretary of State for filing.

(c) Pay a filing fee of \$175 to the Secretary of State.

3. A certificate of correction is effective on the effective date of the record it corrects except as to persons relying on the uncorrected record and adversely affected by the correction. As to those persons, the certificate is effective when filed.

4. *If a registered limited-liability partnership has made a filing with the Secretary of State and the Secretary of State has not processed the filing and placed the filing into the public record, the registered limited-liability partnership may cancel the filing by:*

(a) *Filing a statement of cancellation with the Secretary of State; and*

(b) *Paying a fee of \$50.*

Sec. 30. NRS 87A.200 is hereby amended to read as follows:

87A.200 1. A limited partnership shall maintain at its registered office or principal place of business in this State:

(a) A current list of each general partner; or

(b) A statement indicating where such a list is maintained.

2. ~~[The]~~ *Upon the request of the Secretary of State, the* limited partnership shall:

(a) Provide the Secretary of State with the name and contact information of the custodian of the list described in subsection 1. The information required pursuant to this paragraph shall be kept confidential by the Secretary of State.

(b) Provide written notice to the Secretary of State within 10 days after any change in the information contained in the list described in subsection 1.

3. Upon the request of any law enforcement agency in the course of a criminal investigation, the Secretary of State may require a limited partnership to:

(a) Submit to the Secretary of State, within 3 business days, a copy of the list required to be maintained pursuant to subsection 1; or

(b) Answer any interrogatory submitted by the Secretary of State that will assist in the criminal investigation.

4. If a limited partnership fails to comply with any requirement pursuant to subsection 3, the Secretary of State may take any action necessary, including, without limitation, the suspension or revocation of the right of the limited partnership to transact any business in this State.

5. The Secretary of State shall not reinstate or revive the right of a limited partnership to transact any business in this State that was revoked or suspended pursuant to subsection 4 unless:

(a) The limited partnership complies with the requirements of subsection 3; or

(b) The law enforcement agency conducting the investigation advises the Secretary of State to reinstate or revive the right of the limited partnership to transact business in this State.

6. The Secretary of State may adopt regulations to administer the provisions of this section.

Sec. 31. NRS 87A.275 is hereby amended to read as follows:

87A.275 1. A limited partnership or foreign limited partnership may correct a record filed in the Office of the Secretary of State with respect to the limited partnership or foreign limited partnership if the record contains false or erroneous information or if the record was defectively signed, attested, sealed, verified or acknowledged.

2. To correct a record, the limited partnership or foreign limited partnership must:

(a) Prepare a certificate of correction that:

(1) States the name of the limited partnership or foreign limited partnership;

(2) Describes the record, including, without limitation, its filing date;

(3) Specifies the false or erroneous information or the defect;

(4) Sets forth the false or erroneous information or the defective portion of the record in an accurate or corrected form; and

(5) Is signed by a general partner of the limited partnership or foreign limited partnership.

(b) Deliver the certificate to the Secretary of State for filing.

(c) Pay a filing fee of \$175 to the Secretary of State.

3. A certificate of correction must not state a delayed effective date and is effective on the effective date of the record it corrects, except that the certificate is effective when filed:

(a) For the purposes of subsections 3 and 4 of NRS 87A.150; and

(b) As to persons relying on the uncorrected record and adversely affected by the correction.

4. *If a limited partnership or foreign limited partnership has made a filing with the Secretary of State and the Secretary of State has not processed the filing and placed the filing into the public record, the limited partnership or foreign limited partnership may cancel the filing by:*

(a) Filing a statement of cancellation with the Secretary of State; and

(b) Paying a fee of \$50.

Sec. 32. 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 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~~ **provide** 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 ~~[-]~~ **required pursuant to subsection 1**. Failure of any limited partnership to receive a notice ~~for 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. 33. (Deleted by amendment.)

Sec. 34. 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; 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~~ **provide** 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.~~ **a notice of the fee due pursuant to subsection 3 and a reminder to file the list required pursuant to subsection 1.** Failure of any foreign limited partnership to receive ~~the forms~~ **a notice** 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. 35. NRS 87A.580 is hereby amended to read as follows:

87A.580 1. A foreign limited partnership shall maintain at its registered office or principal place of business in this State:

- (a) A current list of each general partner; or
- (b) A statement indicating where such a list is maintained.

2. ~~The~~ **Upon the request of the Secretary of State, the** foreign limited partnership shall:

(a) Provide the Secretary of State with the name and contact information of the custodian of the list described in subsection 1. The information required pursuant to this paragraph shall be kept confidential by the Secretary of State.

(b) Provide written notice to the Secretary of State within 10 days after any change in the information contained in the list described in subsection 1.

3. Upon the request of any law enforcement agency in the course of a criminal investigation, the Secretary of State may require a foreign limited partnership to:

(a) Submit to the Secretary of State, within 3 business days, a copy of the list required to be maintained pursuant to subsection 1; or

(b) Answer any interrogatory submitted by the Secretary of State that will assist in the criminal investigation.

4. If a foreign limited partnership fails to comply with any requirement pursuant to subsection 3, the Secretary of State may take any action necessary, including, without limitation, the suspension or revocation of the certificate authorizing the foreign limited partnership to transact business in this State.

5. The Secretary of State shall not reinstate or revive a certificate authorizing a foreign limited partnership to transact business in this State that was revoked or suspended pursuant to subsection 4 unless:

(a) The foreign limited partnership complies with the requirements of subsection 3; or

(b) The law enforcement agency conducting the investigation advises the Secretary of State to reinstate or revive the certificate authorizing the foreign limited partnership to transact business in this State.

6. The Secretary of State may adopt regulations to administer the provisions of this section.

Sec. 36. NRS 87A.630 is hereby amended to read as follows:

87A.630 1. To become a registered limited-liability limited partnership, a limited partnership shall file with the Secretary of State a certificate of registration stating each of the following:

(a) The name of the limited partnership.

(b) The street address of its principal office.

(c) The information required pursuant to NRS 77.310.

(d) The name and business address of each organizer signing the certificate.

(e) The name and business address of each initial general partner.

(f) That the limited partnership thereafter will be a registered limited-liability limited partnership.

(g) Any other information that the limited partnership wishes to include.

2. The certificate of registration must be signed by the vote necessary to amend the partnership agreement or, in the case of a partnership agreement that expressly considers contribution obligations, the vote necessary to amend those provisions.

3. The Secretary of State shall register as a registered limited-liability limited partnership any limited partnership that submits a completed certificate of registration with the required fee.

4. *A partnership may register as a registered limited-liability limited partnership at the time it files a certificate of limited partnership by filing a combined certificate of limited partnership and limited-liability limited partnership with the Secretary of State and paying the fees prescribed in subsections 1 and 2 of NRS 87A.315.*

5. The registration of a registered limited-liability limited partnership is effective on the later of the filing of the certificate of registration or a date specified in the certificate of registration.

Sec. 37. NRS 87A.640 is hereby amended to read as follows:

87A.640 1. A registered limited-liability limited partnership shall maintain at its registered office or principal place of business in this State:

- (a) A current list of each general partner; or
- (b) A statement indicating where such a list is maintained.

2. ~~The~~ *Upon the request of the Secretary of State, the* registered limited-liability limited partnership shall:

(a) Provide the Secretary of State with the name and contact information of the custodian of the list described in subsection 1. The information required pursuant to this paragraph shall be kept confidential by the Secretary of State.

(b) Provide written notice to the Secretary of State within 10 days after any change in the information contained in the list described in subsection 1.

3. Upon the request of any law enforcement agency in the course of a criminal investigation, the Secretary of State may require a registered limited-liability limited partnership to:

- (a) Submit to the Secretary of State, within 3 business days, a copy of the list required to be maintained pursuant to subsection 1; or
- (b) Answer any interrogatory submitted by the Secretary of State that will assist in the criminal investigation.

4. If a registered limited-liability limited partnership fails to comply with any requirement pursuant to subsection 3, the Secretary of State may take any action necessary, including, without limitation, the suspension or revocation of the certificate of registration.

5. The Secretary of State shall not reinstate or revive a certificate of registration that was revoked or suspended pursuant to subsection 4 unless:

- (a) The registered limited-liability limited partnership complies with the requirements of subsection 3; or
- (b) The law enforcement agency conducting the investigation advises the Secretary of State to reinstate or revive the certificate of registration.

6. The Secretary of State may adopt regulations to administer the provisions of this section.

Sec. 38. NRS 88.3355 is hereby amended to read as follows:

88.3355 1. A limited partnership shall maintain at its registered office or principal place of business in this State:

- (a) A current list of each general partner; or
- (b) A statement indicating where such a list is maintained.

2. ~~The~~ *Upon the request of the Secretary of State, the* limited partnership shall:

(a) Provide the Secretary of State with the name and contact information of the custodian of the list described in subsection 1. The information

required pursuant to this paragraph shall be kept confidential by the Secretary of State.

(b) Provide written notice to the Secretary of State within 10 days after any change in the information contained in the list described in subsection 1.

3. Upon the request of any law enforcement agency in the course of a criminal investigation, the Secretary of State may require a limited partnership to:

(a) Submit to the Secretary of State, within 3 business days, a copy of the list required to be maintained pursuant to subsection 1; or

(b) Answer any interrogatory submitted by the Secretary of State that will assist in the criminal investigation.

4. If a limited partnership fails to comply with any requirement pursuant to subsection 3, the Secretary of State may take any action necessary, including, without limitation, the suspension or revocation of the right of the limited partnership to transact any business in this State.

5. The Secretary of State shall not reinstate or revive the right of a limited partnership to transact any business in this State that was revoked or suspended pursuant to subsection 4 unless:

(a) The limited partnership complies with the requirements of subsection 3; or

(b) The law enforcement agency conducting the investigation advises the Secretary of State to reinstate or revive the right of the limited partnership to transact business in this State.

6. The Secretary of State may adopt regulations to administer the provisions of this section.

Sec. 39. NRS 88.339 is hereby amended to read as follows:

88.339 1. A limited partnership may correct a record filed in the Office of the Secretary of State with respect to the limited partnership if the record contains an inaccurate description of a partnership action or if the record was defectively signed, attested, sealed, verified or acknowledged.

2. To correct a record, the limited partnership must:

(a) Prepare a certificate of correction that:

(1) States the name of the limited partnership;

(2) Describes the record, including, without limitation, its filing date;

(3) Specifies the inaccuracy or defect;

(4) Sets forth the inaccurate or defective portion of the record in an accurate or corrected form; and

(5) Is signed by a general partner of the limited partnership.

(b) Deliver the certificate to the Secretary of State for filing.

(c) Pay a filing fee of \$175 to the Secretary of State.

3. A certificate of correction is effective on the effective date of the record it corrects except as to persons relying on the uncorrected record and adversely affected by the correction. As to those persons, the certificate is effective when filed.

4. If a limited partnership has made a filing with the Secretary of State and the Secretary of State has not processed the filing and placed the filing into the public record, the limited partnership may cancel the filing by:

- (a) Filing a statement of cancellation with the Secretary of State; and**
- (b) Paying a fee of \$50.**

Sec. 40. 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 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~~ **provide** 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 ~~[]~~ **required pursuant to subsection 1**. Failure

of any limited partnership to receive a notice ~~for 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. 41. (Deleted by amendment.)

Sec. 42. 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; 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}~~ **provide** 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.}~~ **a notice of the fee due pursuant to subsection 3 and a reminder to file the list required pursuant to subsection 1.** Failure of any foreign limited partnership to receive ~~{the forms}~~ **a notice** 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. 43. NRS 88.5927 is hereby amended to read as follows:

88.5927 1. A foreign limited partnership shall maintain at its registered office or principal place of business in this State:

- (a) A current list of each general partner; or
- (b) A statement indicating where such a list is maintained.

2. ~~{The}~~ **Upon the request of the Secretary of State, the** foreign limited partnership shall:

(a) Provide the Secretary of State with the name and contact information of the custodian of the list described in subsection 1. The information required pursuant to this paragraph shall be kept confidential by the Secretary of State.

(b) Provide written notice to the Secretary of State within 10 days after any change in the information contained in the list described in subsection 1.

3. Upon the request of any law enforcement agency in the course of a criminal investigation, the Secretary of State may require a foreign limited partnership to:

(a) Submit to the Secretary of State, within 3 business days, a copy of the list required to be maintained pursuant to subsection 1; or

(b) Answer any interrogatory submitted by the Secretary of State that will assist in the criminal investigation.

4. If a foreign limited partnership fails to comply with any requirement pursuant to subsection 3, the Secretary of State may take any action necessary, including, without limitation, the suspension or revocation of the certificate authorizing the foreign limited partnership to transact business in this State.

5. The Secretary of State shall not reinstate or revive a certificate authorizing a foreign limited partnership to transact business in this State that was revoked or suspended pursuant to subsection 4 unless:

(a) The foreign limited partnership complies with the requirements of subsection 3; or

(b) The law enforcement agency conducting the investigation advises the Secretary of State to reinstate or revive the certificate authorizing the foreign limited partnership to transact business in this State.

6. The Secretary of State may adopt regulations to administer the provisions of this section.

Sec. 44. NRS 88.606 is hereby amended to read as follows:

88.606 1. To become a registered limited-liability limited partnership, a limited partnership shall file with the Secretary of State a certificate of registration stating each of the following:

- (a) The name of the limited partnership.
- (b) The street address of its principal office.
- (c) The information required pursuant to NRS 77.310.
- (d) The name and business address of each organizer signing the certificate.

(e) The name and business address of each initial general partner.

(f) That the limited partnership thereafter will be a registered limited-liability limited partnership.

(g) Any other information that the limited partnership wishes to include.

2. The certificate of registration must be signed by the vote necessary to amend the partnership agreement or, in the case of a partnership agreement that expressly considers contribution obligations, the vote necessary to amend those provisions.

3. The Secretary of State shall register as a registered limited-liability limited partnership any limited partnership that submits a completed certificate of registration with the required fee.

4. ***A partnership may register as a registered limited-liability limited partnership at the time of filing its certificate of limited partnership by filing a combined certificate of limited partnership and limited-liability limited partnership with the Secretary of State and paying the fees required pursuant to subsections 1 and 2 of NRS 88.415.***

5. The registration of a registered limited-liability limited partnership is effective at the time of the filing of the certificate of registration.

Sec. 45. NRS 88.6067 is hereby amended to read as follows:

88.6067 1. A registered limited-liability limited partnership shall maintain at its registered office or principal place of business in this State:

- (a) A current list of each general partner; or
- (b) A statement indicating where such a list is maintained.

2. ~~The~~ ***Upon the request of the Secretary of State, the*** registered limited-liability limited partnership shall:

(a) Provide the Secretary of State with the name and contact information of the custodian of the list described in subsection 1. The information required pursuant to this paragraph shall be kept confidential by the Secretary of State.

(b) Provide written notice to the Secretary of State within 10 days after any change in the information contained in the list described in subsection 1.

3. Upon the request of any law enforcement agency in the course of a criminal investigation, the Secretary of State may require a registered limited-liability limited partnership to:

(a) Submit to the Secretary of State, within 3 business days, a copy of the list required to be maintained pursuant to subsection 1; or

(b) Answer any interrogatory submitted by the Secretary of State that will assist in the criminal investigation.

4. If a registered limited-liability limited partnership fails to comply with any requirement pursuant to subsection 3, the Secretary of State may take any action necessary, including, without limitation, the suspension or revocation of the certificate of registration.

5. The Secretary of State shall not reinstate or revive a certificate of registration that was revoked or suspended pursuant to subsection 4 unless:

(a) The registered limited-liability limited partnership complies with the requirements of subsection 3; or

(b) The law enforcement agency conducting the investigation advises the Secretary of State to reinstate or revive the certificate of registration.

6. The Secretary of State may adopt regulations to administer the provisions of this section.

Sec. 46. NRS 88A.345 is hereby amended to read as follows:

88A.345 1. ~~[A]~~ *Upon the request of the Secretary of State, a business trust shall:*

(a) Provide the Secretary of State with the name and contact information of the custodian of the ledger, duplicate ledger or statement described in subsection 1 of NRS 88A.340. The information required pursuant to this paragraph shall be kept confidential by the Secretary of State.

(b) Provide written notice to the Secretary of State within 10 days after any change in the information contained in the ledger, duplicate ledger or statement described in subsection 1 of NRS 88A.340.

2. Upon the request of any law enforcement agency in the course of a criminal investigation, the Secretary of State may require a business trust to:

(a) Submit to the Secretary of State, within 3 business days, a copy of the ledger, duplicate ledger or statement required to be maintained pursuant to subsection 1 of NRS 88A.340; or

(b) Answer any interrogatory submitted by the Secretary of State that will assist in the criminal investigation.

3. If a business trust fails to comply with any requirement pursuant to subsection 2, the Secretary of State may take any action necessary, including, without limitation, the suspension or revocation of the certificate of trust.

4. The Secretary of State shall not reinstate or revive a certificate of trust that was revoked or suspended pursuant to subsection 3 unless:

(a) The business trust complies with the requirements of subsection 2; or

(b) The law enforcement agency conducting the investigation advises the Secretary of State to reinstate or revive the business trust.

5. The Secretary of State may adopt regulations to administer the provisions of this section.

Sec. 47. 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; 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~~ **provide** 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.~~ **a notice of the fee due pursuant to subsection 2 and a reminder to file the list required pursuant to subsection 1.** Failure of a business trust to receive ~~the forms~~ **a notice** 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. 48. 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; 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~~ **provide** 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.~~ **a notice of the fee due pursuant to subsection 3 and a reminder to file the list required pursuant to subsection 1.** Failure of any foreign business trust to receive ~~the forms~~ **a notice** 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. 49. NRS 88A.7345 is hereby amended to read as follows:

88A.7345 1. A foreign business trust shall maintain at its registered office:

- (a) A current list of its beneficial owners; or
- (b) A statement indicating where such a list is maintained.

2. ~~[The]~~ ***Upon the request of the Secretary of State, the*** foreign business trust shall:

(a) Provide the Secretary of State with the name and contact information of the custodian of the list described in subsection 1. The information required pursuant to this paragraph shall be kept confidential by the Secretary of State.

(b) Provide written notice to the Secretary of State within 10 days after any change in the information contained in the list described in subsection 1.

3. Upon the request of any law enforcement agency in the course of a criminal investigation, the Secretary of State may require a foreign business trust to:

(a) Submit to the Secretary of State, within 3 business days, a copy of the list required to be maintained pursuant to subsection 1; or

(b) Answer any interrogatory submitted by the Secretary of State that will assist in the criminal investigation.

4. If a foreign business trust fails to comply with any requirement pursuant to subsection 3, the Secretary of State may take any action necessary, including, without limitation, the suspension or revocation of the right of the foreign business trust to transact business in this State.

5. The Secretary of State shall not reinstate or revive the right of a foreign business trust to transact business in this State that was revoked or suspended pursuant to subsection 4 unless:

(a) The foreign business trust complies with the requirements of subsection 3; or

(b) The law enforcement agency conducting the investigation advises the Secretary of State to reinstate or revive the right of the foreign business trust to transact business in this State.

6. The Secretary of State may adopt regulations to administer the provisions of this section.

Sec. 50. NRS 88A.930 is hereby amended to read as follows:

88A.930 1. A business trust may correct a record filed in the Office of the Secretary of State with respect to the business trust if the record contains an inaccurate description of a trust action or if the record was defectively signed, attested, sealed, verified or acknowledged.

2. To correct a record, the business trust must:

(a) Prepare a certificate of correction that:

- (1) States the name of the business trust;
- (2) Describes the record, including, without limitation, its filing date;
- (3) Specifies the inaccuracy or defect;
- (4) Sets forth the inaccurate or defective portion of the record in an accurate or corrected form; and

(5) Is signed by a trustee of the business trust.

(b) Deliver the certificate to the Secretary of State for filing.

(c) Pay a filing fee of \$175 to the Secretary of State.

3. A certificate of correction is effective on the effective date of the record it corrects except as to persons relying on the uncorrected record and adversely affected by the correction. As to those persons, the certificate is effective when filed.

4. *If a business trust has made a filing with the Secretary of State and the Secretary of State has not processed the filing and placed the filing into the public record, the business trust may cancel the filing by:*

(a) *Filing a statement of cancellation with the Secretary of State; and*

(b) *Paying a fee of \$50.*

Sec. 51. NRS 89.045 is hereby amended to read as follows:

89.045 1. A professional entity shall maintain at its registered office or principal place of business in this State:

(a) A current list of its owners of record; or

(b) A statement indicating where such a list is maintained.

2. ~~The~~ ***Upon the request of the Secretary of State, the*** professional entity shall:

(a) Provide the Secretary of State with the name and contact information of the custodian of the list described in subsection 1. The information required pursuant to this paragraph shall be kept confidential by the Secretary of State.

(b) Provide written notice to the Secretary of State within 10 days after any change in the information contained in the list described in subsection 1.

3. Upon the request of any law enforcement agency in the course of a criminal investigation, the Secretary of State may require a professional entity to:

(a) Submit to the Secretary of State, within 3 business days, a copy of the list required to be maintained pursuant to subsection 1; or

(b) Answer any interrogatory submitted by the Secretary of State that will assist in the criminal investigation.

4. If a professional entity fails to comply with any requirement pursuant to subsection 3, the Secretary of State may take any action necessary, including, without limitation, the suspension or revocation of the corporate charter.

5. The Secretary of State shall not reinstate or revive a charter that was revoked or suspended pursuant to subsection 4 unless:

(a) The professional entity complies with the requirements of subsection 3; or

(b) The law enforcement agency conducting the investigation advises the Secretary of State to reinstate or revive the corporate charter.

6. The Secretary of State may adopt regulations to administer the provisions of this section.

Sec. 52. NRS 89.251 is hereby amended to read as follows:

89.251 1. A professional association shall maintain at its registered office or principal place of business in this State:

- (a) A current list of each member; or
- (b) A statement indicating where such a list is maintained.

2. ~~The~~ ***Upon the request of the Secretary of State, the*** professional association shall:

(a) Provide the Secretary of State with the name and contact information of the custodian of the list described in subsection 1. The information required pursuant to this paragraph shall be kept confidential by the Secretary of State.

(b) Provide written notice to the Secretary of State within 10 days after any change in the information contained in the list described in subsection 1.

3. Upon the request of any law enforcement agency in the course of a criminal investigation, the Secretary of State may require a professional association to:

(a) Submit to the Secretary of State, within 3 business days, a copy of the list required to be maintained pursuant to subsection 1; or

(b) Answer any interrogatory submitted by the Secretary of State that will assist in the criminal investigation.

4. If a professional association fails to comply with any requirement pursuant to subsection 3, the Secretary of State may take any action necessary, including, without limitation, the suspension or revocation of the articles of association.

5. The Secretary of State shall not reinstate or revive articles of association that were revoked or suspended pursuant to subsection 4 unless:

(a) The professional association complies with the requirements of subsection 3; or

(b) The law enforcement agency conducting the investigation advises the Secretary of State to reinstate or revive the articles of association.

6. The Secretary of State may adopt regulations to administer the provisions of this section.

Sec. 53. Chapter 92A of NRS is hereby amended by adding thereto a new section to read as follows:

If an entity has made a filing with the Secretary of State pursuant to this chapter and the Secretary of State has not processed the filing and placed the filing into the public record, the entity may cancel the filing by:

- 1. Filing a statement of cancellation with the Secretary of State; and***
- 2. Paying a fee of \$50.***

Sec. 53.5. NRS 92A.270 is hereby amended to read as follows:

92A.270 1. Any undomesticated organization may become domesticated in this State as a domestic entity by:

(a) Paying to the Secretary of State the fees required pursuant to this title for filing the charter document; and

(b) Filing with the Secretary of State:

(1) Articles of domestication which must be signed by an authorized representative of the undomesticated organization approved in compliance with subsection 6;

(2) The appropriate charter document for the type of domestic entity;
~~[and]~~

(3) The information required pursuant to NRS 77.310 ~~[]~~;

(4) A certified copy of the charter document of the undomesticated organization; and

(5) A certificate of good standing, or the equivalent, from the jurisdiction where the undomesticated organization was chartered immediately before filing the articles of domestication pursuant to subparagraph (1).

2. The articles of domestication must set forth the:

(a) Date when and the jurisdiction where the undomesticated organization was first formed, incorporated, organized or otherwise created ~~[]~~ **and, if applicable, any date when and jurisdiction where the undomesticated organization was chartered after its formation;**

(b) Name of the undomesticated organization immediately before filing the articles of domestication;

(c) Name and type of domestic entity as set forth in its charter document pursuant to subsection 1; and

(d) Jurisdiction that constituted the principal place of business or central administration of the undomesticated organization, or any other equivalent thereto pursuant to applicable law ~~[]~~
~~→~~ immediately before filing the articles of domestication.

3. Upon filing the articles of domestication and the charter document with the Secretary of State, and the payment of the requisite fee for filing the charter document of the domestic entity, the undomesticated organization is domesticated in this State as the domestic entity described in the charter document filed pursuant to subsection 1. The existence of the domestic entity begins on the date the undomesticated organization began its existence in the jurisdiction in which the undomesticated organization was first formed, incorporated, organized or otherwise created.

4. The domestication of any undomesticated organization does not affect any obligations or liabilities of the undomesticated organization incurred before its domestication.

5. The filing of the charter document of the domestic entity pursuant to subsection 1 does not affect the choice of law applicable to the undomesticated organization. From the date the charter document of the domestic entity is filed, the law of this State applies to the domestic entity to the same extent as if the undomesticated organization was organized and created as a domestic entity on that date.

6. Before filing articles of domestication, the domestication must be approved in the manner required by:

(a) The document, instrument, agreement or other writing governing the internal affairs of the undomesticated organization and the conduct of its business; and

(b) Applicable foreign law.

7. When a domestication becomes effective, all rights, privileges and powers of the undomesticated organization, all property owned by the undomesticated organization, all debts due to the undomesticated organization, and all causes of action belonging to the undomesticated organization are vested in the domestic entity and become the property of the domestic entity to the same extent as vested in the undomesticated organization immediately before domestication. The title to any real property vested by deed or otherwise in the undomesticated organization is not reverted or impaired by the domestication. All rights of creditors and all liens upon any property of the undomesticated organization are preserved unimpaired and all debts, liabilities and duties of an undomesticated organization that has been domesticated attach to the domestic entity resulting from the domestication and may be enforced against it to the same extent as if the debts, liability and duties had been incurred or contracted by the domestic entity.

8. When an undomesticated organization is domesticated, the domestic entity resulting from the domestication is for all purposes deemed to be the same entity as the undomesticated organization. Unless otherwise agreed by the owners of the undomesticated organization or as required pursuant to applicable foreign law, the domestic entity resulting from the domestication is not required to wind up its affairs, pay its liabilities or distribute its assets. The domestication of an undomesticated organization does not constitute the dissolution of the undomesticated organization. The domestication constitutes a continuation of the existence of the undomesticated organization in the form of a domestic entity. If, following domestication, an undomesticated organization that has become domesticated pursuant to this section continues its existence in the foreign country or foreign jurisdiction in which it was existing immediately before the domestication, the domestic entity and the undomesticated organization are for all purposes a single entity formed, incorporated, organized or otherwise created and existing pursuant to the laws of this State and the laws of the foreign country or other foreign jurisdiction.

9. *The owner liability of an undomesticated organization that is domesticated in this State:*

(a) *Is not discharged, pursuant to the laws of the previous jurisdiction of the organization, to the extent the owner liability arose before the effective date of the articles of domestication;*

(b) *Does not attach, pursuant to the laws of the previous jurisdiction of the organization, to any debt, obligation or liability of the organization that arises after the effective date of the articles of domestication;*

(c) *Is governed by the law of the previous jurisdiction of the organization, as if the domestication has not occurred, for the collection or discharge of owner liability not discharged pursuant to paragraph (a);*

(d) *Is subject to the right of contribution from any other shareholder, member, trustee, partner, limited partner or other owner of the*

undomesticated organization pursuant to the laws of the previous jurisdiction of the organization, as if the domestication has not occurred, for the collection or discharge of owner liability not discharged pursuant to paragraph (a); and

(e) Applies only to the debts, obligations or liabilities of the organization that arise after the effective date of the articles of domestication if the owner becomes subject to owner liability or some or all of the debts, obligations or liabilities of the undomesticated entity as a result of its domestication in this State.

10. As used in this section [,"undomesticated"] :

(a) "Owner liability" means the liability of a shareholder, member, trustee, partner, limited partner or other owner of an organization for debts of the organization, including the responsibility to make additional capital contributions to cover such debts.

(b) "Undomesticated organization" means any incorporated organization, private law corporation, whether or not organized for business purposes, public law corporation, general partnership, registered limited-liability partnership, limited partnership or registered limited-liability limited partnership, proprietorship, joint venture, foundation, business trust, real estate investment trust, common-law trust or any other unincorporated business formed, organized, created or the internal affairs of which are governed by the laws of any foreign country or jurisdiction other than [the United States, the District of Columbia or another state, territory, possession, commonwealth or dependency of the United States.] this State.

Sec. 54. [NRS 360.765 is hereby amended to read as follows:

~~360.765 1. Except as otherwise provided in subsection 2, "business" means:~~

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

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

~~(c) Any entity organized pursuant to title 7 of NRS, including, without limitation, those 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 chapters 82 or 84 of NRS.~~
~~(Deleted by amendment.)~~

Sec. 55. [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, or if the applicant is a business organized pursuant to title 7 of NRS and on file with the Secretary of State, the exact name on file with the Secretary of State, 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 Department deems necessary.~~

~~3. If the applicant is a business organized pursuant to title 7 of NRS 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 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) 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 NRS 360.787.~~

~~8. As used in this section, "registered agent" has the meaning ascribed to it in NRS 77.230. (Deleted by amendment.)~~

~~Sec. 55.5. NRS 84.006 is hereby repealed.~~

~~Sec. 56. 1. This [act becomes] section and sections 15.5, 16.2, 16.6 and 55.5 of this act become effective upon passage and approval.~~

~~2. Sections 1 to 14, inclusive, 16 and 17 to 53.5, inclusive, of this act become effective on July 1, 2009.~~

~~3. Sections 16.4 and 16.8 of this act become effective on July 1, 2011.~~

~~4. Sections 16.2 and 16.6 of this act expire by limitation on June 30, 2011.~~

TEXT OF REPEALED SECTION

84.006 "Street address" defined. "Street address" of a registered agent means the actual physical location in this State at which a registered agent is available for service of process.

Assemblyman Anderson moved that the Assembly adopt the report of the Conference Committee concerning Senate Bill No. 55.

Remarks by Assemblymen Anderson, Cobb, and Hardy.

Madam Speaker requested the privilege of the Chair for the purpose of making remarks.

Motion carried by a constitutional majority.

Madam Speaker:

The Conference Committee concerning Senate Bill No. 119, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment Nos. 777 and 936 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 9, which is attached to and hereby made a part of this report.

WILLIAM HORNE

BERNIE ANDERSON

JAMES SETTELMAYER

Assembly Conference Committee

MAGGIE CARLTON

ALLISON COPENING

WARREN HARDY

Senate Conference Committee

Conference Amendment No. CA9.

AN ACT relating to professions; revising provisions governing the regulation of massage therapists by the Board of Massage Therapists; prohibiting certain misleading and deceptive practices relating to massage therapy; revising provisions governing the discipline of massage therapists;

authorizing the Board to issue administrative citations and to impose administrative fines for certain violations; revising provisions governing the temporary suspension of licenses of massage therapists; requiring governmental agencies and courts of competent jurisdiction to provide certain records to the Board or its Executive Director upon request; authorizing governmental agencies and courts of competent jurisdiction to redact certain confidential information from records provided to the Board or its Executive Director; providing remedies and penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, massage therapists must be licensed by the Board of Massage Therapists. (Chapter 640C of NRS) **Sections 2, 3 and 11** of this bill require a massage therapist to display his original license, not a copy or replica, at each location where he practices massage therapy. (NRS 640C.450) **Section 3** prohibits a person from: (1) forging or counterfeiting a license; (2) altering, copying or replicating a license for the purpose of aiding or abetting an unlawful act; or (3) using or displaying a license that has been forged or counterfeited or has been altered, copied or replicated for the purpose of aiding or abetting an unlawful act.

Sections 4 and 16 of this bill prohibit an unlicensed person from advertising as a massage therapist and prohibit a licensed person from using any false or misleading statements in advertising. (NRS 640C.910) **Sections 4 and 16** also prohibit an unlicensed person from having his name listed in a telephone directory under a heading such as "massage" which indicates or implies that he is licensed or qualified to practice massage therapy. **Sections 4 and 16** also authorize the Board to issue an order to cease and desist from engaging in unlawful advertising. **Sections 4, 18 and 19** of this bill contain provisions whereby the Board can have telephone numbers for any type of telephone, messaging or paging service disconnected because they are included in unlawful advertising. (NRS 703.175, 707.355)

Existing law authorizes the Board to take disciplinary action by imposing administrative fines. (NRS 640C.710) **Section 14** of this bill provides that the Board may impose an administrative fine of not more than \$5,000 for each violation, unless a greater fine is required pursuant to **section 5** of this bill. **Section 5** requires the Board to impose, based on the number of violations, increasing administrative fines of not more than \$10,000 against a licensee who has engaged in or solicited sexual activity during a massage therapy session or has been convicted of ~~a crime involving violence,~~ prostitution or any other sexual offense that occurred during a massage therapy session.

Section 6.3 of this bill authorizes the Board to issue administrative citations for any statutory or regulatory violations relating to massage therapy and provides that an unlicensed person who fails to comply with a citation is guilty of a misdemeanor. A citation may include an order to: (1) pay an administrative fine; (2) correct a condition resulting from a violation; and (3) reimburse the Board for expenses incurred to

investigate the violation, not to exceed \$150. Section 6.5 of this bill allows a person to request a hearing before the Board to contest an administrative citation.

Under existing law, an applicant for a license to practice massage therapy is required to pass a written examination. (NRS 640C.400) Section 10.5 of this bill authorizes an applicant, at his discretion, to pass an oral examination in lieu of the written examination.

Existing law provides for the temporary suspension of a massage therapy license without a prior hearing for a period of 15 or 30 days under certain exigent circumstances. (NRS 640C.720) Generally, procedural due process entitles a licensee to a hearing before his license is suspended. (*Barry v. Barchi*, 443 U.S. 55, 99 S. Ct. 2642 (1979); U.S. Const. Amend. XIV, § 1; Nev. Const. Art. 1, § 8) However, when exigent circumstances justify immediate action, a statute may provide for the temporary suspension of a license without a prior hearing if the statute requires a post-suspension administrative review where a hearing is held and a final decision is rendered as promptly as is practicable. (*Federal Deposit Insurance Corporation v. Mallen*, 486 U.S. 230, 108 S. Ct. 1780 (1988); *Sierra Life Insurance Company v. Rottman*, 95 Nev. 654 (1979)) **Section 15** of this bill: (1) provides for the temporary suspension of a massage therapy license without a prior hearing for a period not to exceed 15 business days under certain exigent circumstances; (2) authorizes the licensee to request a post-suspension administrative review; and (3) requires the Board to hold a hearing and render a final decision as promptly as is practicable but not later than 10 business days after the date of the initial suspension. (NRS 640C.720)

Section 15 of this bill also authorizes the Board and its Executive Director to request from the appropriate governmental agency or court of competent jurisdiction records relating to any conviction of a massage therapist for a crime involving violence, prostitution or any other sexual offense and authorizes those governmental agencies and courts of competent jurisdiction to redact from those records certain information which the agencies or courts deem confidential. (NRS 640C.720) **Sections 15 and 17** of this bill require the governmental agency or court of competent jurisdiction to provide the requested records as soon as reasonably practicable. (NRS 179A.100) **Section 15** also provides that the Board and its Executive Director: (1) must maintain the confidentiality of the records; and (2) may use the records for the sole and limited purpose of determining whether to take disciplinary action against the massage therapist.

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

Section 1. Chapter 640C of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this act.

Sec. 2. 1. *"Original license" means the actual license which is issued to the licensee by the Board and which is current and valid.*

2. *The term does not include any photocopy print, photostat or other replica of such a license.*

Sec. 3. 1. *A person shall not:*

(a) *Counterfeit or forge or attempt to counterfeit or forge a license to practice massage therapy; or*

(b) *For the purpose of aiding or abetting an unlawful act:*

(1) *Alter or attempt to alter a license to practice massage therapy; or*

(2) *Make or attempt to make any photocopy print, photostat or other replica of a license to practice massage therapy.*

2. *A person shall not use or display a license to practice massage therapy that:*

(a) *Is not the original license issued to the person;*

(b) *Has been counterfeited or forged;*

(c) *Has been altered, copied or replicated for the purpose of aiding or abetting an unlawful act; or*

(d) *Has been issued to another person.*

3. *A person who violates any provision of this section is guilty of a misdemeanor.*

Sec. 4. 1. *A person shall not advertise as a massage therapist in this State unless the person is licensed to practice massage therapy pursuant to this chapter.*

2. *A person licensed to practice massage therapy pursuant to this chapter shall not disseminate, as part of any advertising by the massage therapist, any false or misleading statement or representation of material fact that is intended, directly or indirectly, to induce another person to use the services of the massage therapist.*

3. *All advertising by a licensed massage therapist must include his name and the name of his company, if applicable. All advertising in a telephone directory or a newspaper must also include the number of his license.*

4. *A person who violates any provision of subsection 1 or 2 is guilty of a misdemeanor.*

5. *If, after notice and a hearing as required by law, the Board determines that a person has willfully engaged in advertising in a manner that violates the provisions of this section or NRS 640C.910, the Board may, in addition to any penalty, punishment or disciplinary action authorized by the provisions of this chapter, order the person to cease and desist the unlawful advertising. The provisions of this subsection do not apply to any person whose license has been expired for less than 90 days or is temporarily suspended.*

6. *The Board may order any person convicted of a crime involving violence, prostitution or any other sexual offense to cause any telephone number included in the advertising to be disconnected from service. If the*

Board orders the person to cause any telephone number to be disconnected from service and the person fails to comply within 5 days after the date on which he is served with the order, the Board may:

(a) If the provider is regulated by the Public Utilities Commission of Nevada, request the Commission to order the provider to disconnect the telephone number from service pursuant to NRS 703.175 and 707.355; or

(b) If the provider is not regulated by the Public Utilities Commission of Nevada, request the provider to disconnect the telephone number from service and inform the provider that the request is made pursuant to this section. Upon receiving such a request, the provider shall take such action as is necessary to disconnect the telephone number from service.

7. A provider shall not:

(a) Forward or offer to forward the telephone calls of a telephone number disconnected from service pursuant to this section; or

(b) Provide or offer to provide a message that includes a new telephone number for the person whose telephone number was disconnected from service pursuant to this section.

8. If a provider complies in good faith with a request to disconnect a telephone number from service pursuant to this section, such good-faith compliance shall constitute a complete defense to any civil or criminal action brought against the provider arising from the disconnection or termination of service.

9. As used in this section:

(a) "Advertising" means the intentional placement or issuance of any sign, card or device, or the permitting or allowing of any sign or marking on a motor vehicle, in any building, structure, newspaper, magazine or airway transmission, on the Internet or in any directory under the listing of "massage therapist" or "massage."

(b) "Provider" means a provider of any type of telephone, messaging or paging service.

(c) "Provider of messaging or paging service" means an entity that provides any type of messaging or paging service to any type of communication device.

(d) "Provider of telephone service" has the meaning ascribed to it in NRS 707.355.

(e) "Telephone number" means any sequence of numbers or characters, or both, used by a provider to provide any type of telephone, messaging or paging service.

Sec. 5. 1. In addition to any other actions authorized by NRS 640C.710, if, after notice and a hearing as required by law, the Board determines that a licensee has engaged in or solicited sexual activity during the course of practicing massage on a person, as set forth in subsection 4 of NRS 640C.700, or has been convicted of [a crime involving violence,] prostitution or any other sexual offense that occurred during the course of practicing massage on a person, the Board shall:

(a) For a first violation, impose an administrative fine of not less than \$100 and not more than \$1,000;

(b) For a second violation, impose an administrative fine of not less than \$250 and not more than \$5,000; and

(c) For a third violation and for each additional violation, impose an administrative fine of not less than \$500 and not more than \$10,000.

2. The Board shall, by regulation, establish standards for use by the Board in determining the amount of an administrative fine imposed pursuant to this section. The standards must include, without limitation, provisions requiring the Board to consider:

(a) The gravity of the violation;

(b) The good faith of the licensee; and

(c) Any history of previous violations of the provisions of this chapter committed by the licensee.

Sec. 6. The expiration of a license by operation of law or by order or decision of the Board or a court, or the voluntary surrender of a license by a licensee, does not deprive the Board of jurisdiction to proceed with any investigation of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license.

Sec. 6.3. 1. If the Board or its designee, based upon a preponderance of the evidence, has reason to believe that a person has committed an act which constitutes a violation of this chapter or the regulations of the Board, the Board or its designee, as appropriate, may issue or authorize the issuance of a written administrative citation to the person. A citation issued pursuant to this section may include, without limitation:

(a) An order to take action to correct a condition resulting from an act that constitutes a violation of this chapter or the regulations of the Board, at the person's cost;

(b) An order to pay an administrative fine for each violation; and

(c) An order to reimburse the Board for the amount of the expenses incurred to investigate each violation, not to exceed \$150.

2. If the citation includes an order to take action to correct a condition resulting from an act that constitutes a violation of this chapter or the regulations of the Board, the citation must:

(a) State the time permitted for compliance, which must not be less than 15 business days after the date on which the citation is received by the person; and

(b) Describe, in specific detail, the action required to be taken.

3. If the citation is issued to a licensee and includes an order to pay an administrative fine for one or more violations, the amount of the administrative fine must not exceed the maximum amount authorized by NRS 640C.710 or section 5 of this act, as appropriate for each violation.

4. If the citation is issued to an unlicensed person and includes an order to pay an administrative fine for one or more violations, the amount of the administrative fine:

(a) For a first violation, must not be less than \$100 and must not be more than \$1,000;

(b) For a second violation, must not be less than \$250 and must not be more than \$5,000; and

(c) For a third violation and for each additional violation, must not be less than \$500 and must not be more than \$10,000.

5. The sanctions authorized by this section are separate from, and in addition to, any other remedy, civil or criminal, authorized by this chapter.

6. The failure of an unlicensed person to comply with a citation or order after it is final is a misdemeanor. If an unlicensed person does not pay an administrative fine imposed pursuant to this section or make satisfactory payment arrangements, as approved by the Board, within 60 days after the order of the Board becomes final, the order may be executed upon in the same manner as a judgment issued by a court.

Sec. 6.5. 1. If a person is issued a written administrative citation pursuant to section 6.3 of this act, the person may request a hearing before the Board to contest the citation by filing a written request with the Board:

(a) Not later than 15 business days after the date on which the citation is received by the person; or

(b) If the Board, for good cause shown, extends the time allowed to file a written request for a hearing to contest the citation, on or before the later date specified by the Board.

2. If the person files a written request for a hearing to contest the citation within the time allowed pursuant to this section:

(a) The Board shall provide notice of and conduct the hearing in the same manner as other disciplinary proceedings; and

(b) At the hearing, the person may contest, without limitation:

(1) The facts forming the basis for the determination that the person has committed an act which constitutes a violation of this chapter or the regulations of the Board;

(2) The time allowed to take any corrective action ordered;

(3) The amount of any administrative fine ordered;

(4) The amount of any order to reimburse the Board for the expenses incurred to investigate the violation; and

(5) Whether any corrective action described in the citation is reasonable.

3. If the person does not file a written request for a hearing to contest the citation within the time allowed pursuant to this section, the citation shall be deemed a final order of the Board.

4. For the purposes of this section, a citation shall be deemed to have been received by a person:

(a) On the date on which the citation is personally delivered to the person; or

(b) If the citation is mailed, 3 days after the date on which the citation is mailed by certified mail to the last known business or residential address of the person.

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. NRS 640C.020 is hereby amended to read as follows:

640C.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 640C.030 to 640C.060, inclusive, **and section 2 of this act** have the meanings ascribed to them in those sections.

Sec. 10. (Deleted by amendment.)

Sec. 10.3. NRS 640C.320 is hereby amended to read as follows:

640C.320 The Board shall adopt regulations to carry out the provisions of this chapter. The regulations must include, without limitation, provisions that:

1. Establish the requirements for continuing education for the renewal of a license;
2. Establish the requirements for the approval of a course of continuing education, including, without limitation, a course on a specialty technique of massage therapy;
3. Establish the requirements for the approval of an instructor of a course of continuing education;
4. Establish requirements relating to sanitation, hygiene and safety relating to the practice of massage therapy;
5. Except as otherwise provided in NRS 622.090, prescribe the requirements for any practical, oral or written examination for a license that the Board may require, including, without limitation, the passing grade for such an examination; ~~and~~
6. Establish the period within which the Board or its designee must report the results of the investigation of an applicant ~~to~~; **and**

7. Prescribe the form of a written administrative citation issued pursuant to section 6.3 of this act.

Sec. 10.5. NRS 640C.400 is hereby amended to read as follows:

640C.400 1. The Board may issue a license to practice massage therapy.

2. An applicant for a license must:

- (a) Be at least 18 years of age;
- (b) Submit to the Board:
 - (1) A completed application on a form prescribed by the Board;
 - (2) The fees prescribed by the Board pursuant to NRS 640C.520;
 - (3) Proof that he has successfully completed a program of massage therapy recognized by the Board;
 - (4) A certified statement issued by the licensing authority in each state, territory or possession of the United States or the District of Columbia in which the applicant is or has been licensed to practice massage therapy verifying that:

(I) The applicant has not been involved in any disciplinary action relating to his license to practice massage therapy; and

(II) Disciplinary proceedings relating to his license to practice massage therapy are not pending;

(5) Except as otherwise provided in NRS 640C.440, a complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;

(6) The names and addresses of five natural persons not related to the applicant and not business associates of the applicant who are willing to serve as character references;

(7) A statement authorizing the Board or its designee to conduct an investigation to determine the accuracy of any statements set forth in the application; and

(8) If required by the Board, a financial questionnaire; and

(c) In addition to any examination required pursuant to NRS 640C.320 ~~and except~~ :

(1) Except as otherwise provided in subsection 3, pass a written examination administered by any board that is accredited by the National Commission for Certifying Agencies, or its successor organization, to examine massage therapists ~~to~~ ; **or**

(2) At the applicant's discretion and in lieu of a written examination, pass an oral examination prescribed by the Board.

3. If the Board determines that the examinations being administered pursuant to **subparagraph (1) of** paragraph (c) of subsection 2 are inadequately testing the knowledge and competency of applicants, the Board shall prepare or cause to be prepared its own written examination to test the knowledge and competency of applicants. Such an examination must be offered not less than four times each year. The location of the examination must alternate between Clark County and Washoe County. Upon request, the Board must provide a list of approved interpreters at the location of the examination to interpret the examination for an applicant who, as determined by the Board, requires an interpreter for the examination.

4. The Board shall recognize a program of massage therapy that is:

- (a) Approved by the Commission on Postsecondary Education; or
- (b) Offered by a public college in this State or any other state.

↪ The Board may recognize other programs of massage therapy.

5. The Board or its designee shall:

(a) Conduct an investigation to determine:

- (1) The reputation and character of the applicant;
- (2) The existence and contents of any record of arrests or convictions of the applicant;

(3) The existence and nature of any pending litigation involving the applicant that would affect his suitability for licensure; and

(4) The accuracy and completeness of any information submitted to the Board by the applicant;

(b) If the Board determines that it is unable to conduct a complete investigation, require the applicant to submit a financial questionnaire and investigate the financial background and each source of funding of the applicant;

(c) Report the results of the investigation of the applicant within the period the Board establishes by regulation pursuant to NRS 640C.320; and

(d) Except as otherwise provided in NRS 239.0115, maintain the results of the investigation in a confidential manner for use by the Board and its members and employees in carrying out their duties pursuant to this chapter. The provisions of this paragraph do not prohibit the Board or its members or employees from communicating or cooperating with or providing any documents or other information to any other licensing board or any other federal, state or local agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 11. NRS 640C.450 is hereby amended to read as follows:

640C.450 *1. Each licensee shall display his **original** license in a conspicuous manner at each location where he practices massage therapy. **If a licensee practices massage therapy in more than one place, he must carry his original license with him and display it wherever he is actually working.***

2. A licensee shall obtain a replacement of his original license from the Board if his:

(a) Original license is destroyed, misplaced or mutilated; or

(b) Name or address as printed on the original license has changed.

3. To obtain a replacement license, the licensee must:

(a) File an affidavit with the Board, on the form prescribed by the Board, which states that his original license was destroyed, misplaced or mutilated or that his name or address as printed on the original license has changed; and

(b) Pay the fee prescribed by the Board pursuant to NRS 640C.520.

Sec. 12. NRS 640C.520 is hereby amended to read as follows:

640C.520 1. The Board shall establish a schedule of fees and charges. The fees for the following items must not exceed the following amounts:

An examination established by the Board pursuant to this chapter	\$600
An application for a license	300
An application for a license without an examination.....	300
A background check of an applicant.....	600
The issuance of a license	400
The renewal of a license	200
The restoration of an expired license	500
The reinstatement of a suspended or revoked license.....	500
The issuance of a [duplicate] replacement license	75
The restoration of an inactive license	300

2. The total fees collected by the Board pursuant to this section must not exceed the amount of money necessary for the operation of the Board and for the maintenance of an adequate reserve.

Sec. 13. NRS 640C.700 is hereby amended to read as follows:

640C.700 The Board may refuse to issue a license to an applicant, or may initiate disciplinary action against a holder of a license, if the applicant or holder of the license:

1. Has submitted false, fraudulent or misleading information to the Board or any agency of this State, any other state, a territory or possession of the United States, the District of Columbia or the Federal Government;

2. Has violated any provision of this chapter or any regulation adopted pursuant thereto;

3. Has been convicted of a crime involving violence, prostitution or any other sexual offense, a crime involving any type of larceny, a crime relating to a controlled substance, a crime involving any federal or state law or regulation relating to massage therapy or a substantially similar business, or a crime involving moral turpitude within the immediately preceding 10 years ;
~~{ }~~

4. Has engaged in or solicited sexual activity during the course of practicing massage on a person, with or without the consent of the person, including, without limitation, if the applicant or holder of the license:

(a) Made sexual advances toward the person;

(b) Requested sexual favors from the person; or

(c) Massaged, touched or applied any instrument to the breasts of the person, unless the person has signed a written consent form provided by the Board;

5. Has habitually abused alcohol or is addicted to a controlled substance;

6. Is, in the judgment of the Board, guilty of gross negligence in his practice of massage therapy;

7. Is determined by the Board to be professionally incompetent to engage in the practice of massage therapy;

8. Has failed to provide information requested by the Board within 60 days after he received the request;

9. Has, in the judgment of the Board, engaged in unethical or unprofessional conduct as it relates to the practice of massage therapy;

10. Has been disciplined in another state, a territory or possession of the United States or the District of Columbia for conduct that would be a violation of the provisions of this chapter or any regulations adopted pursuant thereto if the conduct were committed in this State;

11. Has solicited or received compensation for services relating to the practice of massage therapy that he did not provide;

12. If the holder of the license is on probation, has violated the terms of his probation; ~~{ or }~~

13. Has engaged in false, deceptive or misleading advertising, including, without limitation, falsely, deceptively or misleadingly advertising that he

has received training in a specialty technique of massage for which he has not received training, practicing massage therapy under an assumed name and impersonating a licensed massage therapist ~~[-]; for~~

14. Has failed to comply with a written administrative citation issued pursuant to section 6.3 of this act within the time permitted for compliance set forth in the citation or, if a hearing is held pursuant to section 6.5 of this act, within 15 business days after the hearing; or

15. Except as otherwise provided in subsection 14, has failed to pay or make arrangements to pay, as approved by the Board, an administrative fine imposed pursuant to this chapter within 60 days after:

- (a) Receiving notice of the imposition of the fine; or
- (b) The final administrative or judicial decision affirming the imposition of the fine,

↪ whichever occurs later.

Sec. 14. NRS 640C.710 is hereby amended to read as follows:

640C.710 1. If, after notice and a hearing as required by law, the Board finds one or more grounds for taking disciplinary action, the Board may:

- (a) Place the applicant or holder of the license on probation for a specified period or until further order of the Board;
- (b) Administer to the applicant or holder of the license a public reprimand;
- (c) Refuse to issue, renew, reinstate or restore the license;
- (d) Suspend or revoke the license;
- (e) ~~Impose~~ ***Except as otherwise provided in section 5 of this act, impose an administrative fine of not more than \$1,000 per day for each day for which the Board determines that a violation occurred; \$5,000 for each violation;***
- (f) Require the applicant or holder of the license to pay the costs incurred by the Board to conduct the investigation and hearing; or
- (g) Impose any combination of actions set forth in paragraphs (a) to (f), inclusive.

2. The order of the Board may contain such other terms, provisions or conditions as the Board deems appropriate.

3. The order of the Board and the findings of fact and conclusions of law supporting that order are public records.

4. The Board shall not issue a private reprimand.

Sec. 15. NRS 640C.720 is hereby amended to read as follows:

640C.720 Notwithstanding any other statute to the contrary:

1. If the Board finds , ***based upon evidence in its possession***, that immediate action is necessary to protect the health, safety or welfare of the public, the Board may, upon providing notice to the massage therapist, temporarily suspend his license ***without a prior hearing*** for a period not to exceed ~~[30 days. For good cause,]~~ ***15 business days. The massage therapist may file a written request for a hearing to challenge the necessity of the temporary suspension. The written request must be filed not later than***

10 business days after the date on which the massage therapist receives notice of the temporary suspension. If the massage therapist:

(a) Files a timely written request for a hearing, the Board shall extend the temporary suspension until a hearing is held. The Board shall hold a hearing and render a final decision regarding the necessity of the temporary suspension as promptly as is practicable but not later than 15 business days after the date on which the Board receives the written request. After holding such a hearing, the Board may extend the period of the temporary suspension if the Board ~~[deems]~~ finds, for good cause shown, that such action ~~[to be]~~ is necessary to protect the health, safety or welfare of the public pending proceedings for disciplinary action. ~~[In any such case, a]~~

(b) Does not file a timely written request for a hearing and the Board wants to consider extending the period of the temporary suspension, the Board shall schedule a hearing and notify the massage therapist immediately by certified mail of the date of the hearing. The hearing must be held and a final decision rendered regarding whether to extend the period of the temporary suspension as promptly as is practicable but not later than 30 days after the date on which the Board ~~[notifies the massage therapist]~~ provides notice of the initial temporary suspension. After holding such a hearing, the Board may extend the period of the temporary suspension if the Board finds, for good cause shown, that such action is necessary to protect the health, safety or welfare of the public pending proceedings for disciplinary action.

2. If a massage therapist is charged with or cited for ~~[a crime involving violence]~~ prostitution or any other sexual offense, the appropriate law enforcement agency shall report the charge or citation to the Executive Director ~~[]~~ of the Board. Upon receiving such a report, the Executive Director shall immediately issue by certified mail to the massage therapist a cease and desist order temporarily suspending the license of the massage therapist ~~[]~~ without a prior hearing. The temporary suspension of the license is effective immediately ~~[upon issuance]~~ after the massage therapist receives notice of the cease and desist order and must not exceed ~~[15 days. For good cause,]~~ 15 business days. The massage therapist may file a written request for a hearing to challenge the necessity of the temporary suspension. The written request must be filed not later than 10 business days after the date on which the Executive Director mails the cease and desist order. If the massage therapist:

(a) Files a timely written request for a hearing, the Board shall extend the temporary suspension until a hearing is held. The Board shall hold a hearing and render a final decision regarding the necessity of the temporary suspension as promptly as is practicable but not later than 15 business days after the date on which the Board receives the written request. After holding such a hearing, the Board may extend the period of the temporary suspension if the Board ~~[deems]~~ finds, for good cause shown,

that such action ~~to be~~ is necessary to protect the health, safety or welfare of the public pending proceedings for disciplinary action. ~~In any such case, a~~

(b) Does not file a timely written request for a hearing and the Board wants to consider extending the period of the temporary suspension, the Board shall schedule a hearing and notify the massage therapist immediately by certified mail of the date of the hearing. The hearing must be held and a final decision rendered regarding whether to extend the period of the temporary suspension as promptly as is practicable but not later than 15 business days after the date on which the Executive Director issues mails the cease and desist order. After holding such a hearing, the Board may extend the period of the temporary suspension if the Board finds, for good cause shown, that such action is necessary to protect the health, safety or welfare of the public pending proceedings for disciplinary action.

3. If the Board or the Executive Director issues an order temporarily suspending the license of a massage therapist pending proceedings for disciplinary action, a court shall not stay that order.

4. *When conducting an investigation of a massage therapist pursuant to this chapter, the Board or the Executive Director may request from the appropriate governmental agency or court of competent jurisdiction records relating to any conviction of the massage therapist for a crime involving violence, prostitution or any other sexual offense. Such records include, without limitation, a record of criminal history as defined in NRS 179A.070.*

5. *Upon receiving a request from the Board or the Executive Director pursuant to subsection 4, the governmental agency or court of competent jurisdiction shall provide the requested records to the Board or the Executive Director as soon as reasonably practicable. The governmental agency or court of competent jurisdiction may redact from the records produced pursuant to this subsection any information relating to the agency or court that is deemed confidential by the agency or court. Upon receiving the records from the governmental agency or court, the Board and the Executive Director:*

(a) Shall maintain the confidentiality of the records if such confidentiality is required by federal or state law; and

(b) May use the records for the sole and limited purpose of determining whether to take disciplinary action against the massage therapist pursuant to this chapter.

6. *For purposes of this section, a person is deemed to have notice of a temporary suspension of his license:*

(a) On the date on which the notice is personally delivered to the person; or

(b) If the notice is mailed, 3 days after the date on which the notice is mailed by certified mail to the last known business or residential address of the person.

Sec. 16. NRS 640C.910 is hereby amended to read as follows:

640C.910 1. If a person is not licensed to practice massage therapy pursuant to this chapter, the person shall not:

(a) Engage in the practice of massage therapy; ~~for~~

(b) Use in connection with his name the words or letters "L.M.T.," "licensed massage therapist," "licensed massage technician," "M.T.," "massage technician" or "massage therapist," or any other letters, words or insignia indicating or implying that he is licensed to practice massage therapy, or in any other way, orally, or in writing or print, or by sign, directly or by implication, use the word "massage" or represent himself as licensed or qualified to engage in the practice of massage therapy ~~for~~; *or*

(c) *List or cause to have listed in any directory, including, without limitation, a telephone directory, his name or the name of his company under the heading "massage," "massage therapy," "massage therapist," "massage technician" or any other term that indicates or implies that he is licensed or qualified to practice massage therapy.*

2. If a person's license to practice massage therapy pursuant to this chapter has expired or has been suspended or revoked by the Board, the person shall not:

(a) Engage in the practice of massage therapy; ~~for~~

(b) Use in connection with his name the words or letters "L.M.T.," "licensed massage therapist," "licensed massage technician," "M.T.," "massage technician" or "massage therapist," or any other letters, words or insignia indicating or implying that he is licensed to practice massage therapy, or in any other way, orally, or in writing or print, or by sign, directly or by implication, use the word "massage" or represent himself as licensed or qualified to engage in the practice of massage therapy ~~for~~; *or*

(c) *List or cause to have listed in any directory, including, without limitation, a telephone directory, his name or the name of his company under the heading "massage," "massage therapy," "massage therapist," "massage technician" or any other term that indicates or implies that he is licensed or qualified to practice massage therapy.*

3. A person who violates any provision of this section is guilty of a misdemeanor.

Sec. 17. NRS 179A.100 is hereby amended to read as follows:

179A.100 1. The following records of criminal history may be disseminated by an agency of criminal justice without any restriction pursuant to this chapter:

(a) Any which reflect records of conviction only; and

(b) Any which pertain to an incident for which a person is currently within the system of criminal justice, including parole or probation.

2. Without any restriction pursuant to this chapter, a record of criminal history or the absence of such a record may be:

(a) Disclosed among agencies which maintain a system for the mutual exchange of criminal records.

(b) Furnished by one agency to another to administer the system of criminal justice, including the furnishing of information by a police department to a district attorney.

(c) Reported to the Central Repository.

3. An agency of criminal justice shall disseminate to a prospective employer, upon request, records of criminal history concerning a prospective employee or volunteer which:

(a) Reflect convictions only; or

(b) Pertain to an incident for which the prospective employee or volunteer is currently within the system of criminal justice, including parole or probation.

4. In addition to any other information to which an employer is entitled or authorized to receive, the Central Repository shall disseminate to a prospective or current employer, or a person or entity designated to receive the information on behalf of such an employer, the information contained in a record of registration concerning an employee, prospective employee, volunteer or prospective volunteer who is a sex offender or an offender convicted of a crime against a child, regardless of whether the employee, prospective employee, volunteer or prospective volunteer gives his written consent to the release of that information. The Central Repository shall disseminate such information in a manner that does not reveal the name of an individual victim of an offense. A request for information pursuant to this subsection must conform to the requirements of the Central Repository and must include:

(a) The name and address of the employer, and the name and signature of the person or entity requesting the notice on behalf of the employer;

(b) The name and address of the employer's facility in which the employee, prospective employee, volunteer or prospective volunteer is employed or volunteers or is seeking to become employed or volunteer; and

(c) The name and other identifying information of the employee, prospective employee, volunteer or prospective volunteer.

5. In addition to any other information to which an employer is entitled or authorized to receive, the Central Repository shall disseminate to a prospective or current employer, or a person or entity designated to receive the information on behalf of such an employer, the information described in subsection 4 of NRS 179A.190 concerning an employee, prospective employee, volunteer or prospective volunteer who gives his written consent to the release of that information if the employer submits a request in the manner set forth in NRS 179A.200 for obtaining a notice of information. The Central Repository shall search for and disseminate such information in the manner set forth in NRS 179A.210 for the dissemination of a notice of information.

6. Except as otherwise provided in subsection 5, the provisions of NRS 179A.180 to 179A.240, inclusive, do not apply to an employer who

requests information and to whom information is disseminated pursuant to subsections 4 and 5.

7. Records of criminal history must be disseminated by an agency of criminal justice, upon request, to the following persons or governmental entities:

(a) The person who is the subject of the record of criminal history for the purposes of NRS 179A.150.

(b) The person who is the subject of the record of criminal history or his attorney of record when the subject is a party in a judicial, administrative, licensing, disciplinary or other proceeding to which the information is relevant.

(c) The State Gaming Control Board.

(d) The State Board of Nursing.

(e) The Private Investigator's Licensing Board to investigate an applicant for a license.

(f) A public administrator to carry out his duties as prescribed in chapter 253 of NRS.

(g) A public guardian to investigate a ward or proposed ward or persons who may have knowledge of assets belonging to a ward or proposed ward.

(h) Any agency of criminal justice of the United States or of another state or the District of Columbia.

(i) Any public utility subject to the jurisdiction of the Public Utilities Commission of Nevada when the information is necessary to conduct a security investigation of an employee or prospective employee, or to protect the public health, safety or welfare.

(j) Persons and agencies authorized by statute, ordinance, executive order, court rule, court decision or court order as construed by appropriate state or local officers or agencies.

(k) Any person or governmental entity which has entered into a contract to provide services to an agency of criminal justice relating to the administration of criminal justice, if authorized by the contract, and if the contract also specifies that the information will be used only for stated purposes and that it will be otherwise confidential in accordance with state and federal law and regulation.

(l) Any reporter for the electronic or printed media in his professional capacity for communication to the public.

(m) Prospective employers if the person who is the subject of the information has given written consent to the release of that information by the agency which maintains it.

(n) For the express purpose of research, evaluative or statistical programs pursuant to an agreement with an agency of criminal justice.

(o) An agency which provides child welfare services, as defined in NRS 432B.030.

(p) The Division of Welfare and Supportive Services of the Department of Health and Human Services or its designated representative.

(q) The Aging Services Division of the Department of Health and Human Services or its designated representative.

(r) An agency of this or any other state or the Federal Government that is conducting activities pursuant to Part D of Subchapter IV of Chapter 7 of Title 42 of the Social Security Act, 42 U.S.C. §§ 651 et seq.

(s) The State Disaster Identification Team of the Division of Emergency Management of the Department.

(t) The Commissioner of Insurance.

(u) The Board of Medical Examiners.

(v) The State Board of Osteopathic Medicine.

(w) ***The Board of Massage Therapists and its Executive Director.***

8. Agencies of criminal justice in this State which receive information from sources outside this State concerning transactions involving criminal justice which occur outside Nevada shall treat the information as confidentially as is required by the provisions of this chapter.

Sec. 18. NRS 703.175 is hereby amended to read as follows:

703.175 1. Upon receiving a request ***to disconnect a telephone number*** from the State Contractors' Board ~~to disconnect a telephone number~~ pursuant to NRS 624.720, ***the Board of Massage Therapists pursuant to section 4 of this act or the Nevada Transportation Authority pursuant to NRS 706.758,*** the Commission shall issue an order to the appropriate provider of telephone service to disconnect the telephone number.

2. Compliance in good faith by a provider of telephone service with an order of the Commission to terminate service issued pursuant to this section shall constitute a complete defense to any civil or criminal action brought against the provider of telephone service arising from the termination of service.

3. As used in this section, "provider of telephone service" has the meaning ascribed to it in NRS 707.355.

Sec. 19. NRS 707.355 is hereby amended to read as follows:

707.355 1. Each provider of telephone service in this State shall, when notified that:

(a) A court has ordered the disconnection of a telephone number pursuant to NRS 706.2855; or

(b) The Public Utilities Commission of Nevada has ordered the disconnection of a telephone number pursuant to NRS ~~624.720 and~~ 703.175, ***after receiving a request to disconnect the telephone number from the State Contractors' Board pursuant to NRS 624.720, the Board of Massage Therapists pursuant to section 4 of this act or the Nevada Transportation Authority pursuant to NRS 706.758,***

➤ take such action as is necessary to carry out the order of the court or the Public Utilities Commission of Nevada.

2. A provider of telephone service shall not:

(a) Forward or offer to forward the telephone calls of a telephone number disconnected from service pursuant to the provisions of this section; or

(b) Provide or offer to provide a recorded message that includes the new telephone number for a business whose telephone number was disconnected from service pursuant to the provisions of this section.

3. As used in this section, "provider of telephone service" includes, but is not limited to:

(a) A public utility furnishing telephone service.

(b) A provider of cellular or other service to a telephone that is installed in a vehicle or is otherwise portable.

Assemblyman Horne moved that the Assembly adopt the report of the Conference Committee concerning Senate Bill No. 119.

Remarks by Assemblyman Horne.

Motion carried by a constitutional majority.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 31, 2009

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day failed to sustain the Governor's veto of Assembly Bills Nos. 25, 121, 463, 467.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Coffin, Hardy and Woodhouse as a Conference Committee concerning Senate Bill No. 403.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 10:43 p.m.

ASSEMBLY IN SESSION

At 10:48 p.m.

Madam Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ocegüera moved that Senate Bill No. 418 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Assemblyman Ocegüera moved that Senate Concurrent Resolution No. 37 be taken from the Resolution File and placed on the Resolution File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 9, 18, 64, 65, 148, 214, 218, 229, 430, 461, 540, 546, 564; Assembly Resolution No. 12; Senate Bills Nos. 7, 43, 54, 84, 188, 218, 273, 389, 427, 429, 431, 433, 434, 435; Senate Concurrent Resolution No. 36.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Denis, the privilege of the floor of the Assembly Chamber for this day was extended to Xiomara Rodriguez and Alfred Walking Bull.

Assemblyman Ocegüera moved that the Assembly adjourn until Monday, June 1, 2009, at 9 a.m.

Motion carried.

Assembly adjourned at 10:49 p.m.

Approved:

BARBARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL

Chief Clerk of the Assembly