THE ONE HUNDRED AND TWENTIETH DAY

CARSON CITY (Monday), June 1, 2009

Senate called to order at 12:40 p.m.

President Krolicki presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Albert Tilstra.

Dear Lord, every day since February we have carved out a few moments to invite You to be part of the process of government. It was You who elected these women and men to serve. It was You who gave them the talents to do their jobs. Thank You for the wisdom for the tasks given to them. They have left family, friends and businesses to do the work that needs to be done to bring prosperity to the districts they represent.

Today we also give thanks to our Secretary of the Senate and all her faithful staff. Without their help, the time these Senators have taken in committees would not be recorded or made available.

We have now come to the close of this Seventy-Fifth Session. As we go back to our homes, much work has been done. Some times there have been differences of opinions on bills proposed. Bring healing to things said or done that have hurt others. Help them to walk the way of surrender to Your will, guided by Your wisdom. Show them the spiritual foundations of our heritage that they may conserve and protect them. Draw them close to You and to one another in humility and service. To You, who are the real leader of government, we give thanks.

AMEN.

Pledge of Allegiance to the Flag.

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

Motion carried.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, May 31, 2009

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day concurred in the Senate Amendment No. 942 to Assembly Bill No. 482; Senate Amendment No. 639 to Assembly Bill No. 503; Senate Amendments Nos. 970, 971 to Assembly Bill No. 521; Senate Amendment No. 995 to Assembly Concurrent Resolution No. 30.

Also, I have the honor to inform your honorable body that the Assembly on this day respectfully refused to recede from its action on Senate Bill No. 242, Assembly Amendment No. 978, and requests a conference, and appointed Assemblymen Kirkpatrick, Anderson and Settelmeyer as a Conference Committee.

Also, I have the honor to inform your honorable body that the Assembly on this day appointed Assemblymen Smith, Kirkpatrick and Hardy as a Conference Committee concerning Assembly Bill No. 223.

Also, I have the honor to inform your honorable body that the Assembly on this day appointed Assemblymen Horne, McClain and Carpenter as a Conference Committee concerning Assembly Bill No. 385.

Also, I have the honor to inform your honorable body that the Assembly on this day appointed Assemblymen Conklin, Kirkpatrick and Christensen as a Conference Committee concerning Assembly Bill No. 523.

Also, I have the honor to inform your honorable body that the Assembly on this day adopted the reports of the Conference Committees concerning Senate Bills Nos. 55, 68, 119, 332, 411; Assembly Bills Nos. 84, 320.

Also, I have the honor to inform your honorable body that the Assembly on this day failed to sustain the Governor's veto of Senate Bills Nos. 195, 319, 363, 394 of the 75th Session.

DIANE M. KEETCH
Assistant Chief Clerk of the Assembly

ASSEMBLY CHAMBER, Carson City, June 1, 2009

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolutions Nos. 19, 26.

Also, I have the honor to inform your honorable body that the Assembly on this day adopted the report of the Conference Committee concerning Assembly Bill No. 140.

DIANE M. KEETCH
Assistant Chief Clerk of the Assembly

UNFINISHED BUSINESS
REPORTS OF CONFERENCE COMMITTEES

Mr. President:

The Conference Committee concerning Senate Bill No. 182, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 947 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 25, which is attached to and hereby made a part of this report.

Conference Amendment.

"SUMMARY—Makes various changes relating to common-interest communities. (BDR 10-795)"

"AN ACT relating to common-interest communities; clarifying various provisions of existing law relating to certain provisions of governing documents that violate statutory provisions, elections and the authority of an association to levy certain assessments under certain circumstances; revising certain provisions governing the authority of an association to impose fines under certain circumstances; making various other changes to the provisions governing common-interest communities; providing penalties; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Section 3 of this bill provides that a person who knowingly, willfully and with the intent to fraudulently alter the outcome of the election of a member to the executive board of an association or other votes of the units' owners engages in certain acts pertaining to the ballot or the casting of votes in such election is guilty of a category D felony. (NRS 116.31034) Existing law prohibits a community manager, an officer or a member of the executive board from accepting or soliciting compensation that would influence him or appear to be a conflict of interest. (NRS 116.31185) Section 4 of this bill provides that a community manager or member of the executive board who asks for or receives compensation to influence his vote, opinion or action upon any official matter is guilty of a category D felony. Section 4 also provides that a person who offers or gives any gratuity, compensation or reward, or makes a promise thereof, to a community manager or member of the executive board in exchange for a vote, opinion or action on any official matter is guilty of a category D felony.

Existing law requires each agency to provide by regulation for the filing and prompt disposition of petitions for declaratory orders and advisory opinions as to the applicability of any statutory provision, agency regulation or decision of the agency, and the Department of Business and Industry, which includes the Real Estate Division, has accordingly adopted regulations for such petitions. (NRS 233B.120; NAC 232.020) However, the Real Estate Division has not adopted any regulations pertaining to such petitions. Section 5 of this bill enacts a specific

statutory provision requiring the Real Estate Division to adopt regulations pertaining to such petitions.

Existing law contains provisions concerning units or common elements of an association that are acquired by eminent domain. (NRS 116.1107) Section 7 of this bill clarifies that existing law does not authorize an association to exercise the power of eminent domain. Section 8 of this bill clarifies that any provision contained in a declaration, bylaw or other governing document of a common-interest community that violates the provisions of chapter 116 of NRS is superseded by the provisions of chapter 116 of NRS, regardless of whether the provision became effective before the enactment of the statutory provision being violated. (NRS 116.1206)

Section 8.5 of this bill provides that an association may not charge a fee for entry into the common-interest community against a person providing services to a unit, a unit's owner or a tenant of a unit's owner or against a visitor, guest or invitee of a unit's owner or a tenant of a unit's owner. (NRS 116.2111)

Section 9 of this bill revises existing law to limit an association's power to include certain provisions in certain contracts involving the association. (NRS 116.3102)

Existing law authorizes an executive board to impose fines under certain circumstances. (NRS 116.31031) Section 12 of this bill limits the imposition of fines against a unit's owner for violations of the governing documents by a tenant or an invitee of the unit's owner or the tenant.

Sections 13, 14 and 16 of this bill revise provisions relating to certain elections and meetings of an association by: (1) requiring members of the executive board to be units' owners; (2) providing that officers of an association are not required to be units' owners, unless the governing documents provide otherwise; (3) providing certain rights for candidates for election to an executive board; (4) reducing the votes necessary for removal of a member of an executive board; (5) prohibiting an association from interfering with the collection of signatures for a special meeting or removal election; and (6) providing immunity from criminal or civil liability for an association, its officers, employees and agents for the disclosure or publication of certain information pursuant to certain duties required of the association or its officers, employees and agents. *Section 14 also provides that punitive damages may not be recovered against the members of the executive board or the officers of an association for acts or omissions that occur in their capacity as members or officers.* (NRS 116.31034, 116.31036, 116.3108)

Section 15 of this bill clarifies existing law concerning the respective duties of an association and the units' owners regarding the maintenance, repair and replacement of the common elements and the units. (NRS 116.3107)

Sections 17-19 of this bill revise provisions relating to board meetings and hearings by: (1) requiring that meetings of the executive board be audio recorded and available in a certain manner; (2) requiring that certain written complaints be placed on the agenda; and (3) providing due process protections to units' owners at certain hearings. (NRS 116.31083, 116.31085, 116.31087) Section 17 also revises existing law to allow public comments to be made at both the beginning and the end of a meeting. (NRS 116.31083)

Existing law provides that an association has the statutory obligation to: (1) fund adequately its reserves; (2) include in its annual budget a statement concerning its reserves and whether it will be necessary to impose any special assessments; and (3) review its study of the reserves on an annual basis and make any appropriate adjustments necessary to ensure that the reserves are always funded adequately. (NRS 116.3115, 116.31151, 116.31152) Section 21 of this bill clarifies existing law by explicitly stating that notwithstanding any provision of the governing documents to the contrary, the executive board may, without seeking or obtaining the approval of units' owners, impose any necessary and reasonable assessments to establish adequate reserves. This section also provides that any such assessments imposed must be based on the study of the reserves of the association conducted pursuant to NRS 116.31152.

Section 22 of this bill authorizes the filing of a civil action to recover certain fees, administrative penalties and interest that were imposed erroneously. (NRS 116.31155)

Existing law provides that an executive board of an association must, upon written request of a unit's owner, make available certain records and papers of the association, except for certain personnel records, records of other units' owners or contracts between the association and an attorney. (NRS 116.31175) Section 23.5 of this bill removes from the exemptions for the

production of records those records which pertain to a contract between the association and an attorney.

Sections 24, 26 and 28 of this bill provide certain additional rights to units' owners by: (1) increasing the scope and definition of prohibited retaliatory action; (2) authorizing the exhibition of certain political signs in certain areas; and (3) mandating notice before interruption of utility service to a unit's owner. (NRS 116.31183, 116.325, 116.345)

Section 25 of this bill expands the prohibition against certain contracts between an association and a member of the executive board or officer to include contracts involving financing. (NRS 116.31187) Section 27 of this bill: (1) provides that existing law concerning drought tolerant landscaping must be construed broadly; and (2) clarifies the definition of "drought tolerant landscaping." (NRS 116.330) Section 29 of this bill provides that if a community manager fails or refuses to comply with the governing documents of the association or the provisions of chapter 116 of NRS, any person or class of persons may bring a civil action for damages or other relief. (NRS 116.4117)

Section 30 of this bill increases the membership of the Commission by adding two members who are units' owners but who are not required to have served as members of an executive board. (NRS 116.600) Section 31 of this bill revises provisions relating to the Commission's duties by providing for the use of training officers to perform certain duties. (NRS 116.605)

Section 36 of this bill clarifies that if the Commission or hearing officer orders an audit of an association, the audit is conducted at the expense of the association. (NRS 116.790)

Existing law provides that a written affidavit, supporting documentation and information compiled as the result of an investigation of an alleged violation are confidential unless and until a formal complaint is filed. (NRS 116.757, 116A.270) Sections 33 and 37 of this bill clarify existing law to provide that such confidential information must not be disclosed to any person, including a person who is the subject of an investigation or complaint, unless and until a formal complaint is filed.

Section 39 of this bill provides that the Commission must adopt regulations requiring an applicant for a certificate as a community manager or the applicant's employer to post a bond. *Section 39 also provides for the issuance of temporary certificates for community managers for a period of 1 year under certain circumstances.* (NRS 116A.410)

Section 40 of this bill revises existing law to provide that upon selection or appointment of an arbitrator, the arbitrator must provide certain information concerning the procedures of the arbitration and applicable law to each party to the arbitration, and each party must return to the arbitrator an acknowledgment of the information provided by the arbitrator. (NRS 38.330)

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 the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. (Deleted by amendment.)

Sec. 3. *1. A person shall not knowingly, willfully and with the intent to fraudulently alter the true outcome of an election of a member of the executive board or any other vote of the units' owners engage in, attempt to engage in, or conspire with another person to engage in, any of the following acts:*

(a) Changing or falsifying a voter's ballot so that the ballot does not reflect the voter's true ballot.

(b) Forging or falsely signing a voter's ballot.

(c) Fraudulently casting a vote for himself or for another person that the person is not authorized to cast.

(d) Rejecting, failing to count, destroying, defacing or otherwise invalidating the valid ballot of another voter.

(e) Submitting a counterfeit ballot.

2. A person who violates this section is guilty of a category D felony and shall be punished as provided in NRS 193.130.

Sec. 4. *1. Except as otherwise provided in subsection 3, a community manager or member of the executive board who asks for or receives, directly or indirectly, any compensation, gratuity or reward, or any promise thereof, upon an agreement or understanding*

that his vote, opinion or action upon any matter then pending or which may be brought before him in his capacity as a community manager or member of the executive board, will be influenced thereby, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

2. Except as otherwise provided in subsection 3, a person who offers or gives, directly or indirectly, any compensation, gratuity or reward, or any promise thereof, upon an agreement or understanding that the vote, opinion or action of a community manager or member of the executive board upon any matter then pending or which may be brought before the community manager or member of the executive board in his capacity as a community manager or member of the executive board will be influenced thereby, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

3. The provisions of this section do not prohibit:

(a) An employee of a declarant or an affiliate of a declarant who is a member of an executive board from asking for or receiving, directly or indirectly, any compensation, gratuity or reward, or any promise thereof, from the declarant or affiliate.

(b) A declarant or an affiliate of a declarant whose employee is a member of an executive board from offering or giving, directly or indirectly, any compensation, gratuity or reward, or any promise thereof, to the employee who is a member of the executive board.

(c) A community manager from asking for or receiving, directly or indirectly, or an employer of a community manager from offering or giving, directly or indirectly, any compensation for work performed by the community manager pursuant to the laws of this State.

Sec. 5. *1. The Division shall provide by regulation for the filing and prompt disposition of petitions for declaratory orders and advisory opinions as to the applicability or interpretation of:*

(a) Any provision of this chapter or chapter 116A or 116B of NRS;

(b) Any regulation adopted by the Commission, the Administrator or the Division; or

(c) Any decision of the Commission, the Administrator or the Division or any of its sections.

2. Declaratory orders disposing of petitions filed pursuant to this section have the same status as agency decisions.

3. A petition filed pursuant to this section must:

(a) Set forth the name and address of the petitioner; and

(b) Contain a clear and concise statement of the issues to be decided by the Division in its declaratory order or advisory opinion.

4. A petition filed pursuant to this section is submitted for consideration by the Division when it is filed with the Administrator.

5. The Division shall:

(a) Respond to a petition filed pursuant to this section within 60 days after the date on which the petition is submitted for consideration; and

(b) Upon issuing its declaratory order or advisory opinion, mail a copy of the declaratory order or advisory opinion to the petitioner.

Sec. 6. (Deleted by amendment.)

Sec. 7. NRS 116.1107 is hereby amended to read as follows:

116.1107 1. If a unit is acquired by eminent domain or part of a unit is acquired by eminent domain leaving the unit's owner with a remnant that may not practically or lawfully be used for any purpose permitted by the declaration, the award must include compensation to the unit's owner for that unit and its allocated interests, whether or not any common elements are acquired. Upon acquisition, unless the decree otherwise provides, that unit's allocated interests are automatically reallocated to the remaining units in proportion to the respective allocated interests of those units before the taking, and the association shall promptly prepare, execute and record an amendment to the declaration reflecting the reallocations. Any remnant of a unit remaining after part of a unit is taken under this subsection is thereafter a common element.

2. Except as otherwise provided in subsection 1, if part of a unit is acquired by eminent domain, the award must compensate the unit's owner for the reduction in value of the unit and its interest in the common elements, whether or not any common elements are acquired. Upon acquisition, unless the decree otherwise provides:

(a) That unit's allocated interests are reduced in proportion to the reduction in the size of the unit, or on any other basis specified in the declaration; and

(b) The portion of the allocated interests divested from the partially acquired unit are automatically reallocated to that unit and to the remaining units in proportion to the respective allocated interests of those units before the taking, with the partially acquired unit participating in the reallocation on the basis of its reduced allocated interests.

3. If part of the common elements is acquired by eminent domain, the portion of the award attributable to the common elements taken must be paid to the association. Unless the declaration provides otherwise, any portion of the award attributable to the acquisition of a limited common element must be equally divided among the owners of the units to which that limited common element was allocated at the time of acquisition.

4. The judicial decree must be recorded in every county in which any portion of the common-interest community is located.

5. The provisions of this section do not authorize an association to exercise the power of eminent domain pursuant to chapter 37 of NRS, and an association may not exercise the power of eminent domain, as provided in NRS 37.0097.

Sec. 8. NRS 116.1206 is hereby amended to read as follows:

116.1206 1. Any provision contained in a declaration, bylaw or other governing document of a common-interest community that violates the provisions of this chapter ~~[shall]~~ *:*

(a) Shall be deemed to conform with those provisions by operation of law, and any such declaration, bylaw or other governing document is not required to be amended to conform to those provisions.

(b) Is superseded by the provisions of this chapter, regardless of whether the provision contained in the declaration, bylaw or other governing document became effective before the enactment of the provision of this chapter that is being violated.

2. In the case of amendments to the declaration, bylaws or plats and plans of any common-interest community created before January 1, 1992:

(a) If the result accomplished by the amendment was permitted by law before January 1, 1992, the amendment may be made either in accordance with that law, in which case that law applies to that amendment, or it may be made under this chapter; and

(b) If the result accomplished by the amendment is permitted by this chapter, and was not permitted by law before January 1, 1992, the amendment may be made under this chapter.

3. An amendment to the declaration, bylaws or plats and plans authorized by this section to be made under this chapter must be adopted in conformity with the applicable provisions of chapter 117 or 278A of NRS and with the procedures and requirements specified by those instruments. If an amendment grants to any person any rights, powers or privileges permitted by this chapter, all correlative obligations, liabilities and restrictions in this chapter also apply to that person.

Sec. 8.5. NRS 116.2111 is hereby amended to read as follows:

116.2111 1. Except as otherwise provided in this section and subject to the provisions of the declaration and other provisions of law, a unit's owner:

(a) May make any improvements or alterations to his unit that do not impair the structural integrity or mechanical systems or lessen the support of any portion of the common-interest community;

(b) May not change the appearance of the common elements, or the exterior appearance of a unit or any other portion of the common-interest community, without permission of the association; and

(c) After acquiring an adjoining unit or an adjoining part of an adjoining unit, may remove or alter any intervening partition or create apertures therein, even if the partition in whole or in part is a common element, if those acts do not impair the structural integrity or mechanical systems or lessen the support of any portion of the common-interest community. Removal of partitions or creation of apertures under this paragraph is not an alteration of boundaries.

2. An association may not:

(a) Unreasonably restrict, prohibit or otherwise impede the lawful rights of a unit's owner to have reasonable access to his unit.

(b) *Charge any fee for a person to enter the common-interest community to provide services to a unit, a unit's owner or a tenant of a unit's owner or for any visitor to the common-interest community or invitee of a unit's owner or a tenant of a unit's owner to enter the common-interest community.*

(c) Unreasonably restrict, prohibit or withhold approval for a unit's owner to add to a unit:

(1) Improvements such as ramps, railings or elevators that are necessary to improve access to the unit for any occupant of the unit who has a disability;

(2) Additional locks to improve the security of the unit;

(3) Shutters to improve the security of the unit or to reduce the costs of energy for the unit; or

(4) A system that uses wind energy to reduce the costs of energy for the unit if the boundaries of the unit encompass 2 acres or more within the common-interest community.

~~[(c)]~~ *(d)* With regard to approving or disapproving any improvement or alteration made to a unit, act in violation of any state or federal law.

3. Any improvement or alteration made pursuant to subsection 2 that is visible from any other portion of the common-interest community must be installed, constructed or added in accordance with the procedures set forth in the governing documents of the association and must be selected or designed to the maximum extent practicable to be compatible with the style of the common-interest community.

4. A unit's owner may not add to the unit a system that uses wind energy as described in subparagraph 4 of paragraph ~~[(b)]~~ *(c)* of subsection 2 unless he first obtains the written consent of each owner of property within 300 feet of any boundary of the unit.

Sec. 9. NRS 116.3102 is hereby amended to read as follows:

116.3102 1. Except as otherwise provided in subsection 2, and subject to the provisions of the declaration, the association may do any or all of the following:

(a) Adopt and amend bylaws, rules and regulations.

(b) Adopt and amend budgets for revenues, expenditures and reserves and collect assessments for common expenses from the units' owners.

(c) Hire and discharge managing agents and other employees, agents and independent contractors.

(d) Institute, defend or intervene in litigation or administrative proceedings in its own name on behalf of itself or two or more units' owners on matters affecting the common-interest community.

(e) Make contracts and incur liabilities. *Any contract between the association and a private entity for the furnishing of goods or services must not include a provision granting the private entity the right of first refusal with respect to extension or renewal of the contract.*

(f) Regulate the use, maintenance, repair, replacement and modification of common elements.

(g) Cause additional improvements to be made as a part of the common elements.

(h) Acquire, hold, encumber and convey in its own name any right, title or interest to real estate or personal property, but:

(1) Common elements in a condominium or planned community may be conveyed or subjected to a security interest only pursuant to NRS 116.3112; and

(2) Part of a cooperative may be conveyed, or all or part of a cooperative may be subjected to a security interest, only pursuant to NRS 116.3112.

(i) Grant easements, leases, licenses and concessions through or over the common elements.

(j) Impose and receive any payments, fees or charges for the use, rental or operation of the common elements, other than limited common elements described in subsections 2 and 4 of NRS 116.2102, and for services provided to the units' owners.

(k) Impose charges for late payment of assessments.

(l) Impose construction penalties when authorized pursuant to NRS 116.310305.

(m) Impose reasonable fines for violations of the governing documents of the association only if the association complies with the requirements set forth in NRS 116.31031.

(n) Impose reasonable charges for the preparation and recordation of any amendments to the declaration or any statements of unpaid assessments, and impose reasonable fees, not to exceed

the amounts authorized by NRS 116.4109, for preparing and furnishing the documents and certificate required by that section.

(o) Provide for the indemnification of its officers and executive board and maintain directors' and officers' liability insurance.

(p) Assign its right to future income, including the right to receive assessments for common expenses, but only to the extent the declaration expressly so provides.

(q) Exercise any other powers conferred by the declaration or bylaws.

(r) Exercise all other powers that may be exercised in this State by legal entities of the same type as the association.

(s) Direct the removal of vehicles improperly parked on property owned or leased by the association, as authorized pursuant to NRS 487.038, or improperly parked on any road, street, alley or other thoroughfare within the common-interest community in violation of the governing documents. In addition to complying with the requirements of NRS 487.038 and any requirements in the governing documents, if a vehicle is improperly parked as described in this paragraph, the association must post written notice in a conspicuous place on the vehicle or provide oral or written notice to the owner or operator of the vehicle at least 48 hours before the association may direct the removal of the vehicle, unless the vehicle:

(1) Is blocking a fire hydrant, fire lane or parking space designated for the handicapped; or

(2) Poses an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the units' owners or residents of the common-interest community.

(t) Exercise any other powers necessary and proper for the governance and operation of the association.

2. The declaration may not impose limitations on the power of the association to deal with the declarant which are more restrictive than the limitations imposed on the power of the association to deal with other persons.

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. NRS 116.31031 is hereby amended to read as follows:

116.31031 1. Except as otherwise provided in this section, if a unit's owner or a tenant or ~~[guest]~~ *an invitee* of a unit's owner *or a tenant* violates any provision of the governing documents of an association, the executive board may, if the governing documents so provide:

(a) Prohibit, for a reasonable time, the unit's owner or the tenant or ~~[guest]~~ *the invitee* of the unit's owner *or the tenant* from:

(1) Voting on matters related to the common-interest community.

(2) Using the common elements. The provisions of this subparagraph do not prohibit the unit's owner or the tenant or ~~[guest]~~ *the invitee* of the unit's owner *or the tenant* from using any vehicular or pedestrian ingress or egress to go to or from the unit, including any area used for parking.

(b) Impose a fine against the unit's owner or the tenant or ~~[guest]~~ *the invitee* of the unit's owner *or the tenant* for each violation, except that a fine may not be imposed for a violation that is the subject of a construction penalty pursuant to NRS 116.310305. If the violation poses an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the units' owners or residents of the common-interest community, the amount of the fine must be commensurate with the severity of the violation and must be determined by the executive board in accordance with the governing documents. If the violation does not pose an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the units' owners or residents of the common-interest community, the amount of the fine must be commensurate with the severity of the violation and must be determined by the executive board in accordance with the governing documents, but the amount of the fine must not exceed $100 for each violation or a total amount of $1,000, whichever is less. The limitations on the amount of the fine do not apply to any interest, charges or costs that may be collected by the association pursuant to this section if the fine becomes past due.

2. *The executive board may not impose a fine pursuant to subsection 1 against a unit's owner for a violation of any provision of the governing documents of an association committed by an invitee of the unit's owner or the tenant unless the unit's owner:*

(a) Participated in or authorized the violation;

(b) Had prior notice of the violation; or

(c) Had an opportunity to stop the violation and failed to do so.

3. The executive board may not impose a fine pursuant to subsection 1 unless:

(a) Not less than 30 days before the violation, the person against whom the fine will be imposed had been provided with written notice of the applicable provisions of the governing documents that form the basis of the violation; and

(b) Within a reasonable time after the discovery of the violation, the person against whom the fine will be imposed has been provided with:

(1) Written notice specifying the details of the violation, the amount of the fine, and the date, time and location for a hearing on the violation; and

(2) A reasonable opportunity to contest the violation at the hearing.

~~[3.]~~ *4.* The executive board must schedule the date, time and location for the hearing on the violation so that the person against whom the fine will be imposed is provided with a reasonable opportunity to prepare for the hearing and to be present at the hearing.

~~[4.]~~ *5.* The executive board must hold a hearing before it may impose the fine, unless the person against whom the fine will be imposed:

(a) Pays the fine;

(b) Executes a written waiver of the right to the hearing; or

(c) Fails to appear at the hearing after being provided with proper notice of the hearing.

~~[5.]~~ *6.* If a fine is imposed pursuant to subsection 1 and the violation is not cured within 14 days, or within any longer period that may be established by the executive board, the violation shall be deemed a continuing violation. Thereafter, the executive board may impose an additional fine for the violation for each 7-day period or portion thereof that the violation is not cured. Any additional fine may be imposed without notice and an opportunity to be heard.

~~[6.]~~ *7.* If the governing documents so provide, the executive board may appoint a committee, with not less than three members, to conduct hearings on violations and to impose fines pursuant to this section. While acting on behalf of the executive board for those limited purposes, the committee and its members are entitled to all privileges and immunities and are subject to all duties and requirements of the executive board and its members.

~~[7.]~~ *8.* The provisions of this section establish the minimum procedural requirements that the executive board must follow before it may impose a fine. The provisions of this section do not preempt any provisions of the governing documents that provide greater procedural protections.

~~[8.]~~ *9.* Any past due fine:

(a) Bears interest at the rate established by the association, not to exceed the legal rate per annum.

(b) May include any costs of collecting the past due fine at a rate established by the association. If the past due fine is for a violation that does not threaten the health, safety or welfare of the residents of the common-interest community, the rate established by the association for the costs of collecting the past due fine:

(1) May not exceed $20, if the outstanding balance is less than $200.

(2) May not exceed $50, if the outstanding balance is $200 or more, but is less than $500.

(3) May not exceed $100, if the outstanding balance is $500 or more, but is less than $1,000.

(4) May not exceed $250, if the outstanding balance is $1,000 or more, but is less than $5,000.

(5) May not exceed $500, if the outstanding balance is $5,000 or more.

(c) May include any costs incurred by the association during a civil action to enforce the payment of the past due fine.

~~[9.]~~ *10.* As used in this section:

(a) "Costs of collecting" includes, without limitation, any collection fee, filing fee, recording fee, referral fee, fee for postage or delivery, and any other fee or cost that an association may reasonably charge to the unit's owner for the collection of a past due fine. The term does not include any costs incurred by an association during a civil action to enforce the payment of a past due fine.

(b) "Outstanding balance" means the amount of a past due fine that remains unpaid before any interest, charges for late payment or costs of collecting the past due fine are added.

Sec. 12.5. NRS 116.310315 is hereby amended to read as follows:

116.310315 If an association has imposed a fine against a unit's owner or a tenant or ~~[guest]~~ *an invitee* of a unit's owner *or a tenant* pursuant to NRS 116.31031 for violations of the governing documents of the association, the association:

1. Shall, in the books and records of the association, account for the fine separately from any assessment, fee or other charge; and

2. Shall not apply, in whole or in part, any payment made by the unit's owner for any assessment, fee or other charge toward the payment of the outstanding balance of the fine or any costs of collecting the fine, unless the unit's owner provides written authorization which directs the association to apply the payment made by the unit's owner in such a manner.

Sec. 13. NRS 116.31034 is hereby amended to read as follows:

116.31034 1. Except as otherwise provided in subsection 5 of NRS 116.212, not later than the termination of any period of declarant's control, the units' owners shall elect an executive board of at least three members, ~~[at least a majority]~~ *all* of whom must be units' owners. ~~[Unless the governing documents provide otherwise, the remaining members of the executive board do not have to be units' owners.]~~ The executive board shall elect the officers of the association. *Unless the governing documents provide otherwise, the officers of the association are not required to be units' owners.* The members of the executive board and the officers of the association shall take office upon election.

2. The term of office of a member of the executive board may not exceed 2 years, except for members who are appointed by the declarant. Unless the governing documents provide otherwise, there is no limitation on the number of terms that a person may serve as a member of the executive board.

3. The governing documents of the association must provide for terms of office that are staggered in such a manner that, to the extent possible, an equal number of members of the executive board are elected at each election. The provisions of this subsection do not apply to:

(a) Members of the executive board who are appointed by the declarant; and

(b) Members of the executive board who serve a term of 1 year or less.

4. Not less than 30 days before the preparation of a ballot for the election of members of the executive board, the secretary or other officer specified in the bylaws of the association shall cause notice to be given to each unit's owner of his eligibility to serve as a member of the executive board. Each unit's owner who is qualified to serve as a member of the executive board may have his name placed on the ballot along with the names of the nominees selected by the members of the executive board or a nominating committee established by the association.

5. Each person whose name is placed on the ballot as a candidate for a member of the executive board must:

(a) Make a good faith effort to disclose any financial, business, professional or personal relationship or interest that would result or would appear to a reasonable person to result in a potential conflict of interest for the candidate if the candidate were to be elected to serve as a member of the executive board; and

(b) Disclose whether the candidate is a member in good standing. For the purposes of this paragraph, a candidate shall not be deemed to be in "good standing" if the candidate has any unpaid and past due assessments or construction penalties that are required to be paid to the association.

➥ The candidate must make all disclosures required pursuant to this subsection in writing to the association with his candidacy information. The association shall distribute the disclosures to each member of the association with the ballot in the manner established in the bylaws of the association.

6. Unless a person is appointed by the declarant:

(a) A person may not be a member of the executive board or an officer of the association if the person, his spouse or his parent or child, by blood, marriage or adoption, performs the duties of a community manager for that association.

(b) A person may not be a member of the executive board of a master association or an officer of that master association if the person, his spouse or his parent or child, by blood, marriage or adoption, performs the duties of a community manager for:

(1) That master association; or

(2) Any association that is subject to the governing documents of that master association.

7. An officer, employee, agent or director of a corporate owner of a unit, a trustee or designated beneficiary of a trust that owns a unit, a partner of a partnership that owns a unit, a member or manager of a limited-liability company that owns a unit, and a fiduciary of an estate that owns a unit may be an officer of the association or a member of the executive board. In all events where the person serving or offering to serve as an officer of the association or a member of the executive board is not the record owner, he shall file proof in the records of the association that:

(a) He is associated with the corporate owner, trust, partnership, limited-liability company or estate as required by this subsection; and

(b) Identifies the unit or units owned by the corporate owner, trust, partnership, limited-liability company or estate.

8. The election of any member of the executive board must be conducted by secret written ballot unless the declaration of the association provides that voting rights may be exercised by delegates or representatives as set forth in NRS 116.31105. If the election of any member of the executive board is conducted by secret written ballot:

(a) The secretary or other officer specified in the bylaws of the association shall cause a secret ballot and a return envelope to be sent, prepaid by United States mail, to the mailing address of each unit within the common-interest community or to any other mailing address designated in writing by the unit's owner.

(b) Each unit's owner must be provided with at least 15 days after the date the secret written ballot is mailed to the unit's owner to return the secret written ballot to the association.

(c) A quorum is not required for the election of any member of the executive board.

(d) Only the secret written ballots that are returned to the association may be counted to determine the outcome of the election.

(e) The secret written ballots must be opened and counted at a meeting of the association. A quorum is not required to be present when the secret written ballots are opened and counted at the meeting.

(f) The incumbent members of the executive board and each person whose name is placed on the ballot as a candidate for a member of the executive board may not possess, be given access to or participate in the opening or counting of the secret written ballots that are returned to the association before those secret written ballots have been opened and counted at a meeting of the association.

9. *An association shall not adopt any rule or regulation that has the effect of prohibiting or unreasonably interfering with a candidate in his campaign for election as a member of the executive board, except that his campaign may be limited to 90 days before the date that ballots are required to be returned to the association. A candidate may request that the secretary or other officer specified in the bylaws of the association send, 30 days before the date of the election and at the association's expense, to the mailing address of each unit within the common-interest community or to any other mailing address designated in writing by the unit's owner a candidate informational statement. The candidate informational statement:*

(a) Must be no longer than a single, typed page;

(b) Must not contain any defamatory, libelous or profane information; and

(c) May be sent with the secret ballot mailed pursuant to subsection 8 or in a separate mailing.

➥ *The association and its directors, officers, employees and agents are immune from criminal or civil liability for any act or omission which arises out of the publication or disclosure of any information related to any person and which occurs in the course of carrying out any duties required pursuant to this subsection.*

10. Each member of the executive board shall, within 90 days after his appointment or election, certify in writing to the association, on a form prescribed by the Administrator, that he has read and understands the governing documents of the association and the provisions of this

chapter to the best of his ability. The Administrator may require the association to submit a copy of the certification of each member of the executive board of that association at the time the association registers with the Ombudsman pursuant to NRS 116.31158.

Sec. 14. NRS 116.31036 is hereby amended to read as follows:

116.31036 1. Notwithstanding any provision of the declaration or bylaws to the contrary, any member of the executive board, other than a member appointed by the declarant, may be removed from the executive board, with or without cause, if at a removal election held pursuant to this section ~~[the]~~ *:*

(a) The number of votes cast ~~[in favor of removal]~~ constitutes ~~[:~~

~~(a) At]~~ *at* least 35 percent of the total number of voting members of the association; and

(b) At least a majority of all votes cast in that removal election ~~[.]~~ *are cast in favor of removal.*

2. The removal of any member of the executive board must be conducted by secret written ballot unless the declaration of the association provides that voting rights may be exercised by delegates or representatives as set forth in NRS 116.31105. If the removal of a member of the executive board is conducted by secret written ballot:

(a) The secretary or other officer specified in the bylaws of the association shall cause a secret ballot and a return envelope to be sent, prepaid by United States mail, to the mailing address of each unit within the common-interest community or to any other mailing address designated in writing by the unit's owner.

(b) Each unit's owner must be provided with at least 15 days after the date the secret written ballot is mailed to the unit's owner to return the secret written ballot to the association.

(c) Only the secret written ballots that are returned to the association may be counted to determine the outcome.

(d) The secret written ballots must be opened and counted at a meeting of the association. A quorum is not required to be present when the secret written ballots are opened and counted at the meeting.

(e) The incumbent members of the executive board, including, without limitation, the member who is subject to the removal, may not possess, be given access to or participate in the opening or counting of the secret written ballots that are returned to the association before those secret written ballots have been opened and counted at a meeting of the association.

3. If a member of an executive board is named as a respondent or sued for liability for actions undertaken in his role as a member of the board, the association shall indemnify him for his losses or claims, and undertake all costs of defense, unless it is proven that he acted with willful or wanton misfeasance or with gross negligence. After such proof, the association is no longer liable for the cost of defense, and may recover costs already expended from the member of the executive board who so acted. Members of the executive board are not personally liable to the victims of crimes occurring on the property. Punitive damages may not be recovered against ~~[the]~~ *:*

(a) The association ~~[.]~~ ~~[, but may be recovered from persons whose activity gave rise to the damages.]~~ *;*

(b) The members of the executive board for acts or omissions that occur in their official capacity as members of the executive board; or

(c) The officers of the association for acts or omissions that occur in their capacity as officers of the association.

4. The provisions of this section do not prohibit the Commission from taking any disciplinary action against a member of an executive board pursuant to NRS 116.745 to 116.795, inclusive.

Sec. 15. NRS 116.3107 is hereby amended to read as follows:

116.3107 1. Except to the extent provided by the declaration, subsection 2 and NRS 116.31135, the association ~~[is responsible]~~ *has the duty to provide* for *the* maintenance, repair and replacement of the common elements, and each unit's owner ~~[is responsible]~~ *has the duty to provide* for *the* maintenance, repair and replacement of his unit. Each unit's owner shall afford to the association and the other units' owners, and to their agents or employees, access through his unit reasonably necessary for those purposes. If damage is inflicted on the common

elements or on any unit through which access is taken, the unit's owner responsible for the damage, or the association if it is responsible, is liable for the prompt repair thereof.

2. In addition to the liability that a declarant as a unit's owner has under this chapter, the declarant alone is liable for all expenses in connection with real estate subject to developmental rights. No other unit's owner and no other portion of the common-interest community is subject to a claim for payment of those expenses. Unless the declaration provides otherwise, any income or proceeds from real estate subject to developmental rights inures to the declarant.

3. In a planned community, if all developmental rights have expired with respect to any real estate, the declarant remains liable for all expenses of that real estate unless, upon expiration, the declaration provides that the real estate becomes common elements or units.

Sec. 16. NRS 116.3108 is hereby amended to read as follows:

116.3108 1. A meeting of the units' owners must be held at least once each year. If the governing documents do not designate an annual meeting date of the units' owners, a meeting of the units' owners must be held 1 year after the date of the last meeting of the units' owners. If the units' owners have not held a meeting for 1 year, a meeting of the units' owners must be held on the following March 1.

2. Special meetings of the units' owners may be called by the president, by a majority of the executive board or by units' owners constituting at least 10 percent, or any lower percentage specified in the bylaws, of the total number of voting members of the association. The same number of units' owners may also call a removal election pursuant to NRS 116.31036. To call a special meeting or a removal election, the units' owners must submit a written petition which is signed by the required percentage of the total number of voting members of the association pursuant to this section and which is mailed, return receipt requested, or served by a process server to the executive board or the community manager for the association. If the petition calls for a special meeting, the executive board shall set the date for the special meeting so that the special meeting is held not less than 15 days or more than 60 days after the date on which the petition is received. If the petition calls for a removal election and:

(a) The voting rights of the units' owners will be exercised by delegates or representatives as set forth in NRS 116.31105, the executive board shall set the date for the removal election so that the removal election is held not less than 15 days or more than 60 days after the date on which the petition is received; or

(b) The voting rights of the units' owners will be exercised through the use of secret written ballots pursuant to NRS 116.31036, the secret written ballots for the removal election must be sent in the manner required by NRS 116.31036 not less than 15 days or more than 60 days after the date on which the petition is received, and the executive board shall set the date for the meeting to open and count the secret written ballots so that the meeting is held not more than 15 days after the deadline for returning the secret written ballots.

➥ *The association shall not adopt any rule or regulation which prevents or unreasonably interferes with the collection of the required percentage of signatures for a petition pursuant to this subsection.*

3. Not less than 15 days or more than 60 days in advance of any meeting of the units' owners, the secretary or other officer specified in the bylaws shall cause notice of the meeting to be hand-delivered, sent prepaid by United States mail to the mailing address of each unit or to any other mailing address designated in writing by the unit's owner or, if the association offers to send notice by electronic mail, sent by electronic mail at the request of the unit's owner to an electronic mail address designated in writing by the unit's owner. The notice of the meeting must state the time and place of the meeting and include a copy of the agenda for the meeting. The notice must include notification of the right of a unit's owner to:

(a) Have a copy of the minutes or a summary of the minutes of the meeting provided to the unit's owner upon request and, if required by the executive board, upon payment to the association of the cost of providing the copy to the unit's owner.

(b) Speak to the association or executive board, unless the executive board is meeting in executive session.

4. The agenda for a meeting of the units' owners must consist of:

(a) A clear and complete statement of the topics scheduled to be considered during the meeting, including, without limitation, any proposed amendment to the declaration or bylaws,

any fees or assessments to be imposed or increased by the association, any budgetary changes and any proposal to remove an officer of the association or member of the executive board.

(b) A list describing the items on which action may be taken and clearly denoting that action may be taken on those items. In an emergency, the units' owners may take action on an item which is not listed on the agenda as an item on which action may be taken.

(c) A period devoted to comments by units' owners and discussion of those comments. Except in emergencies, no action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken pursuant to paragraph (b).

5. If the association adopts a policy imposing fines for any violations of the governing documents of the association, the secretary or other officer specified in the bylaws shall prepare and cause to be hand-delivered or sent prepaid by United States mail to the mailing address of each unit or to any other mailing address designated in writing by the unit's owner, a schedule of the fines that may be imposed for those violations.

6. The secretary or other officer specified in the bylaws shall cause minutes to be recorded or otherwise taken at each meeting of the units' owners. Not more than 30 days after each such meeting, the secretary or other officer specified in the bylaws shall cause the minutes or a summary of the minutes of the meeting to be made available to the units' owners. A copy of the minutes or a summary of the minutes must be provided to any unit's owner upon request and, if required by the executive board, upon payment to the association of the cost of providing the copy to the unit's owner.

7. Except as otherwise provided in subsection 8, the minutes of each meeting of the units' owners must include:

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

(b) The substance of all matters proposed, discussed or decided at the meeting; and

(c) The substance of remarks made by any unit's owner at the meeting if he requests that the minutes reflect his remarks or, if he has prepared written remarks, a copy of his prepared remarks if he submits a copy for inclusion.

8. The executive board may establish reasonable limitations on materials, remarks or other information to be included in the minutes of a meeting of the units' owners.

9. The association shall maintain the minutes of each meeting of the units' owners until the common-interest community is terminated.

10. A unit's owner may record on audiotape or any other means of sound reproduction a meeting of the units' owners if the unit's owner, before recording the meeting, provides notice of his intent to record the meeting to the other units' owners who are in attendance at the meeting.

11. The units' owners may approve, at the annual meeting of the units' owners, the minutes of the prior annual meeting of the units' owners and the minutes of any prior special meetings of the units' owners. A quorum is not required to be present when the units' owners approve the minutes.

12. As used in this section, "emergency" means any occurrence or combination of occurrences that:

(a) Could not have been reasonably foreseen;

(b) Affects the health, welfare and safety of the units' owners or residents of the common-interest community;

(c) Requires the immediate attention of, and possible action by, the executive board; and

(d) Makes it impracticable to comply with the provisions of subsection 3 or 4.

Sec. 17. NRS 116.31083 is hereby amended to read as follows:

116.31083 1. A meeting of the executive board must be held at least once every 90 days.

2. Except in an emergency or unless the bylaws of an association require a longer period of notice, the secretary or other officer specified in the bylaws of the association shall, not less than 10 days before the date of a meeting of the executive board, cause notice of the meeting to be given to the units' owners. Such notice must be:

(a) Sent prepaid by United States mail to the mailing address of each unit within the common-interest community or to any other mailing address designated in writing by the unit's owner;

(b) If the association offers to send notice by electronic mail, sent by electronic mail at the request of the unit's owner to an electronic mail address designated in writing by the unit's owner; or

(c) Published in a newsletter or other similar publication that is circulated to each unit's owner.

3. In an emergency, the secretary or other officer specified in the bylaws of the association shall, if practicable, cause notice of the meeting to be sent prepaid by United States mail to the mailing address of each unit within the common-interest community. If delivery of the notice in this manner is impracticable, the notice must be hand-delivered to each unit within the common-interest community or posted in a prominent place or places within the common elements of the association.

4. The notice of a meeting of the executive board must state the time and place of the meeting and include a copy of the agenda for the meeting or the date on which and the locations where copies of the agenda may be conveniently obtained by the units' owners. The notice must include notification of the right of a unit's owner to:

(a) Have a copy of the *audio recording, the* minutes or a summary of the minutes of the meeting provided to the unit's owner upon request and, if required by the executive board, upon payment to the association of the cost of providing the copy to the unit's owner.

(b) Speak to the association or executive board, unless the executive board is meeting in executive session.

5. The agenda of the meeting of the executive board must comply with the provisions of subsection 4 of NRS 116.3108. ~~[The]~~ *A* period required to be devoted to comments by the units' owners and discussion of those comments must be scheduled for *both* the beginning *and the end* of each meeting. *During the period devoted to comments by the units' owners and discussion of those comments at the beginning of each meeting, comments by the units' owners and discussion of those comments must be limited to items listed on the agenda.* In an emergency, the executive board may take action on an item which is not listed on the agenda as an item on which action may be taken.

6. At least once every 90 days, unless the declaration or bylaws of the association impose more stringent standards, the executive board shall review, at a minimum, the following financial information at one of its meetings:

(a) A current year-to-date financial statement of the association;

(b) A current year-to-date schedule of revenues and expenses for the operating account and the reserve account, compared to the budget for those accounts;

(c) A current reconciliation of the operating account of the association;

(d) A current reconciliation of the reserve account of the association;

(e) The latest account statements prepared by the financial institutions in which the accounts of the association are maintained; and

(f) The current status of any civil action or claim submitted to arbitration or mediation in which the association is a party.

7. The secretary or other officer specified in the bylaws shall cause *each meeting of the executive board to be audio recorded and the* minutes to be recorded or otherwise taken at each meeting of the executive board ~~[.]~~ *, but if the executive board is meeting in executive session, the meeting must not be audio recorded.* Not more than 30 days after each such meeting, the secretary or other officer specified in the bylaws shall cause the *audio recording of the meeting, the* minutes ~~[or]~~ *of the meeting and* a summary of the minutes of the ~~[meetings]~~ *meeting* to be made available to the units' owners. A copy of the *audio recording, the* minutes or a summary of the minutes must be provided to any unit's owner upon request and, if required by the executive board, upon payment to the association of the cost of providing the copy to the unit's owner.

8. Except as otherwise provided in subsection 9 and NRS 116.31085, the minutes of each meeting of the executive board must include:

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

(b) Those members of the executive board who were present and those members who were absent at the meeting;

(c) The substance of all matters proposed, discussed or decided at the meeting;

(d) A record of each member's vote on any matter decided by vote at the meeting; and

(e) The substance of remarks made by any unit's owner who addresses the executive board at the meeting if he requests that the minutes reflect his remarks or, if he has prepared written remarks, a copy of his prepared remarks if he submits a copy for inclusion.

9. The executive board may establish reasonable limitations on materials, remarks or other information to be included in the minutes of its meetings.

10. The association shall maintain the minutes of each meeting of the executive board until the common-interest community is terminated.

11. A unit's owner may record on audiotape or any other means of sound reproduction a meeting of the executive board, unless the executive board is meeting in executive session, if the unit's owner, before recording the meeting, provides notice of his intent to record the meeting to the members of the executive board and the other units' owners who are in attendance at the meeting.

12. As used in this section, "emergency" means any occurrence or combination of occurrences that:

(a) Could not have been reasonably foreseen;

(b) Affects the health, welfare and safety of the units' owners or residents of the common-interest community;

(c) Requires the immediate attention of, and possible action by, the executive board; and

(d) Makes it impracticable to comply with the provisions of subsection 2 or 5.

Sec. 18. NRS 116.31085 is hereby amended to read as follows:

116.31085 1. Except as otherwise provided in this section, a unit's owner may attend any meeting of the units' owners or of the executive board and speak at any such meeting. The executive board may establish reasonable limitations on the time a unit's owner may speak at such a meeting.

2. An executive board may not meet in executive session to enter into, renew, modify, terminate or take any other action regarding a contract . ~~[, unless it is a contract between the association and an attorney.]~~

3. An executive board may meet in executive session only to:

(a) Consult with the attorney for the association on matters relating to proposed or pending litigation if the contents of the discussion would otherwise be governed by the privilege set forth in NRS 49.035 to 49.115, inclusive . ~~[, or to enter into, renew, modify, terminate or take any other action regarding a contract between the association and the attorney.]~~

(b) Discuss the character, alleged misconduct, professional competence, or physical or mental health of a community manager or an employee of the association.

(c) Except as otherwise provided in subsection 4, discuss a violation of the governing documents, including, without limitation, the failure to pay an assessment.

(d) Discuss the alleged failure of a unit's owner to adhere to a schedule required pursuant to NRS 116.310305 if the alleged failure may subject the unit's owner to a construction penalty.

4. An executive board shall meet in executive session to hold a hearing on an alleged violation of the governing documents unless the person who may be sanctioned for the alleged violation requests in writing that an open hearing be conducted by the executive board. If the person who may be sanctioned for the alleged violation requests in writing that an open hearing be conducted, the person:

(a) Is entitled to attend all portions of the hearing related to the alleged violation, including, without limitation, the presentation of evidence and the testimony of witnesses; ~~[and]~~

(b) *Is entitled to due process, as set forth in the standards adopted by regulation by the Commission, which must include, without limitation, the right to counsel, the right to present witnesses and the right to present information relating to any conflict of interest of any member of the hearing panel; and*

(c) Is not entitled to attend the deliberations of the executive board.

5. *The provisions of subsection 4 establish the minimum protections that the executive board must provide before it may make a decision. The provisions of subsection 4 do not preempt any provisions of the governing documents that provide greater protections.*

6. Except as otherwise provided in this subsection, any matter discussed by the executive board when it meets in executive session must be generally noted in the minutes of the meeting of the executive board. The executive board shall maintain minutes of any decision made

pursuant to subsection 4 concerning an alleged violation and, upon request, provide a copy of the decision to the person who was subject to being sanctioned at the hearing or to his designated representative.

~~[6.]~~ *7.* Except as otherwise provided in subsection 4, a unit's owner is not entitled to attend or speak at a meeting of the executive board held in executive session.

Sec. 19. NRS 116.31087 is hereby amended to read as follows:

116.31087 1. If an executive board receives a written complaint from a unit's owner alleging that the executive board has violated any provision of this chapter or any provision of the governing documents of the association, the executive board shall ~~[, if action is required by the executive board,]~~ *, upon the written request of the unit's owner,* place the subject of the complaint on the agenda of the next regularly scheduled meeting of the executive board.

2. Not later than 10 business days after the date that the association receives such a complaint, the executive board or an authorized representative of the association shall acknowledge the receipt of the complaint and notify the unit's owner that, if ~~[action is required by the executive board,]~~ *the unit's owner submits a written request that the subject of the complaint be placed on the agenda of the next regularly scheduled meeting of the executive board,* the subject of the complaint will be placed on the agenda of the next regularly scheduled meeting of the executive board.

Sec. 20. (Deleted by amendment.)

Sec. 21. NRS 116.3115 is hereby amended to read as follows:

116.3115 1. Until the association makes an assessment for common expenses, the declarant shall pay all common expenses. After an assessment has been made by the association, assessments must be made at least annually, based on a budget adopted at least annually by the association in accordance with the requirements set forth in NRS 116.31151. Unless the declaration imposes more stringent standards, the budget must include a budget for the daily operation of the association and a budget for the reserves required by paragraph (b) of subsection 2.

2. Except for assessments under subsections 4 to 7, inclusive:

(a) All common expenses, including the reserves, must be assessed against all the units in accordance with the allocations set forth in the declaration pursuant to subsections 1 and 2 of NRS 116.2107.

(b) The association shall establish adequate reserves, funded on a reasonable basis, for the repair, replacement and restoration of the major components of the common elements. The reserves may be used only for those purposes, including, without limitation, repairing, replacing and restoring roofs, roads and sidewalks, and must not be used for daily maintenance. The association may comply with the provisions of this paragraph through a funding plan that is designed to allocate the costs for the repair, replacement and restoration of the major components of the common elements over a period of years if the funding plan is designed in an actuarially sound manner which will ensure that sufficient money is available when the repair, replacement and restoration of the major components of the common elements are necessary. *Notwithstanding any provision of the governing documents to the contrary, to establish adequate reserves pursuant to this paragraph, including, without limitation, to establish or carry out a funding plan, the executive board may, without seeking or obtaining the approval of the units' owners, impose any necessary and reasonable assessments against the units in the common-interest community. Any such assessments imposed by the executive board must be based on the study of the reserves of the association conducted pursuant to NRS 116.31152.*

3. Any past due assessment for common expenses or installment thereof bears interest at the rate established by the association not exceeding 18 percent per year.

4. To the extent required by the declaration:

(a) Any common expense associated with the maintenance, repair, restoration or replacement of a limited common element must be assessed against the units to which that limited common element is assigned, equally, or in any other proportion the declaration provides;

(b) Any common expense or portion thereof benefiting fewer than all of the units must be assessed exclusively against the units benefited; and

(c) The costs of insurance must be assessed in proportion to risk and the costs of utilities must be assessed in proportion to usage.

5. Assessments to pay a judgment against the association may be made only against the units in the common-interest community at the time the judgment was entered, in proportion to their liabilities for common expenses.

6. If any common expense is caused by the misconduct of any unit's owner, the association may assess that expense exclusively against his unit.

7. The association of a common-interest community created before January 1, 1992, is not required to make an assessment against a vacant lot located within the community that is owned by the declarant.

8. If liabilities for common expenses are reallocated, assessments for common expenses and any installment thereof not yet due must be recalculated in accordance with the reallocated liabilities.

9. The association shall provide written notice to each unit's owner of a meeting at which an assessment for a capital improvement is to be considered or action is to be taken on such an assessment at least 21 calendar days before the date of the meeting.

Sec. 22. NRS 116.31155 is hereby amended to read as follows:

116.31155 1. Except as otherwise provided in subsection 2, an association shall:

(a) If the association is required to pay the fee imposed by NRS 78.150, 82.193, 86.263, 87.541, 87A.560 or 88.591, pay to the Administrator a fee established by regulation of the Administrator for every unit in the association used for residential use.

(b) If the association is organized as a trust or partnership, or as any other authorized business entity, pay to the Administrator a fee established by regulation of the Administrator for each unit in the association.

2. If an association is subject to the governing documents of a master association, the master association shall pay the fees required pursuant to this section for each unit in the association that is subject to the governing documents of the master association, unless the governing documents of the master association provide otherwise. The provisions of this subsection do not relieve any association that is subject to the governing documents of a master association from its ultimate responsibility to pay the fees required pursuant to this section to the Administrator if they are not paid by the master association.

3. The fees required to be paid pursuant to this section must be:

(a) Paid at such times as are established by the Division.

(b) Deposited with the State Treasurer for credit to the Account for Common-Interest Communities and Condominium Hotels created by NRS 116.630.

(c) Established on the basis of the actual costs of administering the Office of the Ombudsman and the Commission and not on a basis which includes any subsidy beyond those actual costs. In no event may the fees required to be paid pursuant to this section exceed $3 per unit.

4. The Division shall impose an administrative penalty against an association or master association that violates the provisions of this section by failing to pay the fees owed by the association or master association within the times established by the Division. The administrative penalty that is imposed for each violation must equal 10 percent of the amount of the fees owed by the association or master association or $500, whichever amount is less. The amount of the unpaid fees owed by the association or master association bears interest at the rate set forth in NRS 99.040 from the date the fees are due until the date the fees are paid in full.

5. A unit's owner may not be required to pay any portion of the fees or any administrative penalties or interest required to be paid pursuant to this section to both an association and a master association.

6. An association that is subject to the governing documents of a master association may not be required to pay any portion of the fees or any administrative penalties or interest required to be paid pursuant to this section to the extent they have already been paid by the master association.

7. A master association may not be required to pay any portion of the fees or any administrative penalties or interest required to be paid pursuant to this section to the extent they have already been paid by an association that is subject to the governing documents of the master association.

8. Upon the payment of the fees and any administrative penalties and interest required by this section, the Administrator shall provide to the association or master association evidence that it paid the fees and the administrative penalties and interest in compliance with this section.

9. Any person, association or master association which has been requested or required to pay any fees, administrative penalties or interest pursuant to this section and which believes that such fees, administrative penalties or interest has been imposed in error may, without exhausting any available administrative remedies, bring an action in a court of competent jurisdiction to recover:

(a) Any amount paid in error for any fees, administrative penalties or interest during the immediately preceding 3 years;

(b) Interest on the amount paid in error at the rate set forth in NRS 99.040; and

(c) Reasonable costs and attorney's fees.

Sec. 23. (Deleted by amendment.)

Sec. 23.5. *NRS 116.31175 is hereby amended to read as follows:*

116.31175 1. Except as otherwise provided in this subsection, the executive board of an association shall, upon the written request of a unit's owner, make available the books, records and other papers of the association for review during the regular working hours of the association, including, without limitation, all contracts to which the association is a party and all records filed with a court relating to a civil or criminal action to which the association is a party. The provisions of this subsection do not apply to:

(a) The personnel records of the employees of the association, except for those records relating to the number of hours worked and the salaries and benefits of those employees; *and*

(b) The records of the association relating to another unit's owner, except for those records described in subsection 2 . ~~[; and~~

~~(c) A contract between the association and an attorney.]~~

2. The executive board of an association shall maintain a general record concerning each violation of the governing documents, other than a violation involving a failure to pay an assessment, for which the executive board has imposed a fine, a construction penalty or any other sanction. The general record:

(a) Must contain a general description of the nature of the violation and the type of the sanction imposed. If the sanction imposed was a fine or construction penalty, the general record must specify the amount of the fine or construction penalty.

(b) Must not contain the name or address of the person against whom the sanction was imposed or any other personal information which may be used to identify the person or the location of the unit, if any, that is associated with the violation.

(c) Must be maintained in an organized and convenient filing system or data system that allows a unit's owner to search and review the general records concerning violations of the governing documents.

3. If the executive board refuses to allow a unit's owner to review the books, records or other papers of the association, the Ombudsman may:

(a) On behalf of the unit's owner and upon written request, review the books, records or other papers of the association during the regular working hours of the association; and

(b) If he is denied access to the books, records or other papers, request the Commission, or any member thereof acting on behalf of the Commission, to issue a subpoena for their production.

4. The books, records and other papers of an association must be maintained for at least 10 years. The provisions of this subsection do not apply to:

(a) The minutes of a meeting of the units' owners which must be maintained in accordance with NRS 116.3108; or

(b) The minutes of a meeting of the executive board which must be maintained in accordance with NRS 116.31083.

5. The executive board shall not require a unit's owner to pay an amount in excess of $10 per hour to review any books, records, contracts or other papers of the association pursuant to the provisions of this section.

Sec. 24. NRS 116.31183 is hereby amended to read as follows:

116.31183 An executive board, a member of an executive board *, a community manager* or an officer, employee or agent of an association shall not take, or direct or encourage another person to take, any retaliatory action against a unit's owner because the unit's owner has:

1. Complained in good faith about any alleged violation of any provision of this chapter or the governing documents of the association;

2. Recommended the selection or replacement of an attorney, community manager or vendor; or

~~[2.]~~ *3.* Requested in good faith to review the books, records or other papers of the association.

Sec. 25. NRS 116.31187 is hereby amended to read as follows:

116.31187 1. Except as otherwise provided in this section, a member of an executive board or an officer of an association shall not:

(a) On or after October 1, 2003, enter into a contract or renew a contract with the association to provide *financing,* goods or services to the association; or

(b) Otherwise accept any commission, personal profit or compensation of any kind from the association for providing *financing,* goods or services to the association.

2. The provisions of this section do not prohibit a declarant, an affiliate of a declarant or an officer, employee or agent of a declarant or an affiliate of a declarant from:

(a) Receiving any commission, personal profit or compensation from the association, the declarant or an affiliate of the declarant for any *financing,* goods or services furnished to the association;

(b) Entering into contracts with the association, the declarant or affiliate of the declarant; or

(c) Serving as a member of the executive board or as an officer of the association.

Sec. 26. NRS 116.325 is hereby amended to read as follows:

116.325 1. The executive board shall not and the governing documents must not prohibit a unit's owner or an occupant of a unit from exhibiting ~~[a political sign]~~ *one or more political signs* within such physical portion of the common-interest community as that owner or occupant has a right to occupy and use exclusively ~~[if the political sign is]~~ *, subject to the following conditions:*

(a) All political signs exhibited must not *be* larger than 24 inches by 36 inches.

(b) If the unit is occupied by a tenant, the unit's owner may not exhibit any political sign unless the tenant consents, in writing, to the exhibition of the political sign.

(c) All political signs exhibited are subject to any applicable provisions of law governing the posting of political signs.

(d) A unit's owner or an occupant of a unit may exhibit as many political signs as desired, but may not exhibit more than one political sign for each candidate, political party or ballot question.

2. The provisions of this section establish the minimum rights of a unit's owner or an occupant of a unit to exhibit ~~[a]~~ political ~~[sign.]~~ *signs.* The provisions of this section do not preempt any provisions of the governing documents that provide greater rights and do not require the governing documents or the executive board to impose any restrictions on the exhibition of political signs other than those established by other provisions of law.

3. As used in this section, "political sign" means a sign that expresses support for or opposition to a candidate, political party or ballot question ~~[.]~~ *in any federal, state or local election or any election of an association.*

Sec. 27. NRS 116.330 is hereby amended to read as follows:

116.330 1. The executive board shall not and the governing documents must not prohibit a unit's owner from installing or maintaining drought tolerant landscaping within such physical portion of the common-interest community as that owner has a right to occupy and use exclusively, *including, without limitation, the front yard or back yard of the unit's owner,* except that:

(a) Before installing drought tolerant landscaping, the unit's owner must submit a detailed description or plans for the drought tolerant landscaping for architectural review and approval in accordance with the procedures, if any, set forth in the governing documents of the association; and

(b) The drought tolerant landscaping must be selected or designed to the maximum extent practicable to be compatible with the style of the common-interest community.

➥ *The provisions of this subsection must be construed liberally in favor of effectuating the purpose of encouraging the use of drought tolerant landscaping, and the executive board shall not and the governing documents must not unreasonably deny or withhold approval for the installation of drought tolerant landscaping or unreasonably determine that the drought tolerant landscaping is not compatible with the style of the common-interest community.*

2. Installation of drought tolerant landscaping within any common element or conversion of traditional landscaping or cultivated vegetation, such as turf grass, to drought tolerant landscaping within any common element shall not be deemed to be a change of use of the common element unless:

(a) The common element has been designated as a park, open play space or golf course on a recorded plat map; or

(b) The traditional landscaping or cultivated vegetation is required by a governing body under the terms of any applicable zoning ordinance, permit or approval or as a condition of approval of any final subdivision map.

3. As used in this section, "drought tolerant landscaping" means landscaping which conserves water, protects the environment and is adaptable to local conditions. *The term includes, without limitation, the use of mulches such as decorative rock and artificial turf.*

Sec. 28. NRS 116.345 is hereby amended to read as follows:

116.345 1. An association of a planned community may not restrict, prohibit or otherwise impede the lawful residential use of any property that is within or encompassed by the boundaries of the planned community and that is not designated as part of the planned community.

2. Except as otherwise provided in this subsection, an association may not restrict the access of a person to any of his property. An association may restrict access to and from a unit within a planned community if the right to restrict such access was included in the declaration or in a separate recorded instrument at the time that the owner of the unit acquired title to the unit. The provisions of this subsection do not prohibit an association from charging the owner of the property a reasonable and nondiscriminatory fee to operate or maintain a gate or other similar device designed to control access to the planned community that would otherwise impede ingress or egress to the property.

3. An association may not expand, construct or situate a building or structure that is not part of any plat or plan of the planned community if the expansion, construction or situation of the building or structure was not previously disclosed to the units' owners of the planned community unless the association obtains the written consent of a majority of the units' owners and residents of the planned community who own property or reside within 500 feet of the proposed location of the building or structure.

4. *An association may not interrupt any utility service furnished to a unit's owner or a tenant of a unit's owner except for the nonpayment of utility charges when due. The interruption of any utility service pursuant to this subsection must be performed in a manner which is consistent with all laws, regulations and governing documents relating to the interruption of any utility service. An association shall in every case send a written notice of its intent to interrupt any utility service to the unit's owner or the tenant of the unit's owner at least 10 days before the association interrupts any utility service.*

5. The provisions of this section do not abrogate any easement, restrictive covenant, decision of a court, agreement of a party or any contract, governing document or declaration of covenants, conditions and restrictions, or any other decision, rule or regulation that a local governing body or other entity that makes decisions concerning land use or planning is authorized to make or enact that exists before October 1, 1999, including, without limitation, a zoning ordinance, permit or approval process or any other requirement of a local government or other entity that makes decisions concerning land use or planning.

Sec. 29. NRS 116.4117 is hereby amended to read as follows:

116.4117 1. ~~[If]~~ *Subject to the requirements set forth in subsection 2, if* a declarant *, community manager* or any other person subject to this chapter fails to comply with any of its provisions or any provision of the declaration or bylaws, any person or class of persons suffering

actual damages from the failure to comply ~~[has a claim]~~ *may bring a civil action* for *damages or other* appropriate relief.

2. Subject to the requirements set forth in NRS 38.310 and except as otherwise provided in NRS 116.3111, a civil action for damages ~~[caused by]~~ *or other appropriate relief for* a failure or refusal to comply with any provision of this chapter or the governing documents of an association may be brought:

(a) By the association against:

(1) A declarant; ~~[or]~~

(2) *A community manager; or*

(3) A unit's owner.

(b) By a unit's owner against:

(1) The association;

(2) A declarant; or

(3) Another unit's owner of the association.

(c) By a class of units' owners constituting at least 10 percent of the total number of voting members of the association against a community manager.

3. ~~[Punitive]~~ *Except as otherwise provided in NRS 116.31036, punitive* damages may be awarded for a willful and material failure to comply with *any provision of* this chapter if the failure is established by clear and convincing evidence.

4. The court may award reasonable attorney's fees to the prevailing party.

5. The civil remedy provided by this section is in addition to, and not exclusive of, any other available remedy or penalty.

Sec. 30. NRS 116.600 is hereby amended to read as follows:

116.600 1. The Commission for Common-Interest Communities and Condominium Hotels is hereby created.

2. The Commission consists of ~~[five]~~ *seven* members appointed by the Governor. The Governor shall appoint to the Commission:

(a) One member who is a unit's owner residing in this State and who has served as a member of an executive board in this State;

(b) *Two members who are units' owners residing in this State but who are not required to have served as members of an executive board;*

(c) One member who is in the business of developing common-interest communities in this State;

~~[(c)]~~ *(d)* One member who holds a certificate;

~~[(d)]~~ *(e)* One member who is a certified public accountant licensed to practice in this State pursuant to the provisions of chapter 628 of NRS; and

~~[(e)]~~ *(f)* One member who is an attorney licensed to practice in this State.

3. Each member of the Commission must be a resident of this State. At least ~~[three]~~ *four* members of the Commission must be residents of a county whose population is 400,000 or more.

4. Each member of the Commission must have resided in a common-interest community or have been actively engaged in a business or profession related to common-interest communities for not less than 3 years immediately preceding the date of his appointment.

5. After the initial terms, each member of the Commission serves a term of 3 years. Each member may serve not more than two consecutive full terms. If a vacancy occurs during a member's term, the Governor shall appoint a person qualified under this section to replace the member for the remainder of the unexpired term.

6. While engaged in the business of the Commission, each member is entitled to receive:

(a) A salary of not more than $80 per day, as established by the Commission; and

(b) The per diem allowance and travel expenses provided for state officers and employees generally.

Sec. 31. NRS 116.605 is hereby amended to read as follows:

116.605 1. The Division shall *employ one or more training officers who are qualified by training and experience to* provide ~~[or arrange to have provided]~~ to each member of the Commission courses of instruction concerning rules of procedure and substantive law

appropriate for members of the Commission. *Such courses of instruction may be made available to the staff of the Division as well as to community managers.*

2. *The training officer shall:*

(a) Prepare and make available a manual containing the policies and procedures to be followed by executive boards and community managers; and

(b) Perform any other duties as directed by the Division.

3. Each member of the Commission must attend the courses of instruction *described in subsection 1* not later than 6 months after the date that the member is first appointed to the Commission.

Sec. 32. NRS 116.675 is hereby amended to read as follows:

116.675 1. The Commission may appoint one or more hearing panels. Each hearing panel must consist of one or more independent hearing officers. *An independent hearing officer may be, without limitation, a member of the Commission or an employee of the Commission.*

2. The Commission may by regulation delegate to one or more hearing panels the power of the Commission to conduct hearings and other proceedings, determine violations, impose fines and penalties and take other disciplinary action authorized by the provisions of this chapter.

3. While acting under the authority of the Commission, a hearing panel and its members are entitled to all privileges and immunities and are subject to all duties and requirements of the Commission and its members.

4. A final order of a hearing panel:

(a) May be appealed to the Commission if, not later than 20 days after the date that the final order is issued by the hearing panel, any party aggrieved by the final order files a written notice of appeal with the Commission.

(b) Must be reviewed and approved by the Commission if, not later than 40 days after the date that the final order is issued by the hearing panel, the Division, upon the direction of the Chairman of the Commission, provides written notice to all parties of the intention of the Commission to review the final order.

Sec. 33. NRS 116.757 is hereby amended to read as follows:

116.757 1. Except as otherwise provided in this section and NRS 239.0115, a written affidavit filed with the Division pursuant to NRS 116.760, all documents and other information filed with the written affidavit and all documents and other information compiled as a result of an investigation conducted to determine whether to file a formal complaint with the Commission are confidential. *The Division shall not disclose any information that is confidential pursuant to this subsection, in whole or in part, to any person, including, without limitation, a person who is the subject of an investigation or complaint, unless and until a formal complaint is filed pursuant to subsection 2 and the disclosure is required pursuant to subsection 2.*

2. A formal complaint filed *by the Administrator* with the Commission and all documents and other information considered by the Commission or a hearing panel when determining whether to impose discipline or take other administrative action pursuant to NRS 116.745 to 116.795, inclusive, are public records.

Sec. 34. (Deleted by amendment.)

Sec. 35. (Deleted by amendment.)

Sec. 36. NRS 116.790 is hereby amended to read as follows:

116.790 1. If the Commission or a hearing panel, after notice and hearing, finds that the executive board or any person acting on behalf of the association has committed a violation, the Commission or the hearing panel may take any or all of the following actions:

(a) Order an audit of the association ~~[.]~~ *, at the expense of the association.*

(b) Require the executive board to hire a community manager who holds a certificate.

2. The Commission, or the Division with the approval of the Commission, may apply to a court of competent jurisdiction for the appointment of a receiver for an association if, after notice and a hearing, the Commission or a hearing officer finds that any of the following violations occurred:

(a) The executive board, or any member thereof, has been guilty of fraud or collusion or gross mismanagement in the conduct or control of its affairs;

(b) The executive board, or any member thereof, has been guilty of misfeasance, malfeasance or nonfeasance; or

(c) The assets of the association are in danger of waste or loss through attachment, foreclosure, litigation or otherwise.

3. In any application for the appointment of a receiver pursuant to this section, notice of a temporary appointment of a receiver may be given to the association alone, by process as in the case of an application for a temporary restraining order or injunction. The hearing thereon may be had after 5 days' notice unless the court directs a longer or different notice and different parties.

4. The court may, if good cause exists, appoint one or more receivers pursuant to this section to carry out the business of the association. The members of the executive board who have not been guilty of negligence or active breach of duty must be preferred in making the appointment.

5. The powers of any receiver appointed pursuant to this section may be continued as long as the court deems necessary and proper. At any time, for sufficient cause, the court may order the receivership terminated.

6. Any receiver appointed pursuant to this section has, among the usual powers, all the functions, powers, tenure and duties to be exercised under the direction of the court as are conferred on receivers and as provided in NRS 78.635, 78.640 and 78.645, whether or not the association is insolvent. Such powers include, without limitation, the powers to:

(a) Take charge of the estate and effects of the association;

(b) Appoint an agent or agents;

(c) Collect any debts and property due and belonging to the association and prosecute and defend, in the name of the association, or otherwise, any civil action as may be necessary or proper for the purposes of collecting debts and property;

(d) Perform any other act in accordance with the governing documents of the association and this chapter that may be necessary for the association to carry out its obligations; and

(e) By injunction, restrain the association from exercising any of its powers or doing business in any way except by and through a receiver appointed by the court.

Sec. 37. NRS 116A.270 is hereby amended to read as follows:

116A.270 1. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Division alleging a violation of this chapter or chapter 116 or 116B of NRS, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action are confidential . ~~[and may be disclosed]~~

2. The Division shall not disclose any information that is confidential pursuant to subsection 1, in whole or in part ~~[only]~~ *, to any person, including, without limitation, a person who is the subject of an investigation or complaint, unless and until a formal complaint is filed pursuant to subsection 3 and the disclosure is required pursuant to subsection 3, except that the Division may disclose the information described in subsection 1* as necessary in the course of administering this chapter or to a licensing board or agency or any other governmental agency, including, without limitation, a law enforcement agency, that is investigating a person who holds a certificate or permit issued pursuant to this chapter.

~~[2.]~~ *3.* The *formal* complaint or other charging documents filed *by the Administrator* with the Commission to initiate disciplinary action and all documents and other information considered by the Commission or a hearing panel when determining whether to impose discipline are public records.

Sec. 38. NRS 116A.300 is hereby amended to read as follows:

116A.300 1. The Commission may appoint one or more hearing panels. Each hearing panel must consist of one or more independent hearing officers. *An independent hearing officer may be, without limitation, a member of the Commission or an employee of the Commission.*

2. The Commission may by regulation delegate to one or more hearing panels the power of the Commission to conduct hearings and other proceedings, determine violations, impose fines and penalties and take other disciplinary action authorized by the provisions of this chapter.

3. While acting under the authority of the Commission, a hearing panel and its members are entitled to all privileges and immunities and are subject to all duties and requirements of the Commission and its members.

4. A final order of a hearing panel:

(a) May be appealed to the Commission if, not later than 20 days after the date that the final order is issued by the hearing panel, any party aggrieved by the final order files a written notice of appeal with the Commission.

(b) Must be reviewed and approved by the Commission if, not later than 40 days after the date that the final order is issued by the hearing panel, the Division, upon the direction of the Chairman of the Commission, provides written notice to all parties of the intention of the Commission to review the final order.

Sec. 39. NRS 116A.410 is hereby amended to read as follows:

116A.410 1. The Commission shall by regulation provide for the issuance by the Division of certificates. The regulations:

(a) Must establish the qualifications for the issuance of such a certificate, including, without limitation, the education and experience required to obtain such a certificate. *The regulations must include, without limitation, provisions that:*

(1) Provide for the issuance of a temporary certificate for a 1-year period to a person who:

(I) Holds a professional designation in the field of management of a common-interest community from a nationally recognized organization;

(II) Provides evidence that the person has been engaged in the management of a common-interest community for at least 5 years; and

(III) Has not been the subject of any disciplinary action in another state in connection with the management of a common-interest community.

(2) Except as otherwise provided in subparagraph (3), provide for the issuance of a temporary certificate for a 1-year period to a person who:

(I) Receives an offer of employment as a community manager from an association or its agent; and

(II) Has management experience determined to be sufficient by the executive board of the association or its agent making the offer in sub-subparagraph (I). The executive board or its agent must have sole discretion to make the determination required in this sub-subparagraph.

(3) Require a temporary certificate described in subparagraph (2) to expire before the end of the 1-year period if the certificate holder ceases to be employed by the association, or its agent, which offered him employment as described in subparagraph (2).

(4) Require a person who is issued a temporary certificate as described in subparagraph (1) or (2) to successfully complete not less than 18 hours of instruction relating to the Uniform Common-Interest Ownership Act within the 1-year period.

(5) Provide for the issuance of a certificate at the conclusion of the 1-year period if the person:

(I) Has successfully completed not less than 18 hours of instruction relating to the Uniform Common-Interest Ownership Act; and

(II) Has not been the subject of any disciplinary action pursuant to this chapter or chapter 116 of NRS or any regulations adopted pursuant thereto.

(6) Provide that a temporary certificate described in subparagraph (1) or (2), and a certificate described in subparagraph (5):

(I) Must authorize the person who is issued a temporary certificate described in subparagraph (1) or (2) or certificate described in subparagraph (5) to act in all respects as a community manager and exercise all powers available to any other community manager without regard to experience; and

(II) Must not be treated as a limited, restricted or provisional form of a certificate.

(b) *Must require an applicant or the employer of the applicant to post a bond in a form and in an amount established by regulation. The Commission shall, by regulation, adopt a sliding scale for the amount of the bond that is based upon the amount of money that applicants are expected to control. In adopting the regulations establishing the form and sliding scale for the amount of a bond required to be posted pursuant to this paragraph, the Commission shall consider the availability and cost of such bonds.*

(c) May require applicants to pass an examination in order to obtain a certificate ~~[.]~~ *other than a temporary certificate described in paragraph (a).* If the regulations require such an

examination, the Commission shall by regulation establish fees to pay the costs of the examination, including any costs which are necessary for the administration of the examination.

~~[(c)]~~ *(d)* May require an investigation of an applicant's background. If the regulations require such an investigation, the Commission shall by regulation establish fees to pay the costs of the investigation.

~~[(d)]~~ *(e)* Must establish the grounds for initiating disciplinary action against a person to whom a certificate has been issued, including, without limitation, the grounds for placing conditions, limitations or restrictions on a certificate and for the suspension or revocation of a certificate.

~~[(e)]~~ *(f)* Must establish rules of practice and procedure for conducting disciplinary hearings.

2. The Division may collect a fee for the issuance of a certificate in an amount not to exceed the administrative costs of issuing the certificate.

3. As used in this section, "management experience" means experience in a position in business or government, including, without limitation, in the military:

(a) In which the person holding the position was required, as part of holding the position, to engage in one or more management activities, including, without limitation, supervision of personnel, development of budgets or financial plans, protection of assets, logistics, management of human resources, development or training of personnel, public relations, or protection or maintenance of facilities; and

(b) Without regard to whether the person holding the position has any experience managing or otherwise working for an association.

Sec. 40. NRS 38.330 is hereby amended to read as follows:

38.330 1. If all parties named in a written claim filed pursuant to NRS 38.320 agree to have the claim submitted for mediation, the parties shall reduce the agreement to writing and shall select a mediator from the list of mediators maintained by the Division pursuant to NRS 38.340. Any mediator selected must be available within the geographic area. If the parties fail to agree upon a mediator, the Division shall appoint a mediator from the list of mediators maintained by the Division. Any mediator appointed must be available within the geographic area. Unless otherwise provided by an agreement of the parties, mediation must be completed within 60 days after the parties agree to mediation. Any agreement obtained through mediation conducted pursuant to this section must, within 20 days after the conclusion of mediation, be reduced to writing by the mediator and a copy thereof provided to each party. The agreement may be enforced as any other written agreement. Except as otherwise provided in this section, the parties are responsible for all costs of mediation conducted pursuant to this section.

2. If all the parties named in the claim do not agree to mediation, the parties shall select an arbitrator from the list of arbitrators maintained by the Division pursuant to NRS 38.340. Any arbitrator selected must be available within the geographic area. If the parties fail to agree upon an arbitrator, the Division shall appoint an arbitrator from the list maintained by the Division. Any arbitrator appointed must be available within the geographic area. Upon appointing an arbitrator, the Division shall provide the name of the arbitrator to each party. *An arbitrator shall, not later than 5 days after his selection or appointment pursuant to this subsection, provide to the parties an informational statement relating to the arbitration of a claim pursuant to this section. The written informational statement:*

(a) Must be written in plain English;

(b) Must explain the procedures and applicable law relating to the arbitration of a claim conducted pursuant to this section, including, without limitation, the procedures, timelines and applicable law relating to confirmation of an award pursuant to NRS 38.239, vacation of an award pursuant to NRS 38.241, judgment on an award pursuant to NRS 38.243, and any applicable statute or court rule governing the award of attorney's fees or costs to any party; and

(c) Must be accompanied by a separate form acknowledging that the party has received and read the informational statement, which must be returned to the arbitrator by the party not later than 10 days after receipt of the informational statement.

3. The Division may provide for the payment of the fees for a mediator or an arbitrator selected or appointed pursuant to this section from the Account for Common-Interest Communities and Condominium Hotels created by NRS 116.630, to the extent that:

(a) The Commission for Common-Interest Communities and Condominium Hotels approves the payment; and

(b) There is money available in the account for this purpose.

4. Except as otherwise provided in this section and except where inconsistent with the provisions of NRS 38.300 to 38.360, inclusive, the arbitration of a claim pursuant to this section must be conducted in accordance with the provisions of NRS 38.231, 38.232, 38.233, 38.236 to 38.239, inclusive, 38.242 and 38.243. At any time during the arbitration of a claim relating to the interpretation, application or enforcement of any covenants, conditions or restrictions applicable to residential property or any bylaws, rules or regulations adopted by an association, the arbitrator may issue an order prohibiting the action upon which the claim is based. An award must be made within 30 days after the conclusion of arbitration, unless a shorter period is agreed upon by the parties to the arbitration.

5. If all the parties have agreed to nonbinding arbitration, any party to the *nonbinding* arbitration may, within 30 days after a decision and award have been served upon the parties, commence a civil action in the proper court concerning the claim which was submitted for arbitration. Any complaint filed in such an action must contain a sworn statement indicating that the issues addressed in the complaint have been arbitrated pursuant to the provisions of NRS 38.300 to 38.360, inclusive. If such an action is not commenced within that period, any party to the arbitration may, within 1 year after the service of the award, apply to the proper court for a confirmation of the award pursuant to NRS 38.239.

6. If all the parties agree in writing to binding arbitration, the arbitration must be conducted in accordance with the provisions of this chapter. An award procured pursuant to such *binding* arbitration may be vacated and a rehearing granted upon application of a party pursuant to the provisions of NRS 38.241.

7. If, after the conclusion of *binding* arbitration, a party:

(a) Applies to have an award vacated and a rehearing granted pursuant to NRS 38.241; or

(b) Commences a civil action based upon any claim which was the subject of arbitration,

➥ the party shall, if he fails to obtain a more favorable award or judgment than that which was obtained in the initial *binding* arbitration, pay all costs and reasonable attorney's fees incurred by the opposing party after the application for a rehearing was made or after the complaint in the civil action was filed.

8. Upon request by a party, the Division shall provide a statement to the party indicating the amount of the fees for a mediator or an arbitrator selected or appointed pursuant to this section.

9. As used in this section, "geographic area" means an area within 150 miles from any residential property or association which is the subject of a written claim submitted pursuant to NRS 38.320.

Sec. 41. The Governor shall appoint to the Commission for Common-Interest Communities and Condominium Hotels pursuant to NRS 116.600, as amended by section 30 of this act:

1. One member who is a unit's owner residing in this State whose term begins on October 1, 2009, and expires on October 1, 2010; and

2. One member who is a unit's owner residing in this State whose term begins on October 1, 2009, and expires on October 1, 2011.

Sec. 42. The manual described in subsection 2 of NRS 116.605, as amended by section 31 of this act, must be prepared and made available by October 1, 2010.

Sec. 43. 1. This section becomes effective upon passage and approval.

2. Section 39 of this act becomes effective:

(a) Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2010, for all other purposes.

3. Sections 1 to 38, inclusive, 40, 41 and 42 of this act become effective on October 1, 2009.

MICHAEL A. SCHNEIDER	TICK SEGERBLOM
TERRY CARE	RUBEN J. KIHUEN
MIKE MCGINNESS	JOHN HAMBRICK
Senate Conference Committee	*Assembly Conference Committee*

Senator Schneider moved that the Senate adopt the report of the Conference Committee concerning Senate Bill No. 182.

Remarks by Senator Schneider.

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

I want to thank my colleagues in the Legislature for enacting Senate Bill No. 182. I have championed the reforms contained in this bill for many years. They will help restore the balance between the rights of individual citizens living in common-interest communities and the governmental structures we as legislators have created and, to a certain extent, imposed on average homeowners, sometimes to their detriment. I want to repeat the language of the preamble to the bill as introduced because it summarizes all the important reasons we are enacting this bill:

WHEREAS, The Nevada Legislature previously deemed it important to set forth its intent regarding the creation and proper functioning of planned communities; and

WHEREAS, The Nevada Legislature previously noted that planned communities are a dominant method of residential development in the State of Nevada; and

WHEREAS, The Nevada Legislature previously noted that planned communities are developed for the purposes of preserving neighborhood continuity and creating desirable places to reside; and

WHEREAS, The Nevada Legislature previously noted that planned communities are governed by specific rules and regulations and by unit-owners' associations; and

WHEREAS, The Nevada Legislature previously noted that a unit owners' association is the form of self-government closest to the people; and

WHEREAS, The Nevada Legislature previously declared that all forms of government should follow the basic principles of democracy found in the United States Constitution and the Nevada Constitution; and

WHEREAS, The Nevada Legislature previously noted that some unit-owners' associations in this State have a history of abuse of power; and

WHEREAS, The Nevada Legislature previously noted that unit owners' associations have power over one of the most important aspects of a person's life, his residence; and

WHEREAS, The Nevada Legislature previously noted that homeowners invest financially and emotionally in their homes; and

WHEREAS, The Nevada Legislature previously declared that homeowners have the right to reside in a community without fear of illegal, unfair, unnecessary, unduly burdensome or costly interference with their property rights; and

WHEREAS, Many of the concerns previously noted by the Nevada Legislature persist to this day; and

WHEREAS, The Nevada Legislature deems it necessary and important to reiterate and endorse both the intent and the concerns previously expressed by the Nevada Legislature; and

WHEREAS, The establishment of planned communities is required by many local governments as a condition of granting necessary building permits for residential housing; and

WHEREAS, The form of self-government of a unit-owners' association includes legislative, executive and quasi-judicial powers and functions; now, therefore …

Thank you again for understanding the nature and importance of what we are doing with this bill. It is my sincere hope that this measure will allow citizens of Nevada to live secure in their rights in their homes in a manner consistent with their constitutional rights. If any court has occasion to interpret the provisions of this bill, or indeed of any provision in Chapter 116 or 116A of the Nevada Revised Statutes, let the court be guided by these principles I have just reviewed with you.

There is one other important issue I need to touch on so there is no further misunderstanding about the reach and scope of NRS chapters 116 and 116A. Section 6 of Senate Bill No. 182 as originally introduced was designed to clarify, and I emphasize the term "clarify," existing law. Section 6 does not and was not intended to effect any change in existing law. It is clarifying language only. The distinguishing factor in a common-interest community (CIC) is ownership of common areas, not the existence of covenants, conditions and restrictions (CC&Rs). This is the essential difference between a CIC and a homeowners' association, a name often used

interchangeably with CIC but a legally distinct type of entity. Section 6 was necessary because the Real Estate Division has taken the position that a homeowners' association with only CC&Rs, as distinct from a CIC, is subject to NRS 116 and 116A, when in actuality it is not by virtue of the fact that a homeowners association does not own common property.

The Real Estate Division has also been charging homeowners in associations the $3 per door charge that is legally only chargeable to a CIC. These associations, as opposed to CICs, were never intended to be subject to NRS 116. They derive no benefit from the Real Estate Division and do not even have mechanisms to collect the door charge from homeowners because there are no executive boards or other governing bodies in these associations. The Real Estate Division has been trying to collect backdoor charges from as long ago as ten years despite the protest that, even if the Division was legally entitled to such fees, the statute of limitations would prohibit collection for periods beyond three years at most. The Attorney General's Office issued an opinion on August 11, 2008, purporting to support the concept that homeowner associations are subject to NRS 116. This opinion was rebutted by a Legislative Counsel Bureau Legal Opinion. The Real Estate Division has agreed to drop its assertions, but only if NRS 116.021 is clarified. Section 6 of Senate Bill No. 182 as introduced provided that clarification.

However, section 6 was deleted in favor of language from the Uniform Act that was placed in section 7 of Senate Bill No. 261 of this Session. Though the phrasing of section 7 of Senate Bill No. 261 is a little different than the language of section 6 of Senate Bill No. 182, the intent is the same. Section 7 of Senate Bill No. 261 is the language the Legislature has chosen to clarify the existing language of NRS 116.021 and to most emphatically reject the erroneous interpretation placed on that section by the Real Estate Division and the Attorney General's Office. The only thing that remains now is for the Real Estate Division to refund the sums erroneously collected from homeowner associations that only have CC&Rs and do not have common elements, as those are defined in statute. With this explanation and the clarification provided by Senate Bill No. 261, I hope this issue is laid to rest once and for all.

Motion carried by a constitutional majority.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Carlton moved that the Conference Committee Reports on Senate Bill No. 269; Assembly Bill No. 454 be taken from Unfinished Business and placed on Unfinished Business on the fourth agenda.

Remarks by Senator Carlton.

Motion carried.

UNFINISHED BUSINESS
REPORTS OF CONFERENCE COMMITTEES

Mr. President:

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.

Conference Amendment.

"SUMMARY—Revises provisions governing compensation. (BDR 53-546)"

"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 depositary.

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.

ALLISON COPENING	MARCUS L. CONKLIN
MICHAEL A. SCHNEIDER	MARILYN KIRKPATRICK
	HEIDI S. GANSERT
Senate Conference Committee	*Assembly Conference Committee*

Senator Copening moved that the Senate adopt the report of the Conference Committee concerning Assembly Bill No. 84.

Remarks by Senator Copening.

Senator Copening requested that her remarks be entered in the Journal.

This says if someone commits unemployment fraud and the administration garnishes wages, they cannot garnish the fees, interests, penalties and costs that are associated with it.

Motion carried by a constitutional majority.

Mr. President:

The Conference Committee concerning Assembly Bill No. 140, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 771 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 8, which is attached to and hereby made a part of this report.

Conference Amendment.

"SUMMARY—Makes various changes to provisions relating to foreclosures of real property. (BDR 2-228)"

"AN ACT relating to real property; revising provisions relating to a notice of sale of real property under execution; establishing the crime of defacing a notice of sale of real property under execution or a notice of sale of real property pursuant to a trustee's power of sale; establishing rights and duties of a purchaser of real property pursuant to a foreclosure sale and establishing rights and duties of a tenant in possession of such property; revising provisions relating to a sale of real property pursuant to a trustee's power of sale; requiring a landlord to make certain disclosures to a prospective tenant; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Sections 2 and 7 of this bill revise existing law by requiring that a notice of sale of real property under execution or a notice of sale of real property pursuant to a trustee's power of sale be served upon the State Board of Health if the real property is operated as a licensed health facility. Sections 2 and 6.7 of this bill require, if the sale of property is a residential foreclosure, a separate notice to be served upon any tenant or subtenant, other than the judgment debtor, in actual occupation of the real property subject to a notice of sale under execution or a notice of sale pursuant to a trustee's power of sale to inform the tenant or subtenant that the property is subject to a notice of sale. (NRS 21.130) Sections 3 and 8 of this bill make it unlawful for a person to willfully remove or deface a notice of sale under execution or a notice of sale pursuant to a trustee's power of sale which is posted on real property. (NRS 21.140, 107.084) Sections 4 and 6 of this bill require the purchaser of a vacant residential property at a foreclosure sale or a trustee's sale to maintain the exterior of the property. Sections 4 and 6 also authorize the appropriate governmental entity to assess a civil penalty of up to $1,000 per day, under certain circumstances, for failure to maintain the property.

Existing law provides that a person who holds over and continues in possession of real property that has been foreclosed after a 3-day notice to quit has been served upon him may be removed. (NRS 40.255) Section 5 of this bill provides that a tenant or subtenant, other than the person whose name appears on the mortgage or deed of trust, may be removed only after the expiration of a specified period not to exceed 60 days if the property has been sold as a residential foreclosure. Section 5 also requires the tenant or subtenant who remains in occupation of the real property to remit rent to the new owner of the property pending expiration of the specified period. Section 5 further prohibits any person from entering a record of eviction for a tenant or subtenant who vacates the property within the specified period if the property has been sold as a residential foreclosure. Finally, section 5 allows the new owner of the real property, if the property has been sold as a residential foreclosure, to negotiate a new purchase, lease or rental agreement with the tenant or subtenant in occupation of the property or to offer a payment in exchange for the tenant or subtenant vacating the property on a date earlier than the end of the specified period.

Section 5.5 of this bill requires a landlord to file proof of service with the court of any notice required to be served before the removal of a person who holds over and continues in possession of real property after receiving a 3-day notice to quit. (NRS 40.280)

Section 9 of this bill requires a landlord to disclose in writing to a prospective tenant if the property to be leased or rented is the subject of foreclosure proceedings. Section 9 also makes it a deceptive trade practice for any landlord to willfully fail to make such a disclosure.

Section 10 of this bill amends section 3 of Assembly Bill No. 149 of this session to ensure that social security numbers are redacted from the copy of a promissory note before it is attached to a notice given before a trustee's power of sale is carried out. (NRS 107.085)

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

Section 1. (Deleted by amendment.)

Sec. 2. NRS 21.130 is hereby amended to read as follows:

21.130 1. Before the sale of property on execution, notice of the sale, in addition to the notice required pursuant to NRS 21.075 and 21.076, must be given as follows:

(a) In cases of perishable property, by posting written notice of the time and place of sale in three public places at the township or city where the sale is to take place, for such a time as may be reasonable, considering the character and condition of the property.

(b) In case of other personal property, by posting a similar notice in three public places of the township or city where the sale is to take place, not less than 5 ~~[nor]~~ *or* more than 10 days before the sale, and, in case of sale on execution issuing out of a district court, by the publication of a copy of the notice in a newspaper, if there is one in the county, at least twice, the first publication being not less than 10 days before the date of the sale.

(c) In case of real property, by:

(1) Personal service upon each judgment debtor or by registered mail to the last known address of each judgment debtor ~~[,]~~ *and, if the property of the judgment debtor is operated as a facility licensed under chapter 449 of NRS, upon the State Board of Health;*

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

(3) Publishing a copy of the notice three times, once each week, for 3 successive weeks, in a newspaper, if there is one in the county. The cost of publication must not exceed the rate for legal advertising as provided in NRS 238.070. If the newspaper authorized by this section to publish the notice of sale neglects or refuses from any cause to make the publication, then the posting of notices as provided in this section shall be deemed sufficient notice. Notice of the sale of property on execution upon a judgment for any sum less than $500, exclusive of costs, must be given only by posting in three public places in the county, one of which must be the courthouse ~~[.]~~ *;*

(4) Recording a copy of the notice in the office of the county recorder; and

(5) If the sale of property is a residential foreclosure, posting a copy of the notice in a conspicuous place on the property. In addition to the requirements of NRS 21.140, the notice must not be defaced or removed until the transfer of title is recorded or the property becomes occupied after completion of the sale, whichever is earlier.

2. *If the sale of property is a residential foreclosure, the notice must include, without limitation:*

(a) The physical address of the property; and

(b) The contact information of the party who is authorized to provide information relating to the foreclosure status of the property.

3. If the sale of property is a residential foreclosure, a separate notice must be posted in a conspicuous place on the property and mailed, with a certificate of mailing issued by the United States Postal Service or another mail delivery service, to any tenant or subtenant, if any, other than the judgment debtor, in actual occupation of the premises not later than 3 business days after the notice of the sale is given pursuant to subsection 1. The separate notice must be in substantially the following form:

NOTICE TO TENANTS OF THE PROPERTY

Foreclosure proceedings against this property have started, and a notice of sale of the property to the highest bidder has been issued.

You may either: (1) terminate your lease or rental agreement and move out; or (2) remain and possibly be subject to eviction proceedings under chapter 40 of the Nevada Revised Statutes. Any subtenants may also be subject to eviction proceedings.

Between now and the date of the sale, you may be evicted if you fail to pay rent or live up to your other obligations to the landlord.

After the date of the sale, you may be evicted if you fail to pay rent or live up to your other obligations to the successful bidder, in accordance with chapter 118A of the Nevada Revised Statutes.

Under the Nevada Revised Statutes ~~[40.255,]~~ , eviction proceedings may begin against you after you have been given a ~~[3-day]~~ notice to quit.

If the property is sold and you pay rent by the week or another period of time that is shorter than 1 month, you should generally receive notice after not less than the number of days in that period of time.

If the property is sold and you pay rent by the month or any other period of time that is 1 month or longer, you should generally receive notice at least 60 days in advance.

Under Nevada Revised Statutes 40.280, notice must generally be served on you pursuant to chapter 40 of the Nevada Revised Statutes and may be served by:

(1) Delivering a copy to you personally in the presence of a witness;

(2) If you are absent from your place of residence or usual place of business, leaving a copy with a person of suitable age and discretion at either place and mailing a copy to you at your place of residence or business; or

(3) If your place of residence or business cannot be ascertained, or a person of suitable age or discretion cannot be found there, posting a copy in a conspicuous place on the leased property, delivering a copy to a person residing there, if a person can be found, and mailing a copy to you at the place where the leased property is.

If the property is sold and a landlord, successful bidder or subsequent purchaser files an eviction action against you in court, you will be served with a summons and complaint and have the opportunity to respond. Eviction actions may result in temporary evictions, permanent evictions, the awarding of damages pursuant to Nevada Revised Statutes 40.360 or some combination of those results.

Under the Justice Court Rules of Civil Procedure:

(1) You will be given at least 10 days to answer a summons and complaint;

(2) If you do not file an answer, an order evicting you by default may be obtained against you;

(3) A hearing regarding a temporary eviction may be called as soon as 11 days after you are served with the summons and complaint; and

(4) A hearing regarding a permanent eviction may be called as soon as 20 days after you are served with the summons and complaint.

4. The sheriff shall not conduct a sale of the property on execution or deliver the judgment debtor's property to the judgment creditor if the judgment debtor *or any other person entitled to notice* has not been properly notified as required in this section and NRS 21.075 and 21.076.

5. As used in this section, "residential foreclosure" means the sale of a single family residence pursuant to NRS 40.430. As used in this subsection, "single family residence" means a structure that is comprised of not more than four units.

Sec. 3. NRS 21.140 is hereby amended to read as follows:

21.140 1. An officer selling without the notice prescribed by NRS 21.075, 21.076 and 21.130 forfeits $500 to the aggrieved party, in addition to his actual damages.

2. ~~[A]~~ *It is unlawful for a* person *to* willfully ~~[taking]~~ *take* down or ~~[defacing]~~ *deface* the notice posted pursuant to NRS 21.130, if done before the sale or, if the judgment is satisfied before sale, before the satisfaction of the judgment . ~~[, forfeits]~~ *In addition to any other penalty, any person who violates this subsection shall forfeit* $500 to the aggrieved party.

Sec. 4. Chapter 40 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Any vacant residential property purchased or acquired by a person at a foreclosure sale pursuant to NRS 40.430 must be maintained by that person in accordance with subsection 2.

2. In addition to complying with any other ordinance or rule as required by the applicable governmental entity, the purchaser shall care for the exterior of the property, including, without limitation:

(a) Limiting the excessive growth of foliage which would otherwise diminish the value of that property or of the surrounding properties;

(b) Preventing trespassers from remaining on the property;

(c) Preventing mosquito larvae from growing in standing water; and

(d) Preventing any other condition that creates a public nuisance.

3. If a person violates subsection 2, the applicable governmental entity shall mail to the last known address of the person, by certified mail, a notice:

(a) Describing the violation;

(b) Informing the person that a civil penalty may be imposed pursuant to this section unless the person acts to correct the violation within 14 days after the date of receipt of the notice and completes the correction within 30 days after the date of receipt of the notice; and

(c) Informing the person that he may contest the allegation pursuant to subsection 4.

4. If a person, within 5 days after a notice is mailed to him pursuant to subsection 3, requests a hearing to contest the allegation of a violation of subsection 2, the applicable governmental entity shall apply for a hearing before a court of competent jurisdiction.

5. Except as otherwise provided in subsection 8, in addition to any other penalty, the applicable governmental entity may impose a civil penalty of not more than $1,000 per day for a violation of subsection 2:

(a) Commencing on the day following the expiration of the period of time described in subsection 3; or

(b) If the person requested a hearing pursuant to subsection 4, commencing on the day following a determination by the court in favor of the applicable governmental entity.

6. The applicable governmental entity may waive or extend the period of time described in subsection 3 if:

(a) The person to whom a notice is sent pursuant to subsection 3 makes a good faith effort to correct the violation; and

(b) The violation cannot be corrected in the period of time described in subsection 3.

7. Any penalty collected by the applicable governmental entity pursuant to this section must be directed to local nuisance abatement programs.

8. The applicable governmental entity may not assess any penalty pursuant to this section in addition to any penalty prescribed by a local ordinance. This section shall not be deemed to preempt any local ordinance.

9. If the applicable governmental entity assesses any penalty pursuant to this section, any lien related thereto must be recorded in the office of the county recorder.

10. As used in this section, "applicable governmental entity" means:

(a) If the property is within the boundaries of a city, the governing body of the city; and

(b) If the property is not within the boundaries of a city, the board of county commissioners of the county in which the property is located.

Sec. 5. NRS 40.255 is hereby amended to read as follows:

40.255 1. Except as *otherwise* provided in ~~[subsection]~~ *subsections* 2 ~~[,]~~ *and 7,* in any of the following cases, a person who holds over and continues in possession of real property or a mobile home after a 3-day written notice to quit has been served upon him ~~[, and also upon any subtenant in actual occupation of the premises, pursuant to NRS 40.280,]~~ may be removed as prescribed in NRS 40.290 to 40.420, inclusive:

(a) Where the property or mobile home has been sold under an execution against him or a person under whom he claims, and the title under the sale has been perfected;

(b) Where the property or mobile home has been sold upon the foreclosure of a mortgage, or under an express power of sale contained therein, executed by him or a person under whom he claims, and the title under the sale has been perfected;

(c) Where the property or mobile home has been sold under a power of sale granted by NRS 107.080 to the trustee of a deed of trust executed by such person or a person under whom he claims, and the title under such sale has been perfected; or

(d) Where the property or mobile home has been sold by him or a person under whom he claims, and the title under the sale has been perfected.

2. *If the property has been sold as a residential foreclosure, a tenant or subtenant in actual occupation of the premises, other than a person whose name appears on the mortgage or deed, who holds over and continues in possession of real property or a mobile home in any of the cases described in paragraph (b) or (c) of subsection 1 may be removed as prescribed in NRS 40.290 to 40.420, inclusive, after receiving a notice of the change of ownership of the real property or mobile home and after the expiration of a notice period beginning on the date the notice was received by the tenant or subtenant and expiring:*

(a) For all periodic tenancies with a period of less than 1 month, after not less than the number of days in the period; and

(b) For all other periodic tenancies or tenancies at will, after not less than 60 days.

3. During the notice period described in subsection 2:

(a) The new owner has the rights, obligations and liabilities of the previous owner or landlord pursuant to chapter 118A of NRS under the lease or rental agreement which the previous owner or landlord entered into with the tenant or subtenant regarding the property; and

(b) The tenant or subtenant continues to have the rights, obligations and liabilities he had pursuant to chapter 118A of NRS under the lease or rental agreement which he entered into with the previous owner or landlord regarding the property.

4. The notice described in subsection 2 must contain a statement:

(a) Providing the contact information of the new owner to whom rent should be remitted;

(b) Notifying the tenant or subtenant that the lease or rental agreement he entered into with the previous owner or landlord of the property continues in effect through the notice period described in subsection 2; and

(c) Notifying the tenant or subtenant that failure to pay rent to the new owner or comply with any other term of the agreement or applicable law constitutes a breach of the lease or rental agreement and may result in eviction proceedings.

5. If the property has been sold as a residential foreclosure in any of the cases described in paragraph (b) or (c) of subsection 1, no person may enter a record of eviction for a tenant or subtenant who vacates a property during the notice period described in subsection 2.

6. If the property has been sold as a residential foreclosure in any of the cases described in paragraphs (b) or (c) of subsection 1, nothing in this section shall be deemed to prohibit:

(a) The tenant from vacating the property at any time before the expiration of the notice period described in subsection 2 without any obligation to the new owner of a property purchased pursuant to a foreclosure sale or trustee's sale; or

(b) The new owner of a property purchased pursuant to a foreclosure sale or trustee's sale from:

(1) Negotiating a new purchase, lease or rental agreement with the tenant or subtenant; or

(2) Offering a payment to the tenant or subtenant in exchange for vacating the premises on a date earlier than the expiration of the notice period described in subsection 2.

7. This section does not apply to the tenant of a mobile home lot in a mobile home park.

8. As used in this section, "residential foreclosure" means the sale of a single family residence pursuant to NRS 40.430 or under a power of sale granted by NRS 107.080. As used in this subsection, "single family residence" means a structure that is comprised of not more than four units.

Sec. 5.5. NRS 40.280 is hereby amended to read as follows:

40.280 1. Except as otherwise provided in NRS 40.253, the notices required by NRS 40.251 to 40.260, inclusive, may be served:

(a) By delivering a copy to the tenant personally, in the presence of a witness;

(b) If he is absent from his place of residence or from his usual place of business, by leaving a copy with a person of suitable age and discretion at either place and mailing a copy to the tenant at his place of residence or place of business; or

(c) If the place of residence or business cannot be ascertained, or a person of suitable age or discretion cannot be found there, by posting a copy in a conspicuous place on the leased property, delivering a copy to a person there residing, if the person can be found, and mailing a copy to the tenant at the place where the leased property is situated.

2. Service upon a subtenant may be made in the same manner as provided in subsection 1.

3. Before an order to remove a tenant is issued pursuant to subsection 5 of NRS 40.253, a landlord shall file with the court a proof of service of any notice required by that section. *Before a person may be removed as prescribed in NRS 40.290 to 40.420, inclusive, a landlord shall file with the court proof of service of any notice required pursuant to NRS 40.255.* Except as otherwise provided in subsection 4, this proof must consist of:

(a) A statement, signed by the tenant and a witness, acknowledging that the tenant received the notice on a specified date;

(b) A certificate of mailing issued by the United States Postal Service; or

(c) The endorsement of a sheriff, constable or other process server stating the time and manner of service.

4. If service of the notice was not delivered in person to a tenant whose rent is reserved by a period of 1 week or less and the tenancy has not continued for more than 45 days, proof of service must include:

(a) A certificate of mailing issued by the United States Postal Service or by a private postal service to the landlord or his agent; or

(b) The endorsement of a sheriff or constable stating the:

(1) Time and date the request for service was made by the landlord or his agent;

(2) Time, date and manner of the service; and

(3) Fees paid for the service.

Sec. 6. Chapter 107 of NRS is hereby amended by adding thereto the provisions set forth as sections 6.3 and 6.7 of this act.

Sec. 6.3. 1. Any vacant residential property purchased or acquired by a person at a trustee's sale pursuant to NRS 107.080 must be maintained by that person in accordance with subsection 2.

2. In addition to complying with any other ordinance or rule as required by the applicable governmental entity, the purchaser shall care for the exterior of the property, including, without limitation:

(a) Limiting the excessive growth of foliage which would otherwise diminish the value of that property or of the surrounding properties;

(b) Preventing trespassers from remaining on the property;

(c) Preventing mosquito larvae from growing in standing water; and

(d) Preventing any other condition that creates a public nuisance.

3. If a person violates subsection 2, the applicable governmental entity shall mail to the last known address of the person, by certified mail, a notice:

(a) Describing the violation;

(b) Informing the person that a civil penalty may be imposed pursuant to this section unless the person acts to correct the violation within 14 days after the date of receipt of the notice and completes the correction within 30 days after the date of receipt of the notice; and

(c) Informing the person that he may contest the allegation pursuant to subsection 4.

4. If a person, within 5 days after a notice is mailed to him pursuant to subsection 3, requests a hearing to contest the allegation of a violation of subsection 2, the applicable governmental entity shall apply for a hearing before a court of competent jurisdiction.

5. Except as otherwise provided in subsection 8, in addition to any other penalty, the applicable governmental entity may impose a civil penalty of not more than $1,000 per day for a violation of subsection 2:

(a) Commencing on the day following the expiration of the period of time described in subsection 3; or

(b) If the person requested a hearing pursuant to subsection 4, commencing on the day following a determination by the court in favor of the applicable governmental entity.

6. The applicable governmental entity may waive or extend the period of time described in subsection 3 if:

(a) The person to whom a notice is sent pursuant to subsection 3 makes a good faith effort to correct the violation; and

(b) The violation cannot be corrected in the period of time described in subsection 3.

7. Any penalty collected by the applicable governmental entity pursuant to this section must be directed to local nuisance abatement programs.

8. The applicable governmental entity may not assess any penalty pursuant to this section in addition to any penalty prescribed by a local ordinance. This section shall not be deemed to preempt any local ordinance.

9. If the applicable governmental entity assesses any penalty pursuant to this section, any lien related thereto must be recorded in the office of the county recorder.

10. As used in this section, "applicable governmental entity" means:

(a) If the property is within the boundaries of a city, the governing body of the city; and

(b) If the property is not within the boundaries of a city, the board of county commissioners of the county in which the property is located.

Sec. 6.7. 1. In addition to the requirements of NRS 107.080, if the sale of property is a residential foreclosure, a copy of the notice of default and election to sell and the notice of sale must:

(a) Be posted in a conspicuous place on the property not later than 3 business days after the notice of default and election to sell or the notice of sale is recorded pursuant to NRS 107.080; and

(b) Include, without limitation:

(1) The physical address of the property; and

(2) The contact information of the trustee or the person conducting the foreclosure who is authorized to provide information relating to the foreclosure status of the property.

2. In addition to the requirements of NRS 107.084, the notices must not be defaced or removed until the transfer of title is recorded or the property becomes occupied after completion of the sale, whichever is earlier.

3. A separate notice must be posted in a conspicuous place on the property and mailed, with a certificate of mailing issued by the United States Postal Service or another mail delivery service, to any tenant or subtenant, if any, other than the grantor or his successor in interest, in actual occupation of the premises not later than 3 business days after the notice of the sale is given pursuant to subsection 4 of NRS 107.080. The separate notice must be in substantially the following form:

NOTICE TO TENANTS OF THE PROPERTY

Foreclosure proceedings against this property have started, and a notice of sale of the property to the highest bidder has been issued.

You may either: (1) terminate your lease or rental agreement and move out; or (2) remain and possibly be subject to eviction proceedings under chapter 40 of the Nevada Revised Statutes. Any subtenants may also be subject to eviction proceedings.

Between now and the date of the sale, you may be evicted if you fail to pay rent or live up to your other obligations to the landlord.

After the date of the sale, you may be evicted if you fail to pay rent or live up to your other obligations to the successful bidder, in accordance with chapter 118A of the Nevada Revised Statutes.

Under the Nevada Revised Statutes ~~[40.255,]~~ eviction proceedings may begin against you after you have been given a ~~[3-day]~~ notice to quit.

If the property is sold and you pay rent by the week or another period of time that is shorter than 1 month, you should generally receive notice after not less than the number of days in that period of time.

If the property is sold and you pay rent by the month or any other period of time that is 1 month or longer, you should generally receive notice at least 60 days in advance.

Under Nevada Revised Statutes 40.280, notice must generally be served on you pursuant to chapter 40 of the Nevada Revised Statutes and may be served by:

(1) Delivering a copy to you personally in the presence of a witness;

(2) If you are absent from your place of residence or usual place of business, leaving a copy with a person of suitable age and discretion at either place and mailing a copy to you at your place of residence or business; or

(3) If your place of residence or business cannot be ascertained, or a person of suitable age or discretion cannot be found there, posting a copy in a conspicuous place on the leased property, delivering a copy to a person residing there, if a person can be found, and mailing a copy to you at the place where the leased property is.

If the property is sold and a landlord, successful bidder or subsequent purchaser files an eviction action against you in court, you will be served with a summons and complaint and have

the opportunity to respond. Eviction actions may result in temporary evictions, permanent evictions, the awarding of damages pursuant to Nevada Revised Statutes 40.360 or some combination of those results.

Under the Justice Court Rules of Civil Procedure:

(1) You will be given at least 10 days to answer a summons and complaint;

(2) If you do not file an answer, an order evicting you by default may be obtained against you;

(3) A hearing regarding a temporary eviction may be called as soon as 11 days after you are served with the summons and complaint; and

(4) A hearing regarding a permanent eviction may be called as soon as 20 days after you are served with the summons and complaint.

4. As used in this section, "residential foreclosure" has the meaning ascribed to it in NRS 107.080.

Sec. 7. NRS 107.080 is hereby amended to read as follows:

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

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

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

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

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

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

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

3. The 15- or 35-day period provided in paragraph (a) of subsection 2 commences on the first day following the day upon which the notice of default and election to sell is recorded in the office of the county recorder of the county in which the property is located and a copy of the notice of default and election to sell is mailed by registered or certified mail, return receipt requested and with postage prepaid to the grantor, ~~[and]~~ to the person who holds the title of record on the date the notice of default and election to sell is recorded ~~[.]~~ *and, if the property is operated as a facility licensed under chapter 449 of NRS, to the State Board of Health,* at their respective addresses, if known, otherwise to the address of the trust property. The notice of default and election to sell must ~~[describe]~~ *:*

(a) Describe the deficiency in performance or payment and may contain a notice of intent to declare the entire unpaid balance due if acceleration is permitted by the obligation secured by the deed of trust, but acceleration must not occur if the deficiency in performance or payment is made good and any costs, fees and expenses incident to the preparation or recordation of the notice and incident to the making good of the deficiency in performance or payment are paid within the time specified in subsection 2 ~~[.]~~ *; and*

(b) If the property is a residential foreclosure, comply with the provisions of section 6.7 of this act.

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

(a) Providing the notice to each trustor , ~~[and]~~ any other person entitled to notice pursuant to this section *and, if the property is operated as a facility licensed under chapter 449 of NRS, the State Board of Health,* by personal service or by mailing the notice by registered or certified mail to the last known address of the trustor and any other person entitled to such notice pursuant to this section;

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

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

(d) If the property is a residential foreclosure, complying with the provisions of section 6.7 of this act.

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

(a) The trustee or other person authorized to make the sale does not substantially comply with the provisions of this section ~~[,]~~ *or any applicable provision of section 6.7 of this act;*

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

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

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

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

8. As used in this section, "residential foreclosure" means the sale of a single family residence under a power of sale granted by this section. As used in this subsection, "single family residence":

(a) Means a structure that is comprised of not more than four units.

(b) Does not include any time share or other property regulated under chapter 119A of NRS.

Sec. 8. NRS 107.084 is hereby amended to read as follows:

107.084 ~~[A]~~ *It is unlawful for a* person ~~[who]~~ *to* willfully ~~[removes]~~ *remove* or ~~[defaces]~~ *deface* a notice posted pursuant to subsection 4 of NRS 107.080, if done before the sale or, if the default is satisfied before the sale, before the satisfaction of the default . ~~[,]~~ *In addition to any other penalty, any person who violates this section* is liable in the amount of $500 to any person aggrieved by the removal or defacing of the notice.

Sec. 9. Chapter 118A of NRS is hereby amended by adding thereto a new section to read as follows:

1. A landlord shall disclose in writing to a prospective tenant if the property to be leased or rented is the subject of any foreclosure proceedings.

2. A willful violation of subsection 1 constitutes a deceptive trade practice for the purposes of NRS 598.0903 to 598.0999, inclusive.

Sec. 10. *Section 3 of Assembly Bill No. 149 of this session is hereby amended to read as follows:*

Sec. 3. NRS 107.085 is hereby amended to read as follows:

107.085 1. With regard to a transfer in trust of an estate in real property to secure the performance of an obligation or the payment of a debt, the provisions of this section apply to the exercise of a power of sale pursuant to NRS 107.080 only if:

(a) The trust agreement becomes effective on or after October 1, 2003 ~~[; and~~

~~(b) On]~~ *, and, on* the date the trust agreement is made, the trust agreement is subject to the provisions of § 152 of the Home Ownership and Equity Protection Act of 1994,

15 U.S.C. § 1602(aa), and the regulations adopted by the Board of Governors of the Federal Reserve System pursuant thereto, including, without limitation, 12 C.F.R. § 226.32 ~~[.]~~ *; or*

(b) The trust agreement concerns owner-occupied housing as defined in section 1 of this act.

2. The trustee shall not exercise a power of sale pursuant to NRS 107.080 unless:

(a) In the manner required by subsection 3, not later than 60 days before the date of the sale, the trustee causes to be served upon the grantor *or the person who holds the title of record* a notice in the form described in subsection 3; and

(b) If an action is filed in a court of competent jurisdiction claiming an unfair lending practice in connection with the trust agreement, the date of the sale is not less than 30 days after the date the most recent such action is filed.

3. The notice described in subsection 2 must be:

(a) Served upon the grantor *or the person who holds the title of record:*

(1) Except as otherwise provided in subparagraph (2), by personal service or, if personal service cannot be timely effected, in such other manner as a court determines is reasonably calculated to afford notice to the grantor ~~[.]~~ *or the person who holds the title of record; or*

(2) If the trust agreement concerns owner-occupied housing as defined in section 1 of this act:

(I) By personal service;

(II) If the grantor or the person who holds the title of record is absent from his place of residence or from his usual place of business, by leaving a copy with a person of suitable age and discretion at either place and mailing a copy to the grantor or the person who holds the title of record at his place of residence or place of business; or

(III) If the place of residence or business cannot be ascertained, or a person of suitable age or discretion cannot be found there, by posting a copy in a conspicuous place on the trust property, delivering a copy to a person there residing if the person can be found and mailing a copy to the grantor or the person who holds the title of record at the place where the trust property is situated; and

(b) In substantially the following form, with the applicable telephone numbers and mailing addresses provided on the notice and *, except as otherwise provided in subsection 4,* a copy of the promissory note attached to the notice:

NOTICE

YOU ARE IN DANGER OF LOSING YOUR HOME!

Your home loan is being foreclosed. In *not less than* 60 days your home will be sold and you will be forced to move. For help, call:

Consumer Credit Counseling _____
The Attorney General _____
The Division of Financial Institutions _____
Legal Services _____
Your Lender _____
Nevada Fair Housing Center _____

4. *The trustee shall cause all social security numbers to be redacted from the copy of the promissory note before it is attached to the notice pursuant to paragraph (b) of subsection 3.*

5. This section does not prohibit a judicial foreclosure.

~~*[5.]*~~ *6.* As used in this section, "unfair lending practice" means an unfair lending practice described in NRS 598D.010 to 598D.150, inclusive.

Sec. 11. 1. This section and section 10 of this act become effective on July 1, 2009.

2. Sections 1 to 9, inclusive, of this act become effective on October 1, 2009.

MAGGIE CARLTON
ALLISON COPENING
WILLIAM C. HORNE
KATHY A. MCCLAIN
HEIDI S. GANSERT

Senate Conference Committee *Assembly Conference Committee*

Senator Carlton moved that the Senate adopt the report of the Conference Committee concerning Assembly Bill No. 140.

Remarks by Senator Carlton.

Senator Carlton requested that her remarks be entered in the Journal.

There is clarifying language and technical clean-up of language under section 10. Section 3 of the bill is amended to make certain Social Security numbers are redacted from the copy of the promissory note.

Motion carried by a constitutional majority.

Mr. President:

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.

Conference Amendment.

"SUMMARY—Revises provisions relating to guardianships. (BDR 13-906)"

"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.

~~[3.]~~ *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 ~~[.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.

MIKE MCGINNESS	TICK SEGERBLOM
ALLISON COPENING	PEGGY PIERCE
TERRY CARE	JOHN C. CARPENTER
Senate Conference Committee	*Assembly Conference Committee*

Senator McGinness moved that the Senate adopt the report of the Conference Committee concerning Assembly Bill No. 320.

Motion carried by a constitutional majority.

REMARKS FROM THE FLOOR

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

Thank you, Mr. President. As we know, in 1996 the Nevada Constitution was amended by the voters to impose term limits for legislative services. Despite the best efforts and dazzling rhetoric of our colleague from Sparks in this session, these term limits mean that for seven of our esteemed colleagues, this session will mark the end of their distinguished time in these Chambers.

Just yesterday, Senator Care mentioned to me that he has spent 720 days of his life just on regular sessions. Thinking back over how long the past 120 of them seemed, it is no wonder that you each command such respect.

Today, we would like to honor what I will call our "graduating class." Senators Mark Amodei, Terry Care, Maggie Carlton, Bob Coffin, Bernice Mathews, Randolph Townsend, and Maurice Washington have worked tirelessly to improve the lives of those who live within our borders. You all have paved the way for groundbreaking legislation that changed the way our State protects its natural resources, provided for greater accountability in government, provided for Nevada's working families, and legislation which laid the foundation for a renewable economy in Nevada. It goes without saying that there is a distinct difference between the wisdom of experience and the knowledge of information. Today, the Senate and Nevada have to part with the invaluable wisdom of these great public servants. Those of us that are left to serve have big shoes to fill. In your honor, over the course of the day today, those of us who have had the good fortune to learn from your wisdom will take a few moments to revisit your careers and accomplishments, and will present each of you a flag flown over the legislative building and a commemorative medallion from this Seventy-Fifth Session. Again, from the bottom of my heart, I want to extend my deepest gratitude for your service and your friendship and your leadership in this body.

It is now my honor to introduce Senator Valerie Wiener.

Senator Wiener requested that her remarks be entered in the Journal.

Senator Terry Care has served in six regular and nine special sessions in the Nevada State Legislature. He currently serves as Assistant Majority Floor Leader, Chair of the Senate Committee on Judiciary, and Vice Chair of both the Senate Committee on Government Affairs and the Senate Committee on Taxation. He has served on the Legislative Commission, the Committee on Public Lands, the Nevada Veterans Services Commission and the National Conference of Commissioners on Uniform State Laws. Senator Care has championed the adoption of uniform and consistent laws in the state of Nevada since he first arrived. I am sure he holds a national record for these measures.

Senator Care was one of the sponsors of—and worked very hard for—S.B. 510 in 2001. This bill created Nevada's Early Hearing Detection and Intervention Program, which requires hearing screenings for all newborn children in the State.

In 2005, Senator Care introduced S.B. 326 to address local government abuses with eminent domain. In its final form, this measure created protections for property owners against aggressive actions by local governments. Because of Senator Care's leadership, local governments cannot readily take private land for redevelopment.

Senator Care has focused much of his legislative career on increasing the transparency of government and open meeting laws. One example of his hard work in this area is S.B. 123 of the 2007 Session/

That is a very brief snapshot of Senator Care's legislative history. I would like to tell you about what his service on the Judiciary Committee has meant to me and to the other members of the Committee.

For ten years, I have started every legislative day with Senator Care. I have watched and listened as he scrutinized each measure…giving proponents and opponents the opportunity to present their messages. I learned something important every single day from Senator Care. He is intelligent, dedicated, diligent and compassionate—whether you agree with him or not.

I have served as Senator Care's Vice Chair this Session, and what a privilege this has been. And what a team we have made. Often I look across the desk to see his notes in the margins of a bill we are considering, and I smile because I have often marked the same sections in the bill.

This does not surprise me, because I have known him since my days as Senator Harry Reid's press secretary back in the 1980s, when Terry Care was a television newsman. I developed a strong respect for him then, and, I am proud to say, it has grown exponentially during our 10 years in the Senate.

Senator Care, Mr. Chair, Terry, friend. We will miss you more than words can describe.

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

I am moved and grateful. Thank you. A newspaper columnist asked that we rehash some of our anecdotes. One of my first memories of serving at the Legislature was during my first session. Joe Neal was driving, Dina Titus was in the front seat and I was sitting in the back as Joe drove us to the J&T Restaurant in Minden at 95 miles an hour. I had been told about Joe's driving. That memory will stay with me.

There was a lot of fun and a lot of frustration serving in the Legislature. There are too many memories to talk about here.

The other day we got into a discussion about taxes, and Senator Mathews said, "I will not vote for a broad-based tax or any other tax against women." I asked Senator Coffin what he was going to miss the most about being here, and he said, "Being Majority Leader."

I could go on and on, but we have so much to do today. Thank you to my friends and colleagues.

Senator Cegavske requested that her remarks be entered in the Journal.

Senator Maurice Washington came to Northern Nevada to attend the University of Nevada, Reno, and play on the football team but stayed on to pastor a church and represent his neighbors in the Legislature. He has served in eight regular and nine special sessions. He has spent every session on Senate Judiciary, Senate Health and Education, and Human Resources. Maurice has chaired Legislative Affairs and Operations and Human Resources and Operations in past sessions.

In the 1995 Session, he was the primary mover for S.B. 428, which later, under Federal Law, became A.B. 401, Temporary Assistance for Needy Families of the 1997 Session.

As mentioned earlier, Maurice worked extensively with Senator Amodei on the Western Regional Water Commission and Integrated Water Management for Washoe County in 2007.

Senator Washington has always been extremely dedicated to health care and education issues. Support of charter schools, school choice for at-risk students and health care reform are just a few of the issues Maurice strongly supports. In 1997, he was part of a bipartisan working group that was instrumental in passing S.B. 220, which authorized the formation of charter schools in the State of Nevada. He is a strong supporter of accessible, good-quality, affordable health care for our citizens.

Truth in sentencing, prison reform, welfare reform, and issues relating to the under-insured have also gained Senator Washington's support.

Dedicated to the concerns of small businesses, Senator Washington has worked diligently to create a business-friendly environment in Nevada.

Competing with Senator Townsend and Senator Coffin in the arena of fashionable attire, Maurice displays his own style with an impressive array of bow ties and his Kanga cap. It has a kangaroo on the side.

Senator Washington, to my friend and colleague, this is truly a sad day for me, for it will be the last day I serve with you. It has been my honor and my privilege, and I am glad to call you my friend.

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

It has been great to be here and to work with so many fine men and women on various issues, to make friends, to laugh and to cry together. I have enjoyed every minute of it. This is a bittersweet day. We all have memories and things that we will cherish.

When we were working on the Welfare Reform Bill, it was my first session, and my office was a broom closet barely large enough to hold a desk. Anyone who came to my office had to unfold the folding chairs to talk to me. It was a fun session. I was in awe of the history and of the great men and women who served here, and of the staff who work so diligently on our behalf. Being a part of this legislative body was awe-inspiring. I had heard of the mystic of Senator Neal, his oratory and his flamboyancy, and when the Welfare Reform Bill got to the Senate floor, I worried about the bill and what I would say and how I would say it. When the bill was read, Senator Neal took the floor. He spoke on and on. The more he talked, the more I wanted to give my speech. I did so out of fear because I was afraid of Senator Neal.

I will miss all of you. I will miss Senator Raggio, Senator Cegavske and Senator Parks. I know Senator Parks and I have disagreed, but he has always been a gentleman about it. That is what this process is all about. We stand on our principles and we argue about them to the core of our souls. We will all have the opportunity to come back on another day, in another venue to once again to deliberate our philosophical differences. To the Majority Leader, I have watched you over the years and you sat in this seat before becoming the Majority Leader. You could say "no" loudly from this seat. I learned to do so too.

I love you all; appreciate you and thank you for the wonderful times.

Senator Horsford moved that the Senate recess until 1:30 p.m.

Motion carried.

Senate in recess at 1:09 p.m.

SENATE IN SESSION

At 2:15 p.m.

President Krolicki presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

By Senator Horsford:

Senate Concurrent Resolution No. 38—Directing the Legislative Commission to conduct an interim study concerning community redevelopment in Nevada.

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the Legislative Commission is hereby directed to appoint a committee, composed of three members of the Senate and three members of the Assembly, to conduct an interim study concerning community redevelopment in Nevada; and be it further

RESOLVED, That the study must include, without limitation, an examination of:

1. The current scope and functioning of redevelopment agencies and tourism improvement districts including the manner in which both redevelopment agencies and tourism improvement districts are currently functioning in the communities throughout this State and alternatives for broadening the role of redevelopment agencies to ensure that the needs of all local governments are met in a timely and efficient manner;

2. The interaction between redevelopment agencies and the communities they serve, including the manner in which the goals and accomplishments of these agencies are communicated to the community and the manner in which decisions that affect the community are made;

3. The manner in which the effectiveness of redevelopment agencies is evaluated and the participation of local communities in this evaluation process; and

4. The future role of redevelopment agencies in communities; and be it further

RESOLVED, That any recommended legislation proposed by the committee must be approved by a majority of the members of the Senate and a majority of the members of the Assembly appointed to the committee; 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.

Senator Horsford moved the adoption of the resolution.

Remarks by Senator Horsford.

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

The resolution calls for the Legislative Commission to appoint a committee composed of three members of the Senate and three members of the Assembly to conduct an interim study concerning community development in Nevada. The purpose is to look at redevelopment

policies including those pertaining to tourism improvement districts and the infrastructure and to fund projects.

Resolution adopted.

Resolution ordered transmitted to the Assembly.

Senator Horsford moved that vetoed Assembly Bills Nos. 147, 493 and 446 of the 75th Session be made a Special Order of Business for Monday, June 1, 2009, at 2:20 p.m.

Motion carried.

SPECIAL ORDERS OF THE DAY
VETO MESSAGES OF THE GOVERNOR

The hour of 2:20 p.m. having arrived, Vetoed Assembly Bill No. 147 of the 75th Session was considered.

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

Bill read.

Governor's message stating his objections read.

MESSAGES FROM THE GOVERNOR

STATE OF NEVADA
EXECUTIVE CHAMBER
CARSON CITY, NEVADA 89701

May 29, 2009

DEAR SPEAKER BUCKLEY:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Assembly Bill 147, which is entitled:

> "AN ACT relating to purchasing by local governments, under certain circumstances, to grant a preference to local bidders bidding on certain contracts for goods or services for a temporary period; and providing other matters properly relating thereto."

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.

For these reasons, hereby exercise my constitutional grant of authority and veto Assembly Bill 147.

Sincerely,
JIM GIBBONS
Governor of Nevada

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

The roll was called, and the Senate sustained the veto of the Governor by the following vote:

Roll call on Assembly Bill No. 147 of the 75th Session:

YEAS—13.

NAYS—Amodei, Cegavske, Hardy, McGinness, Nolan, Raggio, Townsend, Washington—8.

Bill ordered transmitted to the Assembly.

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

Bill read.

Governor's message stating his objections read.

MESSAGES FROM THE GOVERNOR
STATE OF NEVADA
EXECUTIVE CHAMBER
CARSON CITY, NEVADA 89701

May 28 2009

DEAR SPEAKER BUCKLEY:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Assembly Bill 493 which is entitled:

"AN ACT relating to public retirement systems; requiring the Public Employees' Retirement Board to identify and report concerning investments of money from the Public Employees' Retirement System in certain scrutinized companies with certain business activities or connections to Iran's petroleum sector, and providing other matters properly relating thereto."

Assembly Bill 493 is a bill that relates to the Public Employees' Retirement System (PERS). PERS is a constitutionally created trust fund. It is administered by a board of trustees for the benefit of its members and beneficiaries. In 1996, the voters of Nevada approved an amendment to the Nevada Constitution that effectively prohibits the PERS Retirement Board from basing its investment decisions on social policies, no matter how admirable.

This bill requires the PERS board to study and identify certain investments in companies that transact business with the country of Iran. Due to the constitutional issues, the finding of this study, or any study of this nature, cannot impact the investment strategy with respect to funds invested on behalf of the PERS Board. Simply put, this study is not necessary.

For these reasons, I hereby exercise my constitutional grant of authority and veto Assembly Bill 493.

Sincerely,
JIM GIBBONS
Governor of Nevada

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

Remarks by Senators Horsford and Raggio.

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

SENATOR HORSFORD:

I stand in opposition to the Governor's veto. United States political and military officials have repeatedly accused Iranians of supplying insurgents and foreign fighters in Iraq. By some estimates, they have killed as many as 200 American soldiers. President Bush has accused Iran of supplying insurgents with armor-piercing bombs. Former Defense Secretary Robert Gates confirmed that the United States' assertions that Iran is training and arming Iraqi Shiite extremists was hard fact.

The Governor has vetoed a bill that only required the disclosure of the investments by PERS and companies that directly and significantly contribute to the enhancements of Iran's ability to develop its petroleum resources. The profits from this industry finance Iran's support of the Iraqi extremists killing Americans. The reason offered by the Governor is that requiring this disclosure violates the constitutional amendment forbidding PERS from basing its investment decisions on "social policies." At both hearings on this bill, Dana Bilyeu, Executive Officer of the Nevada Public Employees Retirement System, voiced no such concerns to Legislators.

Last session, the Speaker of the Assembly and the Majority Leader of the Senate, Senator Bill Raggio, joined the Governor in a letter to PERS urging that State Employee Retirement funds not be invested in companies that do business in Darfur. This was an important act, which

I heartily agreed with. They did not order divestment. They asked PERS to review their investments in Sudan.

Much of this bill seeks transparency on PERS investments into Iran. Why? Because transparency changes behavior. Think of South Africa and Nelson Mandela. Think about how raising the awareness of the public into the actions of the apartheid government and the activities of the United States and other companies in South Africa provided the financial wherewithal for that régime to be removed from power. It changed the behavior of not only United States companies, but of United States investors as well.

There are two questions we should consider in deciding how we should vote on this override. One, should public employee funds be invested in companies that help Iran make the money it uses to arm and train the insurgents killing Americans in Iraq, just because they are profitable and without public disclosure of that fact? Two, if requiring public disclosure discourages such an investment, is the inference that it is merely to further a social policy, or is it an attempt to defend the American men and women who are serving their country? I urge this body to override the Governor's veto.

SENATOR RAGGIO:

I concur with the remarks of the Majority Leader. Over the years, we have tried not to inject ourselves into the management policies of the Public Employees Retirement System. Last Session, we raised the issue of the investments in Darfur. There is a sound investment policy that is required to be adhered to.

The voters approved an amendment to the Constitution that prohibits the PERS Board from basing investment decisions on social policies. I do not think this bill does that. This bill draws the attention of Nevadans who are good Americans and who need to know whether investments of our public money is being placed in funds that finance those whose interests are a detriment to our country. Iran's petroleum fund is used for these issues. We need to be mindful of these actions, and this requests a report of companies who come under scrutiny. They should be disclosed. We should override the veto.

The roll was called, and the Senate failed to sustain the veto of the Governor by the following vote:

Roll call on Assembly Bill No. 493 of the 75th Session:

YEAS—21.

NAYS—None.

Bill ordered transmitted to the Assembly.

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

Bill read.

Governor's message stating his objections read.

MESSAGES FROM THE GOVERNOR

STATE OF NEVADA
EXECUTIVE CHAMBER
CARSON CITY, NEVADA 89701

May 28, 2009

DEAR SPEAKER BUCKLEY:

I am herewith forwarding to you, for filing within he constitutional time limit and without my approval Assembly Bill 446 which is entitled:

> "AN ACT relating to state financial administration; revising certain requirements for the proposed budget of the Executive Department of the State government; and providing other matters properly relating thereto."

Assembly Bill 446 would change the depth and scope of the performance measures contained within the Executive Budget the Governor delivers to the Legislature prior to each biennial session.

The budgetary methods used in evaluating the performance of state government need improvement, and this legislation would work to that end if the Department of Administration was given the tools necessary to implement the bill as it was intended. Unfortunately, the Department's fiscal note was ignored when the Legislature approved this bill and no appropriation was made to implement the requirements of this legislation. As such, I do not believe the Department of Administration could reasonably fulfill the requirements of the law with the spirit in which the bill is intended.

For these reasons. I hereby exercise my constitutional grant of authority and veto Assembly Bill No. 446.

Sincerely,

JIM GIBBONS

Governor of Nevada

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

Remarks by Senators. Horsford and Raggio.

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

SENATOR HORSFORD:

I rise in objection to the Governor's veto of Assembly Bill No. 446. This bill requires State government to engage in long-term planning and make meaningful disclosures of agency and departmental performance to the public. This bill mirrored Senate Bill No. 346.

As any manager knows, long-term planning and performance reviews are the foundation for the sound, efficient and effective operation of any enterprise, public or private. Nevada statutes already require that all agency and departmental budgets include performance measures. Assembly Bill No. 446 simply requires that these disclosures follow a uniform format and provide year over year comparisons so that the information is meaningful both for legislators and for any interested Nevada taxpayer. As a newly appointed member on the Finance Committee, I found it a daunting task, especially this Session.

The first thing I did when we received the Governor's budget was to go through the performance indicators for every State agency. That helped me to get a glimpse of the things we expect from agencies and the performance issues they have. As we started our hearings on the budget before Session, I asked questions about performance indicators, how they were derived, what type of review was done, how often they are updated and whether they reflect the work that is being done or not being done. I believe they are tools, not just for us as Legislators in reviewing the budget, but also for the public in seeing what certain agencies do and how they do it.

The Governor takes objection to the bill for the reasons he noted in the letter. If you look back on the Governor's commitment on these issues, he has stated these are important. When he was running for Governor, he told the AARP that when he became Governor, he would make certain that we properly prioritize State spending. He said he would work to identify programs that are not serving the needs of Nevada taxpayers. He would eliminate them and redirect that funding to programs that serve their intended essential purpose. Yet he vetoes a bill that would accomplish that very thing. On the Executive Website, the Governor introduced his Open Government Initiative with the statement, "Recently, I signed an executive order that requires transparency and accountability in government so all Nevadans will be able to see how their tax 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 No. 446, the Governor's message admits that the budgetary methods used to evaluate the performance of State government need improvement. That is what he stated in his letter. This legislation works toward that end. Yet because this body did not agree to the increased size of a government agency, he vetoed Assembly Bill No. 446. The Finance Committee did not ignore the fiscal note the Department of Administration placed on this bill. At the hearing, officials from higher education as well as the Controller's Office volunteered to help

State agencies develop these meaningful performance measurements for free. The Governor has previously noted that Nevada families are tightening their belts. Nevada businesses are tightening their belts. Nevada's government should do the same thing. Right now, every State agency is being asked to do more with less, so why is the Department of Administration exempt? The agencies are charged with developing and tracking performance measures under existing law. It is something we already require in NRS. It should not cost any more to have agencies do their jobs right.

This is my third session, and as we all know, sometimes, fiscal notes are attached to bills just to kill them. This bill was passed despite the fiscal note. The bill was supported by the Las Vegas Chamber of Commerce, by the Reno Chamber of Commerce and the Nevada Taxpayers Association. The bill received unanimous bipartisan support in both Houses because it makes sense. I hope my colleagues will join me to override the veto and requiring the types of performance indicators that we as legislators and the public demand from our State government.

SENATOR RAGGIO:

Thank you, Mr. President. There is much I would agree with that was stated by the Majority Leader. However, I was part of a budget preparation process for many years that instituted a requirement for performance indicators to be put into our budget. They have developed slowly over the decades. They have not been helpful for the most part. I agree we should have accurate, measurable, informative performance standards. I support that effort. However, it is not something that is done just by passing a law that says, "Do it."

I took exception in the Finance Committee that we were ignoring the fiscal note. The fiscal note was submitted by the head of the Department of Administration, Andrew Clinger, for whom I have great respect. He does not come to a hearing with a fiscal note just to kill the bill. He testified that this fiscal note was necessary in order to carry out and create the type of performance standards that are set forth in Assembly Bill No. 446.

On pages 2 and 3, there is a long list of requirements that need to be met for purposes that have been indicated. They are extensive. The Budget Director indicated that it would take personnel and training, and that the fiscal note was accurate. I have been on the Finance Committee ever since I came to the Senate. We did not ignore fiscal notes. We explored them. We asked for some modification, if it was appropriate. In this case, the Committee ignored the cost. We did not make any appropriations to cover it.

I am going to vote to sustain the Governor's veto. I agree that these are important and that they need to be done. I will commit to appropriately funding the cost of developing and implementing meaningful performance standards, something we have never done. We have given lip service to it, but have never insisted on it. It is not just this administration; it goes back through previous administrations as well. We are sending a strong message that we expect to have performance standards, but if that is what we want, then we have to agree to fund it. The Governor is correct. We have not funded it. We have cut their budget. They are short staffed, if at all, and to ask them to undertake this kind of information without funding, is not right.

The roll was called, and the Senate sustained the veto of the Governor by the following vote:

Roll call on Assembly Bill No. 446 of the 75th Session:

YEAS—12.

NAYS—Amodei, Cegavske, Hardy, McGinness, Nolan, Raggio, Rhoads, Townsend, Washington—9.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. President:

The Conference Committee concerning Senate Bill No. 295, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 932 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 29, which is attached to and hereby made a part of this report.

Conference Amendment.

"SUMMARY—Revises provisions relating to dentistry. (BDR 54-913)"

"AN ACT relating to dentistry; providing certain exceptions from the list of persons deemed to be practicing dentistry; providing that certain acts are not precluded pursuant to the statutes governing dentistry; providing for the revocation of the state business license, under certain circumstances, of a person who manages the business of a dental practice, office or clinic; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law sets forth the acts which constitute the practice of dentistry and a list of related acts which may be performed by persons not licensed by the Board of Dental Examiners of Nevada. (NRS 631.215) Section 5 of this bill revises that list to provide that a person may provide certain goods or services to a dental practice, office or clinic owned or operated by a licensed dentist or certain entities, with certain limitations.

Section 2 of this bill provides that a person or entity is not precluded by the provisions of chapter 631 of NRS from providing certain goods or services to a dental practice, office or clinic.

Section 3 of this bill provides that the contracting for, provision of and payment for certain goods or services to a dental practice, office or clinic under certain circumstances do not constitute violations of law or cause for disciplinary action under chapter 631 of NRS.

Section 3.5 of this bill requires a person who provides management services to a dental practice, office or clinic to register certain information with the Board.

Sections 4.5 and 6 of this bill provide for the revocation of the state business license of a person who manages the business of a dental practice, office or clinic if the person commits certain prohibited acts.

Section 4.7 of this bill revises the powers of the Board as they relate to the appointment of attorneys to authorize, but not require, the Attorney General, in his sole discretion, to serve as legal counsel for the Board at any time and in any and all matters.

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

Section 1. Chapter 631 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 4.5, inclusive, of this act.

Sec. 2. *Nothing in this chapter precludes a person or entity not licensed by the Board from providing goods or services for the support of the business of a dental practice, office or clinic if the person or entity does not manage or control the clinical practice of dentistry. Such goods and services may include, without limitation, transactions involving:*

1. Real and personal property, other than the ownership of the clinical records of patients; and

2. Personnel, other than licensed dentists and dental hygienists.

Sec. 3. *1. It is not a violation of NRS 631.395, or an act of dishonorable or unprofessional conduct under NRS 631.346 to 631.349, inclusive, for a person described in paragraph (f) of subsection 2 of NRS 631.215 to provide, or receive payment for providing, goods or services in accordance with the conditions set forth in paragraph (f) of subsection 2 of NRS 631.215.*

2. It is not a violation of NRS 631.346 for a dentist or a professional entity organized by a dentist pursuant to the provisions of chapter 89 of NRS to contract with a person described in and operating in accordance with the conditions set forth in paragraph (f) of subsection 2 of NRS 631.215.

Sec. 3.5. A person who manages the business of a dental practice, office or clinic shall register with the Board:

1. The name and business address of the person;

2. The address of the dental practice, office or clinic of the business which the person manages; and

3. The names of the licensed dentist or other entity not prohibited from owning or operating a dental practice, office or clinic whose business the person manages.

Sec. 4. (Deleted by amendment.)

Sec. 4.5. *1. If the Board determines that a person who provides goods or services for the support of the business of a dental practice, office or clinic has committed any act described in subparagraph (1) ~~[,]~~ or (2) ~~[or (3)]~~ of paragraph (f) of subsection 2 of NRS 631.215, the Board may seek revocation of any state business license held by that person by submitting a request for such revocation to the ~~[Department]~~ Secretary of ~~[Taxation.]~~ State.*

2. Upon receipt of a request for a revocation of a state business license pursuant to subsection 1, the ~~[Department]~~ Secretary of ~~[Taxation]~~ State shall ~~[commence proceedings to]~~ revoke that license in accordance with the provisions of this section and in the manner provided in ~~[subsections 2, 3 and 4 of NRS 360.798]~~ section 18 of Assembly Bill No. 146 of this session as if the holder of the license had failed to comply with a provision of ~~[NRS 360.760]~~ sections 6 to ~~[360.798.]~~ 18, inclusive ~~[. In addition to providing notice of a hearing to the holder of the license pursuant to NRS 360.798, the Department of Taxation shall provide notice of the hearing to the Board and allow the Board to show cause why the license should be revoked.]~~ , of Assembly Bill No. 146 of this session.

3. The ~~[Department]~~ Secretary of ~~[Taxation]~~ State shall not issue a new license to the former holder of a state business license revoked pursuant to this section unless the ~~[Department]~~ Secretary of State receives notification from the Board that the Board is satisfied that the person:

(a) Will comply with any regulations of the Board adopted pursuant to the provisions of this chapter; and

(b) Will not commit any act described in subparagraph (1) ~~[,]~~ or (2) ~~[or (3)]~~ of paragraph (f) of subsection 2 of NRS 631.215 or any act prohibited by regulations of the Board adopted pursuant to the provisions of this chapter.

4. As used in this section, "state business license" has the meaning ascribed to it in ~~[NRS 360.773.]~~ section 9 of Assembly Bill No. 146 of this session.

Sec. 4.7. NRS 631.190 is hereby amended to read as follows:

631.190 In addition to the powers and duties provided in this chapter, the Board shall:

1. Adopt rules and regulations necessary to carry out the provisions of this chapter.

2. Appoint such committees, examiners, officers, employees, agents, attorneys, investigators and other professional consultants and define their duties and incur such expense as it may deem proper or necessary to carry out the provisions of this chapter, the expense to be paid as provided in this chapter. *Notwithstanding the provisions of this subsection, the Attorney General in his sole discretion may, but is not required to, serve as legal counsel for the Board at any time and in any and all matters.*

3. Fix the time and place for and conduct examinations for the granting of licenses to practice dentistry and dental hygiene.

4. Examine applicants for licenses to practice dentistry and dental hygiene.

5. Collect and apply fees as provided in this chapter.

6. Keep a register of all dentists and dental hygienists licensed in this State, together with their addresses, license numbers and renewal certificate numbers.

7. Have and use a common seal.

8. Keep such records as may be necessary to report the acts and proceedings of the Board. Except as otherwise provided in NRS 631.368, the records must be open to public inspection.

9. Maintain offices in as many localities in the State as it finds necessary to carry out the provisions of this chapter.

10. Have discretion to examine work authorizations in dental offices or dental laboratories.

Sec. 5. NRS 631.215 is hereby amended to read as follows:

631.215 1. Any person shall be deemed to be practicing dentistry who:

(a) Uses words or any letters or title in connection with his name which in any way represents him as engaged in the practice of dentistry, or any branch thereof;

(b) Advertises or permits to be advertised by any medium that he can or will attempt to perform dental operations of any kind;

(c) Diagnoses, professes to diagnose or treats or professes to treat any of the diseases or lesions of the oral cavity, teeth, gingiva or the supporting structures thereof;

(d) Extracts teeth;

(e) Corrects malpositions of the teeth or jaws;

(f) Takes impressions of the teeth, mouth or gums, unless the person is authorized by the regulations of the Board to engage in such activities without being a licensed dentist;

(g) Examines a person for, or supplies artificial teeth as substitutes for natural teeth;

(h) Places in the mouth and adjusts or alters artificial teeth;

(i) Does any practice included in the clinical dental curricula of accredited dental colleges or a residency program for those colleges;

(j) Administers or prescribes such remedies, medicinal or otherwise, as are needed in the treatment of dental or oral diseases;

(k) Uses X-ray radiation or laser radiation for dental treatment or dental diagnostic purposes, unless the person is authorized by the regulations of the Board to engage in such activities without being a licensed dentist;

(l) Determines:

(1) Whether a particular treatment is necessary or advisable; or

(2) Which particular treatment is necessary or advisable; or

(m) Dispenses tooth whitening agents or undertakes to whiten or bleach teeth by any means or method, unless the person is:

(1) Dispensing or using a product that may be purchased over the counter for a person's own use; or

(2) Authorized by the regulations of the Board to engage in such activities without being a licensed dentist.

2. Nothing in this section:

(a) Prevents a dental assistant, dental hygienist or qualified technician from making radiograms or X-ray exposures or using X-ray radiation or laser radiation for dental treatment or dental diagnostic purposes upon the direction of a licensed dentist.

(b) Prohibits the performance of mechanical work, on inanimate objects only, by any person employed in or operating a dental laboratory upon the written work authorization of a licensed dentist.

(c) Prevents students from performing dental procedures that are part of the curricula of an accredited dental school or college or an accredited school of dental hygiene or an accredited school of dental assisting.

(d) Prevents a licensed dentist or dental hygienist from another state or country from appearing as a clinician for demonstrating certain methods of technical procedures before a dental society or organization, convention or dental college or an accredited school of dental hygiene or an accredited school of dental assisting.

(e) Prohibits the manufacturing of artificial teeth upon receipt of a written authorization from a licensed dentist if the manufacturing does not require direct contact with the patient.

(f) Prohibits a person from providing goods or services for the support of the business of a dental practice, office or clinic owned or operated by a licensed dentist or any entity not prohibited from owning or operating a dental practice, office or clinic if the person does not:

(1) Provide such goods or services in exchange for payments based on a percentage or share of revenues or profits *of the dental practice, office or clinic;* or

(2) ~~*[Share in the profits or revenue of the dental practice, office or clinic; or*~~

~~*(3)]*~~ *Exercise any authority or control over the clinical practice of dentistry.*

3. The Board shall adopt regulations identifying activities that constitute the exercise of authority or control over the clinical practice of dentistry, including, without limitation, activities which:

(a) Exert authority or control over the clinical judgment of a licensed dentist; or

(b) Relieve a licensed dentist of responsibility for the clinical aspects of the dental practice.

➥ *Such regulations must not prohibit or regulate aspects of the business relationship, other than the clinical practice of dentistry, between a licensed dentist or professional entity organized pursuant to the provisions of chapter 89 of NRS and the person or entity providing goods or services for the support of the business of a dental practice, office or clinic owned or operated by the licensed dentist or professional entity.*

Sec. 6. ~~[~~NRS 360.798 is hereby amended to read as follows:~~]~~

~~360.798 1. If a person who holds a state business license fails to comply with a provision of NRS 360.760 to 360.798, inclusive, or a regulation of the Department adopted pursuant thereto, the Department may revoke or suspend the state business license of the person.~~

~~2. Before~~ [so doing,] ~~*revoking or suspending the state business license of a person,* the Department must hold a hearing after 10 days' written notice to the licensee. The notice must specify the time and place of the hearing and require the licensee to show cause why his license should not be revoked.~~

~~[2.] *3.* If the license is suspended or revoked, the Department shall give written notice of the action to the person who holds the state business license.~~

~~[3.] *4.* The notices required by this section may be served personally or by mail in the manner provided in NRS 360.350 for the service of a notice of the determination of a deficiency.~~

~~[4.] *5.* The Department shall not issue a new license to the former holder of a revoked state business license unless the Department is satisfied that the person will comply with the provisions of this chapter and the regulations of the Department adopted pursuant thereto.~~] *(Deleted by amendment.)*

MAGGIE CARLTON
STEVEN A. HORSFORD
WARREN B. HARDY II
Senate Conference Committee

KELVIN ATKINSON
KATHY A. MCCLAIN
Assembly Conference Committee

Senator Carlton moved that the Senate adopt the report of the Conference Committee concerning Senate Bill No. 295.

Remarks by Senator Carlton.

Senator Carlton requested that her remarks be entered in the Journal.

We addressed the concerns about the dental practice management offices. They will be registering with the Dental Board. The Dental Board will be able to contact the Secretary of State if they believe they have a problem with those businesses and ask for revocation of the license. In the language, it says "shall revoke", but we all know that there is a constitutional obligation to due process, so the Secretary of State's Office will be developing the regulations in order for those revocations to happen.

There is a provision about the Attorney General's Office being able to represent the Board, if it is necessary. It is thoroughly permissive, so it is not mandatory. If the Attorney General's Office should have to step in and help them, as we have seen them do in the past few years, that would be a good thing.

We addressed how the regulations for these new businesses will be set up to make certain they are within the guidelines, knowing full well that these regulations will come back to the Legislative Commission and to the subcommittee on regulations. I urge the support of this report.

Motion carried by a constitutional majority.

APPOINTMENT OF CONFERENCE COMMITTEES

President Krolicki appointed Senators Schneider, Townsend and Breeden as a Conference Committee to meet with a like committee of the Assembly for the further consideration of Senate Bill No. 242.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Finance, to which were rereferred Senate Bills Nos. 52, 113, 306, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Finance, to which was referred Assembly Bill No. 317, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNICE MATHEWS, *Cochair*

MOTIONS, RESOLUTIONS AND NOTICES

By Senator Horsford and Assemblywoman Leslie:

Senate Concurrent Resolution No. 39—Requiring the Legislative Committee on Health Care to consider issues and make recommendations relating to payments for the provision of certain medical services and care.

WHEREAS, The rising cost of health care is a growing problem in this State, and many factors contribute to this problem; and

WHEREAS, The number of hospitals and physicians who have contracted for the provision of health care impacts the quality and cost of health care in this State; and

WHEREAS, Ensuring a sufficient number of such contracts is essential to improving the quality and cost of health care in this State; and

WHEREAS, Educating patients and consumers of health care in this State regarding the financial impact of receiving medical services and care from out-of-network hospitals and out-of-network physicians is a vital part of ensuring that patients and consumers minimize their health care expenses; and

WHEREAS, Billed charges by providers of health care have escalated at a rate far exceeding the rate of inflation; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the members of the 75th Nevada Legislature hereby recognize the importance of restraining the cost of health care and recognize that patients, hospitals, physicians and health insurers each play an integral role in restraining those costs; and be it further

RESOLVED, That the Legislative Committee on Health Care, during the 2009-2010 interim, shall consider and review methods for establishing a fair and equitable system for the payment of medical services and care for persons who are covered by a policy of insurance or other contractual agreement with a third party that provides coverage for the provision of health care but whose insurance or other contractual agreement does not cover expenses by the specific hospital or physician which provided the service or care, including, to the extent practicable, consideration of:

1. The relationship between the actual cost to surgical centers for ambulatory patients, hospitals and physicians to provide medical services and care and the charges billed by those providers of health care;

2. The process used by providers of health care in this State and health insurers and other third parties that provide coverage for the provision of health care to negotiate contracts;

3. The process for granting hospital privileges to physicians in this State and related issues concerning contracts with health insurers and other third parties that provide coverage for the provision of health care;

4. Balance billing and collection practices implemented by providers of health care in this State and the effects of the escalation of billed charges on the cost of heatlh care; and

5. Any other issues deemed necessary by the Chairman of the Legislative Committee on Health Care; and be it further

RESOLVED, That the Legislative Committee on Health Care, in considering the system pursuant to this resolution, shall make recommendations for the implementation of such a system to the 76th Session of the Nevada Legislature; and be it further

RESOLVED, That the Chairman of the Legislative Committee on Health Care is encouraged to appoint a subcommittee consisting of three members of the Committee to consider the issues relating to the system for the payment of medical services and care pursuant to this resolution; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to the Legislative Commission.

Senator Horsford moved the adoption of the resolution.

Remarks by Senator Horsford.

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

This resolution requires the Legislative Committee on Health Care to consider issues pertaining to the cost and payments on medical services and care during the interim. This comes from the issue we had on Senate Bill No. 157, which was heard in Health and Education. A subcommittee worked on this issue. It went to Finance; the parties have been meeting trying to come up with a resolution that addresses patient care and cost in a way that is equitable and fair across the board. We need additional time for the Legislative Committee on Health Care to work on these issues during the interim. I urge the adoption of this resolution.

Resolution adopted.

Resolution ordered transmitted to the Assembly.

SECOND READING AND AMENDMENT

Assembly Bill No. 317.

Bill read second time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 1005.

"SUMMARY—Provides for the disbursement of a portion of the proceeds of the state tax imposed on certain businesses to regional organizations for economic development. (BDR 32-616)"

"AN ACT relating to taxation; providing for the disbursement of a portion of the proceeds of the state tax imposed on certain businesses to regional organizations for economic development; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

This bill *temporarily* requires the Department of Taxation to disburse to a regional organization for economic development which directly assists in the location of a business in this State, other than a gaming business, 50 percent of the state business tax paid by that business for *not more than* 10 fiscal years as a result of the location of the business in this State. ~~[The total amount of these disbursements, together with any other amounts allocated by the Legislature, to such a regional organization during any fiscal year is limited to $1 million.]~~ The money disbursed to such a regional organization must be used to promote economic development in this State and not for administrative expenses.

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

Section 1. Chapter 363B of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section, the Department shall, on a quarterly basis, disburse to an eligible organization 50 percent of the amount of tax paid by an employer pursuant to NRS 363B.110, after the deduction of any abatements and exemptions to which that employer is entitled, which is attributable to any employment that results from the location, with the direct assistance of that eligible organization, of the business of that employer in this State. The provisions of this subsection

apply only to the applicable amount of tax paid by the employer for each calendar quarter that:

(a) Commences not less than 30 days after the eligible organization files with the Department an affidavit, executed by an officer of the employer ~~[,]~~ *and an officer of the eligible organization, stating that the eligible organization directly recruited the employer to locate its business in this State or otherwise directly assisted the employer to locate its business in this State; and*

(b) Ends not later than the last day of the 10th fiscal year after the commencement of the pertinent location by the employer of its business in this State.

2. The total amount disbursed ~~*[to each eligible organization]*~~ *during each fiscal year pursuant to this section* ~~*[,]*~~ *to:*

(a) Each eligible organization located in a county whose population is 100,000 or more, together with any other amounts allocated or appropriated by the Legislature to the eligible organization for that fiscal year, must not exceed the sum of $1,000,000 ~~*[,]*~~ *; and*

(b) All other eligible organizations must not exceed the cumulative sum of $1,000,000, without regard to any other amounts allocated or appropriated by the Legislature to those eligible organizations for that fiscal year.

3. Any money disbursed to an eligible organization pursuant to this section:

(a) Must be expended by the eligible organization to promote the advantages of locating or expanding businesses in this State, to recruit and attract businesses from outside this State, to retain and expand businesses in this State, and to engage in research and analysis in support of economic development in this State; and

(b) Must not be expended for any administrative expenses of the eligible organization.

4. The Department ~~*[may:]*~~ *:*

(a) May:

(1) Require an eligible organization to submit such documentation as the Department determines to be necessary for the administration of this section.

~~*[(b)]*~~ *(2) Refuse to make any further disbursements of money pursuant to this section to an eligible organization that:*

~~*[(1)]*~~ *(I) Fails or refuses to submit any documentation as required by the Department pursuant to* ~~*[paragraph (a);]*~~ *subparagraph (1); or*

~~*[(2)]*~~ *(II) Expends any money received pursuant to this section in a manner that does not comply with the requirements of subsection 3.*

(b) Shall, on or before the last day of the month immediately following each calendar quarter, submit to the Interim Finance Committee a report which:

(1) States the total amount of money disbursed pursuant to this section for each of the immediately preceding 4 calendar quarters; and

(2) Identifies each eligible organization to which any money was disbursed pursuant to this section for any of the immediately preceding 4 calendar quarters and states the total amount of money disbursed to each of those eligible organizations for each of the those calendar quarters.

5. Each eligible organization that receives any disbursement of money pursuant to this section for a calendar quarter shall, within 30 days after receiving that disbursement, submit to the Interim Finance Committee a report which:

(a) Identifies each of the employers regarding whom the disbursement was received, identifies the type of business or industry conducted by the employer, and states the number of persons employed by the employer in this State during that calendar quarter and the average weekly wages paid to those persons during that calendar quarter; and

(b) Summarizes the manner in which the eligible organization has expended or intends to expend the amount of that disbursement.

6. Any disbursement of money to an eligible organization pursuant to this section shall be deemed to constitute an appropriation of public money for the purposes of NRS 218.855.

~~[6.]~~ *7. For the purposes of this section:*

(a) "Eligible organization" means a regional organization for economic development which is recognized by the Commission on Economic Development and which:

(1) Operates on a nonprofit basis;

(2) Receives funding from dues paid by the members of the organization; and

(3) Does not constitute a government, governmental agency or political subdivision of a government.

(b) "Employer" does not include any employer who is required to hold a license issued by the Nevada Gaming Commission pursuant to title 41 of NRS.

Sec. 2. NRS 363B.060 is hereby amended to read as follows:

363B.060 The Department shall:

1. Administer and enforce the provisions of this chapter, and may adopt such regulations as it deems appropriate for those purposes.

2. ~~[Deposit]~~ *Except as otherwise provided in section 1 of this act, deposit* all taxes, interest and penalties it receives pursuant to this chapter in the State Treasury for credit to the State General Fund.

Sec. 3. This act becomes effective on July 1, 2009 ~~[.]~~ *, and expires by limitation on June 30, 2011.*

Senator Mathews moved the adoption of the amendment.

Remarks by Senators Mathews, Amodei and Coffin.

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

SENATOR MATHEWS:

This provides for the distribution of a portion of the proceeds of State tax imposed on certain businesses to regional organizations for economic development. The amendment allows for redistribution of those proceeds.

SENATOR AMODEI:

In a session where we have asked businesses to do more, it is nice to see us put money out to encourage them to come here so they can pay more. They are the revenue infrastructure of this State. I support this amendment.

SENATOR COFFIN:

This is a means of trying to rid ourselves of these biennial problems of having to find one-time money to induce non-gaming businesses to come to this State. This forces these groups to produce. They would be audited. If a business comes here, gets established and has payroll of a sufficient amount already prescribed in the statutes, then, and only then, would these development authorities receive funds from them, with the maximum set forth in the bill. They would not be sharing the tax from sales as they do now. It would be rewarding effort.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 52.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 1003.

"SUMMARY—Revises provisions relating to drivers' licenses and identification cards . ~~[to facilitate implementation of the federal Real ID Act of 2005.]~~ (BDR 43-391)"

"AN ACT relating to transportation; revising certain provisions governing the issuance and renewal of drivers' licenses and identification cards ; ~~[to comport with the federal Real ID Act of 2005;]~~ and providing other matters properly relating thereto."

Legislative Counsel's Digest:

~~[The federal Real ID Act of 2005 (Public Law 109-13, Division B, Title II, 119 Stat. 311, 49 U.S.C. § 30301) imposes certain security, authentication and issuance standards for commercial and noncommercial drivers' licenses and identification cards. The Department of Motor Vehicles must comply with these standards for Nevada drivers' licenses and identification cards to be accepted by the Federal Government for "official purposes," such as boarding commercially operated airline flights and entering federal buildings. This bill revises certain provisions governing the issuance and renewal of drivers' licenses and identification cards to bring the State of Nevada into compliance with the Real ID Act.]~~

Sections 11, 26 and 33 of this bill require that an applicant for a commercial or noncommercial driver's license or an identification card furnish to the Department proof of his address by displaying at least two of the documents prescribed by the Department by regulation. Sections 11, 26 and 33 also require that an applicant provide to the Department proof that he is authorized to live in the United States and proof of his social security

number or, if he does not have a social security number, proof that he is not eligible to receive a social security number.

Sections 11, 26 and 33 of this bill further authorize the Department to issue a commercial or noncommercial driver's license or an identification card to a person who does not have the requisite documentation . ~~[, but any such identification card would be distinguishable from standard drivers' licenses and identification cards and would not be accepted by the Federal Government for "official purposes."]~~

Existing law requires that the Department adopt regulations prescribing the information that must be contained on noncommercial drivers' licenses and identification cards. (NRS 483.340, 483.840) Sections 3, 4 and 5 of this bill require that, with limited exceptions, the address of a person be included on his commercial or noncommercial driver's license or identification card.

With limited exceptions, sections 19, 22 and 33 of this bill require that the Department maintain for at least 10 years digital images of applications for commercial and noncommercial drivers' licenses and identification cards and the documents that applicants furnish to the Department which prove identity, age, address and social security number and prove that the person is lawfully entitled to live in the United States.

Existing law requires that an applicant for a driver's license or identification card surrender to the Department all valid drivers' licenses and identification cards in his possession. The Department is required to return surrendered licenses and identification cards to the jurisdiction that issued them. (NRS 483.230, 483.850) Sections 10 and 25 of this bill instead require that the Department notify the other jurisdiction that the applicant has surrendered his license or identification card.

Sections 1 and 9 of this bill amend the definition of "resident" so that a person who is a nonresident of this State may not declare himself to be a resident of this State to obtain privileges not ordinarily extended to nonresidents. (NRS 482.103, 483.141)

Existing law requires that the Department issue a driver's license with a specially colored background to a person who suffers from diabetes or epilepsy. (NRS 483.348) Sections 12-15, 23, 24 and 27 of this bill require instead that the Department adopt by regulation a program for the imprinting of a symbol or other indicator of a medical condition on a noncommercial driver's license or identification card.

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

Section 1. NRS 482.103 is hereby amended to read as follows:

482.103 1. "Resident" includes, but is not limited to, a person:

(a) Whose legal residence is in the State of Nevada.

(b) Who engages in intrastate business and operates in such a business any motor vehicle, trailer or semitrailer, or any person maintaining such vehicles in this State, as the home state of such vehicles.

(c) Who physically resides in this State and engages in a trade, profession, occupation or accepts gainful employment in this State.

~~[(d) Who declares himself to be a resident of Nevada for purposes of obtaining privileges not ordinarily extended to nonresidents of this State.]~~

2. The term does not include a person who is an actual tourist, an out-of-state student, a border state employee or a seasonal resident.

3. The provisions of this section do not apply to persons who operate vehicles in this State under the provisions of NRS 706.801 to 706.861, inclusive, 482.385, 482.390 or 482.395.

Sec. 2. Chapter 483 of NRS is hereby amended by adding thereto the provisions set forth as sections 3, 4 and 5 of this act.

Sec. 3. *1. A driver's license must include the licensee's address of principal residence unless:*

(a) The licensee is a person for whom a fictitious address has been issued pursuant to NRS 217.462 to 217.471, inclusive;

(b) State or federal law or a court order requires that the licensee's address of principal residence remain confidential;

(c) The driver's license is issued pursuant to subsection 4 of NRS 483.290; or

(d) The driver's license is issued pursuant to subsection 3 of NRS 483.340.

2. The Department shall adopt regulations setting forth the requirements for determining whether an applicant or licensee qualifies to have his address of principal residence excluded from his driver's license pursuant to paragraph (a), (b) or (c) of subsection 1.

Sec. 4. *1. An identification card must include the holder's address of principal residence unless:*

(a) The holder is a person for whom a fictitious address has been issued pursuant to NRS 217.462 to 217.471, inclusive;

(b) State or federal law or a court order requires that the holder's address of principal residence remain confidential; or

(c) The driver's license is issued pursuant to subsection 2 of NRS 483.860.

2. The Department shall adopt regulations setting forth the requirements for determining whether a person qualifies to have his address of principal residence excluded from his identification card pursuant to subsection 1.

Sec. 5. *1. A commercial driver's license must include the holder's address of principal residence unless:*

(a) The holder is a person for whom a fictitious address has been issued pursuant to NRS 217.462 to 217.471, inclusive;

(b) State or federal law or a court order requires that the holder's address of principal residence remain confidential; or

(c) The commercial driver's license is issued pursuant to subsection 4 of NRS 483.928.

2. The Department shall adopt regulations setting forth the requirements for determining whether a person qualifies to have his address of principal

residence excluded from his commercial driver's license pursuant to subsection 1.

Sec. 6. NRS 483.015 is hereby amended to read as follows:

483.015 Except as otherwise provided in NRS 483.330, the provisions of NRS 483.010 to 483.630, inclusive, *and section 3 of this act* apply only with respect to noncommercial drivers' licenses.

Sec. 7. NRS 483.020 is hereby amended to read as follows:

483.020 As used in NRS 483.010 to 483.630, inclusive, *and section 3 of this act,* unless the context otherwise requires, the words and terms defined in NRS 483.030 to 483.190, inclusive, have the meanings ascribed to them in those sections.

Sec. 8. NRS 483.083 is hereby amended to read as follows:

483.083 "License" means any driver's license or permit to operate a vehicle issued under or granted by the laws of this State, including:

1. Any temporary license , *license issued pursuant to paragraph (b) of subsection 7 of NRS 483.290* or instruction permit; and

2. The future privilege to drive a vehicle by a person who does not hold a driver's license.

Sec. 9. NRS 483.141 is hereby amended to read as follows:

483.141 1. "Resident" includes, but is not limited to, a person:

(a) Whose legal residence is in the State of Nevada.

(b) Who engages in intrastate business and operates in such a business any motor vehicle, trailer or semitrailer, or any person maintaining such vehicles in this State, as the home state of such vehicles.

(c) Who physically resides in this State and engages in a trade, profession, occupation or accepts gainful employment in this State.

~~[(d) Who declares himself to be a resident of this State to obtain privileges not ordinarily extended to nonresidents of this State.]~~

2. The term does not include a person who is an actual tourist, an out-of-state student, a foreign exchange student, a border state employee or a seasonal resident.

3. The provisions of this section do not apply to drivers of vehicles operated in this State under the provisions of NRS 706.801 to 706.861, inclusive, 482.385, 482.390 or 482.395.

Sec. 10. NRS 483.230 is hereby amended to read as follows:

483.230 1. Except persons expressly exempted in NRS 483.010 to 483.630, inclusive, *and section 3 of this act,* a person shall not drive any motor vehicle upon a highway in this State unless ~~[such]~~ *the* person has a valid license as a driver under the provisions of NRS 483.010 to 483.630, inclusive, *and section 3 of this act* for the type or class of vehicle being driven.

2. Any person licensed as a driver under the provisions of NRS 483.010 to 483.630, inclusive, *and section 3 of this act* may exercise the privilege thereby granted upon all streets and highways of this State and ~~[shall]~~ *must* not be required to obtain any other license to exercise ~~[such]~~ *the* privilege by

any county, municipal or local board or body having authority to adopt local police regulations.

3. Except persons expressly exempted in NRS 483.010 to 483.630, inclusive, *and section 3 of this act,* a person shall not steer or exercise any degree of physical control of a vehicle being towed by a motor vehicle upon a highway unless ~~[such]~~ *the* person has a license to drive the type or class of vehicle being towed.

4. A person shall not receive a driver's license until he surrenders to the Department all valid licenses *and identification cards* in his possession issued to him by this or any other ~~[jurisdiction. Surrendered licenses issued by another jurisdiction shall be returned by the Department to such jurisdiction.]~~ *state or territory of the United States. If a person surrenders to the Department a license or identification card issued to him by a state or territory of the United States other than the State of Nevada, the Department shall notify that other state or territory of the surrender.*

5. A person shall not have more than one valid driver's license ~~[.]~~ *or identification card.*

Sec. 11. NRS 483.290 is hereby amended to read as follows:

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

(a) Be made upon a form furnished by the Department.

(b) Be ~~[verified]~~ *affirmed* by the applicant *, under penalty of perjury* before a person authorized to administer oaths ~~[.]~~ *, to state that the information contained in the application is true and correct.* Officers and employees of the Department may administer those oaths without charge.

(c) Be accompanied by the required fee.

(d) State the full legal name, date of birth, sex, address of principal residence and mailing address, if different from the address of principal residence, of the applicant and briefly describe the applicant.

(e) State whether the applicant has ~~[theretofore]~~ been licensed as a driver ~~[,]~~ and, if so, when and by what state or country, and whether any such license has ever been suspended or revoked, or whether an application has ever been refused ~~[,]~~ and, if so, the date of and reason for the suspension, revocation or refusal.

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

2. Every applicant must furnish ~~[proof]~~ *to the Department:*

(a) Proof of his full legal name and age by displaying an original or certified copy of the required documents as prescribed by regulation.

(b) Proof of his address of principal residence by displaying at least two of the required documents as prescribed by regulation.

(c) Proof of his social security number or proof that he is not eligible to receive a social security number, as prescribed by regulation.

(d) Proof that he is lawfully entitled to live in the United States as prescribed by regulation.

3. The Department shall adopt regulations prescribing the documents *and other forms of proof that* an applicant may use to ~~[furnish proof of his full legal name and age]~~ *prove* to the Department ~~[.]~~ *the matters described in subsection 2.*

4. *The Department may issue a driver's license to an applicant who does not have the documents or other forms of proof otherwise required by subsection 2 if the applicant meets the requirements prescribed by the Director by regulation.* ~~*[A driver's license issued pursuant to this subsection must be different in form and distinguishable in color or distinguishable in some other manner from a driver's license that satisfies the requirements of the federal Real ID Act of 2005, 49 U.S.C. § 30301.]*~~ *The Director may adopt such regulations as he determines to be necessary or convenient to carry out the provisions of this subsection.*

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

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

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

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

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

7. With respect to any document presented by a person who was born outside of the United States to prove his full legal name , ~~[and]~~ age ~~[,]~~ *and that he is lawfully entitled to live in the United States,* the Department:

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

(b) Shall issue to the person presenting the document a driver's license that is valid only during the time the applicant is authorized to stay in the United States, or if there is no definite end to the time the applicant is authorized to stay, the driver's license is valid for 1 year beginning on the date of issuance.

8. The Administrator shall adopt regulations setting forth criteria pursuant to which the Department will issue or refuse to issue a driver's license in accordance with this section to a person who is a citizen of any state, the District of Columbia, any territory of the United States or a foreign country. The criteria pursuant to which the Department ~~[shall]~~ *will* issue or refuse to issue a driver's license to a citizen of a foreign country must be based upon the purpose for which that person is present within the United States.

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

Sec. 12. NRS 483.340 is hereby amended to read as follows:

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

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

3. Except as otherwise provided in NRS 239.0115, information pertaining to the issuance of a driver's license pursuant to subsection 2 is confidential.

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

5. At the time of the issuance or renewal of the driver's license, the Department shall:

(a) Give the holder the opportunity to have indicated on his driver's license that he wishes to be a donor of all or part of his body pursuant to NRS 451.500 to 451.598, inclusive, or to refuse to make an anatomical gift of his body or part of his body.

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

(c) Provide to each holder who is interested in becoming a donor information relating to anatomical gifts, including the procedure for registering as a donor with the donor registry with which the Department has entered into a contract pursuant to this paragraph. To carry out this paragraph, the Department shall, on such terms as it deems appropriate, enter into a contract with a donor registry that is in compliance with the provisions of NRS 451.500 to 451.598, inclusive.

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

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

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

Sec. 13. NRS 483.340 is hereby amended to read as follows:

483.340 1. The Department shall, upon *application and* payment of the required fee, issue to every qualified applicant a driver's license indicating the type or class of vehicles the licensee may drive.

2. The Department shall adopt regulations prescribing the information that must be contained on a driver's license. *The regulations adopted pursuant to this subsection must not conflict with the regulations adopted pursuant to section 3 of this act.*

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

Department, by regulation, shall provide for the cancellation of any such driver's license upon the completion of the special investigation for which it was issued.

4. Except as otherwise provided in NRS 239.0115, information pertaining to the issuance of a driver's license pursuant to subsection 3 is confidential.

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

6. At the time of the issuance or renewal of the driver's license, the Department shall:

(a) Give the holder the opportunity to have indicated on his driver's license that he wishes to be a donor of all or part of his body pursuant to NRS 451.500 to 451.598, inclusive, or to refuse to make an anatomical gift of his body or part of his body.

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

(c) Provide to each holder who is interested in becoming a donor information relating to anatomical gifts, including the procedure for registering as a donor with the donor registry with which the Department has entered into a contract pursuant to this paragraph. To carry out this paragraph, the Department shall, on such terms as it deems appropriate, enter into a contract with a donor registry that is in compliance with the provisions of NRS 451.500 to 451.598, inclusive.

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

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

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

Sec. 14. NRS 483.348 is hereby amended to read as follows:

483.348 1. ~~[Except as otherwise provided in subsection 2, the]~~ *The* Department shall issue a driver's license with ~~[a specially colored background]~~ *the relevant symbol or other indicator of a medical condition, as prescribed by regulations of the Department pursuant to NRS 483.3485,* to any person who qualifies for a driver's license pursuant to the provisions of this chapter and delivers to the Department a signed statement from a

physician that the person ~~[is an]~~ *suffers from* insulin-dependent ~~[diabetic or an epileptic. The Department shall designate one color to be used only for a driver's license held by a diabetic and another color to be used only for a driver's license held by an epileptic.~~

~~2. In lieu of issuing a driver's license pursuant to subsection 1, the Department may issue to a person specified in that subsection a driver's license with a specially colored border around the photograph on the license.~~

~~3.]~~ *diabetes or epilepsy.*

2. The Department of Public Safety shall provide for the education of peace officers on the:

(a) Effects and treatment of a person suffering from a diabetic condition or an epileptic seizure and the similarity in appearance of a person suffering from a diabetic condition or an epileptic seizure to a person under the influence of alcohol or a controlled substance; and

(b) Procedures for identifying and handling situations involving a person suffering from a diabetic condition or an epileptic seizure.

Sec. 15. NRS 483.3485 is hereby amended to read as follows:

483.3485 1. The Department ~~[may]~~ *shall* adopt regulations establishing a program for the imprinting of a symbol or other indicator of a medical condition on a driver's license issued by the Department. *The program established by the Department must include, without limitation, a symbol or other indicator to be used for a driver's license held by a person who suffers from insulin-dependent diabetes and another symbol or other indicator to be used for a driver's license held by a person who suffers from epilepsy.*

2. Regulations adopted pursuant to subsection 1 must require the symbol or other indicator of a medical condition which is imprinted on a driver's license to conform with the International Classification of Diseases, ~~[Ninth]~~ *Tenth* Revision, Clinical Modification, or the ~~[most]~~ current revision, adopted by the National Center for Health Statistics and the Centers for Medicare and Medicaid Services.

3. The Department may apply for and accept any gift, grant, appropriation or other donation to assist in carrying out a program established pursuant to the provisions of this section.

Sec. 16. NRS 483.380 is hereby amended to read as follows:

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

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

3. The Department may, by regulation, defer the expiration of the driver's license of a person who is on active duty in the Armed Forces upon such

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

Sec. 17. NRS 483.380 is hereby amended to read as follows:

483.380 1. Except as otherwise provided in NRS 483.283 ~~[,]~~ *and subsection 7 of NRS 483.290,* every driver's license expires as prescribed by regulation.

2. The Department shall adopt regulations prescribing when a driver's license expires. The Department may, by regulation, defer the expiration of the driver's license of a person who is on active duty in the Armed Forces upon such terms and conditions as it may prescribe. The Department may similarly defer the expiration of the license of the spouse or *a* dependent son or daughter of that person if the spouse or child is residing with the person.

Sec. 18. NRS 483.390 is hereby amended to read as follows:

483.390 *1.* Whenever any person , after applying for or receiving a driver's license , moves from the address named in the application ~~[or]~~ *and* in the license issued to him, or when the name of a licensee is changed, that person shall within 30 days thereafter ~~[notify]~~ *provide notice and present satisfactory evidence to* the Department of his new and old addresses, or of such former and new names . ~~[, and of the number of any license then held by him.]~~

2. The Department shall adopt regulations setting forth the requirements and acceptable methods for providing to the Department notice and satisfactory evidence of the licensee's new address or name, as applicable.

Sec. 19. NRS 483.400 is hereby amended to read as follows:

483.400 1. ~~[The]~~ *Except as otherwise provided in subsection 2, the* Department shall maintain ~~[files]~~ *, for at least 10 years, digital images* of applications for licenses. Such ~~[files shall]~~ *images must* contain:

(a) All applications denied and , on each thereof , *a* note *regarding* the reasons for ~~[such]~~ *the* denial.

(b) All applications granted.

(c) The name of every licensee whose license has been suspended or revoked by the Department and , after each such name , *a* note *regarding* the reasons for such action.

(d) Except as otherwise provided in subsection 3, the documents that an applicant for a driver's license furnished pursuant to NRS 483.290 to prove:

(1) His name, age and address of principal residence;

(2) His social security number or that he is not eligible to receive a social security number; and

(3) That he is lawfully entitled to live in the United States.

2. The requirements of subsection 1 do not apply to an application for a driver's license that is issued by the Department pursuant to subsection 3 of NRS 483.340.

3. If an applicant for a driver's license furnished his birth certificate pursuant to NRS 483.290, upon request of the licensee the Department shall

record and retain the information from the birth certificate in lieu of maintaining a digital image of the birth certificate.

4. The Department shall ~~[also]~~ file all accident reports and abstracts of court records of convictions received by it under the laws of this State ~~[,]~~ and in connection therewith maintain convenient records or make suitable notations in order that an individual record of each licensee showing the convictions of ~~[such]~~ *the* licensee and the traffic accidents in which he was involved shall be readily ascertainable and available for the consideration of the Department upon any application for renewal of license and at other suitable times.

Sec. 20. NRS 483.410 is hereby amended to read as follows:

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

An original or renewal license issued to a person 65 years of age or older	$13.50
An original or renewal license issued to any person less than 65 years of age	18.50
Reinstatement of a license after suspension, revocation or cancellation, except a revocation for a violation of NRS 484.379, 484.3795, 484.37955 or 484.379778, or pursuant to NRS 484.384 and 484.385	40.00
Reinstatement of a license after revocation for a violation of NRS 484.379, 484.3795, 484.37955 or 484.379778, or pursuant to NRS 484.384 and 484.385	65.00
A new photograph, change of name, change of other information, except address, or any combination	5.00
A duplicate license	14.00

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

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

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

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

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

(a) Voluntarily surrendered for medical reasons; or

(b) Cancelled pursuant to NRS 483.310.

7. All fees and penalties are payable to the Administrator at the time *a person applies for* a license or a renewal license . ~~[is issued.]~~

8. Except as otherwise provided in NRS 483.340, subsection 3 of NRS 483.3485, NRS 483.415 and 483.840, and subsection 3 of NRS 483.863, all money collected by the Department pursuant to this chapter must be deposited in the State Treasury for credit to the Motor Vehicle Fund.

Sec. 21. NRS 483.820 is hereby amended to read as follows:

483.820 1. A person who applies for an identification card in accordance with the provisions of NRS 483.810 to 483.890, inclusive, *and section 4 of this act* and who is not ineligible to receive an identification card pursuant to NRS 483.861 ~~[,]~~ is entitled to receive an identification card if he is:

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

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

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

An original or duplicate identification card issued to a person 65 years of age or older	$4
An original or duplicate identification card issued to a person under 18 years of age	3
A renewal of an identification card for a person under 18 years of age	3
An original or duplicate identification card issued to any other person	9
A renewal of an identification card for any person at least 18 years of age, but less than 65 years of age	9
A new photograph or change of name, or both	4

3. The Department shall not charge a fee for:

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

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

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

5. As used in this section, "photograph" has the meaning ascribed to it in NRS 483.125.

Sec. 22. NRS 483.830 is hereby amended to read as follows:

483.830 *1.* The Director shall:

~~[1.]~~ *(a)* Prepare suitable identification cards.

~~[2.]~~ *(b)* Prepare and furnish application forms for ~~[those]~~ *identification* cards.

~~[3.]~~ *(c)* Receive applications ~~[,]~~ *for identification cards and* grant or deny them . ~~[and maintain files of applications.~~

~~4.]~~ *(d)* Issue identification cards ~~[,]~~ *and* recall and cancel cards when necessary . ~~[and maintain records adequate to preserve the integrity of the system]~~

(e) Except as otherwise provided in subsection 2, maintain, for at least 10 years, digital images of applications for identification cards. *Such images must contain:*

(1) All applications denied and, on each thereof, a note regarding the reasons for the denial.

(2) All applications granted.

(3) The name of every holder of an identification card whose card has been recalled or cancelled by the Department and, after each such name, a note regarding the reasons for such action.

(4) The documents that an applicant furnished pursuant to NRS 483.860 to prove:

(I) His name, age and principal address;

(II) His social security number or that he is not eligible to receive a social security number; and

(III) That he is lawfully entitled to live in the United States.

2. If an applicant for an identification card furnished his birth certificate pursuant to NRS 483.860, upon request of the applicant the Department shall record and retain the information from the birth certificate in lieu of maintaining a digital image of the birth certificate.

Sec. 23. NRS 483.840 is hereby amended to read as follows:

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

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

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

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

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

(c) A personal description of the holder.

(d) The date of birth of the holder.

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

(f) A colored photograph of the holder.

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

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

(a) Give the holder the opportunity to have indicated on his identification card that he wishes to be a donor of all or part of his body pursuant to NRS 451.500 to 451.598, inclusive, or to refuse to make an anatomical gift of his body or part of his body.

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

(c) Provide to each holder who is interested in becoming a donor information relating to anatomical gifts, including the procedure for registering as a donor with the donor registry with which the Department has entered into a contract pursuant to this paragraph. To carry out this paragraph, the Department shall, on such terms as it deems appropriate, enter into a contract with a donor registry that is in compliance with the provisions of NRS 451.500 to 451.598, inclusive.

(d) ~~[If the Department has established a program for imprinting a symbol or other indicator of a medical condition on an identification card pursuant to NRS 483.863, give]~~ *Give* the holder the opportunity to have a symbol or other indicator of a medical condition *, as prescribed by regulations of the Department pursuant to NRS 483.863,* imprinted on his identification card.

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

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

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

Sec. 24. NRS 483.840 is hereby amended to read as follows:

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

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

3. The Department shall adopt regulations prescribing the information that must be contained on an identification card. *The regulations adopted pursuant to this subsection must not conflict with the regulations adopted pursuant to section 4 of this act.*

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

(a) Give the holder the opportunity to have indicated on his identification card that he wishes to be a donor of all or part of his body pursuant to

NRS 451.500 to 451.598, inclusive, or to refuse to make an anatomical gift of his body or part of his body.

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

(c) Provide to each holder who is interested in becoming a donor information relating to anatomical gifts, including the procedure for registering as a donor with the donor registry with which the Department has entered into a contract pursuant to this paragraph. To carry out this paragraph, the Department shall, on such terms as it deems appropriate, enter into a contract with a donor registry that is in compliance with the provisions of NRS 451.500 to 451.598, inclusive.

(d) ~~[If the Department has established a program for imprinting a symbol or other indicator of a medical condition on an identification card pursuant to NRS 483.863, give]~~ *Give* the holder the opportunity to have a symbol or other indicator of a medical condition *, as prescribed by regulations of the Department pursuant to NRS 483.863,* imprinted on his identification card.

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

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

Sec. 25. NRS 483.850 is hereby amended to read as follows:

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

(a) The applicant's full legal name.

(b) His date of birth.

(c) His state of legal residence.

(d) His current address of principal residence and mailing address, if different from his address of principal residence, in this State, unless the applicant is on active duty in the military service of the United States.

(e) A statement from:

(1) A resident stating that he does not hold a valid driver's license or identification card from any state or ~~[jurisdiction;]~~ *territory of the United States;* or

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

(f) Such other information as the Department may require to determine the eligibility of the applicant.

2. When the form is completed, the applicant must sign the form and ~~[verify the contents]~~ *affirm, under penalty of perjury* before a person authorized to administer oaths ~~[~~.

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

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

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

~~4.]~~ *, that the information contained in the application is true and correct.*

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

~~[5.]~~ *4.* A person who possesses a driver's license or identification card issued by another state or ~~[jurisdiction]~~ *territory of the United States* who wishes to apply for an identification card pursuant to this section shall surrender to the Department the driver's license or identification card issued by the other state or ~~[jurisdiction]~~ *territory* at the time he applies for an identification card pursuant to this section. *If the person surrenders to the Department a license or identification card issued to him by another state or territory of the United States other than the State of Nevada, the Department shall notify that other state or territory of the surrender.*

Sec. 26. NRS 483.860 is hereby amended to read as follows:

483.860 1. Every applicant for an identification card must furnish ~~[proof]~~ *to the Department:*

(a) Proof of his full legal name and age by presenting an original or certified copy of the required documents as prescribed by regulation.

(b) Proof of his address of principal residence by displaying at least two of the required documents as prescribed by regulation.

(c) Proof of his social security number or proof that he is not eligible to receive a social security number, as prescribed by regulation.

(d) Proof that he is lawfully entitled to live in the United States as prescribed by regulation.

2. *The Department may issue an identification card to an applicant who does not have the documents or other forms of proof otherwise required by subsection 1 if the applicant meets the requirements prescribed by the Director by regulation.* ~~*[An identification card issued pursuant to this subsection must be different in form and distinguishable in color or distinguishable in some other manner from an identification card that satisfies the requirements of the federal Real ID Act of 2005, 49 U.S.C. § 30301.]*~~ *The Director may adopt such regulations as he determines to be necessary or convenient to carry out the provisions of this subsection.*

3. The Director shall adopt regulations:

(a) Prescribing the documents *and other forms of proof that* an applicant may use to ~~[furnish proof of his full legal name and age]~~ *prove* to the Department ~~[,]~~ *the matters described in subsection 1;* and

(b) Setting forth criteria pursuant to which the Department will issue or refuse to issue an identification card in accordance with this section to a

person who is a citizen of ~~[a]~~ *any* state, the District of Columbia, any territory of the United States or a foreign country. The criteria pursuant to which the Department ~~[shall]~~ *will* issue or refuse to issue an identification card to a citizen of a foreign country must be based upon the purpose for which that person is present within the United States.

~~[3.]~~ *4.* Notwithstanding any other provision of this section, the Department shall not accept a consular identification card as proof of the age or identity of an applicant for an identification card. As used in this subsection, "consular identification card" has the meaning ascribed to it in NRS 232.006.

Sec. 27. NRS 483.863 is hereby amended to read as follows:

483.863 1. The Department ~~[may]~~ *shall* adopt regulations establishing a program for the imprinting of a symbol or other indicator of a medical condition on an identification card issued by the Department.

2. Regulations adopted pursuant to subsection 1 must require the symbol or other indicator of a medical condition which is imprinted on an identification card to conform with the International Classification of Diseases, ~~[Ninth]~~ *Tenth* Revision, Clinical Modification, or the ~~[most]~~ current revision, adopted by the National Center for Health Statistics and the Centers for Medicare and Medicaid Services.

3. The Department may apply for and accept any gift, grant, appropriation or other donation to assist in carrying out a program established pursuant to the provisions of this section.

Sec. 28. NRS 483.865 is hereby amended to read as follows:

483.865 1. Upon the application of a person with a disability which limits or impairs the ability to walk, the Department shall place on any identification card issued to the person pursuant to NRS 483.810 to 483.890, inclusive, *and section 2 of this act* a designation that the person is a person with a disability. The application must include a statement from a licensed physician certifying that the applicant is a person with a disability which limits or impairs the ability to walk.

2. For the purposes of this section, "person with a disability which limits or impairs the ability to walk" has the meaning ascribed to it in NRS 482.3835.

Sec. 29. NRS 483.902 is hereby amended to read as follows:

483.902 The provisions of NRS 483.900 to 483.940, inclusive, *and section 5 of this act* apply only with respect to commercial drivers' licenses.

Sec. 30. NRS 483.904 is hereby amended to read as follows:

483.904 As used in NRS 483.900 to 483.940, inclusive, *and section 5 of this act,* unless the context otherwise requires:

1. "Commercial driver's license" means a license issued to a person which authorizes him to drive a class or type of commercial motor vehicle.

2. "Commercial Driver's License Information System" means the information system maintained by the Secretary of Transportation pursuant to 49 U.S.C. § 31309 to serve as a clearinghouse for locating information

relating to the licensing, identification and disqualification of operators of commercial motor vehicles.

3. "Out-of-service order" means a temporary prohibition against driving a commercial motor vehicle.

Sec. 31. NRS 483.908 is hereby amended to read as follows:

483.908 The Department shall adopt regulations:

1. Providing for the issuance, expiration, renewal, suspension, revocation and reinstatement of commercial drivers' licenses;

2. Providing the same exemptions allowed pursuant to federal regulations for farmers, firefighters, military personnel or any other class of operators or vehicles for which exemptions are authorized by federal law or regulations;

3. Specifying the violations which constitute grounds for disqualification from driving a commercial motor vehicle and the penalties associated with each violation;

4. Setting forth a schedule of various alcohol concentrations and the penalties which must be imposed if those concentrations are detected in the breath, blood, urine or other bodily substances of a person who is driving, operating or is in actual physical control of a commercial motor vehicle; and

5. Necessary to enable it to carry out the provisions of NRS 483.900 to 483.940, inclusive ~~[.]~~ *, and section 5 of this act.*

➥ The Department shall not adopt regulations which are more restrictive than the federal regulations adopted pursuant to the Commercial Motor Vehicle Safety Act of 1986, as amended, 49 U.S.C. chapter 313 (§§ 31301 et seq.). *The regulations adopted pursuant to this section must not conflict with the regulations adopted pursuant to section 5 of this act*_. ~~*[or the requirements of the federal Real ID Act of 2005, 49 U.S.C. § 30301.]*~~

Sec. 32. NRS 483.910 is hereby amended to read as follows:

483.910 1. The Department shall charge and collect the following fees

For an] upon application for an original, duplicate or changed commercial driver's license:

An original commercial driver's license which requires the Department to administer a driving skills test.....$84

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

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

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

~~[For reinstatement]~~ *Reinstatement* of a commercial driver's license after suspension or revocation of the license for a

violation of NRS 484.379, 484.3795, 484.37955 or 484.379778, or pursuant to NRS 484.384 and 484.385, or pursuant to 49 C.F.R. § 383.51(b)(2)(i) or (ii) 84

~~[For reinstatement]~~ *Reinstatement* of a commercial driver's license after suspension, revocation, cancellation or disqualification of the license, except a suspension or revocation for a violation of NRS 484.379, 484.3795, 484.37955 or 484.379778, or pursuant to NRS 484.384 and 484.385, or pursuant to 49 C.F.R. § 383.51(b)(2)(i) or (ii) 54

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

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

~~[For a]~~ *A* duplicate commercial driver's license 19

~~[For any]~~ *Any* change of information on a commercial driver's license.....9

~~[For each]~~ *Each* endorsement added after the issuance of an original commercial driver's license.....14

~~[For the]~~ *The* administration of a driving skills test to change any information on, or add an endorsement to, an existing commercial driver's license.....30

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

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

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

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

6. The Department shall charge an applicant for a hazardous materials endorsement an additional fee for the processing of fingerprints. The Department shall establish the additional fee by regulation, except that the amount of the additional fee must not exceed the sum of the amount charged by the Central Repository for Nevada Records of Criminal History and each applicable federal agency to process the fingerprints for a background check of the applicant in accordance with Section 1012 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT ACT) of 2001, 49 U.S.C. § 5103a.

Sec. 33. NRS 483.928 is hereby amended to read as follows:

483.928 *1.* A person who wishes to be issued a commercial driver's license by this State must:

~~[1.]~~ *(a)* Apply to the Department for a commercial driver's license;

~~[2.]~~ *(b)* In accordance with standards contained in regulations adopted by the Department:

~~[(a)]~~ *(1)* Pass a knowledge test for the type of motor vehicle he operates or expects to operate; and

~~[(b)]~~ *(2)* Pass a driving skills test for driving a commercial motor vehicle taken in a motor vehicle which is representative of the type of motor vehicle he operates or expects to operate;

~~[3.]~~ *(c)* Comply with all other requirements contained in the regulations adopted by the Department pursuant to *this section and* NRS 483.908;

~~[4.]~~ *(d)* Not be ineligible to be issued a commercial driver's license pursuant to NRS 483.929; and

~~[5.]~~ *(e)* For the issuance of a commercial driver's license with an endorsement for hazardous materials, submit a complete set of fingerprints and written permission authorizing the Department to forward the fingerprints to the Central Repository for Nevada Records of Criminal History and all applicable federal agencies to process the fingerprints for a background check of the applicant in accordance with Section 1012 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT ACT) of 2001, 49 U.S.C. § 5103a.

2. Every applicant for a commercial driver's license must furnish to the Department:

(a) Proof of his full legal name and age by displaying an original or certified copy of the required documents as prescribed by regulation.

(b) Proof of his address of principal residence by displaying at least two of the required documents as prescribed by regulation.

(c) Proof of his social security number as prescribed by regulation.

(d) Proof that he is lawfully entitled to live in the United States as prescribed by regulation.

3. The Department shall adopt regulations prescribing the documents and other forms of proof that an applicant may use to prove to the Department the matters described in subsection 2.

4. The Department may issue a commercial driver's license to an applicant who does not have the documents or other forms of proof otherwise required by subsection 2 if the applicant meets the requirements prescribed by the Director by regulation. ~~[A commercial driver's license issued pursuant to this subsection must be different in form and distinguishable in color or distinguishable in some other manner from a commercial driver's license that satisfies the requirements of the federal Real ID Act of 2005, 49 U.S.C. § 30301.]~~ The Director may adopt such regulations as he determines to be necessary or convenient to carry out the provisions of this subsection.

5. Except as otherwise provided in subsection 6, the Department shall maintain, for at least 10 years, digital images of applications for commercial drivers' licenses. Such images must contain:

(a) All applications denied and, on each thereof, a note regarding the reasons for the denial.

(b) All applications granted.

(c) The name of every holder of a commercial driver's license whose commercial driver's license has been suspended or revoked by the Department and, after each such name, a note regarding the reasons for such action.

(d) The documents that an applicant furnished pursuant to subsection 2 to prove:

(1) His name, age and principal address;

(2) His social security number; and

(3) That he is lawfully entitled to live in the United States.

6. If an applicant for a commercial driver's license furnished his birth certificate pursuant to subsection 2, upon request of the applicant, the Department shall record and retain the information from the birth certificate in lieu of maintaining a digital image of the birth certificate.

Sec. 34. NRS 484.077 is hereby amended to read as follows:

484.077 "License to drive a motor vehicle" means any license or permit to drive a motor vehicle issued under the laws of this State, including:

1. Any temporary license *, license issued pursuant to paragraph (b) of subsection 7 of NRS 483.290* or instruction permit.

2. The privilege of any person to drive a motor vehicle whether or not ~~[such]~~ *the* person holds a valid license.

3. Any nonresident's driving privilege.

Sec. 35. Section 48.5 of chapter 486, Statutes of Nevada 2007, at page 2813, is hereby amended to read as follows:

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

~~[(a)]~~ *1.* Subsections 1 and 3 of NRS 481.052, as amended by section 1 of this act;

~~[(b)]~~ *2.* Subsection 3 of NRS 483.290, as amended by section 1 of this act;

~~[(c)]~~ *3.* Subsection 2 of NRS 483.340, as amended by section 4 of this act;

~~[(d)]~~ *4.* Subsection 2 of NRS 483.380, as amended by section 5 of this act;

~~[(e)]~~ *5.* Subsection 3 of NRS 483.840, as amended by section 13 of this act;

~~[(f)]~~ *6.* Subsection 2 of NRS 483.860, as amended by section 15 of this act;

~~[(g)]~~ *7.* Subsection 2 of NRS 483.875, as amended by section 16 of this act;

~~[(h)]~~ *8.* Subsections 4 and 8 of NRS 486.081, as amended by section 40 of this act; and

~~[(i)]~~ *9.* Subsection 2 of NRS 486.161, as amended by section 41 of this act,

➥ must be consistent with the regulations issued by the Secretary of Homeland Security to implement the provisions of the Real ID Act of 2005, Public Law 109-13, Division B, Title II, 119 Stat. 311, 49 U.S.C. § 30301.

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

~~(a) May 11, 2008;~~

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

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

Sec. 36. Section 49 of chapter 486, Statutes of Nevada 2007, at page 2814, is hereby amended to read as follows:

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

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

(a) Sections 3, 6, 7, 9 to 12, inclusive, 17 to 39, inclusive, and 43, 44, 45 and 48 of this act become effective on October 1, 2007; and

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

~~(1)]~~ ~~[~~May 11, 2008;

~~(2) The effective date of]~~ *on January 1, 2010 . ~~[; or~~*

~~(2) The date that the State is required to be in material compliance with the provisions of the Real ID Act of 2005, as prescribed by the regulations issued by the Secretary of Homeland Security to implement the provisions of the Real ID Act of 2005 .]~~ ~~[; or~~

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

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

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

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

➥ are repealed by the Congress of the United States.

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

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

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

➥ are repealed by the Congress of the United States.

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

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

Sec. 37. NRS 483.081 and 483.082 are hereby repealed.

Sec. 38. ~~[The regulations adopted by the Department of Motor Vehicles or the Director of the Department pursuant to:~~

~~1. Sections 3, 4 and 5 of this act;~~

~~2. NRS 483.290, as amended by section 11 of this act;~~

~~3. NRS 483.3485, as amended by section 15 of this act;~~

~~4. NRS 483.390, as amended by section 18 of this act;~~

~~5. NRS 483.850, as amended by section 25 of this act;~~

~~6. NRS 483.860, as amended by section 26 of this act;~~

~~7. NRS 483.863, as amended by section 27 of this act;~~

~~8. NRS 483.908, as amended by section 31 of this act; and~~

~~9. NRS 483.928, as amended by section 33 of this act,~~

~~➥ must be consistent with the regulations issued by the Secretary of Homeland Security to implement the provisions of the federal Real ID Act of 2005, Public Law 109-13, Division B, Title II, 119 Stat. 311, 49 U.S.C. § 30301.]~~ *(Deleted by amendment.)*

Sec. 39. 1. This section and sections 1, 9, 12, 14, 15, 16, 23, 27 and 35 to 38, inclusive, of this act become effective upon passage and approval.

2. Sections 2 to 8, inclusive, 10, 11, 13, and 17 to 22, inclusive, 24, 25, 26 and 28 to 34, inclusive, of this act become effective:

(a) Upon passage and approval for the purposes of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act.

(b) For all other purposes, ~~[upon the later of]~~ *at* 12:01 a.m. on ~~[:~~

~~(1)]~~ January 1, 2010 . ~~[; or~~

~~(2) The date that the State is required to be in material compliance with the provisions of the Real ID Act of 2005, as prescribed by the regulations issued by the Secretary of Homeland Security to implement the provisions of the Real ID Act of 2005.]~~

TEXT OF REPEALED SECTIONS

483.081 "International instructor" defined. "International instructor" means a person:

1. Who is at least 18 years of age;

2. Whose legal residence is not in this State;

3. Who comes into this State to teach at an educational institution for an indefinite period; and

4. Who may declare himself to be a resident of this State for the limited purpose of obtaining a driver's license or identification card.

483.082 "International student" defined. "International student" means a student:

1. Who is at least 18 years of age;

2. Whose legal residence is not in this State;

3. Who comes into this State to attend an educational institution for an indefinite period; and

4. Who may declare himself to be a resident of this State for the limited purpose of obtaining a driver's license or identification card.

Senator Carlton moved the adoption of the amendment.

Remarks by Senators Horsford, Lee, Carlton and Washington .

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

SENATOR HORSFORD:

The bill as amended takes out all of the references to Real ID because the program is going to be implemented as something other than that. It extends the date for implementation based on the transition in the new administration. There was a hearing this morning in the Finance Committee where we received testimony from the Department of Motor Vehicles addressing many of the issues discussed by the body. This is still a controversial measure. It is a federal program with which Nevada will have to come into compliance. The major provisions of the bill permit the usage of the current ID that people use now. As they expire, the new cards will be issued. No numbers will change. This is one of the requirements being implemented as part of the Homeland Security provisions. Nevada will position itself to be in compliance with the adoption of this amendment and this bill.

SENATOR LEE:

I agree this is not Real ID, but it is still a little too close for my liking. I know, in this body, that we love America. We love our freedoms that were fought for and still continue to fight for. I believe we must be vigilant to protect those freedoms for our children. We were asked to

support Real ID this Session, and it failed. It will come back again. Soon, we will not be able to travel domestically on an airplane without a passport or without a new, nationally approved driver's license. That day is coming soon, whether we like it or not. In Nevada, I hope we do not embrace that. You will not be able to purchase a ticket on a bus or rent a car or take a train trip out of state if you do not have the documentation the federal government is trying to force on us. We need to continue to be on guard. I appreciate that we have stood up for our freedoms this Session. We must always protect these freedoms. We must continue to be the idealists we are. America is free. We should be able to roam where we need to without asking for anyone's opinion or letting them know where we are. I will support this bill, considering it is not in the form it started out to be.

SENATOR CARLTON:

This is not Real ID. We have debated Real ID numerous times. This is a modernization act for driver's licenses. Every time we think we have a secure driver's license, a counterfeiter duplicates it. I echo the Senator's concerns about Real ID. We have turned the driver's license into something which it was never intended to be. A driver's license used to say you were capable of operating a motor vehicle. Now, it is tied to your bank account. It is tied to travel and work. If you do not have a driver's license, you are at a distinct disadvantage in this country. We need to go back to a driver's license being about putting a key in an ignition to operate a car. If we need something else, let us figure out how to address that.

SENATOR WASHINGTON:

I stand in support of the bill, as well. I have heard concerns from a number of my constituents about Real ID voicing their opposition to this bill, but I want to reassure them that those provisions concerning the Real ID Act have been deleted from this bill. This bill is an attempt to keep from having our driver's licenses forged. Given the nature of our global economy and the security issues that emerged after 9-11, this will be an opportunity to provide some security for those who are travelling abroad and domestically and to ensure that we can capture or deter those who wish to do us harm. I applaud the Department of Motor Vehicles for going the extra length to ensure and comfort those who are opposed to any type of intervention by our federal government. We are freedom-loving people, and we want to ensure those freedoms. We must remind future legislators to be wary of government infringement on those freedoms we cherish.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 113.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 1004.

"SUMMARY—~~[Creates statutory subcommittees of]~~ *Makes various changes relating to* the Advisory Commission on the Administration of Justice. (BDR 14-626)"

"AN ACT relating to the criminal justice system; creating statutory subcommittees of the Advisory Commission on the Administration of Justice; *transferring responsibility for staff support of the Advisory Commission from the Attorney General to the Legislative Counsel Bureau;* and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Section 2 of this bill creates in statute the Subcommittee on Juvenile Justice of the Advisory Commission on the Administration of Justice. Section 2 also: (1) requires the Chairman of the Commission to appoint the

members of the Subcommittee; (2) requires the Subcommittee to study issues related to juvenile justice and report to the Commission with recommendations to address such issues; and (3) sets forth the salaries and per diem that members of the Subcommittee may receive.

Section 3 of this bill creates in statute a Subcommittee on Victims of Crime of the Advisory Commission on the Administration of Justice. Section 3 also: (1) requires the Chairman of the Commission to appoint the members of the Subcommittee; (2) requires the Subcommittee to study issues related to victims of crime and report to the Commission with recommendations to address such issues; and (3) sets forth the salaries and per diem that members of the Subcommittee may receive.

Section 5 of this bill transfers responsibility for staff support of the Advisory Commission from the Attorney General to the Director of the Legislative Counsel Bureau.

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

Section 1. Chapter 176 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *1. There is hereby created the Subcommittee on Juvenile Justice of the Commission.*

2. The Chairman of the Commission shall appoint the members of the Subcommittee and designate one of the members of the Subcommittee as Chairman of the Subcommittee. The Chairman of the Subcommittee must be a member of the Commission.

3. The Subcommittee shall meet at the times and places specified by a call of the Chairman. A majority of the members of the Subcommittee constitutes a quorum, and a quorum may exercise any power or authority conferred on the Subcommittee.

4. The Subcommittee shall consider issues related to juvenile justice and shall evaluate, review and submit a report to the Commission with recommendations concerning such issues.

5. Any Legislators who are members of the Subcommittee are entitled to receive the salary provided for a majority of the members of the Legislature during the first 60 days of the preceding session for each day's attendance at a meeting of the Subcommittee.

6. While engaged in the business of the Subcommittee, to the extent of legislative appropriation, each member of the Subcommittee is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

Sec. 3. *1. There is hereby created the Subcommittee on Victims of Crime of the Commission.*

2. The Chairman of the Commission shall appoint the members of the Subcommittee and designate one of the members of the Subcommittee as Chairman of the Subcommittee. The Chairman of the Subcommittee must be a member of the Commission.

3. The Subcommittee shall meet at the times and places specified by a call of the Chairman. A majority of the members of the Subcommittee constitutes a quorum, and a quorum may exercise any power or authority conferred on the Subcommittee.

4. The Subcommittee shall consider issues related to victims of crime and shall evaluate, review and submit a report to the Commission with recommendations concerning such issues.

5. Any Legislators who are members of the Subcommittee are entitled to receive the salary provided for a majority of the members of the Legislature during the first 60 days of the preceding session for each day's attendance at a meeting of the Subcommittee.

6. While engaged in the business of the Subcommittee, to the extent of legislative appropriation, each member of the Subcommittee is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

Sec. 4. NRS 176.0121 is hereby amended to read as follows:

176.0121 As used in NRS 176.0121 to 176.0129, inclusive, *and sections 2 and 3 of this act,* "Commission" means the Advisory Commission on the Administration of Justice.

Sec. 5. NRS 176.0123 is hereby amended to read as follows:

176.0123 1. The Advisory Commission on the Administration of Justice is hereby created. The Commission consists of:

(a) One member who is a district judge, appointed by the governing body of the Nevada District Judges Association;

(b) One member who is a justice of the Supreme Court of Nevada or a retired justice of the Supreme Court of Nevada, appointed by the Chief Justice of the Supreme Court of Nevada;

(c) One member who is a district attorney, appointed by the governing body of the Nevada District Attorneys Association;

(d) One member who is an attorney in private practice, experienced in defending criminal actions, appointed by the governing body of the State Bar of Nevada;

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

(f) One member who is a representative of a law enforcement agency, appointed by the Governor;

(g) One member who is a representative of the Division of Parole and Probation of the Department of Public Safety, appointed by the Governor;

(h) One member who has been a victim of a crime or is a representative of an organization supporting the rights of victims of crime, appointed by the Governor;

(i) One member who is a representative of an organization that advocates on behalf of inmates, appointed by the Governor;

(j) One member who is a representative of the Nevada Sheriffs' and Chiefs' Association, appointed by the Nevada Sheriffs' and Chiefs' Association;

(k) One member who is a member of the State Board of Parole Commissioners, appointed by the State Board of Parole Commissioners;

(l) The Director of the Department of Corrections;

(m) Two members who are Senators, one of whom is appointed by the Majority Leader of the Senate and one of whom is appointed by the Minority Leader of the Senate; and

(n) Two members who are Assemblymen, one of whom is appointed by the Speaker of the Assembly and one of whom is appointed by the Minority Leader of the Assembly.

➥ If any association listed in this subsection ceases to exist, the appointment required by this subsection must be made by the association's successor in interest or, if there is no successor in interest, by the Governor.

2. The Attorney General is an ex officio voting member of the Commission.

3. Each appointed member serves a term of 2 years. Members may be reappointed for additional terms of 2 years in the same manner as the original appointments. Any vacancy occurring in the membership of the Commission must be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs.

4. The Legislators who are members of the Commission are entitled to receive the salary provided for a majority of the members of the Legislature during the first 60 days of the preceding session for each day's attendance at a meeting of the Commission.

5. At the first regular meeting of each odd-numbered year, the members of the Commission shall elect a Chairman by majority vote who shall serve until the next Chairman is elected.

6. The Commission shall meet at least once every 3 months and may meet at such further times as deemed necessary by the Chairman.

7. A majority of the members of the Commission 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 Commission.

8. While engaged in the business of the Commission, to the extent of legislative appropriation, each member of the Commission is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

9. To the extent of legislative appropriation, the ~~[Attorney General]~~ *Director of the Legislative Counsel Bureau* shall provide the Commission with such staff as is necessary to carry out the duties of the Commission.

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

Senator Horsford moved the adoption of the amendment.

Remarks by Senator Horsford.

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

The amendment adds Section 5, which transfers the responsibility for staff support of the Advisory Commission on the Administration of Justice, formally known as the Sentencing Commission, from the Attorney General to the Director of the Legislative Counsel Bureau. We will work with the Director and the Chair to schedule an appropriate number of committee meetings that the Legislative Counsel Bureau can support based on our limited resources during the interim.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 306.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 1008.

"SUMMARY—Authorizes the Health Division of the Department of Health and Human Services to establish a grant program to support the expansion of various health care services. (BDR 40-1052)"

"AN ACT relating to health; authorizing the Health Division of the Department of Health and Human Services to establish and administer a program to make grants of money to support the expansion of federally qualified health centers and rural health clinics in this State; authorizing the Health Division to enter into any agreement and take any other action necessary to maximize the amount of federal money the State may obtain to carry out the program; authorizing the Health Division to apply for and accept any money from any source to carry out the program; ~~[making an appropriation to the Health Division for the grant program;]~~ and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Section 1 of this bill authorizes the Health Division of the Department of Health and Human Services to establish and administer a grant program to support the expansion of federally qualified health centers and rural health clinics. (42 U.S.C. §§ 1395x(aa)(4), 1395x(aa)(2)) Section 1 authorizes the Health Division to apply for and accept gifts, grants, appropriations or donations from any public or private source to carry out the program. Section 1 further authorizes the Health Division to enter into any agreement and take any other action necessary to maximize the amount of money the State may obtain from the Federal Government to carry out the program. Any grants made pursuant to the program may be used to: (1) assist with the capital costs of constructing or expanding any facility and with operational costs to enhance or expand the ability of a federally qualified health center or rural health clinic to provide primary care services; (2) support access to primary care services for uninsured, underinsured and Medicaid patients; and (3) assist a federally qualified health center or rural health clinic with recruiting and retaining qualified personnel, including, without limitation, through a program for the repayment of student loans.

~~[Section 2 of this bill makes an appropriation to the Health Division to establish and administer the grant program to support the expansion of~~

~~federally qualified health centers and rural health clinics created pursuant to section 1 of this bill.]~~

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

Section 1. Chapter 439 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Health Division may, to the extent that money is available, establish and administer a program to make grants of money to support the expansion of federally qualified health centers and rural health clinics in this State.

2. Grants made pursuant to the program may be used to:

(a) Assist with the capital costs of constructing or expanding any facility and with operational costs to enhance or expand the ability of a federally qualified health center or rural health clinic to provide primary care services, including, without limitation, dental services;

(b) Support access to primary care services for uninsured, underinsured and Medicaid patients; and

(c) Assist a federally qualified health center or rural health clinic with recruiting and retaining qualified personnel, including, without limitation, through a program for the repayment of student loans.

3. The Health Division may enter into any agreement or take any other action necessary to maximize the amount of money this State may obtain from the Federal Government to carry out the provisions of this section, including, without limitation, providing any matching money necessary to receive the federal money.

4. The Health Division may apply for and accept gifts, grants, appropriations or donations from any public or private source to assist the Health Division in carrying out the provisions of this section.

5. Money received by the Health Division to carry out the provisions of this section must be accounted for separately.

6. As used in this section:

(a) "Federally qualified health center" has the meaning ascribed to it in 42 U.S.C. § 1395x(aa)(4).

(b) "Rural health clinic" has the meaning ascribed to it in 42 U.S.C. § 1395x(aa)(2).

Sec. 2. ~~[1. There is hereby appropriated from the State General Fund to the Health Division of the Department of Health and Human Services the sum of $300,000 for establishing and administering the program to make grants of money to support the expansion of federally qualified health centers and rural health clinics in this State pursuant to section 1 of this act.~~

~~2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2011, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any~~

~~purpose after September 16, 2011, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 16, 2011.]~~ *(Deleted by amendment.)*

Sec. 3. ~~[1.]~~ This ~~[section and section 1 of this act become]~~ *act becomes* effective upon passage and approval.

~~[2. Section 2 of this act becomes effective on July 1, 2009.]~~

Senator Mathews moved the adoption of the amendment.

Remarks by Senators Mathews, Carlton and Horsford.

Conflict of interest declared by Senator Carlton.

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

SENATOR MATHEWS:

This allows the Health Division to receive funds from any source outside of the Health Division to support related health programs in that division.

SENATOR CARLTON:

I will abstain from this vote because employers of mine and associates I work with in the interim advocate for the uninsured. Though there is no appropriation for this measure, the program will be in place.

SENATOR HORSFORD:

Though we do not have any money for the appropriation, the President has announced $600 million in competitive bids for quality health care centers. Based on this enabling legislation, if funds are identified to provide the required match, Nevada will be in a position to receive funding from the federal government to support these programs, which primarily serve low-income residents of Nevada.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

REMARKS FROM THE FLOOR

Senator Woodhouse requested that her remarks be entered in the Journal.

I am honored to recognize my friend and colleague from Clark District 2. Senator Maggie Carlton has served in six regular and nine special sessions. She has served as Vice Chair of Energy, Infrastructure, and Transportation and as a member of the Taxation, Natural Resources, Transportation and Homeland Security and Legislative Affairs and Operations Committees. This Session, she is the Chair of Senate Commerce and Labor. She has also served on the Legislative Commission and various committees and subcommittees.

Maggie has always been a tireless champion of Nevada's children and working families. Relocating from Missouri with her family because of better work opportunities, Senator Carlton and her husband have both taken advantage of the opportunities they found here in Nevada, and she is proud to bring the "working family" perspective to the Senate. Her constituency has found her to be a responsive politician and have complimented her competence, courage and conviction in legislative considerations.

I formerly met Senator Carlton in 2006. She has been a mentor to me on so many issues, and she has been doing the same for our two new Senators this Legislative Session. Maggie, your guidance, your passion and your commitment is an inspiration to us all.

I want to thank you and all of the members of this body do as well for all that you have done for Nevada for our working families, for our children and on all of those issues you have fought so hard for. We appreciate you so very much.

Senator Carlton requested that her remarks be entered in the Journal.

My parents taught me to always say thank you. There is no way to thank you all for the wonderful opportunities, for the mentoring, for the bipartisanship, for the family. It has been wonderful. I have appreciated everything that we have done together, no matter how hard we tussled, no matter what the wrestling game of the day was or what we were fighting about, we always considered Nevada first. Thank you for teaching me how to be a chairman when I was a freshman, for teaching me how to stand on the floor and be brave, for teaching me to look at the other side of the coin and for teaching me to look at all of Nevada, rural, frontier and urban for all different types of issues. You have helped me to remember what it was like for my first year. You have all given me something very special, which I will take with me and will have for the rest of my life. I was born and raised in Missouri, but now I am a Nevadan, and that is how I am going to stay for the rest of my life. Thank you all, very much.

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

I would like to thank Senator Carlton on a personal note. When I decided to run for office after saying "no" many times, I went to Senator Carlton's house and sat at her table with her husband, Merritt, and they both said, "Are you crazy?" Then she wrote me my first campaign check.

I have appreciated your support ever since.

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

Senator Mark Amodei has served in seven regular and nine special sessions. When your special sessions outnumber your regular sessions, maybe it is time to go. He also served one term in the Nevada Assembly and one of the things he can be most proud of is when he joined the Cowboy Hall of Fame. In the Senate, he has served on Transportation and Homeland Security, Taxation, Natural Resources and Commerce and Labor. He has chaired Senate Judiciary and was President Pro-Tempore of the Senate for nine sessions.

Before he was Senator Amodei, he was Captain Amodei serving in the U.S. Army and later in the Judge Advocate General Corp from 1984-1987. That must be where he gained his discipline and his focus. He was a graduate of the Western Legislative Academy, which is the training program for the state legislators in the west.

During the 1997 Session, as a freshman Assemblyman, Mark authored the bill requiring the Secretary of State to put an advisory question on the ballot to make the last Friday in October the observed Nevada Day. In 1999, he authored S.B. 31, which changed the observance to the last Friday in October, creating a three-day weekend.

As President Pro Tempore of the Senate, the State was in Senator Amodei's hands when the Governor and Lieutenant Governor were out of State. In 2007, he had the opportunity to replace the Governor and Lieutenant Governor for a five-hour stint, but according to published reports, he did not have to make any take-charge decisions. He did, however, call his mother, and she told him not to do anything. Rumor has it that during his temporary gubernatorial duties, he valiantly fought to have West Highland Terriers designated as the State Dog.

If the Legislature ever creates the Lumberjack Hall of Fame, Senator Amodei will be the first inductee. Unknown to many, Mark has spent many hours in his driveway splitting innumerable cords of firewood with his trusty axe. You will be interested to know that he has also been cited at least once by the Nevada Division of Forestry for illegally "helping" thin the forest West of Carson City by cutting firewood where he should not have been without a permit.

Side trips are a way of life for Senator Amodei. There was a side trip to Battle Mountain where we went for a public lands event hosted by the good Senator from the Rural District. Senator Amodei said after lunch, "Let us go for a ride. There is a great wrecking yard in Battle Mountain." However, it had rained two inches, and the mud was very deep. We still drove around the wrecking yard looking for truck parts. After we could not get out of the truck without stepping in the mud, we went to a fireworks store to replenish the special events stockpile for Sunnyside Street.

On another occasion, we went out to lunch and ended up in Reno at a golf shop, where he bought a golf club, and lunch was a Wendy's drive-through with us eating in the car on the way back.

The best public lands trip was to Eureka. It was a road trip for his white GMC. We threw our suitcases in the back because there was no room in the front. We almost got to Austin when thunderstorms approached. He stopped the car to get the suitcases out of the back of the truck, and I had to hold the suitcases in my lap the rest of the way. The windshield wipers he had ordered had not come in yet. Then we ran out of gas 20 miles from Eureka. It was a good time.

Senator Amodei will be best known for his side trips both in the Legislative Building and out.

On a serious note, Senator Amodei has accomplished many things. In the 2007 Session, Senators Amodei and Washington worked together for the passage of S.B. 487, which created the Western Regional Water Commission as well as working toward a coordinated and integrated water management approach for Washoe County involving all public water purveyors.

I think something is wrong that he is term-limited before I am. Thank you for your service.

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

Thank you to my colleague from the Central District; you told the truth about me. Thank you to those of you who are here and to those of you who came before me and to those of you who are not here now. I have not forgotten you. Thank you to the Front Desk and to those of you in other areas of this building.

In a day and age when most people do not want to do this job, I look at the people in this room, those who have been here and those who will serve here in the future, doing the public's business as a member of the Nevada Legislature. It is not a glamorous job; it is not a money-making job; and if you think it is an ego-building job, you will get over that shortly after you arrive.

For those of you who come from southern Nevada, you have had to leave your families and your homes and businesses to come here for this. I had no appreciation of what it was like until I did it, and I live here. There are days when it wears on me, and I go home. I have nothing but respect, regardless of what your politics are, for the fact that you take the job on. No one really knows that story until they do it. The story is not told often. There is no reporting on how many planes actually land safely. There needs to be more of that, because we need more people like the people who are sitting in this room.

To the freshman here, this job will fall to you. I feel good about that. Thank you all for your work. When I left the Assembly, I told Joe Dini that one of the things I took away with me was to be able to tell people that I served with Joe Dini, or I served with Joe Neal. When I think about that for the people in this room, the same goes for you. It is not about who stood for what; that will take care of itself. To share this experience and its trials and tribulations, its great days and its bad days, is a unique experience. It is its own reward.

To all of you and to the staff people in this building, thank you for letting me hang around with you for the past 14 years. I appreciate it. It was an honor and a privilege, one that I would not have missed for the world. Thank you.

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

It is my pleasure to recognize our colleague, Senator Bob Coffin, who served in fourteen regular and eleven special sessions as a Senator and two sessions as an Assemblyman. That goes back to 1982, when our Majority Leader was just 9 years old. Bob has chaired Senate Taxation twice, and he chaired Assembly Transportation in 1983. He has served on Finance, Natural Resources, and Taxation in the Senate, as well as Interim Finance, and numerous interim committees and subcommittees. He is the longest serving legislator from the City of Las Vegas.

Throughout his career, Senator Coffin has been a dedicated and effective champion of mental health issues. He has taken a keen interest in any measure addressing the history of the State and recently rose in support of Senate Concurrent Resolution No. 23, commemorating the 100th Anniversary of Clark County when he discussed similarities between politics 100 years ago and politics of today.

Earlier this year, as he took the Chair of Taxation, Bob noted he was "not gonna stop being Bob." This came as no surprise to us.

Always willing to stand up for what he thinks is right, Bob went on a hunger strike in 2005 on behalf of S.B. 355, which he sponsored. The bill proposed bonuses to Nevada National Guard

members and reservists for time served after September 11, 2001. His strike ended abruptly when he forgot about it and ate a sandwich.

Perhaps the most colorful bill he has sponsored is the now internationally known Senate Bill No. 269 of this Session, which proposed a $5 tax on the use of prostitution services.

Speaking of colorful, Senator Coffin's taste in clothing is the stuff of legislative legend. Who can forget his lime green suit and orange pants? And how about the suit with the big stripes? Was that left from the zoot-suit era? We can get the name of his tailor for anyone who is interested.

Bob, we will truly miss you and your unique perspective on almost every subject. You are one of a kind and exactly what we need more of in this building. Thank you for your many years of service to the people of Nevada.

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

Thank you. Speaking is something I have done a little too much of during the past 26 years. This is probably the last one.

I know from having been in the minority what that can do to you. I used to be taller; I used to have black hair.

These times have been so wonderfully rewarding. I learned much during my basic training in the Assembly. I enjoyed a little majority and a little minority there, 1 session in the majority here and 18 years in the wilderness. How that can change you. When you are in the minority, you have to fight and claw for your beliefs. You will lose 90 percent of the time. I felt I was shaped by the losses as well as the victories. The differences between the two Houses is a chasm as big as a canyon. When I started, my favorite committee was Senator Townsend's Committee on Commerce and Labor. He put his brand on that for his career. When I came here, I was welcomed as a brother. I believe that I instantly understood the difference between the Senate and the Assembly. There is a change in attitude.

I have joked a lot during the past few months about the career. I filmed a tribute to our Washoe County delegation, those who are termed-limited out. They were proudly treated by the county. I indicated that I had suffered a lot of abuse at the hands of those members, particularly Senator Raggio, but it was all in good fun, for I was never treated rudely during all of my time here. That is the way the majority should always treat the minority.

I often talked too much because I had to speak to get it off my chest. When you feel you have been stepped on, you have to fight back. Never give up. If I could say one thing to any member, it would be no matter how many times you feel defeat, never quit. Tell your children to never quit. Winston Churchill, my favorite politician, said, "Never give up." If you model yourself after people like him, you will live a long and happy life.

I may have lost, and I may not have been the best loser at times, but what I did was for the good of all. For those times when I went to excess in efforts, I apologize. I hope you will honor my words as I say that I did it for what I thought was right. I hope I will be given the forgiveness I need as I enter the next 28 years of my life.

I will try to take the lessons learned here, in the minority and in the majority, and I will apply them to the future. I hope it will be a long one. I have a young family and I intend to live and to be accessible to all as I have during the past 28 years. I will always be available if there is anyone who wants to ask me how to make mistakes and how to recover from them or how to properly conduct a hunger strike; how to abstain from drink, important to survive up here; how to get along with people. Yes, I have made those mistakes, but I appreciate the forbearance you have granted me. Thank you for letting me live with you, for being your companion and thank you for being my companions. God bless all of you.

Senator Horsford moved that the Senate recess until 4:30 p.m.

Motion carried.

Senate in recess at 3:44 p.m.

SENATE IN SESSION

At 7:03 p.m.

President Krolicki presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Finance, to which was referred Senate Bill No. 85, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Finance, to which were rereferred Senate Bill No. 309; Assembly Bills Nos. 397, 433, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNICE MATHEWS, *Cochair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, June 1, 2009

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Senate Bills Nos. 264, 316, 418.

Also, I have the honor to inform your honorable body that the Assembly amended, and on this day passed, as amended, Senate Bill No. 3, Amendment No. 1001; Senate Bill No. 212, Amendment No. 1002; Senate Bill No. 395, Amendments Nos. 965, 909, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 34.

Also, I have the honor to inform your honorable body that the Assembly on this day concurred in the Senate Amendment No. 794 to Assembly Bill No. 395.

Also, I have the honor to inform your honorable body that the Assembly on this day receded from its action on Senate Bill No. 175, Assembly Amendment No. 921.

Also, I have the honor to inform your honorable body that the Assembly on this day failed to sustain the Governor's veto of Senate Bill No. 201; Assembly Bills Nos. 267, 491 of the 75th Session.

DIANE M. KEETCH
Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICE

Senator Care moved that Assembly Bill No. 397 be taken from the General File and placed on the General File on the next agenda.

Motion carried.

Senator Horsford moved that vetoed Assembly Bills Nos. 22, 135, 141, 319 and 381 of the 75th Session be made a Special Order of Business for Monday, June 1, 2009 at 7:08 p.m.

Motion carried.

SPECIAL ORDERS OF THE DAY

VETO MESSAGES OF THE GOVERNOR

The hour of 7:08 p.m. having arrived, Vetoed Assembly Bills Nos. 22, 135, 141, 319 and 381 of the 75th Session were considered.

Assembly Bill No. 22 of the 75th Session

Bill read.

The Governor's message stating his objections read.

MESSAGES FROM THE GOVERNOR

STATE OF NEVADA
EXECUTIVE CHAMBER
CARSON CITY, NEVADA 89701

May 29, 2009

THE HONORABLE BARBARA BUCKLEY, *Speaker of the Assembly*, Legislative Building, 401 South Carson Street, Carson City, NV 89701

DEAR SPEAKER BUCKLEY:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Assembly Bill 22, which is entitled:

AN ACT relating to trade practices; providing that certain persons may bring a civil action for various deceptive trade practices or other violations; providing that various actions related to certain persons with an inability to reasonably protect their rights or interests constitute a deceptive trade practice; allowing equitable relief for certain actions related to consumer fraud; revising provisions governing the State's system for the registration and protection of trademarks, trade names and service marks; making various changes regarding administration of the system by the Secretary of State; authorizing the Secretary of State to prescribe certain fees; prohibiting certain misleading and deceptive practices; providing remedies and penalties; and providing other matters properly relating thereto.

Assembly Bill 22 relates to deceptive trade practices. Although protecting consumers is a noble goal, this bill fundamentally alters the existing laws pertaining to deceptive trade practices in Nevada. For example, Assembly Bill 22 creates a private right of action for deceptive trade practices but shifts the traditional burden of proof in civil litigation. This would require the entity accused of a deceptive trade practice to prove their innocence, rather than requiring the accusing party to prove their case. Such a shift sets a dangerous precedent by altering the time-honored tradition of requiring a plaintiff to establish wrongdoing.

Additionally, this shift will dramatically increase the cost and frequency of litigation, particularly to defendants subject to these types of cases. For these reasons, I hereby exercise my constitutional grant of authority and veto Assembly Bill 22.

Sincerely,
JIM GIBBONS
Governor

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

The roll was called, and the Senate sustained the veto of the governor by the following vote:

Roll call on Assembly Bill No. 22 of the 75th Session.

YEAS—12.

NAYS—Amodei, Cegavske, Hardy, McGinness, Nolan, Raggio, Rhoads, Townsend, Washington—9.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 135 of the 75th Session.

Bill read.

The Governor's message stating his objections read.

MESSAGES FROM THE GOVERNOR
STATE OF NEVADA
EXECUTIVE CHAMBER
CARSON CITY, NEVADA 89701

May 29, 2009

THE HONORABLE BARBARA BUCKLEY, *Speaker of the Assembly*, Legislative Building, 401 South Carson Street, Carson City, NV 89701

DEAR SPEAKER BUCKLEY:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Assembly Bill 135, which is entitled:

AN ACT relating to state obligations; requiring the State Treasurer to review and the State Board of Finance to approve certain state financial obligations before the obligations are issued or incurred; and providing other matters properly relating thereto.

Assembly Bill 135 would require any state agency or department issuing financial obligations to review the proposal with the State Treasurer and require the State Treasurer to issue a written report on the proposed obligations. This legislation provides an additional, unnecessary layer of government bureaucracy. While the goal of requiring additional review of certain government financial transactions is well intentioned, Assembly Bill 135 will likely have unintended consequences. For example, this bill will impede certain state agencies' ability to negotiate public-private partnerships for various projects. Also, the legislation is unclear as to the role the State Treasurer would play when the state enters into a design-build infrastructure project. These are critical contracts ensuring the taxpayers receive quality infrastructure at the best price possible, and I worry this legislation would restrict the state's ability to enter into such contracts.

For these reasons, I hereby exercise my constitutional grant of authority and veto Assembly Bill 135.

Sincerely,
JIM GIBBONS
Governor

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

The roll was called, and the Senate sustained the veto of the governor by the following vote:

Roll call on Assembly Bill No. 135 of the 75th Session:

YEAS—11.

NAYS—Amodei, Cegavske, Hardy, Lee, McGinness, Nolan, Raggio, Rhoads, Townsend, Washington—10.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 141 of the 75th Session.

Bill read.

The Governor's message stating his objections read.

MESSAGES FROM THE GOVERNOR
STATE OF NEVADA
EXECUTIVE CHAMBER
CARSON CITY, NEVADA 89701

May 29, 2009

THE HONORABLE BARBARA BUCKLEY, *Speaker of the Assembly*
Legislative Building, 401 South Carson Street, Carson City, NV 89701

DEAR SPEAKER BUCKLEY:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Assembly Bill 141, which is entitled:

AN ACT relating to mortgage lending; establishing a recovery fund for persons defrauded by mortgage brokers, mortgage agents or mortgage bankers; and providing other matters properly relating thereto.

Assembly Bill 141 would create the Mortgage Education, Research and Recovery Fund to assist people defrauded by mortgage brokers, mortgage agents or mortgage bankers.

The collapse of the housing market in Nevada and nationally was clearly the first of many breakdowns in our economy that have led to our current fiscal struggles. Much of this collapse, however, was not due to fraud, but rather to poor lending practices within the scope of legal authority.

As such, I have signed Assembly Bill 149 and Assembly Bill 152 that came out of the 75th Legislative Session. These bills provide ample regulation pertaining to loans, as well as mediation for distressed homeowners. Although Assembly Bill 141 has laudable goals for the protection of consumers against fraudulent business activities, remedies are still available to victims through the court system, and the additional fees included in this legislation did not have the support of the industry.

For these reasons, I hereby exercise my constitutional grant of authority and veto Assembly Bill 141.

Sincerely,
JIM GIBBONS
Governor

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

Remarks by Senator Carlton.

Senator Carlton requested that her remarks be entered in the Journal.

In April of this year, our own Attorney General announced the formation of a mortgage-fraud strike force taking action against predatory mortgage rescue companies that are taking advantage of Nevadans. One in every 70 households in this State might be at risk as criminals try to take advantage of the housing situation in Nevada.

It is not our fault that there was a crisis, but we have people grasping at straws, and if someone thinks they may have an opportunity to save their home, they will take that telephone call. They will accept anything they can.

Ranking at number two in the nation, with our high foreclosure rate, U.S. Attorney Greg Brower states there are now higher numbers of mortgage-fraud complaints being filed with law enforcement. A special FBI representative said a telephone hot-line has fielded more than 1,100 calls since it was set up in April. U.S. Attorney Brower has had to shuffle to attorneys to handle cases like the ones Nevada prosecutors say involved 432 fake buyers for 227 properties worth more than $1.7 million.

This is a huge problem. We need to do something about it for the Nevadans who could be caught in this. It is not our fault we ended up here, but we need to do something to protect the people who are trying to find resolutions to the problems that have been laid at their doorstep. This will help the people we represent to get help during this crisis. I urge my colleagues to support this legislation.

The roll was called, and the Senate sustained the veto of the governor by the following vote:

Roll call on Assembly Bill No. 141 of the 75th Session:

YEAS—12.

NAYS—Amodei, Cegavske, Lee, McGinness, Nolan, Raggio, Rhoads, Townsend, Washington—9.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 319 of the 75th Session.

Bill read.

The Governor's message stating his objections read.

MESSAGES FROM THE GOVERNOR
STATE OF NEVADA
EXECUTIVE CHAMBER
CARSON CITY, NEVADA 89701

May 29, 2009

THE HONORABLE BARBARA BUCKLEY, *Speaker of the Assembly*
Legislative Building, 401 South Carson Street, Carson City, NV 89701

DEAR SPEAKER BUCKLEY:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Assembly Bill 319, which is entitled:

AN ACT relating to education; prescribing certain rights for school employees; revising provisions relating to certain licensed employees who are reinstated after dismissal from employment; and providing other matters properly relating thereto.

Assembly Bill 319 would implement a new procedure a school administrator would be forced to follow if he or she wanted to have a meeting with a school employee when that meeting may result in disciplinary action against the employee.

In an environment where school administrators are required to deal with a myriad of issues on a daily basis, creating a burdensome process for launching even the most preliminary inquiry into an allegation against an employee is unnecessary and would make it even more difficult for administrators to take the control of their schools necessary to ensure student success.

Requiring a 48-hour waiting period before any meeting could be held is also troubling. If someone had willingly done something inappropriate, giving that person a 48-hour window to "get their story straight" would seriously hinder any investigation that's necessary. It also establishes a barrier for an employee who would want to stand up and vigorously defend themselves against erroneous allegations, which also occur in school environments.

A 48-hour noticing requirement also removes any flexibility an administrator possesses to handle problems as they arise in their school, and more significantly, nip in the bud any problems before they escalate into larger and more cumbersome situations that expose the school to greater potential risk and liability.

For these reasons, I hereby exercise my constitutional grant of authority and veto Assembly Bill 319.

Sincerely,
JIM GIBBONS
Governor

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

The roll was called, and the Senate sustained the veto of the governor by the following vote:

Roll call on Assembly Bill No. 319 of the 75th Session:

YEAS—13.

NAYS—Amodei, Cegavske, Hardy, McGinness, Raggio, Rhoads, Townsend, Washington—8.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 381 of the 75th Session

Bill read.

The Governor's message his objections read.

MESSAGES FROM THE GOVERNOR

STATE OF NEVADA
EXECUTIVE CHAMBER
CARSON CITY, NEVADA 89701

May 29, 2009

THE HONORABLE BARBARA BUCKLEY, *Speaker of the Assembly*,
Legislative Building, 401 South Carson Street, Carson City, NV 89701

DEAR SPEAKER BUCKLEY:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Assembly Bill 381, which is entitled:

AN ACT relating to trade practices; making provisions in certain contracts that require arbitration void and unenforceable under certain circumstances; requiring certain disclosures by arbitral organizations; requiring certain disclosures in agreements to arbitrate; and providing other matters properly relating thereto.

Assembly Bill 381 changes the well-established practice in Nevada favoring the use of alternate dispute resolution procedures that allows the parties to a contract agree on a private, nonjudicial forum for the resolution of disputes.

Not only will this bill potentially affect existing contracts, but it will also likely force many disputes into our already overburdened judicial system when they could have been resolved through arbitration under existing law. This will drive up costs for all litigants and extend the length of disputes.

Overall, I believe this legislation makes unnecessary changes to a system that currently works as designed.

For these reasons, I hereby exercise my constitutional grant of authority and veto Assembly Bill 381.

Sincerely,
JIM GIBBONS
Governor

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

Conflict of interest declared by Senators Care and Raggio.

Remarks by Senator Carlton.

Senator Carlton requested that her remarks be entered in the Journal.

This body knows this bill very well. There has been a lot of talk that this bill will be retroactive. It was made clear in Committee, it was made clear on the Senate floor and it has been stated many times that this bill is not retroactive.

The roll was called, and the Senate sustained the veto of the governor by the following vote:

Roll call on Assembly Bill No. 381 of the 75th Session:

YEAS—10.

NAYS—Amodei, Cegavske, Hardy, McGinness, Nolan, Rhoads, Schneider, Townsend, Washington—9.

NOT VOTING—Care, Raggio—2.

Bill ordered transmitted to the Assembly.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Care moved that Senate Bill No. 85 be taken from the Second Reading File and placed on the Second Reading File on the next agenda.

Motion carried.

Senator Carlton moved that Assembly Bill No. 454 be taken from Unfinished Business and placed on Unfinished Business on the next agenda.

Motion carried.

Senator Horsford moved that Senate Bill No. 403 be placed at the top of Unfinished Business on this agenda.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 52.

Bill read third time.

Roll call on Senate Bill No. 52:

YEAS—12.

NAYS—Amodei, Care, Cegavske, Copening, Lee, McGinness, Parks, Rhoads, Washington—9.

Senate Bill No. 52 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 113.

Bill read third time.

Roll call on Senate Bill No. 113:

YEAS—21.

NAYS—None.

Senate Bill No. 113 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 306.

Bill read third time.

Roll call on Senate Bill No. 306:

YEAS—20.

NAYS—None.

NOT VOTING—Carlton.

Senate Bill No. 306 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 309.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 1013.

"SUMMARY—~~[Makes various changes to provisions governing motor vehicles.]~~ *Prohibits a person operating a motor vehicle from using a telephonic device to write, send or read a text-based communication while the motor vehicle is in motion or stopped at certain intersections.* (BDR 43-533)"

"AN ACT relating to motor vehicles; ~~[prohibiting a dealer from offering a motorcycle for sale in this State unless the dealer provides a written statement concerning laws governing motorcycles to the purchaser at the time of sale; removing the exemption of mopeds from certain registration requirements; requiring a fee for the registration of mopeds; requiring drivers and passengers of mopeds to wear protective headgear; defining "electric scooter" and exempting such vehicles from certain registration requirements; making electric scooters subject to certain provisions governing the safe operation of mopeds;]~~ *prohibiting a person operating a motor vehicle from using a telephonic device to write, send or read a text-based communication while the motor vehicle is in motion or stopped at certain intersections;* providing a penalty; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Section ~~[1.2 of this bill prohibits a dealer from offering a motorcycle for sale in this State unless, at the time of sale, the dealer provides a written statement to the purchaser which provides that: (1) the motorcycle must be registered; (2) a license is required to drive a motorcycle upon a highway in this State; and (3) state law requires a driver or passenger of a motorcycle to wear certain protective gear under certain circumstances. A dealer who does not make the written disclosures required by section 1.2 is guilty of a misdemeanor.~~

~~Existing law exempts mopeds from the requirement that every owner of a motor vehicle, trailer or semitrailer intended to be operated upon any highway in this State register the motor vehicle, trailer or semitrailer with the Department of Motor Vehicles. (NRS 482.205) Section 1.9 of this bill removes the exemption of mopeds from these registration requirements. Section 3 of this bill requires that every moped be registered with the Department for a fee of $33. A person who does not register his moped pursuant to chapter 482 of NRS is guilty of a misdemeanor. (NRS 482.555) Section 1.1 of this bill defines an electric scooter and section 1.9 exempts such vehicles from the requirement that every owner of a motor vehicle, trailer or semitrailer intended to be operated upon any highway in this State register the motor vehicle, trailer or semitrailer with the Department.~~

~~Existing law prohibits a person from driving a motor vehicle upon a highway in this State unless the person possesses a valid driver's license. (NRS 483.230) Section 3.3 of this bill expands the definition of motor vehicle to include an electric scooter, thereby requiring a person who drives an electric scooter upon a highway in this State to possess a valid driver's license.~~

~~Sections 4.5 to 14, inclusive, of this bill make certain provisions governing the safe operation of mopeds applicable to electric scooters.~~

~~Section 5 of this bill requires drivers and passengers of mopeds and electric scooters to wear protective headgear securely fastened on the head which meets certain standards adopted by the Department. A driver or passenger of a moped or electric scooter who does not wear such protective~~

~~headgear is guilty of a misdemeanor. (NRS 486.381)]~~ *3.7 of this bill prohibits a person operating a motor vehicle from using a telephonic device to write, send or read a text-based communication while the motor vehicle is in motion or stopped at an intersection that is controlled by a traffic-control signal. A person who violates this provision must pay a fine of $75. This bill does not create a moving violation.*

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

Section 1. ~~[Chapter 482 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.1 and 1.2 of this act.]~~ *(Deleted by amendment.)*

Sec. 1.1. ~~[*"Electric scooter" means a device upon which a person may ride that:*~~

~~*1. Has two tandem wheels either of which is more than 14 inches in diameter;*~~

~~*2. Is propelled by a small electric motor which produces not more than 750 watts;*~~

~~*3. Is designed to travel on not more than three wheels in contact with the ground but is not a tractor; and*~~

~~*4. Is capable of a maximum speed of not more than 20 miles per hour.*~~

~~*The term does not include a moped.]*~~ *(Deleted by amendment.)*

Sec. 1.2. ~~[*1. A dealer shall not offer a motorcycle for sale in this State unless, at the time of sale, the dealer provides to the purchaser a written statement which provides that:*~~

~~*(a) The motorcycle must be registered in accordance with the provisions of chapter 482 of NRS;*~~

~~*(b) It is unlawful to drive a motorcycle upon any highway in this State unless the driver holds a valid motorcycle driver's license issued pursuant to NRS 486.011 to 486.381, inclusive, or a driver's license issued pursuant to chapter 483 of NRS endorsed to authorize the holder to drive a motorcycle or the driver is authorized by his state of residency to drive a motorcycle; and*~~

~~*(c) Chapter 486 of NRS requires drivers and passengers of motorcycles to wear protective headgear, glasses, goggles or face shields that meet standards adopted by the Department under certain circumstances.*~~

~~*2. A vehicle dealer who offers a motorcycle for sale in violation of subsection 1 is guilty of a misdemeanor.]*~~ *(Deleted by amendment.)*

Sec. 1.3. ~~[NRS 482.010 is hereby amended to read as follows:~~

~~482.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 482.0105 to 482.137, inclusive, *and section 1.1 of this act* have the meanings ascribed to them in those sections.]~~ *(Deleted by amendment.)*

Sec. 1.5. ~~[NRS 482.069 is hereby amended to read as follows:~~

~~482.069 "Moped" means a vehicle which looks and handles essentially like a bicycle and is propelled by a small engine which produces not more~~

~~than 2 gross brake horsepower and which has a displacement of not more than 50 cubic centimeters, and:~~

~~1. Is designed to travel on not more than three wheels in contact with the ground but is not a tractor; and~~

~~2. Is capable of a maximum speed of not more than 30 miles per hour on a flat surface with not more than 1 percent grade in any direction when the motor is engaged.~~

~~→ *The term does not include an electric scooter.*]~~ *(Deleted by amendment.)*

Sec. 1.7. ~~[NRS 482.070 is hereby amended to read as follows:~~

~~482.070 "Motorcycle" means every motor vehicle designed to travel on not more than three wheels in contact with the ground, except any such vehicle as may be included within the term *"electric scooter,"* "tractor" or "moped" as defined in this chapter.]~~ *(Deleted by amendment.)*

Sec. 1.9. ~~[NRS 482.210 is hereby amended to read as follows:~~

~~482.210 1. The provisions of this chapter requiring the registration of certain vehicles do not apply to:~~

~~(a) Special mobile equipment.~~

~~(b) Implements of husbandry temporarily drawn, moved or otherwise propelled upon the highways.~~

~~(c) Any mobile home or commercial coach subject to the provisions of chapter 489 of NRS.~~

~~(d) Golf carts which are:~~

~~(1) Traveling upon highways properly designated by the appropriate city or county as permissible for the operation of golf carts; and~~

~~(2) Operating pursuant to a permit issued pursuant to this chapter.~~

~~(e) [Mopeds.] *Electric scooters.*~~

~~(f) Towable tools or equipment as defined in NRS 484.202.~~

~~(g) Any motorized conveyance for a wheelchair, whose operator is a person with a disability who is unable to walk about.~~

~~2. For the purposes of this section, "motorized conveyance for a wheelchair" means a vehicle which:~~

~~(a) Can carry a wheelchair;~~

~~(b) Is propelled by an engine which produces not more than 3 gross brake horsepower or has a displacement of not more than 50 cubic centimeters;~~

~~(c) Is designed to travel on not more than three wheels; and~~

~~(d) Can reach a speed of not more than 30 miles per hour on a flat surface with not more than a grade of 1 percent in any direction.~~

~~→ The term does not include a tractor.]~~ *(Deleted by amendment.)*

Sec. 2. ~~[NRS 482.451 is hereby amended to read as follows:~~

~~482.451 1. The Department shall, upon receiving an order from a court to suspend the registration of each motor vehicle that is registered to or owned by a person pursuant to NRS 484.37975, suspend the registration of each such motor vehicle for 5 days and require the return to the Department of the license plates of each such motor vehicle.~~

~~2. If the registration of a motor vehicle of a person is suspended pursuant to this section, he shall immediately return the certificate of registration and the license plates to the Department.~~

~~3. The period of suspension of the registration of a motor vehicle that is suspended pursuant to this section begins on the effective date of the suspension as set forth in the notice thereof.~~

~~4. The Department shall reinstate the registration of a motor vehicle that was suspended pursuant to this section and reissue the license plates of the motor vehicle only upon the payment of the fee for reinstatement of registration prescribed in subsection~~ [10] *11* ~~of NRS 482.480.~~

~~5. The suspension of the registration of a motor vehicle pursuant to this section does not prevent the owner of the motor vehicle from selling or otherwise transferring an interest in the motor vehicle.~~] *(Deleted by amendment.)*

Sec. 3. ~~[NRS 482.480 is hereby amended to read as follows:~~

~~482.480 There must be paid to the Department for the registration or the transfer or reinstatement of the registration of motor vehicles, trailers and semitrailers [,] fees according to the following schedule:~~

~~1. Except as otherwise provided in this section, for each stock passenger car and each reconstructed or specially constructed passenger car registered to a person, regardless of weight or number of passenger capacity, a fee for registration of $33.~~

~~2. Except as otherwise provided in subsection 3:~~

~~(a) For each of the fifth and sixth such cars registered to a person, a fee for registration of $16.50.~~

~~(b) For each of the seventh and eighth such cars registered to a person, a fee for registration of $12.~~

~~(c) For each of the ninth or more such cars registered to a person, a fee for registration of $8.~~

~~3. The fees specified in subsection 2 do not apply:~~

~~(a) Unless the person registering the cars presents to the Department at the time of registration the registrations of all of the cars registered to him.~~

~~(b) To cars that are part of a fleet.~~

~~4. For every motorcycle, a fee for registration of $33 and for each motorcycle other than a trimobile, an additional fee of $6 for motorcycle safety. The additional fee must be deposited in the State Highway Fund for credit to the Account for the Program for the Education of Motorcycle Riders.~~

~~5. *For each moped, a fee for registration of $33.*~~

~~6. For each transfer of registration, a fee of $6 in addition to any other fees.~~

[6.] ~~*7.* Except as otherwise provided in subsection 9 of NRS 485.317, to reinstate the registration of a motor vehicle suspended pursuant to that section:~~

~~(a) A fee of $250 for a registered owner who failed to have insurance on the date specified in the form for verification that was mailed by the Department pursuant to subsection 3 of NRS 485.317; or~~

~~(b) A fee of $50 for a registered owner of a dormant vehicle who cancelled the insurance coverage for that vehicle or allowed the insurance coverage for that vehicle to expire without first cancelling the registration for the vehicle in accordance with subsection 3 of NRS 485.320,~~

~~→ both of which must be deposited in the Account for Verification of Insurance which is hereby created in the State Highway Fund. The money in the Account must be used to carry out the provisions of NRS 485.313 to 485.318, inclusive.~~

~~[7.] 8. For every travel trailer, a fee for registration of $27.~~

~~[8.] 9. For every permit for the operation of a golf cart, an annual fee of $10.~~

~~[9.] 10. For every low-speed vehicle, as that term is defined in NRS 484.527, a fee for registration of $33.~~

~~[10.] 11. To reinstate the registration of a motor vehicle that is suspended pursuant to NRS 482.451, a fee of $33.]~~ *(Deleted by amendment.)*

Sec. 3.1. ~~[Chapter 483 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*"Electric scooter" means a device upon which a person may ride that:*~~

~~*1. Has two tandem wheels either of which is more than 14 inches in diameter;*~~

~~*2. Is propelled by a small electric motor which produces not more than 750 watts;*~~

~~*3. Is designed to travel on not more than three wheels in contact with the ground but is not a tractor; and*~~

~~*4. Is capable of a maximum speed of not more than 20 miles per hour.*~~

~~→ *The term does not include a moped.]*~~ *(Deleted by amendment.)*

Sec. 3.15. ~~[NRS 483.010 is hereby amended to read as follows:~~

~~483.010 The provisions of NRS 483.010 to 483.630, inclusive, *and section 3.1 of this act* may be cited as the Uniform Motor Vehicle Drivers' License Act.]~~ *(Deleted by amendment.)*

Sec. 3.18. ~~[NRS 483.015 is hereby amended to read as follows:~~

~~483.015 Except as otherwise provided in NRS 483.330, the provisions of NRS 483.010 to 483.630, inclusive, *and section 3.1 of this act* apply only with respect to noncommercial drivers' licenses.]~~ *(Deleted by amendment.)*

Sec. 3.2. ~~[NRS 483.020 is hereby amended to read as follows:~~

~~483.020 As used in NRS 483.010 to 483.630, inclusive, *and section 3.1 of this act*, unless the context otherwise requires, the words and terms defined in NRS 483.030 to 483.190, inclusive, *and section 3.1 of this act* have the meanings ascribed to them in those sections.]~~ *(Deleted by amendment.)*

Sec. 3.25. ~~[NRS 483.088 is hereby amended to read as follows:~~

~~483.088 "Moped" means a vehicle which looks and handles essentially like a bicycle and is propelled by a small engine which produces not more~~

~~than 2 gross brake horsepower and which has a displacement of not more than 50 cubic centimeters, and:~~

~~1. Is designed to travel on not more than three wheels in contact with the ground but is not a tractor; and~~

~~2. Is capable of a maximum speed of not more than 30 miles per hour on a flat surface with not more than 1 percent grade in any direction when the motor is engaged.~~

~~*The term does not include an electric scooter.]~~ *(Deleted by amendment.)*

Sec. 3.3. ~~[NRS 483.090 is hereby amended to read as follows:~~

~~483.090 "Motor vehicle" means every vehicle which is self-propelled, and every vehicle which is propelled by electric power obtained from overhead trolley wires but not operated upon rails. "Motor vehicle" includes moped *and electric scooter.]* *(Deleted by amendment.)*~~

Sec. 3.35. ~~[NRS 483.220 is hereby amended to read as follows:~~

~~483.220 The Administrator is authorized to promulgate rules and regulations governing activities of the Department under NRS 483.010 to 483.630, inclusive[.]~~ *~~, and section 3.1 of this act.]~~ (Deleted by amendment.)*

Sec. 3.4. ~~[NRS 483.360 is hereby amended to read as follows:~~

~~483.360 1. The Department upon issuing a driver's license shall have authority, whenever good cause appears, to impose restrictions suitable to the licensee's driving ability with respect to special mechanical control devices required on a motor vehicle which the licensee may drive, or such other restrictions applicable to the licensee as the Department may determine to be appropriate to assure the safe driving of a motor vehicle by the licensee.~~

~~2. The Department may either issue a special restricted license or may set forth such restrictions upon the usual license form.~~

~~3. The Department may, upon receiving satisfactory evidence of any violation of the restrictions of such license, suspend or revoke the same, but the licensee shall be entitled to a hearing as upon a suspension or revocation under NRS 483.010 to 483.630, inclusive[.]~~ *~~, and section 3.1 of this act.~~*

~~4. It is a misdemeanor for any person to drive a motor vehicle in any manner in violation of the restrictions imposed in a restricted license issued to him.]~~ *(Deleted by amendment.)*

Sec. 3.45. ~~[NRS 483.450 is hereby amended to read as follows:~~

~~483.450 1. Whenever any person is convicted of any offense for which the provisions of NRS 483.010 to 483.630, inclusive, *and section 3.1 of this act* make mandatory the revocation of his driver's license by the Department, the court in which the person is convicted may require the surrender to it of all driver's licenses then held by the person convicted, and the court may, within 20 days after the conviction, forward these licenses, together with a record of the conviction, to the Department.~~

~~2. A record of conviction must be made in a manner approved by the Department. The court shall provide sufficient information to allow the Department to include accurately the information regarding the conviction in the driver's record.~~

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

~~4. Every court, including a juvenile court, having jurisdiction over violations of the provisions of NRS 483.010 to 483.630, inclusive, *and section 3.1 of this act*, or any other law of this State or municipal ordinance regulating the operation of motor vehicles on highways, shall forward to the Department:~~

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

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

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

~~5. For the purposes of NRS 483.010 to 483.630, inclusive [:] , *and section 3.1 of this act*:~~

~~(a) "Conviction" has the meaning prescribed by regulation pursuant to NRS 481.052.~~

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

~~6. The necessary expenses of mailing licenses and records of conviction to the Department as required by subsections 1 and 4 must be paid by the court charged with the duty of forwarding those licenses and records of conviction.]~~ *(Deleted by amendment.)*

Sec. 3.5. ~~[NRS 483.460 is hereby amended to read as follows:~~

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

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

~~(1) A violation of subsection 5 of NRS 484.377.~~

~~(2) A violation of NRS 484.379 or 484.379778 that is punishable as a felony pursuant to NRS 484.3792.~~

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

~~➥ The period during which such a driver is not eligible for a license, permit or privilege to drive must be set aside during any period of imprisonment and the period of revocation must resume when the Department is notified pursuant to NRS 209.517 or 213.12185 that the person has completed the~~

~~period of imprisonment or that the person has been placed on residential confinement or parole.~~

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

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

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

~~(3) Perjury or the making of a false affidavit or statement under oath to the Department pursuant to NRS 483.010 to 483.630, inclusive, *and section 3.1 of this act*, or pursuant to any other law relating to the ownership or driving of motor vehicles.~~

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

~~(5) A violation of NRS 484.379 or 484.379778 that is punishable pursuant to paragraph (b) of subsection 1 of NRS 484.3792 and the driver is not eligible for a restricted license during any of that period.~~

~~(6) A violation of NRS 484.348.~~

~~(c) For a period of 90 days, if the offense is a violation of NRS 484.379 or 484.379778 that is punishable pursuant to paragraph (a) of subsection 1 of NRS 484.3792.~~

~~2. The Department shall revoke the license, permit or privilege of a driver convicted of violating NRS 484.379 or 484.379778 who fails to complete the educational course on the use of alcohol and controlled substances within the time ordered by the court and shall add a period of 90 days during which the driver is not eligible for a license, permit or privilege to drive.~~

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

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

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

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

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

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

~~7. As used in this section, "device" has the meaning ascribed to it in NRS 484.3941.]~~ *(Deleted by amendment.)*

Sec. 3.55. ~~[NRS 483.530 is hereby amended to read as follows:~~

~~483.530 1. Except as otherwise provided in subsection 2, it is a misdemeanor for any person:~~

~~(a) To display or cause or permit to be displayed or have in his possession any cancelled, revoked, suspended, fictitious, fraudulently altered or fraudulently obtained driver's license;~~

~~(b) To alter, forge, substitute, counterfeit or use an unvalidated driver's license;~~

~~(c) To lend his driver's license to any other person or knowingly permit the use thereof by another;~~

~~(d) To display or represent as one's own any driver's license not issued to him;~~

~~(e) To fail or refuse to surrender to the Department, a peace officer or a court upon lawful demand any driver's license which has been suspended, revoked or cancelled;~~

~~(f) To permit any unlawful use of a driver's license issued to him;~~

~~(g) To do any act forbidden, or fail to perform any act required, by NRS 483.010 to 483.630, inclusive~~ [;] ~~, *or section 3.1 of this act;* or~~

~~(h) To photograph, photostat, duplicate or in any way reproduce any driver's license or facsimile thereof in such a manner that it could be mistaken for a valid license, or to display or have in his possession any such photograph, photostat, duplicate, reproduction or facsimile unless authorized by this chapter.~~

~~2. Except as otherwise provided in this subsection, a person who uses a false or fictitious name in any application for a driver's license or identification card or who knowingly makes a false statement or knowingly conceals a material fact or otherwise commits a fraud in any such application is guilty of a category E felony and shall be punished as provided in NRS 193.130. If the false statement, knowing concealment of a material fact or other commission of fraud described in this subsection relates solely to the age of a person, including, without limitation, to establish false proof of age to game, purchase alcoholic beverages or purchase cigarettes or other tobacco products, the person is guilty of a misdemeanor.]~~ *(Deleted by amendment.)*

Sec. 3.6. ~~[NRS 483.620 is hereby amended to read as follows:~~

~~483.620 It is a misdemeanor for any person to violate any of the provisions of NRS 483.010 to 483.630, inclusive, *and section 3.1 of this act,* unless such violation is, by NRS 483.010 to 483.630, inclusive, *and section 3.1 of this act* or other law of this State, declared to be a felony.]~~ *(Deleted by amendment.)*

Sec. 3.65. ~~[NRS 483.630 is hereby amended to read as follows:~~

~~483.630 NRS 483.010 to 483.630, inclusive, [shall]~~ *and section 3.1 of this act must* ~~be so interpreted and construed as to effectuate their general purpose to make uniform the law of those states which enact them.]~~ *(Deleted by amendment.)*

Sec. 3.7. Chapter 484 of NRS is hereby amended by adding thereto a new section to read as follows:

~~[~~ *~~"Electric scooter" means a device upon which a person may ride that:~~*

~~1. Has two tandem wheels either of which is more than 14 inches in diameter;~~

~~2. Is propelled by a small electric motor which produces not more than 750 watts;~~

~~3. Is designed to travel on not more than three wheels in contact with the ground but is not a tractor; and~~

~~4. Is capable of a maximum speed of not more than 20 miles per hour.~~

~~➡ The term does not include a moped.]~~

1. Except as otherwise provided in subsection 2, a person operating a motor vehicle shall not use a telephonic device to write, send or read a text-based communication while the motor vehicle is in motion or stopped at an intersection that is controlled by a traffic-control signal.

2. The provisions of subsection 1 do not apply to a person who reads, selects or enters a telephone number or name in a telephonic device for the purpose of making or receiving a telephone call.

3. A person who violates the provisions of subsection 1 shall pay a fine of $75.

4. A violation of subsection 1 is not a moving traffic violation under NRS 483.473.

5. As used in this section:

(a) "Telephonic device" has the meaning ascribed to it in NRS 707.375.

(b) "Text-based communication" includes, without limitation, communication by text message, instant message or electronic mail.

Sec. 3.75. ~~[NRS 484.013 is hereby amended to read as follows:~~

~~484.013 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 484.014 to 484.217, inclusive, *and section 3.7 of this act* have the meanings ascribed to them in those sections.]~~ *(Deleted by amendment.)*

Sec. 3.8. ~~[NRS 484.019 is hereby amended to read as follows:~~

~~484.019 "Bicycle" means a device propelled by human power upon which a person may ride, having two tandem wheels either of which is over~~

~~14 inches in diameter, or every such device generally recognized as a bicycle though equipped with two front or two rear wheels except a moped.~~ [.] ~~*or an electric scooter.]*~~ *(Deleted by amendment.)*

Sec. 3.85. ~~[NRS 484.0798 is hereby amended to read as follows:~~

~~484.0798 "Moped" means a vehicle which looks and handles essentially like a bicycle and is propelled by a small engine which produces not more than 2 gross brake horsepower and which has a displacement of not more than 50 cubic centimeters, and:~~

~~1. Is designed to travel on not more than three wheels in contact with the ground but is not a tractor; and~~

~~2. Is capable of a maximum speed of not more than 30 miles per hour on a flat surface with not more than 1 percent grade in any direction when the motor is engaged.~~

~~*The term does not include an electric scooter.]*~~ *(Deleted by amendment.)*

Sec. 3.88. ~~[NRS 484.083 is hereby amended to read as follows:~~

~~484.083 "Motorcycle" means every motor vehicle equipped with a seat or saddle for the use of the driver and designed to travel on not more than three wheels in contact with the ground, including a power cycle but excluding *an electric scooter*, a tractor or a moped.]~~ *(Deleted by amendment.)*

Sec. 3.9. ~~[NRS 484.549 is hereby amended to read as follows:~~

~~484.549 1. Every motor vehicle, other than a motorcycle~~ [or moped, shall] ~~*, moped or electric scooter must* be equipped with at least two head lamps with at least one on each side of the front of the motor vehicle, which head lamps~~ [shall] ~~*must* comply with the requirements and limitations set forth in this chapter.~~

~~2. Every head lamp upon every motor vehicle~~ [shall] ~~*must* be located at a height, measured from the center of the head lamp, of not more than 54 inches nor less than 24 inches to be measured in the manner set forth in NRS 484.547.~~

~~3. Snow removal equipment used in clearing snow from highways and other special mobile equipment which by the nature of its design makes it impracticable to comply with the requirements of subsection 2 may have such head lamps located at a height higher than 54 inches.]~~ *(Deleted by amendment.)*

Sec. 3.95. ~~[NRS 484.587 is hereby amended to read as follows:~~

~~484.587 Except as hereinafter provided, the head lamps or the auxiliary driving lamp or the auxiliary passing lamp, or combination thereof, on motor vehicles other than motorcycles~~ [or mopeds shall] ~~*, mopeds or electric scooters must* be so arranged that the driver may select at will between distributions of light projected to different elevations, and such lamps may, in addition, be so arranged that such selection can be made automatically, subject to the following limitations:~~

~~1. There~~ [shall] ~~*must* be an uppermost distribution of light, or composite beam, so aimed and of such intensity to reveal persons and vehicles at a distance of at least 350 feet ahead for all conditions of loading.~~

2. There [shall] *must* be a lowermost distribution of light, or composite beam, so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least 100 feet ahead; and on a straight, level road under any condition of loading [none of] the high intensity portion of the beam [shall] *must not* be directed to strike the eyes of an approaching driver.

3. Every new motor vehicle, other than a motorcycle [or moped,] , *moped or electric scooter*, registered in this State after January 1, 1956, which has multiple-beam road lighting equipment [shall] *must* be equipped with a beam indicator, which [shall] *must* be lighted whenever the uppermost distribution of light from the head lamps is in use, and [shall] *must* not otherwise be lighted. The indicator [shall] *must* be so designed and located that when lighted it will be readily visible without glare to the driver of the vehicle so equipped.] *(Deleted by amendment.)*

Sec. 4. [NRS 485.317 is hereby amended to read as follows:

485.317 1. Subject to the limitations set forth in this subsection and subsection 2, the Department shall, at least monthly, compare the current registrations of motor vehicles to the information in the database created pursuant to NRS 485.313 to verify that each motor vehicle:

(a) Which is newly registered in this State; or

(b) For which a policy of liability insurance has been issued, amended or terminated,

→ is covered by a policy of liability insurance as required by NRS 485.185. In identifying a motor vehicle for verification pursuant to this subsection, the Department may, if the motor vehicle was manufactured during or after 1981, use only the last eight digits of the vehicle identification number. In comparing the vehicle identification number of a motor vehicle to the vehicle identification number in a policy of liability insurance, to determine if the two vehicle identification numbers match, the Department may find that the two vehicle identification numbers match if no fewer than seven of the last eight digits of the two vehicle identification numbers match.

2. Except as otherwise provided in this subsection, the Department may use any information to verify, pursuant to subsection 1, whether the motor vehicle is covered by a policy of liability insurance as required by NRS 485.185. The Department may not use the name of the owner of a motor vehicle as the primary means of verifying that a motor vehicle is covered by a policy of liability insurance.

3. If, pursuant to subsection 1, the Department determines that a motor vehicle is not covered by a policy of liability insurance as required by NRS 485.185, the Department shall send a form for verification by first-class mail to each registered owner that it determines has not maintained the insurance required by NRS 485.185. The owner shall complete the form with all the information which is requested by the Department, including whether he carries an owner's or operator's policy of liability insurance or a certificate of self-insurance, and return the completed form within 20 days after the date on which the form was mailed by the Department. If the Department does not

~~receive the completed form within 20 days after it mailed the form to the owner, the Department shall send to the owner a notice of suspension of registration by certified mail. The notice must inform the owner that unless he submits a completed form to the Department within 15 days after the date on which the notice was sent by the Department his registration will be suspended pursuant to subsection 5. This subsection does not prohibit an authorized agent of the owner from providing to the Department:~~

~~(a) The information requested by the Department pursuant to this subsection.~~

~~(b) Additional information to amend or correct information already submitted to the Department pursuant to this subsection.~~

~~4. When the Department receives a completed form for verification, it shall verify the information on the form.~~

~~5. The Department shall suspend the registration and require the return to the Department of the license plates of any vehicle for which the form for verification set forth in subsection 3 is:~~

~~(a) Not returned to the Department by the registered owner or his authorized agent within the period specified in that subsection;~~

~~(b) Returned to the Department by the registered owner or his authorized agent and the Department is not able to verify the information on the form; or~~

~~(c) Returned by the registered owner or his authorized agent with an admission of having no insurance or without indicating an insurer or the number of a motor vehicle liability policy or a certificate of self-insurance.~~

~~6. If the Department suspends a registration pursuant to subsection 5 because:~~

~~(a) Neither the owner nor his authorized agent returned a form for verification within the specified period or the owner or his authorized agent returned a form for verification that was not completed sufficiently, and the owner or his authorized agent, thereafter:~~

~~(1) Proves to the satisfaction of the Department that there was a justifiable cause for his failure to do so;~~

~~(2) Submits a completed form regarding his insurance on the date stated in the form mailed by the Department pursuant to subsection 3; and~~

~~(3) Presents evidence of current insurance; or~~

~~(b) The owner or his authorized agent submitted to the Department a form for verification containing information that the Department was unable to verify and, thereafter, the owner or his authorized agent presents to the Department:~~

~~(1) A corrected form or otherwise verifiable evidence setting forth that the owner possessed insurance on the date stated in the form; and~~

~~(2) Evidence of current insurance,~~

~~➥ the Department shall rescind its suspension of the registration if it is able to verify the information on the form or the other evidence presented. The Department shall not charge a fee to reinstate a registration, the suspension of which was rescinded pursuant to this subsection. For the purposes of this~~

~~subsection, "justifiable cause" may include, but is not limited to, the fact that the owner did not receive the form mailed by the Department pursuant to subsection 3.~~

~~7. Except as otherwise provided in subsections 8 and 9, if a registered owner whose registration is suspended pursuant to subsection 5, failed to have insurance on the date specified in the form for verification, the Department shall reinstate the registration of the vehicle and reissue the license plates only upon filing by the registered owner of evidence of current insurance and payment of the fee for reinstatement of registration prescribed in paragraph (a) of subsection [6].7 of NRS 482.480.~~

~~8. If a registered owner proves to the satisfaction of the Department that his vehicle was a dormant vehicle during the period in which the information provided pursuant to NRS 485.314 indicated that there was no insurance for the vehicle, the Department shall reinstate his registration and, if applicable, reissue his license plates. If such an owner of a dormant vehicle failed to cancel the registration for the vehicle in accordance with subsection 3 of NRS 485.320, the Department shall not reinstate his registration or reissue his license plates unless the owner pays the fee set forth in paragraph (b) of subsection [6].7 of NRS 482.480.~~

~~9. If the Department suspends the registration of a motor vehicle pursuant to subsection 5 because the registered owner of the motor vehicle failed to have insurance on the date specified in the form for verification, and if the registered owner, in accordance with regulations adopted by the Department, proves to the satisfaction of the Department that he was unable to comply with the provisions of NRS 485.185 on that date because of extenuating circumstances, the Department may:~~

~~(a) Reinstate the registration of the motor vehicle and reissue the license plates upon payment by the registered owner of a fee of $50, which must be deposited in the Account for Verification of Insurance created by subsection [6].7 of NRS 482.480; or~~

~~(b) Rescind the suspension of the registration without the payment of a fee.~~

~~→ The Department shall adopt regulations to carry out the provisions of this subsection.~~

~~10. For the purposes of verification of insurance by the Department pursuant to this section, a motor vehicle shall be deemed to be covered by liability insurance unless the motor vehicle is without coverage for a period of more than 7 days.]~~ *(Deleted by amendment.)*

Sec. 4.1. ~~[Chapter 486 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*"Electric scooter" means a device upon which a person may ride that:*~~

~~*1. Has two tandem wheels either of which is more than 14 inches in diameter;*~~

~~*2. Is propelled by a small electric motor which produces not more than 750 watts;*~~

3. Is designed to travel on not more than three wheels in contact with the ground but is not a tractor; and

4. Is capable of a maximum speed of not more than 20 miles per hour.

➡ The term does not include a moped.] (Deleted by amendment.)

Sec. 4.2. [NRS 486.011 is hereby amended to read as follows:

486.011 As used in NRS 486.011 to 486.381, inclusive, *and section 4.1 of this act*, unless the context otherwise requires, the words and terms defined in NRS 486.031 to 486.057, inclusive, *and section 4.1 of this act* have the meanings ascribed to them in those sections.] *(Deleted by amendment.)*

Sec. 4.3. [NRS 486.038 is hereby amended to read as follows:

486.038 "Moped" means a vehicle which looks and handles essentially like a bicycle and is propelled by a small engine which produces not more than 2 gross brake horsepower and which has a displacement of not more than 50 cubic centimeters, and:

1. Is designed to travel on not more than three wheels in contact with the ground but is not a tractor; and

2. Is capable of a maximum speed of not more than 30 miles per hour on a flat surface with not more than 1 percent grade in any direction when the motor is engaged.

➡ The term does not include an electric scooter.] (Deleted by amendment.)

Sec. 4.4. [NRS 486.041 is hereby amended to read as follows:

486.041 "Motorcycle" means every motor vehicle equipped with a seat or a saddle for the use of the driver and designed to travel on not more than three wheels in contact with the ground, including a power cycle but excluding *an electric scooter*, a tractor and a moped.] *(Deleted by amendment.)*

Sec. 4.5. [NRS 486.181 is hereby amended to read as follows:

486.181 1. A motorcycle , [or] moped [shall] *or electric scooter must* not be driven upon a highway while carrying more than one person unless [such motorcycle or] *the motorcycle*, moped *or electric scooter* is designed by the manufacturer to carry more than one person.

2. A passenger shall ride:

(a) Behind the driver and astride the permanent or regular seat which was designed for two persons;

(b) Astride another seat firmly attached at the rear of the driver; or

(c) In a sidecar attached.

3. Every [such motorcycle or] *motorcycle*, moped *or electric scooter* designed for transporting a passenger [shall] *must* be equipped with footrests adjusted to fit [such] *the* passenger.] *(Deleted by amendment.)*

Sec. 4.6. [NRS 486.191 is hereby amended to read as follows:

486.191 1. A person driving a motorcycle , [or] moped *or electric scooter* shall ride only upon the permanent and regular seat attached thereto.

2. A person shall not drive a motorcycle , [or] moped *or electric scooter* with the seat for the driver so positioned that the driver, when sitting astride the seat with the motorcycle , [or] moped *or electric scooter* in a stopped and

~~upright position, cannot reach the ground with both feet simultaneously.]~~ *(Deleted by amendment.)*

Sec. 4.7. ~~[NRS 486.201 is hereby amended to read as follows:~~

~~486.201 A person shall not drive a motorcycle ,~~ [or] ~~moped *or electric scooter* equipped with handlebars which extend above the uppermost portion of the driver's shoulders when the driver sits on the seat and the seat is depressed by the weight of the driver.]~~ *(Deleted by amendment.)*

Sec. 4.8. ~~[NRS 486.211 is hereby amended to read as follows:~~

~~486.211 The driver of a motorcycle ,~~ [or] ~~moped *or electric scooter* shall drive with at least one hand on a handlebar at all times.]~~ *(Deleted by amendment.)*

Sec. 4.9. ~~[NRS 486.221 is hereby amended to read as follows:~~

~~486.221 A person shall not drive a motorcycle ,~~ [or] ~~moped *or electric scooter* unless the wheels are protected by fenders to prevent the throwing of rocks, dirt, water or other substances to the rear.]~~ *(Deleted by amendment.)*

Sec. 5. ~~[NRS 486.231 is hereby amended to read as follows:~~

~~486.231 1. The Department shall adopt standards for~~ [protective] ~~:~~

~~*(a) Protective headgear for drivers and passengers of mopeds and electric scooters.*~~

~~*(b) Protective* headgear and protective glasses, goggles or face shields~~ [to be worn by the] ~~*for* drivers and passengers of motorcycles and transparent windscreens for motorcycles.~~

~~2. Except as *otherwise* provided in this section,~~ [when] ~~*the driver and passenger of* any~~ [motorcycle,] ~~:~~

~~*(a) Motorcycle*, except a trimobile ,~~ [or moped, is] ~~being driven on a highway~~ [, the driver and passenger] ~~shall wear protective headgear securely fastened on the head and protective glasses, goggles or face shields~~ [meeting] ~~*which meet* those standards.~~ [Drivers and passengers of trimobiles]

~~*(b) Trimobile* shall wear protective glasses, goggles or face shields which meet those standards.~~

~~*(c) Moped or electric scooter shall wear protective headgear securely fastened on the head which meets those standards.*~~

~~3. When a motorcycle or a trimobile is equipped with a transparent windscreen~~ [meeting] ~~*which meets* those standards, the driver and passenger are not required to wear glasses, goggles or face shields.~~

~~4. When a motorcycle is being driven in a parade authorized by a local authority, the driver and passenger are not required to wear the protective devices provided for in this section.~~

~~5. When a three-wheel motorcycle on which the driver and passengers ride within an enclosed cab is being driven on a highway, the driver and passengers are not required to wear the protective devices required by this section.]~~ *(Deleted by amendment.)*

Sec. 6. ~~[NRS 486.251 is hereby amended to read as follows:~~

~~486.251 1. Every motorcycle ,~~ [or] ~~moped *or electric scooter* operated upon a highway of this State at any time from one-half hour after sunset to~~

~~one-half hour before sunrise and at any other time when, because of insufficient light or unfavorable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 1,000 feet ahead must display lighted lamps and illuminating devices as respectively required pursuant to NRS 486.011 to 486.381, inclusive [.] , *and section 4.1 of this act.*~~

~~2. Every motorcycle or moped operated upon a highway must be equipped with stop lights to be lighted in the manner prescribed for the use of such devices.]~~ *(Deleted by amendment.)*

Sec. 7. ~~[NRS 486.261 is hereby amended to read as follows:~~

~~486.261 1. Except as otherwise provided in subsection 3, every motorcycle or moped must be equipped with at least one tail lamp mounted on the rear, which, when lighted as required by NRS 486.011 to 486.381, inclusive, *and section 4.1 of this act*, emits a red light plainly visible from a distance of 500 feet to the rear.~~

~~2. The tail lamp must be wired to be lighted whenever the head lamp is lighted.~~

~~3. The tail lamp on a motorcycle may contain a blue insert that does not exceed 1 inch in diameter.]~~ *(Deleted by amendment.)*

Sec. 8. ~~[NRS 486.281 is hereby amended to read as follows:~~

~~486.281 1. Every motorcycle [or moped shall] , *moped or electric scooter must* be equipped with at least one and not more than two head lamps.~~

~~2. Every [such] head lamp on a motorcycle [shall] *must* be located at a height of not more than 54 inches nor less than 24 inches from the ground as measured from the center of the lamp to the level ground upon which [such] *the* motorcycle stands without a load.]~~ *(Deleted by amendment.)*

Sec. 9. ~~[NRS 486.291 is hereby amended to read as follows:~~

~~486.291 1. Every motorcycle [or moped shall] , *moped or electric scooter must* carry on the rear at least one reflector, which [shall] *must* be mounted at a height not less than 20 inches nor more than 60 inches from the ground as measured from the center of the reflector to the level ground upon which [such motorcycle or] *the motorcycle*, moped *or electric scooter* stands without a load.~~

~~2. Each such reflector [shall] *must* be of a size and character and so mounted as to be visible at night from all distances within 300 feet when directly in front of lawful lower beams of head lamps.]~~ *(Deleted by amendment.)*

Sec. 10. ~~[NRS 486.301 is hereby amended to read as follows:~~

~~486.301 Every motorcycle [or moped shall] , *moped or electric scooter must* be equipped with brakes adequate to control the stopping and holding as prescribed in NRS 484.593 and 484.595.]~~ *(Deleted by amendment.)*

Sec. 11. ~~[NRS 486.311 is hereby amended to read as follows:~~

~~486.311 Every motorcycle [or moped shall] , *moped or electric scooter must* be equipped with two mirrors, each containing a reflection surface not~~

~~less than 3 inches in diameter, with one mirror mounted on each handlebar, in positions enabling the driver to view clearly the highway for a distance of 200 feet to the rear.]~~ *(Deleted by amendment.)*

Sec. 12. ~~[NRS 486.331 is hereby amended to read as follows:~~

~~486.331 A person driving a motorcycle , [or] moped *or electric scooter* upon a highway is entitled to all the rights and subject to all the duties applicable to the drivers of motor vehicles as provided by law, except those provisions which by their nature can have no application.]~~ *(Deleted by amendment.)*

Sec. 13. ~~[NRS 486.341 is hereby amended to read as follows:~~

~~486.341 Every motorcycle , [or] moped *or electric scooter* when being driven on the highway is entitled to full use of the traffic lane it is occupying, and a person shall not drive another motor vehicle in a manner which would deprive any such motorcycle , [or] moped *or electric scooter* of such use.]~~ *(Deleted by amendment.)*

Sec. 14. ~~[NRS 486.351 is hereby amended to read as follows:~~

~~486.351 1. A person, except a police officer in the performance of his duty, shall not drive a motorcycle , [or] moped *or electric scooter* between moving or stationary vehicles occupying adjacent traffic lanes.~~

~~2. Except as provided in subsection 3, a person shall not drive a motorcycle, moped , *electric scooter* or trimobile abreast of or overtake or pass another vehicle within the same traffic lane.~~

~~3. Motorcycles , [and] mopeds *and electric scooters* may, with the consent of the drivers, be operated no more than two abreast in a single traffic lane.]~~ *(Deleted by amendment.)*

Sec. 15. ~~[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]:~~

~~*1. An electric scooter as defined in section 1.1 of this act;*~~

~~*2. A farm* tractor as defined in NRS 482.035;~~

~~[2. Moped]~~

~~*3. A moped* as defined in NRS 482.069; and~~

~~[3. Motorcycle]~~

~~*4. A motorcycle* as defined in NRS 482.070.]~~ *(Deleted by amendment.)*

Sec. 16. *NRS 707.375 is hereby amended to read as follows:*

707.375 1. An agency, board, commission or political subdivision of this State, including, without limitation, any agency, board, commission or governing body of a local government, shall not regulate the use of a telephonic device by a person who is operating a motor vehicle ~~[.]~~ *, except as otherwise provided in section 3.7 of this act.*

2. As used in subsection 1, "telephonic device" means a cellular phone, satellite phone, portable phone or any other similar electronic device that is handheld and designed or used to communicate with ~~[a]~~ *another* person.

Senator Mathews moved the adoption of the amendment.

Remarks by Senator Breeden.

Senator Breeden requested that her remarks be entered in the Journal.

This amendment prohibits a person operating a motor vehicle from using a telephonic device to write, send or read a text-based message. A person who violates this provision must pay a fine of $75. In the original bill, it was a graduated fee. This bill does not create a moving violation.

Amendment adopted.

Senator Horsford moved that all necessary rules be suspended, that Senate Bill No. 309 be declared an emergency measure under the Constitution and that the Secretary be authorized to insert Amendment No 1013 adopted by the Senate, and the bill be immediately placed on the General File for final passage.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 309.

Bill read third time.

Roll call on Senate Bill No. 309:

YEAS—19.

NAYS—Carlton, McGinness—2.

Senate Bill No. 309 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Breeden requested that her name be added as a sponsor to Senate Bill No. 309.

GENERAL FILE AND THIRD READING

Assembly Bill No. 317

Bill read third time.

Remarks by Senators McGinness and Horsford.

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

SENATOR MCGINNESS:

I have been assured that rural economic development is being protected. I would like it to be on the record that we are watching out for those rural economic development areas.

SENATOR HORSFORD:

Yes, we added an amendment in Senate Finance to ensure that the economic development agencies with populations of 100,000 or more are able to participate in the same manner as the larger regional development authorities.

SENATOR MCGINNESS:

On page 2, line 17, it says, "Each eligible organization located in a county whose population is 100,000 or more." I represent all or part of seven counties, and only one of them would qualify under that. Is there other language?

SENATOR HORSFORD:

It was my understanding that based on the addition of that language, the rural authorities would be more inclusive. If that does not meet the intent, then we will try to address the Senator's concerns.

Senator Horsford moved that Assembly Bill No. 317 be moved to the fifth agenda.

Motion carried.

Assembly Bill No. 433.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 1009.

"SUMMARY— ~~[Requires county hospitals in certain larger counties to provide outpatient cancer treatment as part of their care to indigent persons.]~~ *Provides that failure to wear a safety belt is a primary traffic offense.* (BDR 40-976)"

"AN ACT relating to ~~[public health and safety; requiring a county hospital in certain larger counties to provide outpatient cancer treatment as part of its care to indigent persons under certain circumstances;]~~ *motor vehicles;* providing that failure to wear a safety belt is a primary traffic offense; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

~~[Counties are required through county hospitals to provide care to indigent persons. (NRS 428.010, 450.420) Section 1 of this bill provides that in a county whose population is 400,000 or more (currently Clark County) the care provided by a county hospital must include the outpatient treatment of cancer if the indigent person is a resident of that county and was a resident of that county at the time the person was diagnosed with cancer, but clarifies that this does not prohibit the hospital from providing uncompensated care for the outpatient treatment of cancer to other persons. Section 1 further provides that the duty to provide to indigent persons outpatient treatment for cancer applies only to the extent that the county hospital realizes a cost savings as a result of the amendatory provisions of sections 5 and 6 of this bill.]~~

Under existing law, most drivers of and passengers in modern vehicles are required by law to wear safety belts. However, the failure to wear such safety belts is not, at the present time, a primary offense for which a vehicle may be halted. (NRS 484.641, 484.6415) Sections 5 and 6 of this bill make the failure to wear a safety belt as prescribed by law a primary offense for which a vehicle may be halted. *However, section 9 of this bill clarifies that, during the period beginning on the effective date of this bill and ending on July 1, 2011, peace officers may only issue warnings for violations of the primary safety belt law.*

Existing law establishes a uniform system of demerit points, which points are assigned to persons who commit certain moving traffic violations.

(NRS 483.473) Section 3 of this bill provides that if a person who commits such a violation is in compliance with the primary safety belt law established pursuant to the amendatory provisions of sections 5 and 6, any demerit points which would otherwise be assigned to the driving record of that person must be reduced by one demerit point.

Sections 7 and 8 of this bill require the Legislative Commission to provide for studies of, respectively: (1) the incidence of racial profiling in the enforcement of the primary safety belt law; and (2) the efficacy and cost-savings associated with the primary safety belt law.

~~[Section 10 of this bill requires University Medical Center to use the cost savings that it accrues as a result of the enactment of the primary safety belt law to pay the costs associated with providing cancer care to indigent persons as required by section 1, as well as allowing University Medical Center to pay other costs that it determines to represent areas of significant need.]~~

WHEREAS, Traffic safety researchers have repeatedly shown that increasing safety belt use in passenger cars has the proven effect of saving lives, reducing injuries and reducing the staggering medical costs resulting from car accidents; and

WHEREAS, The National Highway Traffic Safety Administration (NHTSA) has found that safety belt use in passenger cars reduces the risk of death by 45 percent, the risk of serious injury by 50 percent, the severity of injuries by 400 to 500 percent and prevents ejection during an accident, 75 percent of which ejections result in the death of a passenger; and

WHEREAS, The NHTSA estimates that the adoption of primary safety belt laws, which allow an officer to stop a vehicle and issue a citation for the failure of a person to wear a safety belt, unlike secondary safety belt laws, which allow the issuance of such a citation only if a vehicle is first stopped for another infraction, would on a national level prevent 11,000 injuries and 800 deaths, and save approximately $2.5 billion each year; and

WHEREAS, It has been demonstrated repeatedly that the use of safety belts increases by 10 to 13 percent in states which have adopted a primary safety belt law, resulting in fewer accident-related deaths and injuries, and reduced associated costs; and

WHEREAS, Recognizing the benefits of primary safety belt laws, the United States Congress enacted the Safe, Accountable, Flexible, Efficient Transportation Equity Act to encourage states to adopt such laws and, today, a majority of states have primary safety belt laws; and

WHEREAS, With specific regard to the State of Nevada, the NHTSA has found that if a primary safety belt law were to be enacted, in 2009 alone, the State would save approximately $1.6 million as a direct result of injuries prevented, and the total savings to the State, medical patients and businesses would amount to approximately $6.9 million; and

WHEREAS, Similar to the findings of the Federal Government, the Office of Traffic Safety of the Department of Public Safety has also found that the enactment of a primary safety belt law would save countless lives, reduce

injuries and save the State approximately $5.6 million over a 3-year period; and

WHEREAS, The adoption of this legislation would, in part, enable Nevada to receive $1.2 million in federal funds and finally join the majority of other states that have chosen to adopt primary safety belt laws to save lives and prevent injuries; and

WHEREAS, The statistics amassed and compiled by both the NHTSA and the Office of Traffic Safety lead to the conclusion that the adoption of a primary safety belt law would, by way of the reduction of injuries and deaths, and also a reduction in the needless overuse of medical facilities and personnel to treat entirely preventable automotive casualties, allow millions of dollars that are currently devoted to such purposes to be devoted instead to other medical crises and necessities; ~~[and~~

~~Whereas, It is the considered opinion of the Nevada Legislature that money saved through the enactment of a primary safety belt law could and should be used compassionately to provide cancer treatment to indigent persons;]~~ now, therefore,

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

Section 1. [NRS 450.420 is hereby amended to read as follows:

450.420 1. The board of county commissioners of the county in which a ~~[public]~~ ***county*** hospital is located may determine whether patients presented to the ~~[public]~~ ***county*** hospital for treatment are subjects of charity. Except as otherwise provided in NRS 439B.330, the board of county commissioners shall establish by ordinance criteria and procedures to be used in the determination of eligibility for medical care as medical indigents or subjects of charity.

2. ~~*Except as otherwise provided in this subsection, in each county whose population is 400,000 or more, a county hospital must provide outpatient cancer treatment to indigent persons who are residents of that county and were residents of that county at the time that they were diagnosed with cancer. This subsection:*~~

~~*(a) Does not prohibit a county hospital from providing uncompensated care for the outpatient treatment of cancer to other persons.*~~

~~*(b) Requires a county hospital to provide outpatient cancer treatment to indigent persons only to the extent that the hospital realizes cost savings as the result of an increased use of safety belts pursuant to the provisions of NRS 484.641 and 484.6415, and any law amendatory thereof or supplementary thereto.*~~

~~*3.*~~ The board of hospital trustees shall fix the charges for treatment of those persons able to pay for the charges, as the board deems just and proper. The board of hospital trustees may impose an interest charge of not more than 12 percent per annum on unpaid accounts. The receipts must be paid to the county treasurer and credited by him to the hospital fund. In fixing charges pursuant to this subsection the board of hospital trustees shall not

include, or seek to recover from paying patients, any portion of the expense of the hospital which is properly attributable to the care of indigent patients.

~~[3.]~~ ~~4.~~ Except as provided in subsection ~~[4]~~ ~~5~~ of this section and subsection 3 of NRS 439B.320, the county is chargeable with the entire cost of services rendered by the hospital and any salaried staff physician or employee to any person admitted for emergency treatment, including all reasonably necessary recovery, convalescent and follow-up inpatient care required for any such person as determined by the board of trustees of the hospital, but the hospital shall use reasonable diligence to collect the charges from the emergency patient or any other person responsible for his support. Any amount collected must be reimbursed or credited to the county.

~~[4.]~~ ~~5.~~ The county is not chargeable with the cost of services rendered by the hospital or any attending staff physician or surgeon to the extent the hospital is reimbursed for those services pursuant to NRS 428.115 to 428.255, inclusive.] *(Deleted by amendment.)*

Sec. 2. [NRS 450.425 is hereby amended to read as follows:

450.425 1. The board of county commissioners of a county in which a county hospital is established may, upon approval by a majority of the voters voting on the question in an election held throughout the county, levy an ad valorem tax of not more than 2.5 cents on each $100 of assessed valuation upon all taxable property in the county, to pay the cost of services rendered in the county by the hospital pursuant to subsection ~~[3]~~ ~~4~~ of NRS 450.420. The approval required by this subsection may be requested at any primary or general election.

2. Any tax imposed pursuant to this section is in addition to the taxes imposed pursuant to NRS 428.050, 428.185 and 428.285. The proceeds of any tax levied pursuant to this section are exempt from the limitations imposed by NRS 354.59811, 428.050 and 428.285 and must be excluded in determining the maximum rate of tax authorized by those sections.] *(Deleted by amendment.)*

Sec. 3. Chapter 483 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If:

(a) A peace officer halts a vehicle for a violation that is a moving traffic violation under NRS 483.473;

(b) The peace officer issues a citation for the moving traffic violation; and

(c) During such a traffic stop, the peace officer determines that the person cited is in compliance with the relevant provisions of NRS 484.641 or 484.6415, as applicable,

➥ the officer shall so notify the Department and the Department shall ensure that any demerit points which would otherwise be assigned as a result of the moving traffic violation are reduced by one demerit point.

2. As used in this section, "demerit point" means a point assigned to the driving record of a person pursuant to the uniform system established under NRS 483.473.

Sec. 4. NRS 483.010 is hereby amended to read as follows:

483.010 The provisions of NRS 483.010 to 483.630, inclusive, *and section 3 of this act* may be cited as the Uniform Motor Vehicle Drivers' License Act.

Sec. 5. NRS 484.641 is hereby amended to read as follows:

484.641 1. It is unlawful to drive a passenger car manufactured after:

(a) January 1, 1968, on a highway unless it is equipped with at least two lap-type safety belt assemblies for use in the front seating positions.

(b) January 1, 1970, on a highway ~~[,]~~ unless it is equipped with a lap-type safety belt assembly for each permanent seating position for passengers. This requirement does not apply to the rear seats of vehicles operated by a police department or sheriff's office.

(c) January 1, 1970, unless it is equipped with at least two shoulder-harness-type safety belt assemblies for use in the front seating positions.

2. Any person driving, and any passenger who:

(a) Is 6 years of age or older; or

(b) Weighs more than 60 pounds, regardless of age,

➥ who rides in the front or back seat of any vehicle described in subsection 1, having an unladen weight of less than 10,000 pounds, on any highway, road or street in this State shall wear a safety belt if one is available for his seating position.

3. A citation must be issued to any driver or to any adult passenger who fails to wear a safety belt as required by subsection 2. If the passenger is a child who:

(a) Is 6 years of age or older but less than 18 years of age, regardless of weight; or

(b) Is less than 6 years of age but who weighs more than 60 pounds,

➥ a citation must be issued to the driver for his failure to require that child to wear the safety belt, but if both the driver and that child are not wearing safety belts, only one citation may be issued to the driver for both violations. ~~[A citation may be issued pursuant to this subsection only if the violation is discovered when the vehicle is halted or its driver arrested for another alleged violation or offense.]~~ Any person who violates the provisions of subsection 2 shall be punished by a fine of not more than $25 or by a sentence to perform a certain number of hours of community service.

4. A violation of subsection 2:

(a) Is not a moving traffic violation under NRS 483.473.

(b) May not be considered as negligence or as causation in any civil action or as negligent or reckless driving under NRS 484.377.

(c) May not be considered as misuse or abuse of a product or as causation in any action brought to recover damages for injury to a person or property resulting from the manufacture, distribution, sale or use of a product.

(d) May not be considered as a basis for cancellation of insurance coverage, increase in insurance rates or refusal to issue or renew a motor vehicle liability policy.

(e) May not be considered as a basis for diminishing any recovery for damages arising out of the ownership, maintenance, occupancy or operation of a motor vehicle.

(f) May not be considered as a basis for denial, in whole or in part, of benefits or payment of a claim submitted pursuant to a health insurance policy or health care plan.

5. The Department shall exempt those types of motor vehicles or seating positions from the requirements of subsection 1 when compliance would be impractical.

6. *The provisions of subsections 2 and 3:*

(a) Do not authorize a peace officer to halt a vehicle for the sole purpose of determining whether the driver of the vehicle or a passenger in the vehicle is not wearing a safety belt.

(b) Require that a peace officer have probable cause before the peace officer halts a vehicle for the primary offense of the driver of the vehicle or a passenger in the vehicle failing to wear a safety belt.

7. The provisions of subsections 2 and 3 do not apply:

(a) To a driver or passenger who possesses a written statement by a physician certifying that he is unable to wear a safety belt for medical or physical reasons;

(b) If the vehicle is not required by federal law to be equipped with safety belts;

(c) To an employee of the United States Postal Service while delivering mail in the rural areas of this State;

(d) If the vehicle is stopping frequently, the speed of that vehicle does not exceed 15 miles per hour between stops and the driver or passenger is frequently leaving the vehicle or delivering property from the vehicle; or

(e) Except as otherwise provided in NRS 484.6415, to a passenger riding in a means of public transportation, including a school bus or emergency vehicle.

~~[7.]~~ *8.* It is unlawful for any person to distribute, have for sale, offer for sale or sell any safety belt or shoulder harness assembly for use in a motor vehicle unless it meets current minimum standards and specifications of the United States Department of Transportation.

9. As used in this section, "motor vehicle liability policy" has the meaning ascribed to it in NRS 485.055.

Sec. 6. NRS 484.6415 is hereby amended to read as follows:

484.6415 1. Any passenger 18 years of age or older who rides in the front or back seat of any taxicab on any highway, road or street in this State shall wear a safety belt if one is available for his seating position, except that this subsection does not apply:

(a) To a passenger who possesses a written statement by a physician certifying that he is unable to wear a safety belt for medical or physical reasons; or

(b) If the taxicab was not required by federal law at the time of initial sale to be equipped with safety belts.

2. A citation must be issued to any passenger who violates the provisions of subsection 1. ~~[A citation may be issued pursuant to this subsection only if the violation is discovered when the vehicle is halted or its driver arrested for another alleged violation or offense.]~~ Any person who violates the provisions of subsection 1 shall be punished by a fine of not more than $25 or by a sentence to perform a certain number of hours of community service.

3. A violation of subsection 1:

(a) Is not a moving traffic violation under NRS 483.473.

(b) May not be considered as negligence or as causation in any civil action or as negligent or reckless driving under NRS 484.377.

(c) May not be considered as misuse or abuse of a product or as causation in any action brought to recover damages for injury to a person or property resulting from the manufacture, distribution, sale or use of a product.

(d) May not be considered as a basis for cancellation of insurance coverage, increase in insurance rates or refusal to issue or renew a motor vehicle liability policy.

(e) May not be considered as a basis for diminishing any recovery for damages arising out of the ownership, maintenance, occupancy or operation of a motor vehicle.

(f) May not be considered as a basis for denial, in whole or in part, of benefits or payment of a claim submitted pursuant to a health insurance policy or health care plan.

4. *The provisions of subsection 1:*

(a) Do not authorize a peace officer to halt a taxicab for the sole purpose of determining whether a passenger in the taxicab is not wearing a safety belt.

(b) Require that a peace officer have probable cause before the peace officer halts a taxicab for the primary offense of a passenger in the taxicab failing to wear a safety belt.

5. An owner or operator of a taxicab shall post a sign within each of his taxicabs advising passengers that they must wear safety belts while being transported by the taxicab. Such a sign must be placed within the taxicab so as to be visible to and easily readable by passengers, except that this subsection does not apply if the taxicab was not required by federal law at the time of initial sale to be equipped with safety belts.

6. As used in this section, "motor vehicle liability policy" has the meaning ascribed to it in NRS 485.055.

Sec. 7. 1. The Legislative Commission shall provide for a study conducted by the staff of the Legislative Counsel Bureau concerning the

enforcement of NRS 484.641 and 484.6415, as amended by sections 5 and 6 of this act, respectively.

2. The study must include, without limitation:

(a) An examination of whether there is evidence that racial profiling plays a part, either directly or indirectly, in the enforcement of NRS 484.641 and 484.6415, as amended by sections 5 and 6 of this act, respectively.

(b) Gathering of information on the number of traffic stops carried out for primary seat belt offenses, including, without limitation:

(1) The number of citations issued.

(2) The sex, race and age of the persons to whom citations were issued.

(c) An examination of any other matter that the Audit Division of the Legislative Counsel Bureau determines to be relevant to the study.

3. The study described in subsection 2 must be carried out in consultation with:

(a) State and local law enforcement agencies.

(b) The Chairman of the Senate Standing Committee on Energy, Infrastructure and Transportation during the immediately preceding session of the Legislature ~~[.]~~ *, or his designee*.

(c) The Chairman of the Assembly Standing Committee on Transportation during the immediately preceding session of the Legislature ~~[.]~~ *, or his designee.*

(d) The American Civil Liberties Union.

(e) The National Association for the Advancement of Colored People.

(f) The Nevada District Attorneys Association.

(g) The Nevada State Public Defender's Office within the Department of Health and Human Services.

4. The Legislative Auditor shall determine, receive and process any data that the Legislative Auditor determines is necessary for the conduct of the study.

5. Not later than June 30, 2010, the staff of the Legislative Counsel Bureau shall submit a report of the results of the study conducted pursuant to this section and any recommendations for legislation to the Legislative Commission. The Legislative Commission shall submit the report and any recommendations for legislation to the 76th Session of the Nevada Legislature.

6. As used in this section, "racial profiling" has the meaning ascribed to it in NRS 289.820.

Sec. 8. 1. The Legislative Commission shall provide for a study conducted by the staff of the Legislative Counsel Bureau concerning the efficacy of NRS 484.641 and 484.6415, as amended by sections 5 and 6 of this act, respectively.

2. The study must include, without limitation:

(a) An examination of whether *and, if so, to what degree,* the provisions of NRS 484.641 and 484.6415, as amended by sections 5 and 6 of this act, respectively, and their enforcement, ~~[reduce or do not reduce:]~~ *alter:*

(1) Morbidity and mortality as among drivers of and passengers in passenger vehicles and taxicabs.

(2) Costs incurred by individual persons, insurers and medical facilities.

(3) The rate of survival of victims of motor vehicle accidents as among drivers of and passengers in passenger vehicles and taxicabs, depending upon whether those drivers and passengers were wearing safety belts.

(b) An examination of any other matter that the Audit Division of the Legislative Counsel Bureau determines to be relevant to the study.

3. The study described in subsection 2 must be carried out in consultation with:

(a) The Office of Traffic Safety of the Department of Public Safety.

(b) The chairman of the Senate Standing Committee on Energy, Infrastructure and Transportation during the immediately preceding session of the Legislature ~~[.]~~ *, or his designee*.

(c) The chairman of the Assembly Standing Committee on Transportation during the immediately preceding session of the Legislature ~~[.]~~ *, or his designee.*

(d) The University of Nevada, Reno.

(e) The University of Nevada, Las Vegas.

(f) State and local law enforcement agencies.

4. The Legislative Auditor shall determine, receive and process any data that the Legislative Auditor determines is necessary for the conduct of the study.

5. Not later than June 30, 2010, the staff of the Legislative Counsel Bureau shall submit a report of the results of the study conducted pursuant to this section and any recommendations for legislation to the Legislative Commission. The Legislative Commission shall submit the report and any recommendations for legislation to the 76th Session of the Nevada Legislature.

Sec. 9. *1.* State and local law enforcement agencies, in cooperation with the Department of Transportation, the Department of Motor Vehicles, nonprofit organizations and interested private-sector entities, shall coordinate and conduct a campaign to inform the public of the provisions of NRS 484.641 and 484.6415, as amended by sections 5 and 6 of this act, respectively.

2. Notwithstanding the provisions of NRS 484.641 and 484.6415, as amended by sections 5 and 6 of this act, respectively, during the period beginning on the effective date of this act and ending on July 1, 2011, a peace officer may only issue warnings for primary seat belt offenses and shall not issue citations for primary seat belt offenses.

Sec. 10. [1. University Medical Center shall determine the cost savings, if any, that it accrues as a result of the provisions of NRS 484.641 and 484.6415, as amended by sections 5 and 6 of this act, respectively.

2. University Medical Center shall use the cost savings described in subsection 1:

(a) To pay for the cost of carrying out the provisions of NRS 450.420, as amended by section 1 of this act; and

(b) To pay other costs that, in the determination of University Medical Center, represent the greatest areas of need.

➥ University Medical Center has sole discretion to determine in what proportion to allocate money as between the purposes described in paragraphs (a) and (b).] *(Deleted by amendment.)*

Sec. 11. (Deleted by amendment.)

Sec. 12. 1. This act becomes effective upon passage and approval and expires by limitation on July 1, 2011.

2. Section 5 of this act expires by limitation on the date the Federal Government rescinds the requirements for the installation of automatic restraints in new private passenger motor vehicles, if that action is based upon the enactment or continued operation of certain amendatory and transitory provisions contained in chapter 480, Statutes of Nevada 1987

Senator Nolan moved the adoption of the amendment.

Remarks by Senators Nolan and Horsford .

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

SENATOR NOLAN:

This amendment will take what was formerly a bill to provide funding for oncology services at University Medical Center (UMC) and turn it into a study on primary seat belt use. UMC indicated it was losing about $25 million as a result of treating unrestrained, under-insured or uninsured motorists involved in motor vehicle accidents along with the costs of their oncology services experiencing a loss of $20 million. We amended the two bills together. Since then, UMC has been able to fund oncology services and restore those with the help of the Nevada Cancer Treatment Center.

What this bill does now, with the amendment, is to create a 2-year study on primary seatbelt use. For a period of 12 to 14 months, law enforcement would be able to make a primary stop for those people who were driving and not wearing a seatbelt. They would not be able to write a citation, only issue a verbal warning and inform the motorist of the State law on seatbelts. Additionally, the study would look at whether or not there is racial profiling or the propensity for racial profiling associated with citing for seatbelt usage. In writing the criteria for that, law enforcement would work with the NAACP, the ACLU, the public defenders and the district attorneys. The second part of the study would be to determine the effectiveness of primary seatbelts in reducing morbidity and mortality along with the costs associated with saving lives.

Health care providers wanted to be certain that nothing in the bill diminished the recovery for damages that would be associated with wearing a seatbelt or not. There were also issues that public defenders had. Law enforcement cannot stop someone solely to determine if the person is wearing a seatbelt, and law enforcement cannot use the stop for prima facie. They must have probable cause.

SENATOR HORSFORD:

I rise in support of Amendment 1009 to Assembly Bill No. 433. I voted against this bill when it came to the Chamber in its original form. I want to thank my colleague from Clark District 9 for his vigilance on making this issue part of the final deliberation before the body and for his agreement to work on the language in a way that was mutually beneficial. He has always made public safety a high priority. The intentions behind this bill are to continue to do that.

There is a lot of misperception about how this bill can be treated. The issues about being profiled and being pulled over due to lack of wearing a seatbelt can be addressed in part by the study components that my colleague agreed to include into the bill so that we can see whether or

not those concerns are valid in Nevada. This is a two-year study, and it is hoped that at the end of that time we will see that lives have been saved during that period.

I want to thank him for agreeing that this will not be citation based, but a warning. That helps to alleviate some of the concerns with the increased penalties that may be imposed.

This is the type of issue where sometimes you begin by thinking one way, and after further consideration, you decide that the merits of the bill should be supported.

Amendment adopted.

Senator Horsford moved that all necessary rules be suspended, that Assembly Bill No. 433 be declared an emergency measure under the Constitution and that the Secretary be authorized to insert Amendment No. 1009 adopted by the Senate, and the bill be immediately placed on the General File for final passage.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 433.

Bill read third time.

Roll call on Assembly Bill No. 433:

YEAS—15.

NAYS—Amodei, Care, Carlton, Cegavske, McGinness, Washington—6.

Assembly Bill No. 433 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. President:

The Conference Committee concerning Senate Bill No. 403, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 955 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 33, which is attached to and hereby made a part of this report.

Conference Amendment.

"SUMMARY—~~[Makes various appropriations from the State General Fund.]~~ *Revises provisions relating to state financial administration.* (BDR S-1264)"

"AN ACT *relating to state financial administration; clarifying the provisions governing the temporary suspension of longevity pay for state employees;* making appropriations to restore certain fund balances and for certain costs related to changes in various taxes; and providing other matters properly relating thereto."

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

Sec. 0.5. Section 1 of Senate Bill No. 421 of this session is hereby amended to read as follows:

Section ~~1~~. 1. The four semiannual payments to which a state employee would otherwise be entitled pursuant to NRS 284.177 ~~[must not be made]~~ *for service* during the period beginning on July 1, 2009, and ending on June 30, 2011 ~~[.]~~ *, must not be made.* For the purposes of payments made pursuant to NRS 284.177 on or after July 1, 2011, any service during that 2-year period must be considered in determining the length of continuous service of an employee, but an employee is not entitled to semiannual payments that would otherwise have been made during the period during which the semiannual payments are suspended. *The payment for the period beginning on January 1,*

2009, and ending on June 30, 2009, must be made regardless of the date of the actual payment.

2. No merit pay increases to which a state employee would otherwise be entitled pursuant to chapter 284 of NRS and the regulations adopted pursuant thereto may be granted during the period beginning on July 1, 2009, and ending on June 30, 2011. For the purposes of merit pay increases granted on or after July 1, 2011, an employee is not entitled to any increases that would otherwise have been granted during that period.

Section 1. There is hereby appropriated from the State General Fund to the:

1. Stale Claims Account created by NRS 353.097 the sum of $5,500,000 to restore the balance in the Account.

2. Emergency Account created by NRS 353.263 the sum of $150,000 to restore the balance in the Account.

3. Reserve for Statutory Contingency Account created by NRS 353.264 the sum of $3,000,000 to restore the balance in the Account.

4. Contingency Fund created by NRS 353.266 the sum of $7,500,000 to restore the balance in the fund attributable to the State General Fund.

Sec. 2. There is hereby appropriated from the State General Fund to the:

1. Department of Motor Vehicles the sum of $24,000 for the costs of implementing changes to the provisions governing the governmental services tax.

2. Department of Taxation the sum of $95,000 for the costs of implementing changes to the provisions governing the local school support tax.

3. Interim Finance Committee the sum of $527,850 for allocation to the Department of Taxation for the costs of additional duties and modifications necessary to implement laws revised during this session.

Sec. 3. Any remaining balance of the appropriations made by section 2 of this act must not be committed for expenditure after June 30, 2011, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 16, 2011, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 16, 2011.

Sec. 4. 1. This section and sections *0.5,* 2 and 3 of this act become effective upon passage and approval.

2. Section 1 of this act becomes effective on July 1, 2009.

BOB COFFIN	SHEILA LESLIE
WARREN B. HARDY II	MORSE ARBERRY JR.
JOYCE WOODHOUSE	HEIDI S. GANSERT
Senate Conference Committee	*Assembly Conference Committee*

Senator Coffin moved that the Senate adopt the report of the Conference Committee concerning Senate Bill No. 403.

Remarks by Senator Coffin.

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

This conference report contains a lot of information in a short space. It embraces several items that were inadvertently left off the Governor's budget including the contingency fund that the Legislature uses in the interim to address emergencies.

There are several other items that are not nearly as large as the $7.5 million contingency fund appropriation. This makes certain that the longevity pay for State employees, which are due on June 30, 2009, will be paid. Initially, Senate Bill No. 421 did not clarify that the deletion of longevity pay, which will not be paid for two years, is due for this current year. It would normally be paid in July, but the way Senate Bill No. 421 reads, it would be deleted. We have to make certain the State employees receive what they are due by this amendment.

Motion carried by a constitutional majority.

Mr. President:

The Conference Committee concerning Senate Bill No. 269, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment Nos. 783 and 905 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 21, which is attached to and hereby made a part of this report.

Conference Amendment.

"SUMMARY—Makes various changes to provisions governing physicians and certain related professions. (BDR 54-757)"

"AN ACT relating to professions; requiring a provider of health care to disclose the results of certain tests to a designated investigator or member of the State Board of Osteopathic Medicine; providing for the licensure of perfusionists; prohibiting a person from engaging in the practice of perfusion without a license issued by the Board of Medical Examiners; providing for the immediate suspension of a license to practice medicine upon the conviction of the holder of the license of certain violations; expanding the ~~[definition]~~ *definitions* of "practice of medicine" *and "practice of osteopathic medicine"* to include the performance of an autopsy; revising other provisions governing the issuance of a license to practice medicine by the Board of Medical Examiners; authorizing any person to file with the Board a complaint against a physician, perfusionist, physician assistant or practitioner of respiratory care under certain circumstances; revising provisions governing osteopathic medicine and psychologists; providing penalties; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

This bill makes extensive changes to existing law governing the practice of medicine and osteopathic medicine. This bill also provides for the licensing and regulation of perfusionists by the Board of Medical Examiners. A perfusionist is a medical professional who, under the order and supervision of a physician, performs various medical functions to ensure the safe management of a patient's cardiovascular, circulatory or respiratory system or other organs during surgical and other medical procedures. Sections 1, 3-13, 15, 16, 19-21, 24, 29, 33, 34, 39, 45, 46, 50-52, 55, 59-65, 70 and 79-85 of this bill amend various provisions of NRS to ensure that perfusionists are licensed and regulated by the Board of Medical Examiners in approximately the same manner as physicians, physician assistants and practitioners of respiratory care. (NRS 629.031, 630.003, 630.005, 630.045, 630.047, 630.120, 630.137, 630.167, 630.197, 630.268, 630.307, 630.309, 630.326, 630.329, 630.336, 630.346, 630.358, 630.366, 630.388, 630.390, 630.400, 630A.090, 632.472, 633.171, 652.210, 200.471, 200.5093, 200.50935, 372.7285, 374.731, 432B.220)

This bill also makes various changes relating to the Board of Medical Examiners and the practice of medicine. Section 14 of this bill adds a new section to chapter 630 of NRS that provides for the immediate suspension of a license issued by the Board upon the conviction of the licensee of a felony for a violation of a federal or state law or regulation relating to his practice. Section 17 of this bill expands the definition of "practice of medicine" to include the performance of an autopsy. (NRS 630.020) Section 18 of this bill deletes existing provisions of law that authorize the Board to revoke a license only in accordance with certain provisions. (NRS 630.045) Section 22 of this bill changes the fiscal year for the Board to commence on January 1 and end on December 31. (NRS 630.123) Section 25 of this bill authorizes the Executive Director of the Board to sign subpoenas issued in connection with hearings and investigations conducted by the Board. (NRS 630.140) Sections 26-28, 30-32 and 35 of this bill make various changes concerning the requirements for the issuance of licenses by the Board, including the information required to be submitted for a license, the submission of the fingerprints of the applicant and the appeal of a denial of an application. (NRS 630.160, 630.1605, 630.167, 630.170, 630.173, 630.195, 630.200) Sections *13.5 and* 36-38 of this bill revise certain categories of licenses issued by the Board, including the issuance of a special volunteer medical license to a physician who participates in disaster relief operations and the issuance of an authorized facility license. (NRS 630.258, 630.261, 630.262) Section 40 of this bill requires a person who wishes to practice respiratory care to complete an educational program for respiratory care approved by the Commission on Accreditation of Allied Health

Education Programs or the Committee on Accreditation for Respiratory Care. (NRS 630.277) Sections 41-45, 47-49, 53, 54, 57 and 58 of this bill make numerous changes concerning the investigation of complaints against licensees, the grounds for the imposition of disciplinary action and the procedures to be followed in disciplinary proceedings. (NRS 630.299, 630.306, 630.3062, 630.307, 630.311, 630.318, 630.326, 630.339, 630.342, 630.352, 630.356)

Sections 66-78 of this bill make similar changes relating to the State Board of Osteopathic Medicine and the practice of osteopathy. *Section 66.1 includes the performance of an autopsy within the definition of the "practice of osteopathic medicine." Sections 66.3, 66.5 and 66.7 authorize the issuance of certain categories of licenses by the Board, including a special volunteer license to practice osteopathic medicine to an osteopathic physician who participates in disaster relief operations and an authorized facility license.* Section 67 adds a new section to chapter 633 of NRS which authorizes the Board or an investigative committee of the Board to issue to a person who violates or is violating the provisions of that chapter a letter of warning, a letter of concern or a nonpunitive admonishment. Section 68 also adds a new section to that chapter which establishes the standard of proof in disciplinary proceedings that are conducted pursuant to that chapter. Sections 69-78 make various changes concerning unprofessional conduct, the requirements for licensure to practice osteopathic medicine, examinations, the grounds for disciplinary action and the imposition of penalties after a disciplinary proceeding. (NRS 633.131, 633.171, 633.322, 633.331, 633.411, 633.511, 633.561, 633.625, 633.651, 633.691)

Section 78.1 of this bill defines "national examination" to mean the Examination for Professional Practice in Psychology in the form administered by the Association of State and Provincial Psychology Boards and approved for use in this State by the Board of Psychological Examiners.

Section 78.3 of this bill revises the requirements for an application for a license to practice psychology in this State to add the submission of a complete set of fingerprints and written permission authorizing the Board of Psychological Examiners 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 or verification that the set of fingerprints was directly forwarded to the Central Repository by the entity taking the prints.

Existing law provides that the Board of Psychological Examiners may require an applicant for a license to pass an oral examination in whatever applied or theoretical fields it deems appropriate, in addition to a written examination. Section 78.4 of this bill eliminates: (1) the requirement that the additional examination be conducted orally; (2) the provisions relating to the frequency, time, location and supervision of the examination; (3) the requirement that the Board supply each applicant with a copy of the results of his written examination provided to the Board by the Association; and (4) the right of the applicant to request that the Board review his examination if he fails the examination.

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

Section 1. *NRS 622.100 is hereby amended to read as follows:*

622.100 1. Each regulatory body shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director:

(a) A summary of each disciplinary action taken by the regulatory body during the immediately preceding calendar quarter against any licensee of the regulatory body; and

(b) A report that includes:

(1) The number of licenses issued by the regulatory body during the immediately preceding calendar quarter; and

(2) Any other information that is requested by the Director or which the regulatory body determines would be helpful to the Legislature in evaluating whether the continued existence of the regulatory body is necessary.

2. *In addition to the information required pursuant to subsection 1, the Board of Medical Examiners and the State Board of Osteopathic Medicine shall further submit the number and types of remediation agreements each has approved pursuant to NRS 630.299 and section 67 of*

this act, respectively, at the same time and in the format prescribed by the Director pursuant to subsection 1.

3. The Director shall:

(a) Provide any information he receives pursuant to subsection 1 *or 2* to a member of the public upon request;

(b) Cause a notice of the availability of such information to be posted on the public website of the Nevada Legislature on the Internet; and

(c) Transmit a compilation of the information he receives pursuant to ~~[subsection]~~ *subsections* 1 *and 2* to the Legislative Commission quarterly, unless otherwise directed by the Commission.

~~[3.]~~ *4.* The Director, on or before the first day of each regular session of the Legislature and at such other times as directed, shall compile the reports he has received pursuant to paragraph (b) of subsection 1 *and the information he has received pursuant to subsection 2* and distribute copies of the compilation to the Senate Standing Committee on Commerce and Labor and the Assembly Standing Committee on Commerce and Labor, each of which shall review the compilation to determine whether the continued existence of each regulatory body is necessary.

Sec. 1.3. NRS 622.100 is hereby amended to read as follows:

622.100 1. Each regulatory body shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director:

(a) A summary of each disciplinary action taken by the regulatory body during the immediately preceding calendar quarter against any licensee of the regulatory body; and

(b) A report that includes:

(1) The number of licenses issued by the regulatory body during the immediately preceding calendar quarter; and

(2) Any other information that is requested by the Director or which the regulatory body determines would be helpful to the Legislature in evaluating whether the continued existence of the regulatory body is necessary.

2. ~~[In addition to the information required pursuant to subsection 1, the Board of Medical Examiners and the State Board of Osteopathic Medicine shall further submit the number and types of remediation agreements each has approved pursuant to NRS 630.299 and section 67 of this act, respectively, at the same time and in the format prescribed by the Director pursuant to subsection 1.~~

~~3.]~~ The Director shall:

(a) Provide any information he receives pursuant to subsection 1 or 2 to a member of the public upon request;

(b) Cause a notice of the availability of such information to be posted on the public website of the Nevada Legislature on the Internet; and

(c) Transmit a compilation of the information he receives pursuant to ~~[subsections]~~ *subsection* 1 ~~[and 2]~~ to the Legislative Commission quarterly, unless otherwise directed by the Commission.

3. The Director, on or before the first day of each regular session of the Legislature and at such other times as directed, shall compile the reports he has received pursuant to paragraph (b) of subsection 1 ~~[and the information he has received pursuant to subsection 2]~~ and distribute copies of the compilation to the Senate Standing Committee on Commerce and Labor and the Assembly Standing Committee on Commerce and Labor, each of which shall review the compilation to determine whether the continued existence of each regulatory body is necessary.

~~[Section 1.]~~ *Sec. 1.7.* NRS 629.031 is hereby amended to read as follows:

629.031 Except as otherwise provided by *a* specific statute:

1. "Provider of health care" means a physician licensed pursuant to chapter 630, 630A or 633 of NRS, dentist, licensed nurse, dispensing optician, optometrist, practitioner of respiratory care, registered physical therapist, podiatric physician, licensed psychologist, licensed marriage and family therapist, chiropractor, athletic trainer, *perfusionist,* doctor of Oriental medicine in any form, medical laboratory director or technician, pharmacist or a licensed hospital as the employer of any such person.

2. For the purposes of NRS 629.051, 629.061 and 629.065, the term includes a facility that maintains the health care records of patients.

Sec. 2. NRS 629.069 is hereby amended to read as follows:

629.069 1. A provider of health care shall disclose the results of all tests performed pursuant to NRS 441A.195 to:

(a) The person who was tested and, upon request, a member of the family of a decedent who was tested;

(b) The law enforcement officer, correctional officer, emergency medical attendant, firefighter, county coroner or medical examiner or their employee, other person who is employed by an agency of criminal justice or other public employee whose duties may require him to come into contact with human blood or bodily fluids who filed the petition or on whose behalf the petition was filed pursuant to NRS 441A.195;

(c) The designated health care officer for the employer of the person described in paragraph (b) or, if there is no designated health care officer, the person designated by the employer to document and verify possible exposure to contagious diseases; [and]

(d) If the person who was tested is incarcerated or detained, the person in charge of the facility in which the person is incarcerated or detained and the chief medical officer of the facility in which the person is incarcerated or detained, if any ~~[.]~~ *; and*

(e) A designated investigator or member of the State Board of Osteopathic Medicine during any period in which the Board is investigating the holder of a license pursuant to chapter 633 of NRS.

2. A provider of health care and an agent or employee of a provider of health care are immune from civil liability for a disclosure made in accordance with the provisions of this section.

Sec. 3. Chapter 630 of NRS is hereby amended by adding thereto the provisions set forth as sections 4 to 14, inclusive, of this act.

Sec. 4. *1. "Perfusion" means the performance of functions which are necessary to provide for the support, treatment, measurement or supplementation of a patient's cardiovascular, circulatory or respiratory system or other organs, or any combination of those activities, and to ensure the safe management of the patient's physiological functions by monitoring and analyzing the parameters of the patient's systems or organs under the order and supervision of a physician.*

2. The term includes, without limitation:

(a) The use of extracorporeal circulation and any associated therapeutic and diagnostic technologies; and

(b) The use of long-term cardiopulmonary support techniques.

3. As used in this section, "extracorporeal circulation" means the diversion of a patient's blood through a heart-lung bypass machine or a similar device that assumes the functions of the patient's heart, lungs, kidney, liver or other organs.

Sec. 5. *"Perfusionist" means a person who is licensed to practice perfusion by the Board.*

Sec. 6. *"Temporarily licensed perfusionist" means a person temporarily licensed to practice perfusion by the Board pursuant to section 13 of this act.*

Sec. 7. *The Board shall adopt regulations regarding the licensure of perfusionists, including, without limitation:*

1. The criteria for licensure as a perfusionist and the standards of professional conduct for holders of such a license;

2. The qualifications and fitness of applicants for licenses, renewal of licenses and reciprocal licenses;

3. The requirements for any practical, oral or written examination for a license that the Board may require pursuant to section 9 of this act, including, without limitation, the passing grade for such an examination;

4. The fees for examination and for reinstatement of expired licenses;

5. The requirements for continuing education for the renewal of a license;

6. A code of ethics for perfusionists; and

7. The procedures for the revocation, suspension or denial of a license for a violation of this chapter or the regulations of the Board.

Sec. 8. *To be eligible for licensing by the Board as a perfusionist, an applicant must:*

1. Be a natural person of good moral character;

2. Submit a completed application as required by the Board by the date established by the Board;

3. Submit any required fees by the date established by the Board;

4. Have successfully completed a perfusion education program approved by the Board, which must:

(a) Have been approved by the Committee on Allied Health Education and Accreditation of the American Medical Association before June 1, 1994; or

(b) Be a program that has educational standards that are at least as stringent as those established by the Accreditation Committee-Perfusion Education and approved by the Commission on Accreditation of Allied Health Education Programs of the American Medical Association, or its successor;

5. Pass an examination required pursuant to section 9 of this act; and

6. Comply with any other requirements set by the Board.

Sec. 9. *1. The Board shall use the certification examinations given by the American Board of Cardiovascular Perfusion or its successor in determining the qualifications for granting a license to practice perfusion.*

2. The Board shall notify each applicant of the results of the examination.

3. If a person who fails the examination makes a written request, the Board shall furnish the person with an analysis of his performance on the examination.

Sec. 10. *The Board shall waive the examination required pursuant to section 9 of this act for an applicant who at the time of application:*

1. Is licensed as a perfusionist in another state, territory or possession of the United States, if the requirements for licensure are substantially similar to those required by the Board; or

2. Holds a current certificate as a certified clinical perfusionist issued by the American Board of Cardiovascular Perfusion or its successor before October 1, 2009.

Sec. 11. *1. The Board shall issue a license as a perfusionist to each applicant who proves to the satisfaction of the Board that the applicant is qualified for licensure. The license authorizes the applicant to represent himself as a licensed perfusionist and to practice perfusion in this State subject to the conditions and limitations of this chapter.*

2. Each licensed perfusionist shall:

(a) Display his current license in a location which is accessible to the public;

(b) Keep a copy of his current license on file at any health care facility where he provides services; and

(c) Notify the Board of any change of address in accordance with NRS 630.254.

3. As used in this section, "health care facility" means a medical facility or facility for the dependent licensed pursuant to chapter 449 of NRS.

Sec. 12. *1. Each license issued pursuant to section 11 of this act expires on July 1 of every odd-numbered year and may be renewed if, before the license expires, the holder of the license submits to the Board:*

(a) A completed application for renewal on a form prescribed by the Board;

(b) Proof of his completion of the requirements for continuing education prescribed by regulations adopted by the Board pursuant to section 7 of this act; and

(c) The applicable fee for renewal of the license prescribed by the Board pursuant to section 8 of this act.

2. A license that expires pursuant to this section not more than 2 years before an application for renewal is made is automatically suspended and may be reinstated only if the applicant:

(a) Complies with the provisions of subsection 1; and

(b) Submits to the Board the fees:

(1) For the reinstatement of an expired license, prescribed by regulations adopted by the Board pursuant to section 7 of this act; and

(2) For each biennium that the license was expired, for the renewal of the license.

3. If a license has been expired for more than 2 years, a person may not renew or reinstate the license but must apply for a new license and submit to the examination required pursuant to section 9 of this act.

4. The Board shall send a notice of renewal to each licensee not later than 60 days before his license expires. The notice must include the amount of the fee for renewal of the license.

Sec. 13. *1. The Board may issue a temporary license to practice perfusion in this State to a person who has not yet completed the examination required pursuant to section 9 of this act but who:*

(a) Has completed an approved perfusion education program;

(b) Files an application; and

(c) Pays the required fee.

2. A perfusionist shall supervise and direct a temporarily licensed perfusionist at all times during which the temporarily licensed perfusionist performs perfusion.

3. A temporary license is valid for 1 year after the date it is issued and may be extended subject to regulation by the Board. The application for renewal must be signed by a supervising licensed perfusionist.

4. If a temporarily licensed perfusionist fails any portion of the examination required pursuant to section 9 of this act, he shall immediately surrender the temporary license to the Board.

Sec. 13.5. 1. Except as otherwise provided in NRS 630.161, the Board may issue an authorized facility license to a person who intends to practice medicine in this State as a physician in an institution of the Department of Corrections under the direct supervision of a physician who holds an unrestricted license to practice medicine pursuant to this chapter or to practice osteopathic medicine pursuant to chapter 633 of NRS.

2. A person who applies for an authorized facility license pursuant to this section is not required to take or pass a written examination as to his qualifications to practice medicine pursuant to paragraph (e) of subsection 2 of NRS 630.160, but the person must meet all other conditions and requirements for an unrestricted license to practice medicine pursuant to this chapter.

3. If the Board issues an authorized facility license pursuant to this section, the person who holds the license may practice medicine in this State only as a physician in an institution of the Department of Corrections and only under the direct supervision of a physician who holds an unrestricted license to practice medicine pursuant to this chapter or to practice osteopathic medicine pursuant to chapter 633 of NRS.

4. If a person who holds an authorized facility license issued pursuant to this section ceases to practice medicine in this State as a physician in an institution of the Department of Corrections:

(a) The Department shall notify the Board; and

(b) Upon receipt of the notification, the authorized facility license expires automatically.

5. The Board may renew or modify an authorized facility license issued pursuant to this section, unless the license has expired automatically or has been revoked.

6. The provisions of this section do not limit the authority of the Board to issue a license to an applicant in accordance with any other provision of this chapter.

Sec. 14. *If the holder of a license that is issued or renewed pursuant to this chapter is convicted of a felony for a violation of any federal or state law or regulation relating to the holder's practice, the conviction operates as an immediate suspension of the license.*

Sec. 15. NRS 630.003 is hereby amended to read as follows:

630.003 1. The Legislature finds and declares that:

(a) It is among the responsibilities of State Government to ensure, as far as possible, that only competent persons practice medicine *, perfusion* and respiratory care within this State;

(b) For the protection and benefit of the public, the Legislature delegates to the Board of Medical Examiners the power and duty to determine the initial and continuing competence of physicians, *perfusionists,* physician assistants and practitioners of respiratory care who are subject to the provisions of this chapter;

(c) The Board must exercise its regulatory power to ensure that the interests of the medical profession do not outweigh the interests of the public;

(d) The Board must ensure that unfit physicians, *perfusionists,* physician assistants and practitioners of respiratory care are removed from the medical profession so that they will not cause harm to the public; and

(e) The Board must encourage and allow for public input into its regulatory activities to further improve the quality of medical practice within this State.

2. The powers conferred upon the Board by this chapter must be liberally construed to carry out these purposes for the protection and benefit of the public.

Sec. 16. NRS 630.005 is hereby amended to read as follows:

630.005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 630.007 to 630.025, inclusive, *and sections 4, 5 and 6 of this act* have the meanings ascribed to them in those sections.

Sec. 17. NRS 630.020 is hereby amended to read as follows:

630.020 "Practice of medicine" means:

1. To diagnose, treat, correct, prevent or prescribe for any human disease, ailment, injury, infirmity, deformity or other condition, physical or mental, by any means or instrumentality ~~[.]~~ *, including, but not limited to, the performance of an autopsy.*

2. To apply principles or techniques of medical science in the diagnosis or the prevention of any such conditions.

3. To perform any of the acts described in subsections 1 and 2 by using equipment that transfers information concerning the medical condition of the patient electronically, telephonically or by fiber optics.

4. To offer, undertake, attempt to do or hold oneself out as able to do any of the acts described in subsections 1 and 2.

Sec. 18. NRS 630.045 is hereby amended to read as follows:

630.045 1. The purpose of licensing physicians, physician assistants and practitioners of respiratory care is to protect the public health and safety and the general welfare of the people of this State.

2. Any license issued pursuant to this chapter is a revocable privilege . ~~[, but the Board may revoke such a license only in accordance with the provisions of NRS 630.348.]~~

Sec. 19. NRS 630.045 is hereby amended to read as follows:

630.045 1. The purpose of licensing physicians, *perfusionists,* physician assistants and practitioners of respiratory care is to protect the public health and safety and the general welfare of the people of this State.

2. Any license issued pursuant to this chapter is a revocable privilege.

Sec. 20. NRS 630.047 is hereby amended to read as follows:

630.047 1. This chapter does not apply to:

(a) A medical officer or *perfusionist or* practitioner of respiratory care of the Armed Services or a medical officer or *perfusionist or* practitioner of respiratory care of any division or department of the United States in the discharge of his official duties;

(b) Physicians who are called into this State, other than on a regular basis, for consultation with or assistance to a physician licensed in this State, and who are legally qualified to practice in the state where they reside;

(c) Physicians who are legally qualified to practice in the state where they reside and come into this State on an irregular basis to:

(1) Obtain medical training approved by the Board from a physician who is licensed in this State; or

(2) Provide medical instruction or training approved by the Board to physicians licensed in this State;

(d) Any person permitted to practice any other healing art under this title who does so within the scope of that authority, or healing by faith or Christian Science;

(e) The practice of respiratory care by a student as part of a program of study in respiratory care that is approved by the Board, or is recognized by a national organization which is approved by the Board to review such programs, if the student is enrolled in the program and provides respiratory care only under the supervision of a practitioner of respiratory care;

(f) The practice of respiratory care by a student who:

(1) Is enrolled in a clinical program of study in respiratory care which has been approved by the Board;

(2) Is employed by a medical facility, as defined in NRS 449.0151; and

(3) Provides respiratory care to patients who are not in a critical medical condition or, in an emergency, to patients who are in a critical medical condition and a practitioner of respiratory care is not immediately available to provide that care and the student is directed by a physician to provide respiratory care under his supervision until a practitioner of respiratory care is available;

(g) The practice of respiratory care by a person on himself or gratuitous respiratory care provided to a friend or a member of a person's family if the provider of the care does not represent himself as a practitioner of respiratory care;

(h) A ~~[cardiopulmonary perfusionist who is under the supervision of a surgeon or an anesthesiologist;~~

~~(i) A]~~ person who is employed by a physician and provides respiratory care *or services as a perfusionist* under the supervision of that physician;

~~[(j)]~~ *(i)* The maintenance of medical equipment for *perfusion or* respiratory care that is not attached to a patient; and

~~[(k)]~~ *(j)* A person who installs medical equipment for respiratory care that is used in the home and gives instructions regarding the use of that equipment if the person is trained to provide such services and is supervised by a provider of health care who is acting within the authorized scope of his practice.

2. This chapter does not repeal or affect any statute of Nevada regulating or affecting any other healing art.

3. This chapter does not prohibit:

(a) Gratuitous services outside of a medical school or medical facility by a person who is not a physician, *perfusionist,* physician assistant or practitioner of respiratory care in cases of emergency.

(b) The domestic administration of family remedies.

Sec. 21. NRS 630.120 is hereby amended to read as follows:

630.120 1. The Board shall procure a seal.

2. All licenses issued to physicians, *perfusionists,* physician assistants and practitioners of respiratory care must bear the seal of the Board and the signatures of its President and Secretary-Treasurer.

Sec. 22. NRS 630.123 is hereby amended to read as follows:

630.123 The Board shall operate on the basis of a fiscal year commencing on ~~[July]~~ *January* 1 and terminating on ~~[June 30.]~~ *December 31.*

Sec. 23. NRS 630.130 is hereby amended to read as follows:

630.130 1. In addition to the other powers and duties provided in this chapter, the Board shall, in the interest of the public, judiciously:

(a) Enforce the provisions of this chapter;

(b) Establish by regulation standards for licensure under this chapter;

(c) Conduct examinations for licensure and establish a system of scoring for those examinations;

(d) Investigate the character of each applicant for a license and issue licenses to those applicants who meet the qualifications set by this chapter and the Board; and

(e) Institute a proceeding in any court to enforce its orders or the provisions of this chapter.

2. On or before February 15 of each odd-numbered year, the Board shall submit to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a written report compiling:

(a) Disciplinary action taken by the Board during the previous biennium against physicians for malpractice or negligence;

(b) *The number and types of remediation agreements approved by the Board pursuant to NRS 630.299;*

(c) Information reported to the Board during the previous biennium pursuant to NRS 630.3067, 630.3068, subsections ~~[2]~~ *3* and ~~[3]~~ *4* of NRS 630.307 and NRS 690B.250 and 690B.260; and

~~[(c)]~~ *(d)* Information reported to the Board during the previous biennium pursuant to NRS 630.30665, including, without limitation, the number and types of surgeries performed by each holder of a license to practice medicine and the occurrence of sentinel events arising from such surgeries, if any.

➥ The report must include only aggregate information for statistical purposes and exclude any identifying information related to a particular person.

3. *On or before February 15 of each odd-numbered year, the Board shall submit to the Legislative Commission a written report compiling the information described in paragraphs (a) and (b) of subsection 2.*

4. The Board may adopt such regulations as are necessary or desirable to enable it to carry out the provisions of this chapter.

Sec. 23.5. NRS 630.130 is hereby amended to read as follows:

630.130 1. In addition to the other powers and duties provided in this chapter, the Board shall, in the interest of the public, judiciously:

(a) Enforce the provisions of this chapter;

(b) Establish by regulation standards for licensure under this chapter;

(c) Conduct examinations for licensure and establish a system of scoring for those examinations;

(d) Investigate the character of each applicant for a license and issue licenses to those applicants who meet the qualifications set by this chapter and the Board; and

(e) Institute a proceeding in any court to enforce its orders or the provisions of this chapter.

2. On or before February 15 of each odd-numbered year, the Board shall submit to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a written report compiling:

(a) Disciplinary action taken by the Board during the previous biennium against physicians for malpractice or negligence;

(b) ~~[The number and types of remediation agreements approved by the Board pursuant to NRS 630.299;~~

~~(c)]~~ Information reported to the Board during the previous biennium pursuant to NRS 630.3067, 630.3068, subsections 3 and 4 of NRS 630.307 and NRS 690B.250 and 690B.260; and

~~[(d)]~~ *(c)* Information reported to the Board during the previous biennium pursuant to NRS 630.30665, including, without limitation, the number and types of surgeries performed by each holder of a license to practice medicine and the occurrence of sentinel events arising from such surgeries, if any.

➥ The report must include only aggregate information for statistical purposes and exclude any identifying information related to a particular person.

3. ~~[On or before February 15 of each odd-numbered year, the Board shall submit to the Legislative Commission a written report compiling the information described in paragraphs (a) and (b) of subsection 2.~~

~~4.]~~ The Board may adopt such regulations as are necessary or desirable to enable it to carry out the provisions of this chapter.

Sec. 24. NRS 630.137 is hereby amended to read as follows:

630.137 1. Notwithstanding any other provision of law and except as otherwise provided in this section, the Board shall not adopt any regulations that prohibit or have the effect of prohibiting a physician, *perfusionist,* physician assistant or practitioner of respiratory care from collaborating or consulting with another provider of health care.

2. The provisions of this section do not prevent the Board from adopting regulations that prohibit a physician, *perfusionist,* physician assistant or practitioner of respiratory care from aiding or abetting another person in the unlicensed practice of medicine or the unlicensed practice of *perfusion or* respiratory care.

3. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 25. NRS 630.140 is hereby amended to read as follows:

630.140 1. The Board may hold hearings and conduct investigations pertaining to its duties imposed under this chapter and take evidence on any such matter under inquiry before the Board. For the purposes of this chapter:

(a) Any member of the Board or other person authorized by law may administer oaths; and

(b) The Secretary-Treasurer or President of the Board or a hearing officer or the presiding member of a committee investigating a complaint , *but not the Executive Director acting on his own behalf,* may issue subpoenas to compel the attendance of witnesses and the production of books, X rays , ~~[and]~~ medical records and ~~[other papers]~~ ~~[.]~~ ~~*[and tangible items.]*~~ *any other item within the scope of Rule 45 of the Nevada Rules of Civil Procedure.* The Secretary-Treasurer, President or other officer of the Board acting on its behalf *or the Executive Director* must sign the subpoena.

2. If any person fails to comply with the subpoena , ~~[within 10 days after its issuance,]~~ the Secretary-Treasurer , *Executive Director* or President of the Board may petition the district court for an order of the court compelling compliance with the subpoena.

3. Upon such a petition, the court shall enter an order directing the person subpoenaed to appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 10 days after the date of the order, and then and there show cause why he has not complied with the subpoena. A certified copy of the order must be served upon the person subpoenaed.

4. If it appears to the court that the subpoena was regularly issued by the Board, the court shall enter an order compelling compliance with the subpoena, and upon failure to obey the order the person shall be dealt with as for contempt of court.

Sec. 26. NRS 630.160 is hereby amended to read as follows:

630.160 1. Every person desiring to practice medicine must, before beginning to practice, procure from the Board a license authorizing him to practice.

2. Except as otherwise provided in NRS 630.1605, 630.161 and 630.258 to 630.265, inclusive, a license may be issued to any person who:

(a) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;

(b) Has received the degree of doctor of medicine from a medical school:

(1) Approved by the Liaison Committee on Medical Education of the American Medical Association and Association of American Medical Colleges; or

(2) Which provides a course of professional instruction equivalent to that provided in medical schools in the United States approved by the Liaison Committee on Medical Education;

(c) Is currently certified by a specialty board of the American Board of Medical Specialties and who agrees to maintain the certification for the duration of his licensure, or has passed:

(1) All parts of the examination given by the National Board of Medical Examiners;

(2) All parts of the Federation Licensing Examination;

(3) All parts of the United States Medical Licensing Examination;

(4) All parts of a licensing examination given by any state or territory of the United States, if the applicant is certified by a specialty board of the American Board of Medical Specialties;

(5) All parts of the examination to become a licentiate of the Medical Council of Canada; or

(6) Any combination of the examinations specified in subparagraphs (1), (2) and (3) that the Board determines to be sufficient;

(d) Is currently certified by a specialty board of the American Board of Medical Specialties in the specialty of emergency medicine, preventive medicine or family practice and who agrees to maintain certification in at least one of these specialties for the duration of his licensure, or:

(1) Has completed 36 months of progressive postgraduate:

(I) Education as a resident in the United States or Canada in a program approved by the Board, the Accreditation Council for Graduate Medical Education or the Coordinating Council of Medical Education of the Canadian Medical Association; or

(II) Fellowship training in the United States or Canada approved by the Board or the Accreditation Council for Graduate Medical Education; or

(2) Has completed at least 36 months of postgraduate education, not less than 24 months of which must have been completed as a resident after receiving a medical degree from a combined dental and medical degree program approved by the Board; and

(e) Passes a written or oral examination, or both, as to his qualifications to practice medicine and provides the Board with a description of the clinical program completed demonstrating that the applicant's clinical training met the requirements of paragraph (b).

3. The Board may issue a license to practice medicine after the Board verifies, through any readily available source, that the applicant has complied with the provisions of subsection 2. The verification may include, but is not limited to, using the Federation Credentials Verification Service. If any information is verified by a source other than the primary source of the information, the Board may require subsequent verification of the information by the primary source of the information.

4. Notwithstanding any provision of this chapter to the contrary, if after issuing a license to practice medicine the Board obtains information from a primary or other source of information and that information differs from the information provided by the applicant or otherwise received by the Board, the Board may:

(a) Temporarily suspend the license;

(b) Promptly review the differing information with the Board as a whole or in a committee appointed by the Board;

(c) Declare the license void if the Board or a committee appointed by the Board determines that the information submitted by the applicant was false, fraudulent or intended to deceive the Board;

(d) Refer the applicant to the Attorney General for possible criminal prosecution pursuant to NRS 630.400; or

(e) If the Board temporarily suspends the license, allow the license to return to active status subject to any terms and conditions specified by the Board, including:

(1) Placing the licensee on probation for a specified period with specified conditions;

(2) Administering a public reprimand;

(3) Limiting the practice of the licensee;

(4) Suspending the license for a specified period or until further order of the Board;

(5) Requiring the licensee to participate in a program to correct alcohol or drug dependence or any other impairment;

(6) Requiring supervision of the practice of the licensee;

(7) Imposing an administrative fine not to exceed $5,000;

(8) Requiring the licensee to perform community service without compensation;

(9) Requiring the licensee to take a physical or mental examination or an examination testing his competence to practice medicine;

(10) Requiring the licensee to complete any training or educational requirements specified by the Board; and

(11) Requiring the licensee to submit a corrected application, including the payment of all appropriate fees and costs incident to submitting an application.

5. If the Board determines after reviewing the differing information to allow the license to remain in active status, the action of the Board is not a disciplinary action and must not be reported to any national database. If the Board determines after reviewing the differing information to declare the license void, its action shall be deemed a disciplinary action and shall be reportable to national databases.

Sec. 27. NRS 630.1605 is hereby amended to read as follows:

630.1605 *1.* Except as otherwise provided in NRS 630.161, the Board may issue a license by endorsement to practice medicine to an applicant who has been issued a license to practice medicine by the District of Columbia or any state or territory of the United States if:

~~[1.]~~ *(a)* At the time the applicant files his application with the Board, the license is in effect;

~~[2.]~~ *(b)* The applicant:

~~[(a)]~~ *(1)* Submits to the Board proof of passage of an examination approved by the Board;

~~[(b)]~~ *(2)* Submits to the Board any documentation and other proof of qualifications required by the Board;

~~[(c)]~~ *(3)* Meets all of the statutory requirements for licensure to practice medicine in effect at the time of application except for the requirements set forth in NRS 630.160; and

~~[(d)]~~ *(4)* Completes any additional requirements relating to the fitness of the applicant to practice required by the Board; and

~~[3.]~~ *(c)* Any documentation and other proof of qualifications required by the Board is authenticated in a manner approved by the Board.

2. A license by endorsement to practice medicine may be issued at a meeting of the Board or between its meetings by the President and Executive Director of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 28. NRS 630.167 is hereby amended to read as follows:

630.167 In addition to any other requirements set forth in this chapter, each applicant for a license to practice medicine *, to practice as a physician assistant or to practice respiratory care* shall submit to the Board a complete set of his fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report. *Any fees or costs charged by the Board for this service pursuant to NRS 630.268 are not refundable.*

Sec. 29. NRS 630.167 is hereby amended to read as follows:

630.167 In addition to any other requirements set forth in this chapter, each applicant for a license to practice medicine, to practice as a *perfusionist, to practice as a* physician assistant or to practice respiratory care shall submit to the Board a complete set of his fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report. Any fees or costs charged by the Board for this service pursuant to NRS 630.268 are not refundable.

Sec. 30. NRS 630.170 is hereby amended to read as follows:

630.170 In addition to the other requirements for licensure, an applicant for a license to practice medicine who is a graduate of a medical school located in the United States or Canada shall submit to the Board proof that he has received the degree of doctor of medicine from a medical school which, at the time of graduation, was accredited by the Liaison Committee on Medical Education or the Committee for the Accreditation of Canadian Medical Schools. *The proof of the degree of doctor of medicine must be submitted directly to the Board by the medical school that granted the degree. If proof of the degree is unavailable from the medical school, the Board may accept proof from any other source specified by the Board.*

Sec. 31. NRS 630.173 is hereby amended to read as follows:

630.173 1. In addition to the other requirements for licensure, an applicant for a license to practice medicine shall submit to the Board information describing:

(a) Any claims made against the applicant for malpractice, whether or not a civil action was filed concerning the claim;

(b) Any complaints filed against the applicant with a licensing board of another state and any disciplinary action taken against the applicant by a licensing board of another state; and

(c) Any complaints filed against the applicant with a hospital, clinic or medical facility or any disciplinary action taken against the applicant by a hospital, clinic or medical facility.

2. The Board *may consider any information specified in subsection 1 that is more than 10 years old if the Board receives the information from the applicant or any other source from which the Board is verifying the information provided by the applicant.*

3. The Board may refuse to consider any information specified in subsection 1 that is more than 10 years old if the Board determines that the claim or complaint is remote or isolated and that obtaining or attempting to obtain a record relating to the information will unreasonably delay the consideration of the application.

4. The Board shall not issue a license to the applicant until it has received all the information required by this section.

Sec. 32. NRS 630.195 is hereby amended to read as follows:

630.195 *1.* In addition to the other requirements for licensure, an applicant for a license to practice medicine who is a graduate of a foreign medical school shall submit to the Board proof that he has received:

~~[1.]~~ *(a)* The degree of doctor of medicine or its equivalent, as determined by the Board; and

~~[2.]~~ *(b)* The standard certificate of the Educational Commission for Foreign Medical Graduates or a written statement from that Commission that he passed the examination given by ~~[it.]~~ *the Commission.*

2. The proof of the degree of doctor of medicine or its equivalent must be submitted directly to the Board by the medical school that granted the degree. If proof of the degree is unavailable from the medical school that granted the degree, the Board may accept proof from any other source specified by the Board.

Sec. 33. NRS 630.197 is hereby amended to read as follows:

630.197 1. In addition to any other requirements set forth in this chapter:

(a) An applicant for the issuance of a license to practice medicine, to practice as a *perfusionist, to practice as a* physician assistant or to practice as a practitioner of respiratory care shall include the social security number of the applicant in the application submitted to the Board.

(b) An applicant for the issuance or renewal of a license to practice medicine, to practice as a *perfusionist, to practice as a* physician assistant or to practice as a practitioner of respiratory care shall submit to the Board the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Board shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the Board.

3. A license to practice medicine, to practice as a *perfusionist, to practice as a* physician assistant or to practice as a practitioner of respiratory care may not be issued or renewed by the Board if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Board shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 34. NRS 630.197 is hereby amended to read as follows:

630.197 1. In addition to any other requirements set forth in this chapter, an applicant for the issuance or renewal of a license to practice medicine, to practice as a *perfusionist, to practice as a* physician assistant or to practice as a practitioner of respiratory care shall submit to the Board the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Board shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the Board.

3. A license to practice medicine, to practice as a *perfusionist, to practice as a* physician assistant or to practice as a practitioner of respiratory care may not be issued or renewed by the Board if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Board shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 35. NRS 630.200 is hereby amended to read as follows:

630.200 1. The Board may deny an application for a license to practice medicine for any violation of the provisions of this chapter or regulations of the Board.

2. The Board shall notify an applicant of any deficiency which prevents any further action on the application or results in the denial of the application. The applicant may respond in writing to the Board concerning any deficiency and, if he does so, the Board shall respond in writing to the contentions of the applicant.

3. Any unsuccessful applicant may appeal to the ~~[district court to review the action of the]~~ Board ~~[,]~~ if he files his appeal within 90 days ~~[from]~~ *after* the date of the rejection of his application by the Board. Upon appeal , the applicant has the burden to show that the action of the Board is erroneous . ~~[or unlawful.]~~

Sec. 36. NRS 630.258 is hereby amended to read as follows:

630.258 1. A physician who is retired from active practice and who ~~[wishes]~~ *:*

(a) Wishes to donate his expertise for the medical care and treatment of persons in this State who are indigent, uninsured or unable to afford health care *; or*

(b) Wishes to provide services for any disaster relief operations conducted by a governmental entity or nonprofit organization,

➥ may obtain a special volunteer medical license by submitting an application to the Board pursuant to this section.

2. An application for a special volunteer medical license must be on a form provided by the Board and must include:

(a) Documentation of the history of medical practice of the physician;

(b) Proof that the physician previously has been issued an unrestricted license to practice medicine in any state of the United States and that he has never been the subject of disciplinary action by a medical board in any jurisdiction;

(c) Proof that the physician satisfies the requirements for licensure set forth in NRS 630.160 or the requirements for licensure by endorsement set forth in NRS 630.1605;

(d) Acknowledgment that the practice of the physician under the special volunteer medical license will be exclusively devoted to providing medical care ~~[to]~~ *:*

(1) To persons in this State who are indigent, uninsured or unable to afford health care; *or*

(2) As part of any disaster relief operations conducted by a governmental entity or nonprofit organization; and

(e) Acknowledgment that the physician will not receive any payment or compensation, either direct or indirect, or have the expectation of any payment or compensation, for providing medical care under the special volunteer medical license, except for payment by a medical facility at which the physician provides volunteer medical services of the expenses of the physician for necessary travel, continuing education, malpractice insurance or fees of the State Board of Pharmacy.

3. If the Board finds that the application of a physician satisfies the requirements of subsection 2 and that the retired physician is competent to practice medicine, the Board shall issue a special volunteer medical license to the physician.

4. The initial special volunteer medical license issued pursuant to this section expires 1 year after the date of issuance. The license may be renewed pursuant to this section, and any license that is renewed expires 2 years after the date of issuance.

5. The Board shall not charge a fee for:

(a) The review of an application for a special volunteer medical license; or

(b) The issuance or renewal of a special volunteer medical license pursuant to this section.

6. A physician who is issued a special volunteer medical license pursuant to this section and who accepts the privilege of practicing medicine in this State pursuant to the provisions of the

special volunteer medical license is subject to all the provisions governing disciplinary action set forth in this chapter.

7. A physician who is issued a special volunteer medical license pursuant to this section shall comply with the requirements for continuing education adopted by the Board.

Sec. 37. NRS 630.261 is hereby amended to read as follows:

630.261 1. Except as otherwise provided in NRS 630.161, the Board may issue:

(a) A locum tenens license, to be effective not more than 3 months after issuance, to any physician who is licensed and in good standing in another state, who meets the requirements for licensure in this State and who is of good moral character and reputation. The purpose of this license is to enable an eligible physician to serve as a substitute for another physician who is licensed to practice medicine in this State and who is absent from his practice for reasons deemed sufficient by the Board. A license issued pursuant to the provisions of this paragraph is not renewable.

(b) A special license to a licensed physician of another state to come into this State to care for or assist in the treatment of his own patient in association with a physician licensed in this State. A special license issued pursuant to the provisions of this paragraph is limited to the care of a specific patient. The physician licensed in this State has the primary responsibility for the care of that patient.

(c) A restricted license for a specified period if the Board determines the applicant needs supervision or restriction.

(d) A temporary license for a specified period if the physician is licensed and in good standing in another state and meets the requirements for licensure in this State, and if the Board determines that it is necessary in order to provide medical services for a community without adequate medical care. A temporary license issued pursuant to the provisions of this paragraph is not renewable.

(e) A special purpose license to a physician who is licensed in another state to permit the use of equipment that transfers information concerning the medical condition of a patient in this State across state lines electronically, telephonically or by fiber optics . ~~[if the physician:~~

~~(1) Holds a full and unrestricted license to practice medicine in that state;~~

~~(2) Has not had any disciplinary or other action taken against him by any state or other jurisdiction; and~~

~~(3) Meets the requirements set forth in paragraph (d) of subsection 2 of NRS 630.160.]~~

2. *For the purpose of paragraph (e) of subsection 1, the physician must:*

(a) Hold a full and unrestricted license to practice medicine in another state;

(b) Not have had any disciplinary or other action taken against him by any state or other jurisdiction; and

(c) Be certified by a specialty board of the American Board of Medical Specialties or its successor.

3. Except as otherwise provided in this section, the Board may renew or modify any license issued pursuant to subsection 1.

Sec. 38. NRS 630.262 is hereby amended to read as follows:

630.262 1. Except as otherwise provided in NRS 630.161, the Board may issue ~~[a restricted]~~ *an authorized facility* license to a person who intends to practice medicine in this State as a psychiatrist in a mental health center of the Division under the direct supervision of a psychiatrist who holds an unrestricted license to practice medicine pursuant to this chapter ~~[.]~~ *or to practice osteopathic medicine pursuant to chapter 633 of NRS.*

2. A person who applies for ~~[a restricted]~~ *an authorized facility* license pursuant to this section is not required to take or pass a written examination as to his qualifications to practice medicine pursuant to paragraph (e) of subsection 2 of NRS 630.160, but the person must meet all other conditions and requirements for an unrestricted license to practice medicine pursuant to this chapter.

3. If the Board issues ~~[a restricted]~~ *an authorized facility* license pursuant to this section, the person who holds the ~~[restricted]~~ license may practice medicine in this State only as a psychiatrist in a mental health center of the Division and only under the direct supervision of a psychiatrist who holds an unrestricted license to practice medicine pursuant to this chapter ~~[.]~~ *or to practice osteopathic medicine pursuant to chapter 633 of NRS.*

4. If a person who holds ~~[a restricted]~~ *an authorized facility* license issued pursuant to this section ceases to practice medicine in this State as a psychiatrist in a mental health center of the Division:

(a) The Division shall notify the Board; and

(b) Upon receipt of ~~[such]~~ *the* notification, the ~~[restricted]~~ *authorized facility* license expires automatically.

5. The Board may renew or modify ~~[a restricted]~~ *an authorized facility* license issued pursuant to this section, unless the ~~[restricted]~~ license has expired automatically or has been revoked.

6. The provisions of this section do not limit the authority of the Board to issue a ~~[restricted]~~ license to an applicant in accordance with any other provision of this chapter.

7. As used in this section:

(a) "Division" means the Division of Mental Health and Developmental Services of the Department of Health and Human Services.

(b) "Mental health center" has the meaning ascribed to it in NRS 433.144.

Sec. 38.5. *NRS 630.268 is hereby amended to read as follows:*

630.268 1. The Board shall charge and collect not more than the following fees:

For application for and issuance of a license to practice as a physician, including a license by endorsement	$600
For application for and issuance of a temporary, locum tenens, limited, restricted, *authorized facility,* special or special purpose license	400
For renewal of a limited, restricted *, authorized facility* or special license	400
For application for and issuance of a license as a physician assistant	400
For biennial registration of a physician assistant	800
For biennial registration of a physician	800
For application for and issuance of a license as a practitioner of respiratory care	400
For biennial registration of a practitioner of respiratory care	600
For biennial registration for a physician who is on inactive status	400
For written verification of licensure	50
For a duplicate identification card	25
For a duplicate license	50
For computer printouts or labels	500
For verification of a listing of physicians, per hour	20
For furnishing a list of new physicians	100

2. In addition to the fees prescribed in subsection 1, the Board shall charge and collect necessary and reasonable fees for the expedited processing of a request or for any other incidental service the Board provides.

3. The cost of any special meeting called at the request of a licensee, an institution, an organization, a state agency or an applicant for licensure must be paid for by the person or entity requesting the special meeting. Such a special meeting must not be called until the person or entity requesting it has paid a cash deposit with the Board sufficient to defray all expenses of the meeting.

Sec. 39. NRS 630.268 is hereby amended to read as follows:

630.268 1. The Board shall charge and collect not more than the following fees:

For application for and issuance of a license to practice as a physician, including a license by endorsement	$600
For application for and issuance of a temporary, locum tenens, limited, restricted, authorized facility, special or special purpose license	400
For renewal of a limited, restricted, authorized facility or special license	400
For application for and issuance of a license as a physician assistant	400
For biennial registration of a physician assistant	800
For biennial registration of a physician	800

For application for and issuance of a license as a *perfusionist or* practitioner of respiratory care.....400
For biennial renewal of a license as a perfusionist.....*600*
For biennial registration of a practitioner of respiratory care.....600
For biennial registration for a physician who is on inactive status.....400
For written verification of licensure.....50
For a duplicate identification card.....25
For a duplicate license.....50
For computer printouts or labels.....500
For verification of a listing of physicians, per hour.....20
For furnishing a list of new physicians.....100

2. In addition to the fees prescribed in subsection 1, the Board shall charge and collect necessary and reasonable fees for the expedited processing of a request or for any other incidental service the Board provides.

3. The cost of any special meeting called at the request of a licensee, an institution, an organization, a state agency or an applicant for licensure must be paid for by the person or entity requesting the special meeting. Such a special meeting must not be called until the person or entity requesting it has paid a cash deposit with the Board sufficient to defray all expenses of the meeting.

Sec. 40. NRS 630.277 is hereby amended to read as follows:

630.277 1. Every person who wishes to practice respiratory care in this State must:

(a) Have a high school diploma or general equivalency diploma;

(b) Complete an educational program for respiratory care which has been approved by the ~~[National Board]~~ *Commission on Accreditation of Allied Health Education Programs or its successor organization or the Committee on Accreditation* for Respiratory Care or its successor organization;

(c) Pass the examination as an entry-level or advanced practitioner of respiratory care administered by the ~~[National Board]~~ *Commission on Accreditation of Allied Health Education Programs or its successor organization or the Committee on Accreditation* for Respiratory Care or its successor organization;

(d) Be certified by the ~~[National Board]~~ *Commission on Accreditation of Allied Health Education Programs or its successor organization or the Committee on Accreditation* for Respiratory Care or its successor organization; and

(e) Be licensed to practice respiratory care by the Board and have paid the required fee for licensure.

2. Except as otherwise provided in subsection 3, a person shall not:

(a) Practice respiratory care; or

(b) Hold himself out as qualified to practice respiratory care,

↪ in this State without complying with the provisions of subsection 1.

3. Any person who has completed the educational requirements set forth in paragraphs (a) and (b) of subsection 1 may practice respiratory care pursuant to a program of practical training as an intern in respiratory care for not more than 12 months after completing those educational requirements.

Sec. 41. NRS 630.299 is hereby amended to read as follows:

630.299 1. If the Board has reason to believe that a person has violated ~~[,]~~ *or* is violating ~~[or is about to violate]~~ any provision of this chapter, the Board or any investigative committee of the Board may issue to the person a letter of warning, a letter of concern or a nonpunitive admonishment at any time before the Board has initiated any disciplinary proceedings against the person.

2. The issuance of such a letter or admonishment:

(a) Does not preclude the Board from initiating any disciplinary proceedings against the person or taking any disciplinary action against the person based on any conduct alleged or described in the letter or admonishment or any other conduct; and

(b) Does not constitute a final decision of the Board and is not subject to judicial review.

3. In addition to any action taken pursuant to subsection 1, if the Board has reason to believe that a person has violated or is violating any provision of this chapter, the Board or any

investigative committee of the Board may negotiate a remediation agreement with the person. The remediation agreement must include, for each violation, a statement specifying each provision of this chapter or regulation adopted pursuant to this chapter that the Board has reason to believe that the person has violated or is violating. The remediation agreement must also set forth the terms and conditions specified by the Board or an investigative committee, including, without limitation, provisions that:

(a) Address each violation of this chapter that is at issue; and

(b) Remediate or improve the practice of the person relating to those violations.

4. A remediation agreement, if approved by an investigative committee of the Board, must be presented to the Board for approval. Any remediation agreement presented to the Board pursuant to this subsection is a public record. The Board shall ensure that all identifying information regarding each person who is subject to the remediation agreement is removed. The remediation agreement becomes effective immediately upon approval of the remediation agreement by the Board. If the Board does not approve the remediation agreement, the Board shall refer the matter to the investigative committee that presented the remediation agreement to the Board. The investigative committee may further proceed with the matter as it deems appropriate.

5. A remediation agreement entered into pursuant to this section does not constitute disciplinary action against any person who is subject to the remediation agreement and is not reportable to any national database. If the person violates a provision of the remediation agreement, the Board or the investigative committee of the Board with whom the remediation agreement was negotiated may take any action it deems appropriate, including, without limitation, initiating disciplinary proceedings against the person.

6. The Board shall adopt regulations to carry out the provisions of this section.

Sec. 41.5. NRS 630.299 is hereby amended to read as follows:

630.299 1. If the Board has reason to believe that a person has violated or is violating any provision of this chapter, the Board or any investigative committee of the Board may issue to the person a letter of warning, a letter of concern or a nonpunitive admonishment at any time before the Board has initiated any disciplinary proceedings against the person.

2. The issuance of such a letter or admonishment:

(a) Does not preclude the Board from initiating any disciplinary proceedings against the person or taking any disciplinary action against the person based on any conduct alleged or described in the letter or admonishment or any other conduct; and

(b) Does not constitute a final decision of the Board and is not subject to judicial review.

~~[3. In addition to any action taken pursuant to subsection 1, if the Board has reason to believe that a person has violated or is violating any provision of this chapter, the Board or any investigative committee of the Board may negotiate a remediation agreement with the person. The remediation agreement must include, for each violation, a statement specifying each provision of this chapter or regulation adopted pursuant to this chapter that the Board has reason to believe that the person has violated or is violating. The remediation agreement must also set forth the terms and conditions specified by the Board or an investigative committee, including, without limitation, provisions that:~~

~~(a) Address each violation of this chapter that is at issue; and~~

~~(b) Remediate or improve the practice of the person relating to those violations.~~

~~4. A remediation agreement, if approved by an investigative committee of the Board, must be presented to the Board for approval. Any remediation agreement presented to the Board pursuant to this subsection is a public record. The Board shall ensure that all identifying information regarding each person who is subject to the remediation agreement is removed. The remediation agreement becomes effective immediately upon approval of the remediation agreement by the Board. If the Board does not approve the remediation agreement, the Board shall refer the matter to the investigative committee that presented the remediation agreement to the Board. The investigative committee may further proceed with the matter as it deems appropriate.~~

~~5. A remediation agreement entered into pursuant to this section does not constitute disciplinary action against any person who is subject to the remediation agreement and is not reportable to any national database. If the person violates a provision of the remediation~~

~~agreement, the Board or the investigative committee of the Board with whom the remediation agreement was negotiated may take any action it deems appropriate, including, without limitation, initiating disciplinary proceedings against the person.~~

~~6. The Board shall adopt regulations to carry out the provisions of this section.]~~

Sec. 42. NRS 630.306 is hereby amended to read as follows:

630.306 The following acts, among others, constitute grounds for initiating disciplinary action or denying licensure:

1. Inability to practice medicine with reasonable skill and safety because of illness, a mental or physical condition or the use of alcohol, drugs, narcotics or any other substance.

2. Engaging in any conduct:

(a) Which is intended to deceive;

(b) Which the Board has determined is a violation of the standards of practice established by regulation of the Board; or

(c) Which is in violation of a regulation adopted by the State Board of Pharmacy.

3. Administering, dispensing or prescribing any controlled substance, or any dangerous drug as defined in chapter 454 of NRS, to or for himself or to others except as authorized by law.

4. Performing, assisting or advising the injection of any substance containing liquid silicone into the human body, except for the use of silicone oil to repair a retinal detachment.

5. Practicing or offering to practice beyond the scope permitted by law or performing services which the licensee knows or has reason to know that he is not competent to perform ~~[.]~~ *or which are beyond the scope of his training.*

6. Performing, without first obtaining the informed consent of the patient or his family, any procedure or prescribing any therapy which by the current standards of the practice of medicine is experimental.

7. Continual failure to exercise the skill or diligence or use the methods ordinarily exercised under the same circumstances by physicians in good standing practicing in the same specialty or field.

8. Making or filing a report which the licensee or applicant knows to be false or failing to file a record or report as required by law or regulation.

9. Failing to comply with the requirements of NRS 630.254.

10. Habitual intoxication from alcohol or dependency on controlled substances.

11. Failure by a licensee or applicant to report in writing, within 30 days, any disciplinary action taken against him by another state, the Federal Government or a foreign country, including, without limitation, the revocation, suspension or surrender of his license to practice medicine in another jurisdiction.

12. Failure to be found competent to practice medicine as a result of an examination to determine medical competency pursuant to NRS 630.318.

13. Failure by a licensee or applicant to report in writing, within 30 days, any criminal action taken or conviction obtained against him , other than a minor traffic violation, in this State or any other state or by the Federal Government, a branch of the Armed Forces of the United States or any local or federal jurisdiction of a foreign country.

14. Engaging in any act that is unsafe or unprofessional conduct in accordance with regulations adopted by the Board.

15. Violating a provision of a remediation agreement approved by the Board pursuant to NRS 630.299.

Sec. 42.5. NRS 630.306 is hereby amended to read as follows:

630.306 The following acts, among others, constitute grounds for initiating disciplinary action or denying licensure:

1. Inability to practice medicine with reasonable skill and safety because of illness, a mental or physical condition or the use of alcohol, drugs, narcotics or any other substance.

2. Engaging in any conduct:

(a) Which is intended to deceive;

(b) Which the Board has determined is a violation of the standards of practice established by regulation of the Board; or

(c) Which is in violation of a regulation adopted by the State Board of Pharmacy.

3. Administering, dispensing or prescribing any controlled substance, or any dangerous drug as defined in chapter 454 of NRS, to or for himself or to others except as authorized by law.

4. Performing, assisting or advising the injection of any substance containing liquid silicone into the human body, except for the use of silicone oil to repair a retinal detachment.

5. Practicing or offering to practice beyond the scope permitted by law or performing services which the licensee knows or has reason to know that he is not competent to perform or which are beyond the scope of his training.

6. Performing, without first obtaining the informed consent of the patient or his family, any procedure or prescribing any therapy which by the current standards of the practice of medicine is experimental.

7. Continual failure to exercise the skill or diligence or use the methods ordinarily exercised under the same circumstances by physicians in good standing practicing in the same specialty or field.

8. Making or filing a report which the licensee or applicant knows to be false or failing to file a record or report as required by law or regulation.

9. Failing to comply with the requirements of NRS 630.254.

10. Habitual intoxication from alcohol or dependency on controlled substances.

11. Failure by a licensee or applicant to report in writing, within 30 days, any disciplinary action taken against him by another state, the Federal Government or a foreign country, including, without limitation, the revocation, suspension or surrender of his license to practice medicine in another jurisdiction.

12. Failure to be found competent to practice medicine as a result of an examination to determine medical competency pursuant to NRS 630.318.

13. Failure by a licensee or applicant to report in writing, within 30 days, any criminal action taken or conviction obtained against him, other than a minor traffic violation, in this State or any other state or by the Federal Government, a branch of the Armed Forces of the United States or any local or federal jurisdiction of a foreign country.

14. Engaging in any act that is unsafe or unprofessional conduct in accordance with regulations adopted by the Board.

~~[15. Violating a provision of a remediation agreement approved by the Board pursuant to NRS 630.299.]~~

Sec. 43. NRS 630.3062 is hereby amended to read as follows:

630.3062 The following acts, among others, constitute grounds for initiating disciplinary action or denying licensure:

1. Failure to maintain timely, legible, accurate and complete medical records relating to the diagnosis, treatment and care of a patient.

2. Altering medical records of a patient.

3. Making or filing a report which the licensee knows to be false, failing to file a record or report as required by law or willfully obstructing or inducing another to obstruct such filing.

4. Failure to make the medical records of a patient available for inspection and copying as provided in NRS 629.061.

5. Failure to comply with the requirements of NRS 630.3068.

6. Failure to report any person the licensee knows, or has reason to know, is in violation of the provisions of this chapter or the regulations of the Board ~~[.]~~ *within 30 days after the date the licensee knows or has reason to know of the violation.*

Sec. 44. NRS 630.307 is hereby amended to read as follows:

630.307 1. *Except as otherwise provided in subsection 2, any person may file with the Board a complaint against a physician, physician assistant or practitioner of respiratory care on a form provided by the Board. The form may be submitted in writing or electronically. If a complaint is submitted anonymously, the Board may accept the complaint but may refuse to consider the complaint if the lack of the identity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.*

2. Any ~~[person,]~~ *licensee,* medical school or medical facility that becomes aware that a person practicing medicine or respiratory care in this State has, is or is about to become engaged in conduct which constitutes grounds for initiating disciplinary action shall file a written complaint with the Board within 30 days after becoming aware of the conduct.

~~[2.]~~ *3.* Any hospital, clinic or other medical facility licensed in this State, or medical society, shall report to the Board any change in ~~[a physician's]~~ *the* privileges *of a physician, physician assistant or practitioner of respiratory care* to practice ~~[medicine]~~ while the physician *, physician assistant or practitioner of respiratory care* is under investigation and the outcome of any disciplinary action taken by that facility or society against the physician *, physician assistant or practitioner of respiratory care* concerning the care of a patient or the competency of the physician *, physician assistant or practitioner of respiratory care* within 30 days after the change in privileges is made or disciplinary action is taken. The Board shall report any failure to comply with this subsection by a hospital, clinic or other medical facility licensed in this State to the Health Division of the Department of Health and Human Services. If, after a hearing, the Health Division determines that any such facility or society failed to comply with the requirements of this subsection, the Division may impose an administrative fine of not more than $10,000 against the facility or society for each such failure to report. If the administrative fine is not paid when due, the fine must be recovered in a civil action brought by the Attorney General on behalf of the Division.

~~[3.]~~ *4.* The clerk of every court shall report to the Board any finding, judgment or other determination of the court that a physician, physician assistant or practitioner of respiratory care:

(a) Is mentally ill;

(b) Is mentally incompetent;

(c) Has been convicted of a felony or any law governing controlled substances or dangerous drugs;

(d) Is guilty of abuse or fraud under any state or federal program providing medical assistance; or

(e) Is liable for damages for malpractice or negligence,

➥ within 45 days after such a finding, judgment or determination is made.

~~[4.]~~ *5.* On or before January 15 of each year, the clerk of each court shall submit to the Office of Court Administrator created pursuant to NRS 1.320 a written report compiling the information that the clerk reported during the previous year to the Board regarding physicians pursuant to paragraph (e) of subsection ~~[3.]~~ *4.*

Sec. 45. NRS 630.307 is hereby amended to read as follows:

630.307 1. Except as otherwise provided in subsection 2, any person may file with the Board a complaint against a physician, *perfusionist,* physician assistant or practitioner of respiratory care on a form provided by the Board. The form may be submitted in writing or electronically. If a complaint is submitted anonymously, the Board may accept the complaint but may refuse to consider the complaint if the lack of the identity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.

2. Any licensee, medical school or medical facility that becomes aware that a person practicing medicine *, perfusion* or respiratory care in this State has, is or is about to become engaged in conduct which constitutes grounds for initiating disciplinary action shall file a written complaint with the Board within 30 days after becoming aware of the conduct.

3. Any hospital, clinic or other medical facility licensed in this State, or medical society, shall report to the Board any change in the privileges of a physician, *perfusionist,* physician assistant or practitioner of respiratory care to practice while the physician, *perfusionist,* physician assistant or practitioner of respiratory care is under investigation and the outcome of any disciplinary action taken by that facility or society against the physician, *perfusionist,* physician assistant or practitioner of respiratory care concerning the care of a patient or the competency of the physician, *perfusionist,* physician assistant or practitioner of respiratory care within 30 days after the change in privileges is made or disciplinary action is taken. The Board shall report any failure to comply with this subsection by a hospital, clinic or other medical facility licensed in this State to the Health Division of the Department of Health and Human Services. If, after a hearing, the Health Division determines that any such facility or society failed to comply with the requirements of this subsection, the Division may impose an administrative fine of not more than $10,000 against the facility or society for each such failure to report. If the administrative fine is not paid when due, the fine must be recovered in a civil action brought by the Attorney General on behalf of the Division.

4. The clerk of every court shall report to the Board any finding, judgment or other determination of the court that a physician, *perfusionist,* physician assistant or practitioner of respiratory care:

(a) Is mentally ill;

(b) Is mentally incompetent;

(c) Has been convicted of a felony or any law governing controlled substances or dangerous drugs;

(d) Is guilty of abuse or fraud under any state or federal program providing medical assistance; or

(e) Is liable for damages for malpractice or negligence,

➥ within 45 days after such a finding, judgment or determination is made.

5. On or before January 15 of each year, the clerk of each court shall submit to the Office of Court Administrator created pursuant to NRS 1.320 a written report compiling the information that the clerk reported during the previous year to the Board regarding physicians pursuant to paragraph (e) of subsection 4.

Sec. 46. NRS 630.309 is hereby amended to read as follows:

630.309 To institute a disciplinary action against a *perfusionist,* physician assistant or practitioner of respiratory care, a written complaint, specifying the charges, must be filed with the Board by:

1. The Board or a committee designated by the Board to investigate a complaint;

2. Any member of the Board; or

3. Any other person who is aware of any act or circumstance constituting a ground for disciplinary action set forth in the regulations adopted by the Board.

Sec. 47. NRS 630.311 is hereby amended to read as follows:

630.311 1. A committee designated by the Board and consisting of members of the Board shall review each complaint and conduct an investigation to determine if there is a reasonable basis for the complaint. The committee must be composed of at least three members of the Board, at least one of whom is ~~[qualified pursuant to subsection 2 of NRS 630.060.]~~ *not a physician.* The committee may issue orders to aid its investigation including, but not limited to, compelling a physician to appear before the committee.

2. If, after conducting an investigation, the committee determines that there is a reasonable basis for the complaint and that a violation of any provision of this chapter has occurred, the committee may file a formal complaint with the Board.

3. The proceedings of the committee are confidential and are not subject to the requirements of NRS 241.020. Within 20 days after the conclusion of each meeting of the committee, the Board shall publish a summary setting forth the proceedings and determinations of the committee. The summary must not identify any person involved in the complaint that is the subject of the proceedings.

Sec. 48. NRS 630.318 is hereby amended to read as follows:

630.318 1. If the Board or any investigative committee of the Board has reason to believe that the conduct of any physician has raised a reasonable question as to his competence to practice medicine with reasonable skill and safety to patients, or if the Board has received a report pursuant to the provisions of NRS 630.3067, 630.3068, 690B.250 or 690B.260 indicating that a judgment has been rendered or an award has been made against a physician regarding an action or claim for malpractice or that such an action or claim against the physician has been resolved by settlement, it may order that the physician undergo a mental or physical examination or an examination testing his competence to practice medicine by physicians or other examinations designated by the Board to assist the Board or committee in determining the fitness of the physician to practice medicine.

2. For the purposes of this section:

(a) Every physician who applies for a license or who is licensed under this chapter shall be deemed to have given his consent to submit to a mental or physical examination or an examination testing his competence to practice medicine when ordered to do so in writing by the Board ~~[.]~~ *or an investigative committee of the Board.*

(b) The testimony or reports of the examining physicians are not privileged communications.

3. Except in extraordinary circumstances, as determined by the Board, the failure of a physician licensed under this chapter to submit to an examination when directed as provided in this section constitutes an admission of the charges against him.

Sec. 49. NRS 630.326 is hereby amended to read as follows:

630.326 *1. If an investigation by the Board regarding a physician, physician assistant or practitioner of respiratory care reasonably determines that the health, safety or welfare of the public or any patient served by the physician, physician assistant or practitioner of respiratory care is at risk of imminent or continued harm, the Board may summarily suspend the license of the physician, physician assistant or practitioner of respiratory care. The order of summary suspension may be issued by the Board, an investigative committee of the Board or the Executive Director of the Board after consultation with the President, Vice President or Secretary-Treasurer of the Board.*

2. If the Board issues an order summarily suspending the license of a physician, physician assistant or practitioner of respiratory care pursuant to subsection 1, the Board shall hold a hearing regarding the matter not later than 45 days after the ~~[completion of the investigation by the Board.]~~ date on which the Board issues the order summarily suspending the license unless the Board and the licensee mutually agree to a longer period.

3. If the Board issues an order suspending the license of a physician , *physician assistant or practitioner of respiratory care* pending proceedings for disciplinary action and requires the physician , *physician assistant or practitioner of respiratory care* to submit to a mental or physical examination or an examination testing his competence to practice , ~~[medicine,]~~ the examination must be conducted and the results obtained not later than 60 days after the Board issues its order.

Sec. 50. NRS 630.326 is hereby amended to read as follows:

630.326 1. If an investigation by the Board regarding a physician, *perfusionist,* physician assistant or practitioner of respiratory care reasonably determines that the health, safety or welfare of the public or any patient served by the physician, *perfusionist,* physician assistant or practitioner of respiratory care is at risk of imminent or continued harm, the Board may summarily suspend the license of the physician, *perfusionist,* physician assistant or practitioner of respiratory care. The order of summary suspension may be issued by the Board, an investigative committee of the Board or the Executive Director of the Board after consultation with the President, Vice President or Secretary-Treasurer of the Board.

2. If the Board issues an order summarily suspending the license of a physician, *perfusionist,* physician assistant or practitioner of respiratory care pursuant to subsection 1, the Board shall hold a hearing regarding the matter not later than 45 days after the date on which the Board issues the order summarily suspending the license unless the Board and the licensee mutually agree to a longer period.

3. If the Board issues an order suspending the license of a physician, *perfusionist,* physician assistant or practitioner of respiratory care pending proceedings for disciplinary action and requires the physician, *perfusionist,* physician assistant or practitioner of respiratory care to submit to a mental or physical examination or an examination testing his competence to practice, the examination must be conducted and the results obtained not later than 60 days after the Board issues its order.

Sec. 51. NRS 630.329 is hereby amended to read as follows:

630.329 If the Board issues an order suspending the license of a physician, *perfusionist,* physician assistant or practitioner of respiratory care pending proceedings for disciplinary action, the court shall not stay that order.

Sec. 52. NRS 630.336 is hereby amended to read as follows:

630.336 1. Any deliberations conducted or vote taken by the Board or any investigative committee of the Board regarding its ordering of a physician, *perfusionist,* physician assistant or practitioner of respiratory care to undergo a physical or mental examination or any other examination designated to assist the Board or committee in determining the fitness of a physician, *perfusionist,* physician assistant or practitioner of respiratory care are not subject to the requirements of NRS 241.020.

2. Except as otherwise provided in subsection 3 or 4, all applications for a license to practice medicine , *perfusion* or respiratory care, any charges filed by the Board, financial

records of the Board, formal hearings on any charges heard by the Board or a panel selected by the Board, records of such hearings and any order or decision of the Board or panel must be open to the public.

3. Except as otherwise provided in NRS 239.0115, the following may be kept confidential:

(a) Any statement, evidence, credential or other proof submitted in support of or to verify the contents of an application;

(b) Any report concerning the fitness of any person to receive or hold a license to practice medicine *, perfusion* or respiratory care; and

(c) Any communication between:

(1) The Board and any of its committees or panels; and

(2) The Board or its staff, investigators, experts, committees, panels, hearing officers, advisory members or consultants and counsel for the Board.

4. Except as otherwise provided in subsection 5 and NRS 239.0115, a complaint filed with the Board pursuant to NRS 630.307, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action are confidential.

5. The complaint or other document filed by the Board to initiate disciplinary action and all documents and information considered by the Board when determining whether to impose discipline are public records.

6. This section does not prevent or prohibit the Board from communicating or cooperating with any other licensing board or agency or any agency which is investigating a licensee, including a law enforcement agency. Such cooperation may include, without limitation, providing the board or agency with minutes of a closed meeting, transcripts of oral examinations and the results of oral examinations.

Sec. 53. NRS 630.339 is hereby amended to read as follows:

630.339 1. If a committee designated by the Board to conduct an investigation of a complaint decides to proceed with disciplinary action, it shall bring charges against the licensee ~~[. If charges are brought, the Board shall fix a time and place for a formal hearing.]~~ *by filing a formal complaint. The formal complaint must include a written statement setting forth the charges alleged and setting forth in concise and plain language each act or omission of the respondent upon which the charges are based. The formal complaint must be prepared with sufficient clarity to ensure that the respondent is able to prepare his defense. The formal complaint must specify any applicable law or regulation that the respondent is alleged to have violated. The formal complaint may be signed by the chairman of the investigative committee or the Executive Director of the Board acting in his official capacity.*

2. The respondent shall file an answer to the formal complaint within 20 days after service of the complaint upon the respondent. The answer must state in concise and plain language the respondent's defenses to each charge set forth in the complaint and must admit or deny the averments stated in the complaint. If a party fails to file an answer within the time prescribed, he shall be deemed to have denied generally the allegations of the formal complaint.

3. Within 20 days after the filing of the answer, the parties shall hold an early case conference at which the parties and the hearing officer appointed by the Board or a member of the Board must preside. At the early case conference, the parties shall in good faith:

(a) Set the earliest possible hearing date agreeable to the parties and the hearing officer, panel of the Board or the Board, including the estimated duration of the hearing;

(b) Set dates:

(1) By which all documents must be exchanged;

(2) By which all prehearing motions and responses thereto must be filed;

(3) On which to hold the prehearing conference; and

(4) For any other foreseeable actions that may be required for the matter;

(c) Discuss or attempt to resolve all or any portion of the evidentiary or legal issues in the matter;

(d) Discuss the potential for settlement of the matter on terms agreeable to the parties; and

(e) Discuss and deliberate any other issues that may facilitate the timely and fair conduct of the matter.

4. If the Board receives a report pursuant to subsection 5 of NRS 228.420, such a hearing must be held within 30 days after receiving the report. The Board shall notify the licensee of the charges brought against him, the time and place set for the hearing, and the possible sanctions authorized in NRS 630.352.

~~[2.]~~ *5. A formal hearing must be held at the time and date set at the early case conference by:*

(a) The Board ~~[, a]~~ *;*

(b) A hearing officer ~~[or a]~~ *;*

(c) A member of the Board designated by the Board or an investigative committee of the Board;

(d) A panel of ~~[its]~~ members *of the Board* designated by ~~[the Board shall hold the formal hearing on the charges at the time and place designated in the notification.]~~ *an investigative committee of the Board or the Board;*

(e) A hearing officer together with not more than one member of the Board designated by an investigative committee of the Board or the Board; or

(f) A hearing officer together with a panel of members of the Board designated by an investigative committee of the Board or the Board. If the hearing is before a panel, at least one member of the ~~[Board who is]~~ *panel must* not *be* a physician . ~~[must participate in this hearing.]~~

6. At any hearing at which at least one member of the Board presides, whether in combination with a hearing officer or other members of the Board, the final determinations regarding credibility, weight of evidence and whether the charges have been proven must be made by the members of the Board. If a hearing officer presides together with one or more members of the Board, the hearing officer shall:

(a) Conduct the hearing;

(b) In consultation with each member of the Board, make rulings upon any objections raised at the hearing;

(c) In consultation with each member of the Board, make rulings concerning any motions made during or after the hearing; and

(d) Within 30 days after the conclusion of the hearing, prepare and file with the Board written findings of fact and conclusions of law in accordance with the determinations made by each member of the Board.

Sec. 54. NRS 630.342 is hereby amended to read as follows:

630.342 1. Any ~~[physician]~~ *licensee* against whom the Board initiates disciplinary action pursuant to this chapter shall, within 30 days after the ~~[physician's]~~ *licensee's* receipt of notification of the initiation of the disciplinary action, submit to the Board a complete set of his fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

2. The willful failure of a ~~[physician]~~ *licensee* to comply with the requirements of subsection 1 constitutes additional grounds for disciplinary action and the revocation of the license of the ~~[physician.]~~ *licensee.*

3. The Board has additional grounds for initiating disciplinary action against a ~~[physician]~~ *licensee* if the report from the Federal Bureau of Investigation indicates that the ~~[physician]~~ *licensee* has been convicted of:

(a) An act that is a ground for disciplinary action pursuant to NRS 630.301 to 630.3066, inclusive; or

(b) A violation of NRS 630.400.

Sec. 54.5. NRS 630.346 is hereby amended to read as follows:

630.346 In any disciplinary hearing:

1. The Board, a panel of the members of the Board and a hearing officer are not bound by formal rules of evidence and a witness must not be barred from testifying solely because he was or is incompetent. *Any fact that is the basis of a finding, conclusion or ruling must be based upon the reliable, probative and substantial evidence on the whole record of the matter.*

2. Proof of actual injury need not be established.

3. A certified copy of the record of a court or a licensing agency showing a conviction or plea of nolo contendere or the suspension, revocation, limitation, modification, denial or

surrender of a license to practice medicine or respiratory care is conclusive evidence of its occurrence.

Sec. 55. NRS 630.346 is hereby amended to read as follows:

630.346 In any disciplinary hearing:

1. The Board, a panel of the members of the Board and a hearing officer are not bound by formal rules of evidence and a witness must not be barred from testifying solely because he was or is incompetent. Any fact that is the basis of a finding, conclusion or ruling must be based upon the reliable, probative and substantial evidence on the whole record of the matter.

2. Proof of actual injury need not be established.

3. A certified copy of the record of a court or a licensing agency showing a conviction or plea of nolo contendere or the suspension, revocation, limitation, modification, denial or surrender of a license to practice medicine *, perfusion* or respiratory care is conclusive evidence of its occurrence.

Sec. 56. (Deleted by amendment.)

Sec. 57. NRS 630.352 is hereby amended to read as follows:

630.352 1. Any member of the Board, ~~[except for an advisory]~~ *other than a member of an investigative committee of the Board who participated in any determination regarding a formal complaint in the matter or any* member serving on a panel of the Board *at the* hearing ~~[charges,]~~ *of the matter,* may participate in *an adjudication to obtain* the final order of the Board. ~~[If the Board, after a formal hearing, determines from a preponderance of the evidence that a violation of the provisions of this chapter or of the regulations of the Board has occurred, it shall issue and serve on the physician charged an order, in writing, containing its findings and any sanctions.~~

~~2.]~~ *At the adjudication, the Board shall consider any findings of fact and conclusions of law submitted after the hearing and shall allow:*

(a) Counsel for the Board to present a disciplinary recommendation and argument in support of the disciplinary recommendation;

(b) The respondent or his counsel to present a disciplinary recommendation and argument in support of the disciplinary recommendation; and

(c) The complainant in the matter to make a statement to the Board regarding the disciplinary recommendations by the parties and to address the effect of the respondent's conduct upon the complainant or the patient involved, if other than the complainant.

➥ *The Board may limit the time within which the parties and the complainant may make their arguments and statements.*

2. At the conclusion of the presentations of the parties and the complainant, the Board shall deliberate and may by a majority vote impose discipline based upon the findings of fact and conclusions of law and the presentations of the parties and the complainant.

3. If *, in the findings of fact and conclusions of law, the Board, hearing officer or panel of* the Board determines that no violation has occurred, ~~[it]~~ *the Board* shall dismiss the charges, in writing, and notify the ~~[physician]~~ *respondent* that the charges have been dismissed. ~~[If the disciplinary proceedings were instituted against the physician as a result of a complaint filed against him, the Board may provide the physician with a copy of the complaint.~~

~~3.]~~ *4.* Except as otherwise provided in subsection ~~[4,]~~ *5,* if the Board finds that a violation has occurred, it shall by order take one or more of the following actions:

(a) Place the person on probation for a specified period on any of the conditions specified in the order;

(b) Administer to him a *written* public reprimand;

(c) Limit his practice or exclude one or more specified branches of medicine from his practice;

(d) Suspend his license for a specified period or until further order of the Board;

(e) Revoke his license *;* ~~[to practice medicine, but only in accordance with the provisions of NRS 630.348;]~~

(f) Require him to participate in a program to correct alcohol or drug dependence or any other impairment;

(g) Require supervision of his practice;

(h) Impose a fine not to exceed $5,000 ~~[.]~~ *for each violation;*

(i) Require him to perform community service without compensation;

(j) Require him to take a physical or mental examination or an examination testing his competence; and

(k) Require him to fulfill certain training or educational requirements.

~~[4.]~~ *5.* If the Board finds that the ~~[physician]~~ *respondent* has violated the provisions of NRS 439B.425, the Board shall suspend his license for a specified period or until further order of the Board.

~~[5.]~~ *6.* The Board shall not administer a private reprimand if the Board finds that a violation has occurred.

~~[6.]~~ *7. Within 30 days after the hearing before the Board, the Board shall issue a final order, certified by the Secretary-Treasurer of the Board, that imposes discipline and incorporates the findings of fact and conclusions of law obtained from the hearing.* An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Sec. 58. NRS 630.356 is hereby amended to read as follows:

630.356 1. Any person aggrieved by a final order of the Board is entitled to judicial review of the Board's order.

2. Every order that imposes a sanction against a licensee pursuant to subsection ~~[3]~~ *4* or ~~[4]~~ *5* of NRS 630.352 or any regulation of the Board is effective from the date the Secretary-Treasurer certifies the order until the date the order is modified or reversed by a final judgment of the court. The court shall not stay the order of the Board pending a final determination by the court.

3. The district court shall give a petition for judicial review of the Board's order priority over other civil matters which are not expressly given priority by law.

Sec. 59. NRS 630.358 is hereby amended to read as follows:

630.358 1. Any person:

(a) Whose practice of medicine *, perfusion* or respiratory care has been limited; or

(b) Whose license to practice medicine *, perfusion* or respiratory care has been:

(1) Suspended until further order; or

(2) Revoked,

➥ by an order of the Board, may apply to the Board for removal of the limitation or restoration of his license.

2. In hearing the application, the Board:

(a) May require the person to submit to a mental or physical examination or an examination testing his competence to practice medicine *, perfusion* or respiratory care by physicians *, perfusionists* or practitioners of respiratory care, as appropriate, or other examinations it designates and submit such other evidence of changed conditions and of fitness as it deems proper;

(b) Shall determine whether under all the circumstances the time of the application is reasonable; and

(c) May deny the application or modify or rescind its order as it deems the evidence and the public safety warrants.

3. The licensee has the burden of proving by clear and convincing evidence that the requirements for restoration of the license or removal of the limitation have been met.

4. The Board shall not restore a license unless it is satisfied that the person has complied with all of the terms and conditions set forth in the final order of the Board and that the person is capable of practicing medicine *, perfusion* or respiratory care in a safe manner.

5. To restore a license that has been revoked by the Board, the applicant must apply for a license and take an examination as though he had never been licensed under this chapter.

Sec. 60. NRS 630.366 is hereby amended to read as follows:

630.366 1. If the Board receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a license to practice medicine, to practice as a *perfusionist, to practice as a* physician assistant or to practice as a practitioner of respiratory care, the Board shall deem the license issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Board receives a letter issued to the holder of the license by the district attorney or other public agency pursuant

to NRS 425.550 stating that the holder of the license has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Board shall reinstate a license to practice medicine, to practice as a *perfusionist, to practice as a* physician assistant or to practice as a practitioner of respiratory care that has been suspended by a district court pursuant to NRS 425.540 if the Board receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license was suspended stating that the person whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 61. NRS 630.388 is hereby amended to read as follows:

630.388 1. In addition to any other remedy provided by law, the Board, through its President or Secretary-Treasurer or the Attorney General, may apply to any court of competent jurisdiction:

(a) To enjoin any prohibited act or other conduct of a licensee which is harmful to the public;

(b) To enjoin any person who is not licensed under this chapter from practicing medicine , *perfusion* or respiratory care;

(c) To limit the practice of a physician, *perfusionist,* physician assistant or practitioner of respiratory care, or suspend his license to practice; ~~[or]~~

(d) To enjoin the use of the title "P.A.," "P.A.-C," "R.C.P." or any other word, combination of letters or other designation intended to imply or designate a person as a physician assistant or practitioner of respiratory care, when not licensed by the Board pursuant to this chapter, unless the use is otherwise authorized by a specific statute ~~[.]~~ *; or*

(e) To enjoin the use of the title "L.P.," "T.L.P.," "licensed perfusionist," "temporarily licensed perfusionist" or any other word, combination of letters or other designation intended to imply or designate a person as a perfusionist, when not licensed by the Board pursuant to this chapter, unless the use is otherwise authorized by a specific statute.

2. The court in a proper case may issue a temporary restraining order or a preliminary injunction for the purposes set forth in subsection 1:

(a) Without proof of actual damage sustained by any person;

(b) Without relieving any person from criminal prosecution for engaging in the practice of medicine , *perfusion or respiratory care* without a license; and

(c) Pending proceedings for disciplinary action by the Board.

Sec. 62. NRS 630.390 is hereby amended to read as follows:

630.390 In seeking injunctive relief against any person for an alleged violation of this chapter by practicing medicine , *perfusion* or respiratory care without a license, it is sufficient to allege that he did, upon a certain day, and in a certain county of this State, engage in the practice of medicine , *perfusion* or respiratory care without having a license to do so, without alleging any further or more particular facts concerning the same.

Sec. 63. NRS 630.400 is hereby amended to read as follows:

630.400 A person who:

1. Presents to the Board as his own the diploma, license or credentials of another;

2. Gives either false or forged evidence of any kind to the Board;

3. Practices medicine , *perfusion* or respiratory care under a false or assumed name or falsely personates another licensee;

4. Except as otherwise provided by *a* specific statute, practices medicine , *perfusion* or respiratory care without being licensed under this chapter;

5. *Holds himself out as a perfusionist or uses any other term indicating or implying that he is a perfusionist without being licensed by the Board;*

6. Holds himself out as a physician assistant or uses any other term indicating or implying that he is a physician assistant without being licensed by the Board; or

~~[6.]~~ *7.* Holds himself out as a practitioner of respiratory care or uses any other term indicating or implying that he is a practitioner of respiratory care without being licensed by the Board,

➥ is guilty of a category D felony and shall be punished as provided in NRS 193.130.

Sec. 64. NRS 630A.090 is hereby amended to read as follows:

630A.090 1. This chapter does not apply to:

(a) The practice of dentistry, chiropractic, Oriental medicine, podiatry, optometry, *perfusion*, respiratory care, faith or Christian Science healing, nursing, veterinary medicine or fitting hearing aids.

(b) A medical officer of the Armed Services or a medical officer of any division or department of the United States in the discharge of his official duties.

(c) Licensed or certified nurses in the discharge of their duties as nurses.

(d) Homeopathic physicians who are called into this State, other than on a regular basis, for consultation or assistance to any physician licensed in this State, and who are legally qualified to practice in the state or country where they reside.

2. This chapter does not repeal or affect any statute of Nevada regulating or affecting any other healing art.

3. This chapter does not prohibit:

(a) Gratuitous services of a person in case of emergency.

(b) The domestic administration of family remedies.

4. This chapter does not authorize a homeopathic physician to practice medicine, including allopathic medicine, except as otherwise provided in NRS 630A.040.

Sec. 65. NRS 632.472 is hereby amended to read as follows:

632.472 1. The following persons shall report in writing to the Executive Director of the Board any conduct of a licensee or holder of a certificate which constitutes a violation of the provisions of this chapter:

(a) Any physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, nursing assistant, *perfusionist*, physician assistant licensed pursuant to chapter 630 or 633 of NRS, psychiatrist, psychologist, marriage and family therapist, clinical professional counselor, alcohol or drug abuse counselor, driver of an ambulance, advanced emergency medical technician or other person providing medical services licensed or certified to practice in this State.

(b) Any personnel of a medical facility or facility for the dependent engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a medical facility or facility for the dependent upon notification by a member of the staff of the facility.

(c) A coroner.

(d) Any person who maintains or is employed by an agency to provide personal care services in the home.

(e) Any person who operates, who is employed by or who contracts to provide services for an intermediary service organization as defined in NRS 426.218.

(f) Any person who maintains or is employed by an agency to provide nursing in the home.

(g) Any employee of the Department of Health and Human Services.

(h) Any employee of a law enforcement agency or a county's office for protective services or an adult or juvenile probation officer.

(i) Any person who maintains or is employed by a facility or establishment that provides care for older persons.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect or exploitation of an older person and refers them to persons and agencies where their requests and needs can be met.

(k) Any social worker.

2. Every physician who, as a member of the staff of a medical facility or facility for the dependent, has reason to believe that a nursing assistant has engaged in conduct which constitutes grounds for the denial, suspension or revocation of a certificate shall notify the superintendent, manager or other person in charge of the facility. The superintendent, manager or other person in charge shall make a report as required in subsection 1.

3. A report may be filed by any other person.

4. Any person who in good faith reports any violation of the provisions of this chapter to the Executive Director of the Board pursuant to this section is immune from civil liability for reporting the violation.

5. As used in this section, "agency to provide personal care services in the home" has the meaning ascribed to it in NRS 449.0021.

Sec. 66. Chapter 633 of NRS is hereby amended by adding thereto the provisions set forth as sections ~~[67 and]~~ *66.1 to* 68 *, inclusive,* of this act.

Sec. 66.1. "Practice of osteopathic medicine" includes, without limitation, the performance of an autopsy.

Sec. 66.3. 1. An osteopathic physician who is retired from active practice and who:

(a) Wishes to donate his expertise for the medical care and treatment of persons in this State who are indigent, uninsured or unable to afford health care; or

(b) Wishes to provide services for any disaster relief operations conducted by a governmental entity or nonprofit organization,

➥ may obtain a special volunteer license to practice osteopathic medicine by submitting an application to the Board pursuant to this section.

2. An application for a special volunteer license to practice osteopathic medicine must be on a form provided by the Board and must include:

(a) Documentation of the history of medical practice of the osteopathic physician;

(b) Proof that the osteopathic physician previously has been issued an unrestricted license to practice osteopathic medicine in any state of the United States and that he has never been the subject of disciplinary action by a medical board in any jurisdiction;

(c) Proof that the osteopathic physician satisfies the requirements for licensure set forth in NRS 633.311 or the requirements for licensure by endorsement set forth in NRS 633.400;

(d) Acknowledgment that the practice of the osteopathic physician under the special volunteer license to practice osteopathic medicine will be exclusively devoted to providing medical care:

(1) To persons in this State who are indigent, uninsured or unable to afford health care; or

(2) As part of any disaster relief operations conducted by a governmental entity or nonprofit organization; and

(e) Acknowledgment that the osteopathic physician will not receive any payment or compensation, either direct or indirect, or have the expectation of any payment or compensation, for providing medical care under the special volunteer license to practice osteopathic medicine, except for payment by a medical facility at which the osteopathic physician provides volunteer medical services of the expenses of the osteopathic physician for necessary travel, continuing education, malpractice insurance or fees of the State Board of Pharmacy.

3. If the Board finds that the application of an osteopathic physician satisfies the requirements of subsection 2 and that the retired osteopathic physician is competent to practice osteopathic medicine, the Board shall issue a special volunteer license to practice osteopathic medicine to the osteopathic physician.

4. The initial special volunteer license to practice osteopathic medicine issued pursuant to this section expires 1 year after the date of issuance. The license may be renewed pursuant to this section, and any license that is renewed expires 2 years after the date of issuance.

5. The Board shall not charge a fee for:

(a) The review of an application for a special volunteer license to practice osteopathic medicine; or

(b) The issuance or renewal of a special volunteer license to practice osteopathic medicine pursuant to this section.

6. An osteopathic physician who is issued a special volunteer license to practice osteopathic medicine pursuant to this section and who accepts the privilege of practicing osteopathic medicine in this State pursuant to the provisions of the special volunteer license to practice osteopathic medicine is subject to all the provisions governing disciplinary action set forth in this chapter.

7. An osteopathic physician who is issued a special volunteer license to practice osteopathic medicine pursuant to this section shall comply with the requirements for continuing education adopted by the Board.

Sec. 66.5. 1. Except as otherwise provided in NRS 633.315, the Board may issue an authorized facility license to a person who intends to practice osteopathic medicine in this State as a psychiatrist in a mental health center of the Division under the direct supervision of a

psychiatrist who holds an unrestricted license to practice osteopathic medicine pursuant to this chapter or to practice medicine pursuant to chapter 630 of NRS.

2. A person who applies for an authorized facility license pursuant to this section is not required to take or pass a written examination as to his qualifications to practice osteopathic medicine, but the person must meet all conditions and requirements for an unrestricted license to practice osteopathic medicine pursuant to this chapter.

3. If the Board issues an authorized facility license pursuant to this section, the person who holds the license may practice osteopathic medicine in this State only as a psychiatrist in a mental health center of the Division and only under the direct supervision of a psychiatrist who holds an unrestricted license to practice osteopathic medicine pursuant to this chapter or to practice medicine pursuant to chapter 630 of NRS.

4. If a person who holds an authorized facility license issued pursuant to this section ceases to practice osteopathic medicine in this State as a psychiatrist in a mental health center of the Division:

(a) The Division shall notify the Board; and

(b) Upon receipt of the notification, the authorized facility license expires automatically.

5. The Board may renew or modify an authorized facility license issued pursuant to this section, unless the license has expired automatically or has been revoked.

6. The provisions of this section do not limit the authority of the Board to issue a license to an applicant in accordance with any other provision of this chapter.

7. As used in this section:

(a) "Division" means the Division of Mental Health and Developmental Services of the Department of Health and Human Services.

(b) "Mental health center" has the meaning ascribed to it in NRS 433.144.

Sec. 66.7. 1. Except as otherwise provided in NRS 633.315, the Board may issue an authorized facility license to a person who intends to practice osteopathic medicine in this State as an osteopathic physician in an institution of the Department of Corrections under the direct supervision of an osteopathic physician who holds an unrestricted license to practice osteopathic medicine pursuant to this chapter or to practice medicine pursuant to chapter 630 of NRS.

2. A person who applies for an authorized facility license pursuant to this section is not required to take or pass a written examination as to his qualifications to practice osteopathic medicine, but the person must meet all conditions and requirements for an unrestricted license to practice osteopathic medicine pursuant to this chapter.

3. If the Board issues an authorized facility license pursuant to this section, the person who holds the license may practice osteopathic medicine in this State only as an osteopathic physician in an institution of the Department of Corrections and only under the direct supervision of an osteopathic physician who holds an unrestricted license to practice osteopathic medicine pursuant to this chapter or to practice medicine pursuant to chapter 630 of NRS.

4. If a person who holds an authorized facility license issued pursuant to this section ceases to practice osteopathic medicine in this State as an osteopathic physician in an institution of the Department of Corrections:

(a) The Department shall notify the Board; and

(b) Upon receipt of the notification, the authorized facility license expires automatically.

5. The Board may renew or modify an authorized facility license issued pursuant to this section, unless the license has expired automatically or has been revoked.

6. The provisions of this section do not limit the authority of the Board to issue a license to an applicant in accordance with any other provision of this chapter.

Sec. 67. *1. If the Board has reason to believe that a person has violated or is violating any provision of this chapter, the Board or any investigative committee of the Board may issue to the person a letter of warning, a letter of concern or a nonpunitive admonishment at any time before the Board initiates any disciplinary proceedings against the person.*

2. The issuance of such a letter or admonishment:

(a) Does not preclude the Board from initiating any disciplinary proceedings against the person or taking any disciplinary action against the person based on any conduct alleged or described in the letter or admonishment or any other conduct; and

(b) Does not constitute a final decision of the Board and is not subject to judicial review.

3. In addition to any action taken pursuant to subsection 1, if the Board has reason to believe that a person has violated or is violating any provision of this chapter, the Board or any investigative committee of the Board may negotiate a remediation agreement with the person. The remediation agreement must include, for each violation, a statement specifying each provision of this chapter or regulation adopted pursuant to this chapter that the Board has reason to believe that the person has violated or is violating. The remediation agreement must also set forth the terms and conditions specified by the Board or an investigative committee, including, without limitation, provisions that:

(a) Address each violation of this chapter that is at issue; and

(b) Remediate or improve the practice of the person relating to those violations.

4. A remediation agreement that is negotiated by an investigative committee of the Board must be presented to the Board for approval. Any remediation agreement presented to the Board pursuant to this subsection is a public record. The Board shall ensure that all identifying information regarding each person who is subject to the remediation agreement is removed. The remediation agreement becomes effective immediately upon approval of the remediation agreement by the Board. If the Board does not approve the remediation agreement, the Board shall refer the matter to the investigative committee that presented the remediation agreement to the Board. The investigative committee may further proceed with the matter as it deems appropriate.

5. A remediation agreement entered into pursuant to this section does not constitute disciplinary action against any person who is subject to the remediation agreement and is not reportable to any national database. If the person violates a provision of the remediation agreement, the Board or the investigative committee of the Board with whom the remediation agreement was negotiated may take any action it deems appropriate, including, without limitation, initiating disciplinary proceedings against the person.

6. The Board shall adopt regulations to carry out the provisions of this section.

Sec. 68. *In any disciplinary proceedings conducted pursuant to this chapter, the standard of proof is a preponderance of the evidence.*

Sec. 68.9. NRS 633.011 is hereby amended to read as follows:

633.011 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 633.021 to 633.131, inclusive, *and section 66.1 of this act* have the meanings ascribed to them in those sections.

Sec. 69. NRS 633.131 is hereby amended to read as follows:

633.131 1. "Unprofessional conduct" includes:

(a) Willfully making a false or fraudulent statement or submitting a forged or false document in applying for a license to practice osteopathic medicine or in applying for renewal of a license to practice osteopathic medicine.

(b) Failure of a licensee of the practice of osteopathic medicine to designate his school of practice in the professional use of his name by the term D.O., osteopathic physician, doctor of osteopathy or a similar term.

(c) Directly or indirectly giving to or receiving from any person, corporation or other business organization any fee, commission, rebate or other form of compensation for sending, referring or otherwise inducing a person to communicate with an osteopathic physician in his professional capacity or for any professional services not actually and personally rendered, except as otherwise provided in subsection 2.

(d) Employing, directly or indirectly, any suspended or unlicensed person in the practice of osteopathic medicine, or the aiding or abetting of any unlicensed person to practice osteopathic medicine.

(e) Advertising the practice of osteopathic medicine in a manner which does not conform to the guidelines established by regulations of the Board.

(f) Engaging in any:

(1) Professional conduct which is intended to deceive or which the Board by regulation has determined is unethical; or

(2) Medical practice harmful to the public or any conduct detrimental to the public health, safety or morals which does not constitute gross or repeated malpractice or professional incompetence.

(g) Administering, dispensing or prescribing any controlled substance or any dangerous drug as defined in chapter 454 of NRS, otherwise than in the course of legitimate professional practice or as authorized by law.

(h) Habitual drunkenness or habitual addiction to the use of a controlled substance.

(i) Performing, assisting in or advising an unlawful abortion or the injection of any liquid silicone substance into the human body ~~[.]~~ *, other than the use of silicone oil to repair a retinal detachment.*

(j) Willful disclosure of a communication privileged pursuant to a statute or court order.

(k) Willful disobedience of the regulations of the State Board of Health, the State Board of Pharmacy or the State Board of Osteopathic Medicine.

(l) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any prohibition made in this chapter.

(m) Failure of a licensee to maintain timely, legible, accurate and complete medical records relating to the diagnosis, treatment and care of a patient.

(n) Making alterations to the medical records of a patient that the licensee knows to be false.

(o) Making or filing a report which the licensee knows to be false.

(p) Failure of a licensee to file a record or report as required by law, or willfully obstructing or inducing any person to obstruct such filing.

(q) Failure of a licensee to make medical records of a patient available for inspection and copying as provided by NRS 629.061.

2. It is not unprofessional conduct:

(a) For persons holding valid licenses to practice osteopathic medicine issued pursuant to this chapter to practice osteopathic medicine in partnership under a partnership agreement or in a corporation or an association authorized by law, or to pool, share, divide or apportion the fees and money received by them or by the partnership, corporation or association in accordance with the partnership agreement or the policies of the board of directors of the corporation or association;

(b) For two or more persons holding valid licenses to practice osteopathic medicine issued pursuant to this chapter to receive adequate compensation for concurrently rendering professional care to a patient and dividing a fee if the patient has full knowledge of this division and if the division is made in proportion to the services performed and the responsibility assumed by each; or

(c) For a person licensed to practice osteopathic medicine pursuant to the provisions of this chapter to form an association or other business relationship with an optometrist pursuant to the provisions of NRS 636.373.

Sec. 70. NRS 633.171 is hereby amended to read as follows:

633.171 1. This chapter does not apply to:

(a) The practice of medicine *or perfusion* pursuant to chapter 630 of NRS, dentistry, chiropractic, podiatry, optometry, respiratory care, faith or Christian Science healing, nursing, veterinary medicine or fitting hearing aids.

(b) A medical officer of the Armed Services or a medical officer of any division or department of the United States in the discharge of his official duties.

(c) Osteopathic physicians who are called into this State, other than on a regular basis, for consultation or assistance to a physician licensed in this State, and who are legally qualified to practice in the state where they reside.

2. This chapter does not repeal or affect any law of this State regulating or affecting any other healing art.

3. This chapter does not prohibit:

(a) Gratuitous services of a person in cases of emergency.

(b) The domestic administration of family remedies.

Sec. 70.5. NRS 633.286 is hereby amended to read as follows:

633.286 1. On or before February 15 of each odd-numbered year, the Board shall submit to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a written report compiling:

(a) Disciplinary action taken by the Board during the previous biennium against osteopathic physicians for malpractice or negligence;

(b) *The number and types of remediation agreements approved by the Board pursuant to section 67 of this act;*

(c) Information reported to the Board during the previous biennium pursuant to NRS 633.526, 633.527, subsections ~~[2 and]~~ 3 *and 4* of NRS 633.533 and NRS 690B.250 and 690B.260; and

~~[(c)]~~ *(d)* Information reported to the Board during the previous biennium pursuant to NRS 633.524, including, without limitation, the number and types of surgeries performed by each holder of a license to practice osteopathic medicine and the occurrence of sentinel events arising from such surgeries, if any.

2. The report must include only aggregate information for statistical purposes and exclude any identifying information related to a particular person.

3. On or before February 15 of each odd-numbered year, the Board shall submit to the Legislative Commission a written report compiling the information described in paragraphs (a) and (b) of subsection 1.

Sec. 70.7. NRS 633.286 is hereby amended to read as follows:

633.286 1. On or before February 15 of each odd-numbered year, the Board shall submit to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a written report compiling:

(a) Disciplinary action taken by the Board during the previous biennium against osteopathic physicians for malpractice or negligence;

(b) ~~[The number and types of remediation agreements approved by the Board pursuant to section 67 of this act;~~

~~(c)]~~ Information reported to the Board during the previous biennium pursuant to NRS 633.526, 633.527, subsections 3 and 4 of NRS 633.533 and NRS 690B.250 and 690B.260; and

~~[(d)]~~ *(c)* Information reported to the Board during the previous biennium pursuant to NRS 633.524, including, without limitation, the number and types of surgeries performed by each holder of a license to practice osteopathic medicine and the occurrence of sentinel events arising from such surgeries, if any.

2. The report must include only aggregate information for statistical purposes and exclude any identifying information related to a particular person.

~~[3. On or before February 15 of each odd-numbered year, the Board shall submit to the Legislative Commission a written report compiling the information described in paragraphs (a) and (b) of subsection 1.]~~

Sec. 71. NRS 633.322 is hereby amended to read as follows:

633.322 In addition to the other requirements for licensure to practice osteopathic medicine, an applicant shall cause to be submitted to the Board ~~[a]~~ *:*

1. A certificate of completion of progressive postgraduate training from the residency program where the applicant received training ~~[.]~~ *; and*

2. If applicable, proof of satisfactory completion of a postgraduate training program specified in paragraph (c) of subsection 4 of NRS 633.311 within 120 days after the scheduled completion of the program.

Sec. 72. NRS 633.331 is hereby amended to read as follows:

633.331 1. Examinations ~~[must]~~ *may* be held ~~[at least]~~ once a year at the time and place fixed by the Board. The Board shall notify each applicant in writing of the examinations.

2. The examination must be fair and impartial, practical in character, and the questions must be designed to discover the applicant's fitness.

3. The Board may employ specialists and other professional consultants or examining services in conducting the examination.

4. Each member who is not licensed in any state to practice any healing art shall not participate in preparing, conducting or grading any examination required by the Board.

Sec. 72.5. *NRS 633.401 is hereby amended to read as follows:*

633.401 1. Except as otherwise provided in NRS 633.315, the Board may issue a special license to practice osteopathic medicine:

(a) To authorize a person who is licensed to practice osteopathic medicine in an adjoining state to come into Nevada to care for or assist in the treatment of his patients in association with an osteopathic physician in this State who has primary care of the patients.

(b) To a resident while he is enrolled in a postgraduate training program required pursuant to the provisions of paragraph (c) of subsection 4 of NRS 633.311.

(c) For a specified period and for specified purposes to a person who is licensed to practice osteopathic medicine in another jurisdiction.

2. *For the purpose of paragraph (c) of subsection 1, the osteopathic physician must:*

(a) Hold a full and unrestricted license to practice osteopathic medicine in another state;

(b) Not have had any disciplinary or other action taken against him by any state or other jurisdiction; and

(c) Be certified by a specialty board of the American Board of Medical Specialties, the American Osteopathic Association or their successors.

3. A special license issued under this section may be renewed by the Board upon application of the licensee.

~~[3.]~~ *4.* Every person who applies for or renews a special license under this section shall pay respectively the special license fee or special license renewal fee specified in this chapter.

Sec. 73. NRS 633.411 is hereby amended to read as follows:

633.411 1. Except as otherwise provided in NRS 633.315, the Board may issue a special license to practice osteopathic medicine to a person qualified under this section to authorize him to serve:

(a) As a resident medical officer in any hospital in Nevada. A person issued such a license shall practice osteopathic medicine only within the confines of the hospital specified in the license and under the supervision of the regular medical staff of that hospital.

(b) As a professional employee of the State of Nevada or of the United States. A person issued such a license shall practice osteopathic medicine only within the scope of his employment and under the supervision of the appropriate state or federal medical agency.

2. An applicant for a special license under this section must:

(a) Be a graduate of a school of osteopathic medicine . ~~[and have completed a hospital internship.]~~

(b) Pay the special license fee specified in this chapter.

3. The Board shall not issue a license under subsection 1 unless it has received a letter from a hospital in Nevada or from the appropriate state or federal medical agency requesting issuance of the special license to the applicant.

4. A special license issued under this section:

(a) Must be issued at a meeting of the Board or between its meetings by its President and Secretary subject to approval at the next meeting of the Board.

(b) Is valid for a period not exceeding 1 year, as determined by the Board.

(c) May be renewed by the Board upon application and payment by the licensee of the special license renewal fee specified in this chapter.

(d) Does not entitle the licensee to engage in the private practice of osteopathic medicine.

5. The issuance of a special license under this section does not obligate the Board to grant any regular license to practice osteopathic medicine.

Sec. 73.5. *NRS 633.501 is hereby amended to read as follows:*

633.501 The Board shall charge and collect fees not to exceed the following amounts:

1. Application and initial license fee for an osteopathic physician $800
2. Annual license renewal fee for an osteopathic physician 500
3. Temporary license fee 500
4. Special *or authorized facility* license fee 200
5. Special *or authorized facility* license renewal fee 200
6. Reexamination fee 200
7. Late payment fee 300
8. Application and initial license fee for a physician assistant 400

9. Annual license renewal fee for a physician assistant.....400
10. Inactive license fee.....200

Sec. 74. NRS 633.511 is hereby amended to read as follows:

633.511 The grounds for initiating disciplinary action pursuant to this chapter are:

1. Unprofessional conduct.

2. Conviction of:

(a) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;

(b) A felony relating to the practice of osteopathic medicine;

(c) A violation of any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;

(d) Murder, voluntary manslaughter or mayhem;

(e) Any felony involving the use of a firearm or other deadly weapon;

(f) Assault with intent to kill or to commit sexual assault or mayhem;

(g) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime;

(h) Abuse or neglect of a child or contributory delinquency; or

(i) Any offense involving moral turpitude.

3. The suspension of the license to practice osteopathic medicine by any other jurisdiction.

4. ~~[Gross or repeated]~~ *Malpractice or gross* malpractice, which may be evidenced by ~~[claims]~~ *a claim* of malpractice settled against a practitioner.

5. Professional incompetence.

6. Failure to comply with the requirements of NRS 633.527.

7. Failure to comply with the requirements of subsection 3 of NRS 633.471.

8. Failure to comply with the provisions of subsection 2 of NRS 633.322.

9. Signing a blank prescription form.

10. Attempting, directly or indirectly, by intimidation, coercion or deception, to obtain or retain a patient or to discourage the use of a second opinion.

11. Terminating the medical care of a patient without adequate notice or without making other arrangements for the continued care of the patient.

12. In addition to the provisions of subsection 3 of NRS 633.524, making or filing a report which the licensee knows to be false, failing to file a record or report that is required by law or willfully obstructing or inducing another to obstruct the making or filing of such a record or report.

13. Failure to report any person the licensee knows, or has reason to know, is in violation of the provisions of this chapter or the regulations of the Board within 30 days after the date the licensee knows or has reason to know of the violation.

14. Failure by a licensee or applicant to report in writing, within 30 days, any criminal action taken or conviction obtained against him, other than a minor traffic violation, in this State or any other state or by the Federal Government, a branch of the Armed Forces of the United States or any local or federal jurisdiction of a foreign country.

15. Engaging in any act that is unsafe in accordance with regulations adopted by the Board.

16. Violating a provision of a remediation agreement approved by the Board pursuant to section 67 of this act.

Sec. 74.5. NRS 633.511 is hereby amended to read as follows:

633.511 The grounds for initiating disciplinary action pursuant to this chapter are:

1. Unprofessional conduct.

2. Conviction of:

(a) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;

(b) A felony relating to the practice of osteopathic medicine;

(c) A violation of any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;

(d) Murder, voluntary manslaughter or mayhem;

(e) Any felony involving the use of a firearm or other deadly weapon;

(f) Assault with intent to kill or to commit sexual assault or mayhem;

(g) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime;

(h) Abuse or neglect of a child or contributory delinquency; or

(i) Any offense involving moral turpitude.

3. The suspension of the license to practice osteopathic medicine by any other jurisdiction.

4. Malpractice or gross malpractice, which may be evidenced by a claim of malpractice settled against a practitioner.

5. Professional incompetence.

6. Failure to comply with the requirements of NRS 633.527.

7. Failure to comply with the requirements of subsection 3 of NRS 633.471.

8. Failure to comply with the provisions of subsection 2 of NRS 633.322.

9. Signing a blank prescription form.

10. Attempting, directly or indirectly, by intimidation, coercion or deception, to obtain or retain a patient or to discourage the use of a second opinion.

11. Terminating the medical care of a patient without adequate notice or without making other arrangements for the continued care of the patient.

12. In addition to the provisions of subsection 3 of NRS 633.524, making or filing a report which the licensee knows to be false, failing to file a record or report that is required by law or willfully obstructing or inducing another to obstruct the making or filing of such a record or report.

13. Failure to report any person the licensee knows, or has reason to know, is in violation of the provisions of this chapter or the regulations of the Board within 30 days after the date the licensee knows or has reason to know of the violation.

14. Failure by a licensee or applicant to report in writing, within 30 days, any criminal action taken or conviction obtained against him, other than a minor traffic violation, in this State or any other state or by the Federal Government, a branch of the Armed Forces of the United States or any local or federal jurisdiction of a foreign country.

15. Engaging in any act that is unsafe in accordance with regulations adopted by the Board.

~~[16. Violating a provision of a remediation agreement approved by the Board pursuant to section 67 of this act.]~~

Sec. 74.7. *NRS 633.533 is hereby amended to read as follows:*

633.533 1. *Except as otherwise provided in subsection 2, any person may file with the Board a complaint against an osteopathic physician on a form provided by the Board. The form may be submitted in writing or electronically. If a complaint is submitted anonymously, the Board may accept the complaint but may refuse to consider the complaint if the lack of the identity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.*

2. Any ~~[person,]~~ *licensee,* medical school or medical facility that becomes aware that a person practicing osteopathic medicine in this State has, is or is about to become engaged in conduct which constitutes grounds for initiating disciplinary action shall file a written complaint with the Board within 30 days after becoming aware of the conduct.

~~[2.]~~ *3.* Any hospital, clinic or other medical facility licensed in this State, or medical society, shall report to the Board any change in an osteopathic physician's privileges to practice osteopathic medicine while the osteopathic physician is under investigation and the outcome of any disciplinary action taken by that facility or society against the osteopathic physician concerning the care of a patient or the competency of the osteopathic physician within 30 days after the change in privileges is made or disciplinary action is taken. The Board shall report any failure to comply with this subsection by a hospital, clinic or other medical facility licensed in this State to the Health Division of the Department of Health and Human Services. If, after a hearing, the Health Division determines that any such facility or society failed to comply with the requirements of this subsection, the Division may impose an administrative fine of not more than $10,000 against the facility or society for each such failure to report. If the administrative fine is not paid when due, the fine must be recovered in a civil action brought by the Attorney General on behalf of the Division.

~~[3.]~~ *4.* The clerk of every court shall report to the Board any finding, judgment or other determination of the court that an osteopathic physician or physician assistant:

(a) Is a person with mental illness;

(b) Is a person with mental incompetence;

(c) Has been convicted of a felony or any law governing controlled substances or dangerous drugs;

(d) Is guilty of abuse or fraud under any state or federal program providing medical assistance; or

(e) Is liable for damages for malpractice or negligence,

➥ within 45 days after such a finding, judgment or determination is made.

~~[4.]~~ *5.* On or before January 15 of each year, the clerk of every court shall submit to the Office of Court Administrator created pursuant to NRS 1.320 a written report compiling the information that the clerk reported during the previous year to the Board regarding osteopathic physicians pursuant to paragraph (e) of subsection ~~[3.]~~ *4.*

Sec. 75. NRS 633.561 is hereby amended to read as follows:

633.561 1. Notwithstanding the provisions of chapter 622A of NRS, if the Board or a member of the Board designated to review a complaint pursuant to NRS 633.541 has reason to believe that the conduct of an osteopathic physician has raised a reasonable question as to his competence to practice osteopathic medicine with reasonable skill and safety to patients, the Board or the member designated by the Board may require the osteopathic physician to submit to a mental or physical examination by physicians designated by the Board. *If the osteopathic physician participates in a diversion program, the diversion program may exchange with any authorized member of the staff of the Board any information concerning the recovery and participation of the osteopathic physician in the diversion program. As used in this subsection, "diversion program" means a program approved by the Board to correct an osteopathic physician's alcohol or drug dependence or any other impairment.*

2. For the purposes of this section:

(a) Every physician who is licensed under this chapter who accepts the privilege of practicing osteopathic medicine in this State shall be deemed to have given his consent to submit to a mental or physical examination if directed to do so in writing by the Board.

(b) The testimony or examination reports of the examining physicians are not privileged communications.

3. Except in extraordinary circumstances, as determined by the Board, the failure of a physician who is licensed under this chapter to submit to an examination if directed as provided in this section constitutes an admission of the charges against him.

Sec. 75.5. NRS 633.581 is hereby amended to read as follows:

633.581 *1. If an investigation by the Board regarding an osteopathic physician reasonably determines that the health, safety or welfare of the public or any patient served by the osteopathic physician is at risk of imminent or continued harm, the Board may summarily suspend the license of the osteopathic physician. The order of summary suspension may be issued by the Board, an investigative committee of the Board or the Executive Director of the Board after consultation with the President, Vice President or Secretary-Treasurer of the Board.*

2. If the Board issues an order summarily suspending the license of an osteopathic physician pursuant to subsection 1, the Board shall hold a hearing regarding the matter not later than 45 days after the date on which the Board issues the order summarily suspending the license unless the Board and the licensee mutually agree to a longer period.

3. Notwithstanding the provisions of chapter 622A of NRS, if the Board issues an order summarily suspending the license of an osteopathic physician pending proceedings for disciplinary action and requires the physician to submit to a mental or physical examination or a medical competency examination, the examination shall be conducted and the results obtained not later than 60 days after the Board issues its order.

Sec. 76. NRS 633.625 is hereby amended to read as follows:

633.625 1. Any ~~[osteopathic physician]~~ *licensee* against whom the Board initiates disciplinary action pursuant to this chapter shall, within 30 days after the ~~[osteopathic physician's]~~ *licensee's* receipt of notification of the initiation of the disciplinary action, submit to the Board a complete set of his fingerprints and written permission authorizing the Board to

forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

2. The willful failure of ~~[an osteopathic physician]~~ *a licensee* to comply with the requirements of subsection 1 constitutes additional grounds for disciplinary action and the revocation of the license of the ~~[osteopathic physician.]~~ *licensee.*

3. The Board has additional grounds for initiating disciplinary action against ~~[an osteopathic physician]~~ *a licensee* if the report from the Federal Bureau of Investigation indicates that the ~~[osteopathic physician]~~ *licensee* has been convicted of:

(a) An act that is a ground for disciplinary action pursuant to NRS 633.511; or

(b) A felony set forth in NRS 633.741.

Sec. 77. NRS 633.651 is hereby amended to read as follows:

633.651 1. If the Board finds a person guilty in a disciplinary proceeding, it shall by order take one or more of the following actions:

(a) Place the person on probation for a specified period or until further order of the Board.

(b) Administer to the person a public reprimand.

(c) Limit the practice of the person to, or by the exclusion of, one or more specified branches of osteopathic medicine.

(d) Suspend the license of the person to practice osteopathic medicine for a specified period or until further order of the Board.

(e) Revoke the license of the person to practice osteopathic medicine.

(f) Impose a fine not to exceed $5,000 for each violation.

(g) Require supervision of the practice of the person.

(h) Require the person to perform community service without compensation.

(i) Require the person to complete any training or educational requirements specified by the Board.

(j) Require the person to participate in a program to correct alcohol or drug dependence or any other impairment.

➥ The order of the Board may contain ~~[such]~~ *any* other terms, provisions or conditions as the Board deems proper and which are not inconsistent with law.

2. The Board shall not administer a private reprimand.

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

Sec. 78. NRS 633.691 is hereby amended to read as follows:

633.691 In addition to any other immunity provided by the provisions of chapter 622A of NRS, the Board, a medical review panel of a hospital, a hearing officer, a panel of the Board, *an employee or volunteer of a diversion program specified in NRS 633.561,* or any person who or other organization which initiates or assists in any lawful investigation or proceeding concerning the discipline of an osteopathic physician for gross malpractice, ~~[repeated]~~ malpractice, professional incompetence or unprofessional conduct is immune from any civil action for such initiation or assistance or any consequential damages, if the person or organization acted without malicious intent.

Sec. 78.1. Chapter 641 of NRS is hereby amended by adding thereto a new section to read as follows:

"National examination" means the Examination for Professional Practice in Psychology in the form administered by the Association of State and Provincial Psychology Boards and approved for use in this State by the Board.

Sec. 78.2. NRS 641.020 is hereby amended to read as follows:

641.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 641.021 to 641.027, inclusive, *and section 78.1 of this act* have the meanings ascribed to them in those sections.

Sec. 78.3. NRS 641.160 is hereby amended to read as follows:

641.160 *1.* Each person desiring a license must ~~[make]~~ *:*

(a) Make application to the Board upon a form, and in a manner, prescribed by the Board. The application must be accompanied by the application fee prescribed by the Board and include all information required to complete the application.

(b) As part of his application and at his own expense:

(1) Arrange to have a complete set of his fingerprints taken by a law enforcement agency or other authorized entity acceptable to the Board; and

(2) Submit to the Board:

(I) 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 a report on the applicant's background, and to such other law enforcement agencies as the Board deems necessary for a report on the applicant's background; or

(II) Written verification, on a form prescribed by the Board, stating that the set of fingerprints of the applicant was taken and directly forwarded electronically or by other means to the Central Repository for Nevada Records of Criminal History and that the applicant provided written permission authorizing the law enforcement agency or other authorized entity taking the fingerprints to submit the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for a report on the applicant's background, and to such other law enforcement agencies as the Board deems necessary for a report on the applicant's background.

2. The Board may:

(a) Unless the applicant's fingerprints are directly forwarded pursuant to sub-subparagraph (II) of subparagraph (2) of paragraph (b) of subsection 1, submit those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation and to such other law enforcement agencies as the Board deems necessary; and

(b) Request from each agency to which the Board submits the fingerprints any information regarding the applicant's background as the Board deems necessary.

3. An application is not considered complete and received for purposes of evaluation pursuant to subsection 2 of NRS 641.170 until the Board receives a complete set of fingerprints or verification that the fingerprints have been forwarded electronically or by other means to the Central Repository for Nevada Records of Criminal History, and written authorization from the applicant pursuant to this section.

Sec. 78.4. NRS 641.180 is hereby amended to read as follows:

641.180 1. Except as otherwise provided in this section and NRS 641.190, each applicant for a license must pass the ~~[Examination for the Professional Practice of Psychology in the form administered by the Association of State and Provincial Psychology Boards and approved for use in this State by the Board.]~~ *national examination.* In addition to ~~[this written]~~ *the national* examination, the Board may require an ~~[oral]~~ examination in whatever applied or theoretical fields it deems appropriate.

2. ~~[The examination must be given at least once a year, and may be given more often if deemed necessary by the Board. The examination must be given at a time and place, and under such supervision, as the Board may determine.~~

~~3.]~~ The Board shall notify each applicant of the results of his ~~[written]~~ *national* examination and ~~[supply him with a copy of all material information about those results provided to the Board by the Association of State and Provincial Psychology Boards.~~

~~4. If an applicant fails the examination, he may request in writing that the Board review his examination.~~

~~5.]~~ *any other examination required pursuant to subsection 1.*

3. The Board may waive the requirement of ~~[a written]~~ *the national* examination for a person who:

(a) Is licensed in another state;

(b) Has *at least* 10 ~~[years]~~ *years'* experience; and

(c) Is a diplomate in the American Board of Professional Psychology or a fellow in the American Psychological Association, or who has other equivalent status as determined by the Board.

Sec. 78.5. NRS 641.370 is hereby amended to read as follows:

641.370 1. The Board shall charge and collect not more than the following fees respectively:

For the ~~[written]~~ *national* examination, in addition to the actual cost to the Board of the examination $100

For ~~[the special oral]~~ *any other* examination ~~[,]~~ *required pursuant to the provisions of subsection 1 of NRS 641.180,* in addition to the actual costs to the Board of the examination 100

For the issuance of an initial license 25

For the biennial renewal of a license 500

For the restoration of a license suspended for the nonpayment of the biennial fee for the renewal of a license 100

For the registration of a firm, partnership or corporation which engages in or offers to engage in the practice of psychology 300

For the registration of a nonresident to practice as a consultant 100

2. An applicant who passes the *national* examination and *any other examination required pursuant to the provisions of subsection 1 of NRS 641.180 and who* is eligible for a license shall pay the biennial fee for the renewal of a license , which must be prorated for the period from the date the license is issued to the end of the biennium.

3. In addition to the fees set forth in subsection 1, the Board may charge and collect a fee for the expedited processing of a request or for any other incidental service it provides. The fee must not exceed the cost to provide the service.

Sec. 79. NRS 652.210 is hereby amended to read as follows:

652.210 1. Except as otherwise provided in subsection 2 and NRS 126.121, no person other than a licensed physician, a licensed optometrist, a licensed practical nurse, a registered nurse, a *perfusionist, a* physician assistant licensed pursuant to chapter 630 or 633 of NRS, a certified intermediate emergency medical technician, a certified advanced emergency medical technician, a practitioner of respiratory care licensed pursuant to chapter 630 of NRS or a licensed dentist may manipulate a person for the collection of specimens.

2. The technical personnel of a laboratory may collect blood, remove stomach contents, perform certain diagnostic skin tests or field blood tests or collect material for smears and cultures.

Sec. 80. NRS 200.471 is hereby amended to read as follows:

200.471 1. As used in this section:

(a) "Assault" means intentionally placing another person in reasonable apprehension of immediate bodily harm.

(b) "Officer" means:

(1) A person who possesses some or all of the powers of a peace officer;

(2) A person employed in a full-time salaried occupation of fire fighting for the benefit or safety of the public;

(3) A member of a volunteer fire department;

(4) A jailer, guard, matron or other correctional officer of a city or county jail;

(5) A justice of the Supreme Court, district judge, justice of the peace, municipal judge, magistrate, court commissioner, master or referee, including a person acting pro tempore in a capacity listed in this subparagraph; or

(6) An employee of the State or a political subdivision of the State whose official duties require him to make home visits.

(c) "Provider of health care" means a physician, a *perfusionist or a* physician assistant licensed pursuant to chapter 630 of NRS, a practitioner of respiratory care, a homeopathic physician, an advanced practitioner of homeopathy, a homeopathic assistant, an osteopathic physician, a physician assistant licensed pursuant to chapter 633 of NRS, a podiatric physician, a podiatry hygienist, a physical therapist, a medical laboratory technician, an optometrist, a chiropractor, a chiropractor's assistant, a doctor of Oriental medicine, a nurse, a student nurse, a certified nursing assistant, a nursing assistant trainee, a dentist, a dental hygienist, a pharmacist, an intern pharmacist, an attendant on an ambulance or air ambulance, a psychologist, a social worker, a marriage and family therapist, a marriage and family therapist intern, a clinical professional counselor, a clinical professional counselor intern and an emergency medical technician.

(d) "School employee" means a licensed or unlicensed person employed by a board of trustees of a school district pursuant to NRS 391.100.

(e) "Sporting event" has the meaning ascribed to it in NRS 41.630.

(f) "Sports official" has the meaning ascribed to it in NRS 41.630.

(g) "Taxicab" has the meaning ascribed to it in NRS 706.8816.

(h) "Taxicab driver" means a person who operates a taxicab.

(i) "Transit operator" means a person who operates a bus or other vehicle as part of a public mass transportation system.

2. A person convicted of an assault shall be punished:

(a) If paragraph (c) or (d) does not apply to the circumstances of the crime and the assault is not made with the use of a deadly weapon, or the present ability to use a deadly weapon, for a misdemeanor.

(b) If the assault is made with the use of a deadly weapon, or the present ability to use a deadly weapon, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment.

(c) If paragraph (d) does not apply to the circumstances of the crime and if the assault is committed upon an officer, a provider of health care, a school employee, a taxicab driver or a transit operator who is performing his duty or upon a sports official based on the performance of his duties at a sporting event, and the person charged knew or should have known that the victim was an officer, a provider of health care, a school employee, a taxicab driver, a transit operator or a sports official, for a gross misdemeanor, unless the assault is made with the use of a deadly weapon, or the present ability to use a deadly weapon, then for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment.

(d) If the assault is committed upon an officer, a provider of health care, a school employee, a taxicab driver or a transit operator who is performing his duty or upon a sports official based on the performance of his duties at a sporting event by a probationer, a prisoner who is in lawful custody or confinement or a parolee, and the probationer, prisoner or parolee charged knew or should have known that the victim was an officer, a provider of health care, a school employee, a taxicab driver, a transit operator or a sports official, for a category D felony as provided in NRS 193.130, unless the assault is made with the use of a deadly weapon, or the present ability to use a deadly weapon, then for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment.

Sec. 81. NRS 200.5093 is hereby amended to read as follows:

200.5093 1. Any person who is described in subsection 4 and who, in his professional or occupational capacity, knows or has reasonable cause to believe that an older person has been abused, neglected, exploited or isolated shall:

(a) Except as otherwise provided in subsection 2, report the abuse, neglect, exploitation or isolation of the older person to:

(1) The local office of the Aging Services Division of the Department of Health and Human Services;

(2) A police department or sheriff's office;

(3) The county's office for protective services, if one exists in the county where the suspected action occurred; or

(4) A toll-free telephone service designated by the Aging Services Division of the Department of Health and Human Services; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the older person has been abused, neglected, exploited or isolated.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse, neglect, exploitation or isolation of the older person involves an act or omission of the Aging Services Division, another division of the Department

of Health and Human Services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission.

3. Each agency, after reducing a report to writing, shall forward a copy of the report to the Aging Services Division of the Department of Health and Human Services and the Unit for the Investigation and Prosecution of Crimes.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) Every physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, physician assistant licensed pursuant to chapter 630 or 633 of NRS, *perfusionist,* psychiatrist, psychologist, marriage and family therapist, clinical professional counselor, clinical alcohol and drug abuse counselor, alcohol and drug abuse counselor, athletic trainer, driver of an ambulance, advanced emergency medical technician or other person providing medical services licensed or certified to practice in this State, who examines, attends or treats an older person who appears to have been abused, neglected, exploited or isolated.

(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of the suspected abuse, neglect, exploitation or isolation of an older person by a member of the staff of the hospital.

(c) A coroner.

(d) Every person who maintains or is employed by an agency to provide personal care services in the home.

(e) Every person who maintains or is employed by an agency to provide nursing in the home.

(f) Every person who operates, who is employed by or who contracts to provide services for an intermediary service organization as defined in NRS 426.218.

(g) Any employee of the Department of Health and Human Services.

(h) Any employee of a law enforcement agency or a county's office for protective services or an adult or juvenile probation officer.

(i) Any person who maintains or is employed by a facility or establishment that provides care for older persons.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect, exploitation or isolation of an older person and refers them to persons and agencies where their requests and needs can be met.

(k) Every social worker.

(l) Any person who owns or is employed by a funeral home or mortuary.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that an older person has died as a result of abuse, neglect or isolation, the person shall, as soon as reasonably practicable, report this belief to the appropriate medical examiner or coroner, who shall investigate the cause of death of the older person and submit to the appropriate local law enforcement agencies, the appropriate prosecuting attorney, the Aging Services Division of the Department of Health and Human Services and the Unit for the Investigation and Prosecution of Crimes his written findings. The written findings must include the information required pursuant to the provisions of NRS 200.5094, when possible.

7. A division, office or department which receives a report pursuant to this section shall cause the investigation of the report to commence within 3 working days. A copy of the final report of the investigation conducted by a division, office or department, other than the Aging Services Division of the Department of Health and Human Services, must be forwarded to the Aging Services Division within 90 days after the completion of the report, and a copy of any final report of an investigation must be forwarded to the Unit for the Investigation and Prosecution of Crimes within 90 days after completion of the report.

8. If the investigation of a report results in the belief that an older person is abused, neglected, exploited or isolated, the Aging Services Division of the Department of Health and Human Services or the county's office for protective services may provide protective services to the older person if he is able and willing to accept them.

9. A person who knowingly and willfully violates any of the provisions of this section is guilty of a misdemeanor.

10. As used in this section, "Unit for the Investigation and Prosecution of Crimes" means the Unit for the Investigation and Prosecution of Crimes Against Older Persons in the Office of the Attorney General created pursuant to NRS 228.265.

Sec. 82. NRS 200.50935 is hereby amended to read as follows:

200.50935 1. Any person who is described in subsection 3 and who, in his professional or occupational capacity, knows or has reasonable cause to believe that a vulnerable person has been abused, neglected, exploited or isolated shall:

(a) Report the abuse, neglect, exploitation or isolation of the vulnerable person to a law enforcement agency; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the vulnerable person has been abused, neglected, exploited or isolated.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse, neglect, exploitation or isolation of the vulnerable person involves an act or omission of a law enforcement agency, the person shall make the report to a law enforcement agency other than the one alleged to have committed the act or omission.

3. A report must be made pursuant to subsection 1 by the following persons:

(a) Every physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, *perfusionist,* physician assistant licensed pursuant to chapter 630 or 633 of NRS, psychiatrist, psychologist, marriage and family therapist, clinical professional counselor, clinical alcohol and drug abuse counselor, alcohol and drug abuse counselor, athletic trainer, driver of an ambulance, advanced emergency medical technician or other person providing medical services licensed or certified to practice in this State, who examines, attends or treats a vulnerable person who appears to have been abused, neglected, exploited or isolated.

(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of the suspected abuse, neglect, exploitation or isolation of a vulnerable person by a member of the staff of the hospital.

(c) A coroner.

(d) Every person who maintains or is employed by an agency to provide nursing in the home.

(e) Any employee of the Department of Health and Human Services.

(f) Any employee of a law enforcement agency or an adult or juvenile probation officer.

(g) Any person who maintains or is employed by a facility or establishment that provides care for vulnerable persons.

(h) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect, exploitation or isolation of a vulnerable person and refers them to persons and agencies where their requests and needs can be met.

(i) Every social worker.

(j) Any person who owns or is employed by a funeral home or mortuary.

4. A report may be made by any other person.

5. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that a vulnerable person has died as a result of abuse, neglect or isolation, the person shall, as soon as reasonably practicable, report this belief to the appropriate medical examiner or coroner, who shall investigate the cause of death of the vulnerable person and submit to the appropriate local law enforcement agencies and the appropriate prosecuting attorney his written findings. The written findings must include the information required pursuant to the provisions of NRS 200.5094, when possible.

6. A law enforcement agency which receives a report pursuant to this section shall immediately initiate an investigation of the report.

7. A person who knowingly and willfully violates any of the provisions of this section is guilty of a misdemeanor.

Sec. 83. NRS 372.7285 is hereby amended to read as follows:

372.7285 1. In administering the provisions of NRS 372.325, the Department shall apply the exemption to the sale of a medical device to a governmental entity that is exempt pursuant to that section without regard to whether the person using the medical device or the governmental entity that purchased the device is deemed to be the holder of title to the device if:

(a) The medical device was ordered or prescribed by a provider of health care, within his scope of practice, for use by the person to whom it is provided;

(b) The medical device is covered by Medicaid or Medicare; and

(c) The purchase of the medical device is made pursuant to a contract between the governmental entity that purchases the medical device and the person who sells the medical device to the governmental entity.

2. As used in this section:

(a) "Medicaid" means the program established pursuant to Title XIX of the Social Security Act, 42 U.S.C. §§ 1396 et seq., to provide assistance for part or all of the cost of medical care rendered on behalf of indigent persons.

(b) "Medicare" means the program of health insurance for aged persons and persons with disabilities established pursuant to Title XVIII of the Social Security Act, 42 U.S.C. §§ 1395 et seq.

(c) "Provider of health care" means a physician licensed pursuant to chapter 630, 630A or 633 of NRS, *perfusionist*, dentist, licensed nurse, dispensing optician, optometrist, practitioner of respiratory care, registered physical therapist, podiatric physician, licensed psychologist, licensed audiologist, licensed speech pathologist, licensed hearing aid specialist, licensed marriage and family therapist, licensed clinical professional counselor, chiropractor or doctor of Oriental medicine in any form.

Sec. 84. NRS 374.731 is hereby amended to read as follows:

374.731 1. In administering the provisions of NRS 374.330, the Department shall apply the exemption to the sale of a medical device to a governmental entity that is exempt pursuant to that section without regard to whether the person using the medical device or the governmental entity that purchased the device is deemed to be the holder of title to the device if:

(a) The medical device was ordered or prescribed by a provider of health care, within his scope of practice, for use by the person to whom it is provided;

(b) The medical device is covered by Medicaid or Medicare; and

(c) The purchase of the medical device is made pursuant to a contract between the governmental entity that purchases the medical device and the person who sells the medical device to the governmental entity.

2. As used in this section:

(a) "Medicaid" means the program established pursuant to Title XIX of the Social Security Act, 42 U.S.C. §§ 1396 et seq., to provide assistance for part or all of the cost of medical care rendered on behalf of indigent persons.

(b) "Medicare" means the program of health insurance for aged persons and persons with disabilities established pursuant to Title XVIII of the Social Security Act, 42 U.S.C. §§ 1395 et seq.

(c) "Provider of health care" means a physician licensed pursuant to chapter 630, 630A or 633 of NRS, *perfusionist*, dentist, licensed nurse, dispensing optician, optometrist, practitioner of respiratory care, registered physical therapist, podiatric physician, licensed psychologist, licensed audiologist, licensed speech pathologist, licensed hearing aid specialist, licensed marriage and family therapist, licensed clinical professional counselor, chiropractor or doctor of Oriental medicine in any form.

Sec. 85. NRS 432B.220 is hereby amended to read as follows:

432B.220 1. Any person who is described in subsection 4 and who, in his professional or occupational capacity, knows or has reasonable cause to believe that a child has been abused or neglected shall:

(a) Except as otherwise provided in subsection 2, report the abuse or neglect of the child to an agency which provides child welfare services or to a law enforcement agency; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the child has been abused or neglected.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse or neglect of the child involves an act or omission of:

(a) A person directly responsible or serving as a volunteer for or an employee of a public or private home, institution or facility where the child is receiving child care outside of his home for a portion of the day, the person shall make the report to a law enforcement agency.

(b) An agency which provides child welfare services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission, and the investigation of the abuse or neglect of the child must be made by an agency other than the one alleged to have committed the act or omission.

3. Any person who is described in paragraph (a) of subsection 4 who delivers or provides medical services to a newborn infant and who, in his professional or occupational capacity, knows or has reasonable cause to believe that the newborn infant has been affected by prenatal illegal substance abuse or has withdrawal symptoms resulting from prenatal drug exposure shall, as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the newborn infant is so affected or has such symptoms, notify an agency which provides child welfare services of the condition of the infant and refer each person who is responsible for the welfare of the infant to an agency which provides child welfare services for appropriate counseling, training or other services. A notification and referral to an agency which provides child welfare services pursuant to this subsection shall not be construed to require prosecution for any illegal action.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) A physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, physician assistant licensed pursuant to chapter 630 or 633 of NRS, *perfusionist*, psychiatrist, psychologist, marriage and family therapist, clinical professional counselor, clinical alcohol and drug abuse counselor, alcohol and drug abuse counselor, clinical social worker, athletic trainer, advanced emergency medical technician or other person providing medical services licensed or certified in this State.

(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of suspected abuse or neglect of a child by a member of the staff of the hospital.

(c) A coroner.

(d) A clergyman, practitioner of Christian Science or religious healer, unless he has acquired the knowledge of the abuse or neglect from the offender during a confession.

(e) A social worker and an administrator, teacher, librarian or counselor of a school.

(f) Any person who maintains or is employed by a facility or establishment that provides care for children, children's camp or other public or private facility, institution or agency furnishing care to a child.

(g) Any person licensed to conduct a foster home.

(h) Any officer or employee of a law enforcement agency or an adult or juvenile probation officer.

(i) An attorney, unless he has acquired the knowledge of the abuse or neglect from a client who is or may be accused of the abuse or neglect.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding abuse or neglect of a child and refers them to persons and agencies where their requests and needs can be met.

(k) Any person who is employed by or serves as a volunteer for an approved youth shelter. As used in this paragraph, "approved youth shelter" has the meaning ascribed to it in NRS 244.422.

(l) Any adult person who is employed by an entity that provides organized activities for children.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that a child has died as a result of abuse or neglect, the person shall, as soon as reasonably practicable, report this belief to an agency which provides child welfare services or a law enforcement agency. If such a report is made to a law enforcement agency, the

law enforcement agency shall notify an agency which provides child welfare services and the appropriate medical examiner or coroner of the report. If such a report is made to an agency which provides child welfare services, the agency which provides child welfare services shall notify the appropriate medical examiner or coroner of the report. The medical examiner or coroner who is notified of a report pursuant to this subsection shall investigate the report and submit his written findings to the appropriate agency which provides child welfare services, the appropriate district attorney and a law enforcement agency. The written findings must include, if obtainable, the information required pursuant to the provisions of subsection 2 of NRS 432B.230.

Sec. 85.5. *Section 67 of this act is hereby amended to read as follows:*

Sec. 67. 1. If the Board has reason to believe that a person has violated or is violating any provision of this chapter, the Board or any investigative committee of the Board may issue to the person a letter of warning, a letter of concern or a nonpunitive admonishment at any time before the Board initiates any disciplinary proceedings against the person.

2. The issuance of such a letter or admonishment:

(a) Does not preclude the Board from initiating any disciplinary proceedings against the person or taking any disciplinary action against the person based on any conduct alleged or described in the letter or admonishment or any other conduct; and

(b) Does not constitute a final decision of the Board and is not subject to judicial review.

~~[3. In addition to any action taken pursuant to subsection 1, if the Board has reason to believe that a person has violated or is violating any provision of this chapter, the Board or any investigative committee of the Board may negotiate a remediation agreement with the person. The remediation agreement must include, for each violation, a statement specifying each provision of this chapter or regulation adopted pursuant to this chapter that the Board has reason to believe that the person has violated or is violating. The remediation agreement must also set forth the terms and conditions specified by the Board or an investigative committee, including, without limitation, provisions that:~~

~~(a) Address each violation of this chapter that is at issue; and~~

~~(b) Remediate or improve the practice of the person relating to those violations.~~

~~4. A remediation agreement that is negotiated by an investigative committee of the Board must be presented to the Board for approval. Any remediation agreement presented to the Board pursuant to this subsection is a public record. The Board shall ensure that all identifying information regarding each person who is subject to the remediation agreement is removed. The remediation agreement becomes effective immediately upon approval of the remediation agreement by the Board. If the Board does not approve the remediation agreement, the Board shall refer the matter to the investigative committee that presented the remediation agreement to the Board. The investigative committee may further proceed with the matter as it deems appropriate.~~

~~5. A remediation agreement entered into pursuant to this section does not constitute disciplinary action against any person who is subject to the remediation agreement and is not reportable to any national database. If the person violates a provision of the remediation agreement, the Board or the investigative committee of the Board with whom the remediation agreement was negotiated may take any action it deems appropriate, including, without limitation, initiating disciplinary proceedings against the person.~~

~~6. The Board shall adopt regulations to carry out the provisions of this section.]~~

Sec. 86. Section 121 of chapter 413, Statutes of Nevada 2007, at page 1869, is hereby amended to read as follows:

Sec. 121. 1. This act becomes effective:

(a) Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2008, for all other purposes.

2. ~~[The amendatory provisions of section 7 of this act expire by limitation on January 1,2012.~~

~~3.~~ Sections 11 and 25 of this act expire by limitation on January 1, 2012.

Sec. 87. NRS 630.175 and 630.348 are hereby repealed.

Sec. 88. Section 7 of chapter 413, Statutes of Nevada 2007, at page 1825, is hereby repealed.

Sec. 89. Notwithstanding the amendatory provisions of this act:

1. A person may be licensed as a perfusionist without complying with the provisions of section 8 of this act if the person:

(a) Is employed or otherwise working as a perfusionist on July 1, 2009;

(b) Has been operating cardiopulmonary bypass systems during cardiac surgical cases in a licensed health care facility as his primary function for at least 6 of the 8 years immediately preceding the date of application; and

(c) Before July 1, 2010, submits to the Board of Medical Examiners:

(1) An application for a license to practice perfusion on a form provided by the Board;

(2) The required fee established by the Board for the license; and

(3) The information required pursuant to NRS 630.197, unless that section has expired by limitation and is no longer in effect.

2. If a person is employed or otherwise working as a perfusionist on July 1, 2009, but the person does not meet the qualifications to be licensed as a perfusionist pursuant to subsection 1 or, if so qualified, fails to obtain a license as a perfusionist pursuant to subsection 1, the person:

(a) May continue to practice perfusion in this State until June 30, 2010, without holding a license to practice perfusion issued by the Board of Medical Examiners; and

(b) Must, if the person wishes to continue to practice perfusion in this State on or after July 1, 2010, hold a license to practice perfusion issued by the Board.

Sec. 90. A person who, on October 1, 2009:

1. Is the holder of a valid restricted license issued pursuant to NRS 630.262 and who is otherwise qualified to hold such a license on that date shall be deemed to hold an authorized facility license issued pursuant to that section, as amended by section 38 of this act.

2. Is the holder of a valid license as a practitioner of respiratory care pursuant to NRS 630.277 and who is otherwise qualified to practice respiratory care on that date shall be deemed to hold such a license issued pursuant to that section, as amended by section 40 of this act.

Sec. 91. 1. This section and sections 27, 78.1 to 78.5, inclusive, 86, 88 and 89 of this act become effective upon passage and approval.

2. *Sections 1, 2, 13.5, 14, 17, 18, 22, 23, 25, 26, 28, 30, 31, 32, 35 to 38.5, inclusive, 40, 41, 42, 43, 44, 47, 48, 49, 53, 54, 54.5, 57, 58, 66 to 69, inclusive, 70.5, 71 to 74, inclusive, 74.7 to 78, inclusive, 87 and 90 of this act become effective:*

(a) Upon passage and approval for the purpose of adopting regulations and performing any preliminary administrative tasks that are necessary to carry out the provisions of this act; and

(b) On October 1, 2009, for all other purposes.

3. Sections ~~1,~~ *1.7,* 3 to 13, inclusive, 15, 16, 19, 20, 21, 24, 29, 33, 39, 45, 46, 50, 51, 52, 55, 59 to 65, inclusive, 70 and 79 to 85, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting regulations and performing any preliminary administrative tasks that are necessary to carry out the provisions of this act; and

(b) On July 1, 2010, for all other purposes.

~~[3. Sections 2, 14, 17, 18, 22, 23, 25, 26, 28, 30, 31, 32, 35 to 38, inclusive, 40 to 44, inclusive, 47, 48, 49, 53, 54, 54.5, 57, 58, 66 to 69, inclusive, 71 to 78, inclusive, 87 and 90 of this act become effective on October 1, 2009.]~~

4. *Sections 1.3, 23.5, 41.5, 42.5, 70.7, 74.5 and 85.5 of this act become effective on July 1, 2011.*

5. Section 33 of this act expires by limitation on the date which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

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

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

➥ are repealed by the Congress of the United States.

~~[5.]~~ *6.* Section 34 of this act becomes effective on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

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

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

➥ are repealed by the Congress of the United States.

~~[6.]~~ *7.* Sections 34 and 60 of this act expire by limitation on the date 2 years after the date on which the provision of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

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

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

➥ are repealed by the Congress of the United States.

LEADLINES OF REPEALED SECTIONS OF NRS AND
TEXT OF REPEALED SECTION OF STATUTES OF NEVADA

630.175 Reporting of certain additional information concerning application.

630.348 Standards for revocation of license.

Section 7 of chapter 413, Statutes of Nevada 2007:

Sec. 7. NRS 630.1605 is hereby amended to read as follows:

630.1605 *1.* Except as otherwise provided in NRS 630.161, the Board ~~[may]~~ *shall, except for good cause,* issue a license by endorsement to practice medicine to an applicant who has been issued a license to practice medicine by the District of Columbia or any state or territory of the United States if:

~~[1.]~~ *(a)* At the time the applicant files his application with the Board, the license is in effect ~~[;~~

~~2. The applicant:~~

~~(a) Submits to the Board proof of passage of an examination approved by the Board;~~

~~(b) Submits to the Board any documentation and other proof of qualifications required by the Board;~~

~~(c) Meets all of the statutory requirements for licensure to practice medicine in effect at the time of application except for the requirements set forth in NRS 630.160; and~~

~~(d) Completes any additional requirements relating to the fitness of the applicant to practice required by the Board; and~~

~~3. Any documentation and other proof of qualifications required by the Board is authenticated in a manner approved by the Board.]~~ *and unrestricted; and*

(b) The applicant:

(1) Is currently certified by a specialty board of the American Board of Medical Specialties and was certified or recertified within the past 10 years;

(2) Has had no adverse actions reported to the National Practitioner Data Bank within the past 10 years;

(3) Has been continuously and actively engaged in the practice of medicine within his specialty for the past 5 years;

(4) Is not involved in and does not have pending any disciplinary action concerning his license to practice medicine in the District of Columbia or any state or territory of the United States;

(5) Provides information on all the medical malpractice claims brought against him, without regard to when the claims were filed or how the claims were resolved; and

(6) Meets all statutory requirements to obtain a license to practice medicine in this State except that the applicant is not required to meet the requirements set forth in NRS 630.160.

2. A license by endorsement may be issued at a meeting of the Board or between its meetings by its President and Executive Director. Such an action shall be deemed to be an action of the Board.

ALLISON COPENING
DEAN A. RHOADS
Senate Conference Committee

DEBBIE SMITH
BERNIE ANDERSON
JOSEPH P. HARDY
Assembly Conference Committee

Senator Copening moved that the Senate adopt the report of the Conference Committee concerning Senate Bill No. 269.

Remarks by Senators Copening and Carlton.

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

SENATOR COPENING:

The conference report amendment allows the Board of Medical Examiners to issue and authorize facility license to a physician licensed in another jurisdiction who intends to practice in an institution of the Department of Corrections.

It makes several changes in statutes related to osteopathic physicians so that the licensure, investigation and discipline of osteopathic physicians is carried out in the same manner as all osteopathic physicians.

It makes certain technical changes that bring the regulation of perfusionists in line with the regulation of physicians and practitioners of respiratory care by the Board of Medical Examiners.

It specifies that the Executive Director of the Board may not issue subpoenas on his own behalf.

It requires the Board to hold a hearing on the summary suspension of a license not later than 45 days after the date on which the order to suspend the license is issued unless a later date is agreed to by the parties.

This amendment makes technical changes to the remediation program developed as an alternative to disciplinary action used by the Board of Medical Examiners and the Board of Osteopathic Medicine.

SENATOR CARLTON:

I will support the conference committee report, but I did not sign it. There is a significant gap in this report by not allowing the Executive Director to be able to reach out and have the subpoena power to be able to compel x-rays, records and witnesses. We have problems with being able to document what is going on in the medical profession. We could not change it then, but now we have had an opportunity to fix it and we bypassed that. If it happens again, it will lay at our feet instead at someone else's.

Motion carried by a constitutional majority.

REMARKS FROM THE FLOOR

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

Senator Mathews has served in eight regular and nine special sessions. Fishing led Senator Mathews into the realm of politics. When a favorite fishing hole, Reno's Paradise Pond, dried up, she ran for Reno City Council and won. Four years later, a plan was in place to save Paradise Park. In 1995, Senator Bernice Mathews became Nevada's first female African-American Senator and secured a seat on Senate Finance as a freshman. I am especially sad to see her go because we need to continue to recruit new members who provide the level of diversity and vision she has.

since then, Senator Mathews has consistently shared her concerns for her fellow citizens by championing legislation on health care, mental health, education, children and people with disabilities.

Senator Mathews has served on numerous boards, including the State Board of Nursing. She has received many, many forms of recognition based on her ongoing care and concern for mankind. In 1998, she was honored by the Washoe County School District when Mathews Elementary School was named after her. She even appeared on the cover of the University of Nevada Reno's *Silver and Blue* alumni publication with a very large fish over her shoulder to highlight an article about her life and accomplishments.

Bernice holds firm to lifelong beliefs in honesty, trust, family, and faith. When you include hard work, communication, and education, you have a pretty good picture of what Senator Mathews is all about.

There is one saying of all her sayings that expresses her perspective on things. Whether it is a joyous occasion or something that gets her a little frustrated at times, she will lean over to you with all seriousness but with a little smile and say, "Get a life." Those are the words I have heard on many occasions.

This has been an important session. Her leading the Senate Finance Committee has ensured that we are able to complete our process on time. I honor her dedication to her family, to her community and to this Legislature. I do not know what it will be like not to have Senator Bernice Mathews in the Senate. She will continue to go on to great things. She has stated she will come back and work on a few bills she feels did not go through the process as they needed to. We will continue to see her.

I love her, and she has the biggest heart. She is an incredibly special person. She cares about this community and this State. It is my honor to present the flag that was flown over the State Building today and to give her a commemorative medallion.

Senator Mathews requested that her remarks be entered in the Journal.

Sometimes you do need to get a life. Not everything in life is bad. When you continue to dwell on the negative, they turn into bad things. Before someone gets to that place, I tell that person to "get a life." This one is not half as bad as you think it is. I have heard in the hallways this Session that this is the worst session we have ever had. I have told them, this is not anything. They ought to try to live in my skin for a day of the last 75 years. This was a cakewalk, except for a few little things.

Thank you so much to all of the staff throughout the building. When I come here in the morning, the groundskeepers push the elevator button for me. I thank them. I thank all of the staff from the groundskeepers to the Lieutenant Governor for accepting me into a society that I did not seek. Most of the things in my life I have not planned for.

I have been accepted into this community, into places and in this State where I never thought I would, not me, not someone from Mississippi. When I came to this body, I remember the first persons to embrace me were Senator Jacobsen, Senator Raggio and Senator Neal, all in a different way. Senator Jacobsen's family has embraced me since he has been gone. I appreciate that so much. They are the three people who put their arms around me, each in their own way. Senator Raggio, with that voice of his, said, "Mathews, keep your powder dry." That was an arm hug to me.

I always equate myself to a turtle on a fence. My daughter said to me, "Please do not tell people about being a turtle on a fence." However, I am going to tell you. If any of you know about a turtle and if you see him on a fence, you know someone put him there. If you see him there, and he stays there, then you know someone is helping him to stay there. All of you have helped me to get on the fence. All of you have helped me to stay there.

Thank you to this body. What a journey. My mother would say that this is one more act, and the curtain is coming down on that act. In the morning, a new act will begin and a new curtain call will be out there. You have made this act very special. Maya Angelou says, "What you say to me, I might forget; what I see in you, I might forget; but what you have done for me, I shall never forget." And the way you have made me feel, I will never forget. Thank you.

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

I somehow reached the distinction of being the longest-serving Senator in this body. I never expected to reach that when I came here in 1972. Today, as I walked along the hallway, I stopped to look at all of the pictures of all of the Senators we have had in this body since 1969

and reflected on all of those people I have had the privilege to serve with over the past 37 years. I have seen a lot of them come and go. You have named this group the Magnificent Seven. Looking over the list of past Senators, there are some great names who have served in this body. One has gone on to become Governor. One went on to be a U.S. Senator. One went to Congress. We have had some powerful and influential people serve in this body during the time I have been here.

Now, term limits has ended the time the people with great ability have to serve in this body. The seven people we have honored here who will be leaving because of term limits are the finest group of Senators I have served with. I have enjoyed working with each one of them. We have had good times, we have had tough times; but even though we have disagreed, we have never had mean times. This Senator will remember you all.

I am honoring Senator Randolph Townsend, who has served in 14 regular and 11 special sessions. Among his most notable accomplishments is his championing of mental health issues. Dini-Townsend Hospital in Sparks is recognition of that. Randolph was appointed to the President's New Freedom Commission on Mental Health in 2002 and chaired the interim Nevada Mental Health Plan Implementation Commission, which considered the recommendations of the New Freedom Commissions report and developed a plan for Nevada. For those who have mental disabilities, this Senator is a true champion, and their lives are far better because of his compassion, his efforts and his dedication to that issue.

Senator Townsend initiated the drive to create what is now the Consumers' Advocate even before he became a legislator and was instrumental in adopting many of the consumer protection and deceptive trade practice and unfair trade practice provisions in Chapters 598 and 598A of Nevada Revised Statutes.

Also notable is Senator Townsend's decades-long involvement with energy issues. If we have an Energy Czar in this State, it is Senator Randolph Townsend. He helped establish the Integrated Resource Planning process for utilities, the Renewable Portfolio Standard, and Net Metering, leading the effort for renewable energy and energy efficiency in Nevada. His opening of the telecommunications industry to competition in 1995 anticipated the federal action in that regard. He has no peer in the understanding of the issues involving telecommunications and energy issues.

We cannot forget Randolph's dedicated work in the workers' compensation and State Industrial Insolvency System's insolvency crisis in 1993 when he chaired the Senate Commerce and Labor Committee. We have had many great chairs of committees over the years, but I do not think anyone has served more capably as a chair of a Senate committee than has Randolph Townsend. One of his great accomplishments is the manner in which he served. He never looked at who was a Republican or a Democrat. He assigned issues and regarded everyone as a full-time committee member in whatever he undertook.

He has also been a passionate defender of and contributor to the cause of animal rights and a driving force behind the expansion of the legislative building.

There are many people whom I admire. It includes every one of you; it includes everyone in the staff and every one of the predecessors who have served in this body. I have a shorter list of people whom I admire greatly. Other than my family, people who have been a great influence in my life occupy a shorter list. That list includes Senator Townsend. It has been a pleasure to know him, but when I first met him, I had real doubts. At that time, he had long hair, did not know what a tie or a brace was, had gold chains around his neck and was a Democrat. He was a candidate for the Assembly. Understandably, his appearance was of no great help in that campaign, and he was defeated. It was good, because he learned a lot. Then he was elected to the Senate as a Democrat. He made a splash from the very start. He came here with compassion and with great worldly experience and immediately took up the issues I have discussed.

It has been a great honor to work with Randolph during the years. He is a confidante and my right-hand person. A lot that has been accomplished in previous Sessions, including this one, would not have been accomplished without his input. Even though he did not serve on Finance, he came to know budgets and worked to structure budgets to help us resolve many issues. His shoes will be hard to fill. His service to this State is one that has no equal. The *Las Vegas Sun* wrote a laudatory article about Senator Townsend, and they made many well-deserved

comments about him. Randolph, you have had a great career as a State Senator, and you will be missed.

I would like to present a flag that flew over this building in which you have served and the commemorative medallion. Thank you.

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

To paraphrase Sir Edmund Burke, the Irish philosopher, "The only thing necessary for evil to triumph is for good people to do nothing."

I say to my classmates, you were sent here by people to prevent that from happening. You have done a magnificent job.

Senator Amodei, you, my friend, are one of the great minds in the legal field that still has a sense of humor.

Senator Washington is a wonderful athlete who decided to give his service to God and to public policy. For that, you will always have my admiration.

To my colleague from Clark County, there are probably no two people who came from different positions in life than Senator Carlton and I. When she first came into my office, put her hand out and said, "Mr. Chairman, I am Maggie Carlton," she owned me. Anyone who was willing to learn that process and to take on what she did as a freshman member will always have my respect. Senator Carlton, I hope I get a chance to see you in another capacity in the future because it has been a real pleasure to work with you.

To my long-time friend, Senator Bob Coffin, most people do not know all of Senator Coffin's background, but he is a gentleman who brings an expertise to this body that I missed when he moved from Commerce and Labor to Finance. He has an expertise in health care and health insurance that I have always been able to count on. As the former State Amateur Golf Champion, I have always admired his athletic skills. We have spent a lot of time together. We have traveled together, and I will miss you and your wonderful sense of humor and your warmth.

To my friend, Senator Care, a legitimate war hero. The only other one I knew was Senator Jacobsen. Everyone in the State of Nevada owes you their undying gratitude for defending those things we believe in so strongly: our freedom and the opportunity to live the American Dream. If it were not for people like you, it would not happen.

To Senator Mathews, whom I went to graduate school with, I never thought that after high school I could spend so much time in the Principal's office because we attacked everything and anything they had to say. Thank you for being you. That is the best thing I could ever say about you. You never let me down. You were always you; you were always there for me. We shared a lot.

What is so moving about the Senate and is the reason that good public policy comes from here, is that it is never personal. The quality of the individual sitting in these seats have managed, whether it was brought here or learned here, to separate the person from the issue. We can still be friends. We can share time with each other, and that is how good policy gets made. That is what I admire about all of you, particularly my classmates.

Many of us have had the life the Senator Mathews keeps telling us to get. We have had seminal moments in our lives.

There was the election and the subsequent assassination of President John Kennedy. That was a real moment for many of us, particularly for the first years of the Baby Boomers. There were historical moments that changed lives, the Vietnam War; man landing on the moon; Watergate; the oil crisis of the late 1970s; the Iran hostages; the election of Ronald Reagan. There was a scruffy kid who dropped out of Harvard and worked in his garage who discovered a thing called the Internet and figured out that software was more important than hardware, Bill Gates; he changed the world. Of course 9-11. Lastly, the election of President Barack Obama. These are all seminal moments.

We all remember some firsts. I remember my first session. It reminded me of the first time that I drove in the "24 Hours of Le Mans" endurance race. I was scared, I was insecure and did not know if I could compete, did not know if I belonged. When it was all over, just like this career, I could sit back and say, "What a ride."

Of all of the wonderful things that occurred in my life, the best thing was meeting and marrying my wife, Robyne, and inheriting her son, my best friend, Garrett Logan. Of all of the

things we have shared together, I have learned something from them: it is about family. All any of us who are parents ever wanted for our children was for them to be happy and for us to be proud of them. The years I have served here with you and all of the wonderful people in the Legislative Counsel Bureau have been the happiest days of my life. I hope I made my parents proud. God bless you and thank you very much.

My godson and friend Jaysen Reel gave my colleagues who are leaving with me, a memento of Carson City. I have one for the Majority Leader. It is a small gift, a token of my appreciation to thank him for his leadership and to tell him that I have looked at his resume and his background and must tell him how much I admire what he has accomplished. I have done very little in my life next to what the Majority Leader has accomplished. He is half my age. I envy him, I admire him and I respect him. This is a gift so that when he is either the next President, or is sitting on the Supreme Court or whatever big things he does, I hope he will think fondly of this Session and of all of us who are exiting. I have a gift for my friend, Senator Raggio, I hope you will reflect fondly on what we have done here.

Thank you all, and remember, the process is so much more important than we are. We come and go. The State was here before the seven of us, and it will still be here when we leave. It is up to all of you as citizens of Nevada, people who help drive the process, to make certain the process and the integrity of this building, these people who work here and the Legislature in general, is maintained. That is up to you.

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

In conclusion, 112 years is the cumulative total of years of service by these magnificent seven Senators. The sum total of their concern, commitment, enthusiasm and dedication to the citizens of this State we call home cannot be calculated. Please join me in thanking all seven of our magnificent seven for their 112 years of service to this Legislature.

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

Senate in recess at 8:37 p.m.

SENATE IN SESSION

At 8:53 p.m.

President Krolicki presiding.

Quorum present.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, June 1, 2009

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed, as amended, Assembly Joint Resolution No. 1.

Also, I have the honor to inform your honorable body that the Assembly on this day adopted the reports of the Conference Committees concerning Senate Bill No. 403; Assembly Bills Nos. 52, 561.

DIANE M. KEETCH

Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

Senator Horsford moved that Assembly Joint Resolution No. 1 be taken from the Resolution File and placed on the Resolution File on the next agenda.

Motion carried.

Assembly Concurrent Resolution No. 34.

Resolution read.

Senator Horsford moved the adoption of the resolution.

Remarks by Senator Horsford and Lee.

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

SENATOR HORSFORD:

This is the same language that we adopted in the actual bill, but it was decided that it would be moved into a resolution. It provides for the Interim Finance Committee to create the subcommittee for federal stimulus oversight. That was a provision that we passed in a prior bill, Senate Bill No. 413.

SENATOR LEE:

Who is going to be on this subcommittee?

SENATOR HORSFORD:

The appointment to the subcommittee for federal stimulus oversight will be done by leadership. There are no requirements that the members be members of the Interim Finance Committee. They may be members of other committees.

Resolution adopted.

Resolution ordered transmitted to the Assembly.

SPECIAL ORDERS OF THE DAY

Senator Horsford moved that vetoed bills Assembly Bills Nos. 304 and 458 be made a Special Order of Business for Monday, June 1, 2009, at 9 p.m.

Motion carried.

OFFICE OF THE GOVERNOR

VETO MESSAGES OF THE GOVERNOR

The hour of 9 p.m. having arrived, Vetoed Assembly Bills Nos. 304 and 458 of the 75th Session were considered.

Assembly Bill No. 304 of the 75th Session.

Bill read.

The Governor's message stating his objections read.

MESSAGES FROM THE GOVERNOR

STATE OF NEVADA

EXECUTIVE CHAMBER

CARSON CITY, NEVADA 89701

May 29, 2009

THE HONORABLE BARBARA BUCKLEY, *Speaker of the Assembly*

Legislative Building, 401 South Carson Street, Carson City, NV 89701

DEAR SPEAKER BUCKLEY:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Assembly Bill 304, which is entitled:

> AN ACT relating to development; making various changes pertaining to the preservation of historic neighborhoods; revising certain provisions concerning the Southern Nevada Enterprise Community; requiring the City of Las Vegas and the Nevada Department of Transportation to cooperate to reopen a certain street; and providing other matters properly relating thereto.

Assembly Bill 304 would force the Nevada Department of Transportation, the City of Las Vegas and the Southern Nevada Regional Transportation Commission to design and construct a grade separation to open F Street in Las Vegas.

It is estimated that the total cost of this design and construction project could approach $70 million. Of that, $20 million is required from the City of Las Vegas. The bill states that "the Nevada Department of Transportation shall work with the City of Las Vegas to seek other sources for the remaining portion of the construction costs based on the bridge design documents, including federal funding *or additional revenue enhancements* provided by the Nevada Department of Transportation."[emphasis added] This mandate upon the state to find the funding could easily result in an additional tax levy to fund this project.

Aside from the cost and mandate upon local government, this bill dictates the construction of a project without going through the project prioritization process as approved by the 2007 Legislature. NDOT is required to prioritize projects based on a cost benefit ratio and work with the local Regional Transportation Commissions and local agencies. This project should go through the normal process outlined in state law.

The Interstate 15 widening project has been ongoing for more than a decade. The project went through the normal process of public hearings and public notifications prior to the start of construction, as well as the City of Las Vegas public process to modify its master plan to close F Street. Additionally, the project was approved in a public meeting by the Nevada Board of Transportation with F Street being closed. It is counterintuitive to add up to $70 million to the cost of this project now after it had been fully vetted, approved and built.

For these reasons, I hereby exercise my constitutional grant of authority and veto Assembly Bill 304.

Sincerely,
JIM GIBBONS
Governor

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

Remarks by Senators Horsford and Raggio.

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

SENATOR HORSFORD:

Thank you, Mr. President. This has received a great deal of attention, and there has been some inaccurate information from the media about this issue. I would like the body to have all of the information before they make a decision. I have included information in the packet for this agenda.

The cost of reopening the "F" Street corridor is addressed in a letter dated April 20, 2009, from the Director of the Nevada Department of Transportation. It indicates that it will take approximately $45 million and 18 months beyond the current schedule of March 2010 to reopen "F" Street. This is an approximate estimate, because an actual cost assessment would require plans to be drawn up for the project. The cost of construction would depend on the market rates at the time of the advertisement as well as other factors. There has been a lot of emphasis on the cost. It could be more than $45 million, which is a significant cost. I did not come out in support of "F" Street until I was able to gather all of the information, do the research and receive information on the process in order to make an informed decision.

I would like to discuss the cost of not reopening "F" Street. First, there are the physical costs. "F" Street's closure physically isolates West Las Vegas, which is an historic neighborhood, from the downtown area. It cuts off residents' access to their places of employment, entertainment and culture.

Second, there are emotional costs to not opening "F" Street. The "F" Street closure recalls an era when West Las Vegas was intentionally isolated for purposes of segregation.

Third, there are the economic costs. "F" Street's closure cuts off economic access for the residents' jobs and for redevelopment.

Fourth, there are legal costs. This was part of the reason I brought this bill forward. I wanted to try to mitigate the issue so that we could avoid more costs and more liability. Unless "F" Street is reopened, the State and the City of Las Vegas will remain liable in a lawsuit under Title 6. There is a document from the Federal Highway Administration concerning the Title 6 Rights Act of 1964 in your packet. A highlighted portion speaks to the efforts needed to prevent discrimination and a program's impact upon access, participation, treatment, services etc. They are grounds for a lawsuit that has been filed and is pending. If the court rules against the closure, the verdict will require the reopening of "F" Street regardless of the status of the I-15 project.

While the overall physical impact of "F" Street could be $45 million, the cost of the legal verdict including claims sought for Title 6 violations, diminished property values, physical property damages and environmental damages, based on estimates I have received, are in the hundreds of millions of dollars. Overriding the veto on Assembly Bill No. 304 actually mitigates the issue and helps to address it now in order to prevent and/or minimize potential liability for the future.

The portion of the dollars provided for in Assembly Bill No. 304 is as follows. There is $2.5 million from the City of Las Vegas redevelopment fund, which would go toward hiring the cost estimator so that we know exactly what the costs are to do the design work and to tell us how much it will actually cost. An amendment would have to be made to the national environmental assessment that was done as part of the I-15 widening. The City of Las Vegas has pledged another $20 million, which brings their pledge to a total of $22.5 million, based on mutual agreement by the city and the Nevada Department of Transportation. Together, they will pursue federal funds through transportation dollars, which are available, to secure however much we can towards this project. Because it is on the Interstate, it is eligible for federal highway funding. To the extent that any additional money is needed, then, and only then, would there be funds from the highway fund administered by the Nevada Department of Transportation. This project would be in line with all of the other projects to receive funding from the highway fund.

The Governor notes in his letter that there was ample notice given. There were public notices, but I found that the notice requirement that was given for this project only stated "for I-15 widening." There was no reference to the closure of "F" Street. Some of the notices were only for a 400-foot radius. There are residents who live on "G," "H" and "D" Streets who did not receive ample notice of this closure. There are 1500-foot notice requirements for gaming enterprise districts just for a bar. For this project to proceed and to have a community impacted in the manner that it has been without ample notice is the reason that I brought this bill and the reason I believe we should override the Governor's veto today.

SENATOR RAGGIO:

When we heard this proposal in the Senate Committee on Government Affairs, it was a questionable situation. We asked many questions about it. At that time, we were told that the project cost would be between $40 million and $50 million. I would like clarification from the majority leader whether that is still the estimate. According to the Governor's veto, it might be as much as $70 million.

I indicted to the Majority Leader that I would support this based on the original information. There was an indication that this project would be placed on a list of high-priority projects by the Department of Transportation. As I read this letter from the Department of Transportation dated April 20 that you referenced, I am concerned about the reference in it that the source for this project comes from two high-priority projects, the Carson City freeway and the I-580 extension. That concerns me. It was stated that the funding would not come from those projects because it could not be done. I want to make certain that is not the intent of this legislation to defray funding from other projects that have been identified since 1983 as high-priority projects.

My commitment to support this was based upon the information that was given to me at that time. If that has changed, I would like to know that. If there is a potential for this to be as high as $70 million, I would appreciate that being addressed so we can have some record of it.

SENATOR HORSFORD:

The letter dated April 16 from myself and Assemblymen Atkinson, Mumford and Arberry to the Director identified a few current highway projects that were under construction as an example of the amount of investment that is being made to State highway projects throughout

Nevada. There was never any intent to divert money from existing capital projects that have already been approved by the Transportation Board and the Nevada Department of Transportation.

Pertaining to the cost estimate, all I can do is to provide the information that was provided to me when I researched the issue. The cost estimate in this letter is for $45 million. Since that time, the Director has looked at the issue again. That is where the range has come from. The range is as low as $25 million and as high as $70 million. The cost depends on a number of factors.

The first is how soon can this be done. Second, right now, construction costs are low. I-15 is currently under construction. There is a contractor currently working on the I-15 north expansion. Third, it is a design-build project so they can go in, modify that contract with approval from the federal government on the environmental assessment and get in there immediately. Then the cost could be low. If we wait two or three years and construction costs increase and there is no longer a contractor on the site along with other factors, the costs could escalate. The Director cannot tell me. Her internal-cost estimators did the cost estimates referenced in this letter. Until the actual project is designed and costed out, the final number will not be known.

There is no intention to divert money from existing highway projects that have been funded by the Transportation Board and approved by the Department.

There is no reference to a prioritization. The only prioritization of this project is in the event the Department can get in there now and mitigates it based on the $22.5 million provided by the city, and then they would be able to expedite that project because the funding would be there. It could be done for less. Other than that, the project would have to be considered through the normal course of approval by the Department of Transportation and the Transportation Board.

The roll was called, and the Senate failed to sustain the veto of the Governor by the following vote:

Roll call on Assembly Bill No. 304:

YEAS—17.

NAYS—Amodei, Cegavske, Nolan, Rhoads—4.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 458 of the 75th Session.

Bill read.

The Governor's message stating objections read.

MESSAGES FROM THE GOVERNOR
STATE OF NEVADA
EXECUTIVE CHAMBER
CARSON CITY, NEVADA 89701

May 28, 2009

THE HONORABLE BARBARA BUCKLEY, *Speaker of the Assembly*
Legislative Building, 401 South Carson Street, Carson City, NV 89701

DEAR SPEAKER BUCKLEY:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Assembly Bill 458, which is entitled:

> AN ACT relating to public financial administration; creating the K-12 Public Education Stabilization Account; reallocating money reverted from the State Distributive School Account; revising the provisions governing certain tax abatements and credits available for economic development; reallocating a portion of the property taxes levied on property in a redevelopment area; revising the provisions requiring certain redevelopment agencies to set aside revenue for low-income housing; and providing other matters properly relating thereto.

Assembly Bill 458 is based on the laudable goal of creating a specific rainy day fund for K-12 education in Nevada. I agree that such a fund should be created. However, I disapprove of this bill because it does not create similar funds for other areas of state government. I proposed Assembly Bill 520, which would have created stabilization funds for not only K-12 education, but also for Higher Education, Health and Human Services and for general government services. I am disappointed that Assembly Bill 520 received only token attention from the Legislature. Because I feel that Assembly Bill 458 is not broad enough to adequately protect other areas of state government, I cannot approve this bill.

For these reasons, I hereby exercise my constitutional grant of authority and veto Assembly Bill 458.

Sincerely,
JIM GIBBONS
Governor

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

Remarks by Senators Woodhouse and Raggio.

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

SENATOR WOODHOUSE:

I do not need to tell this body about the dire straits of K-12 education funding.

In 2007, we were 47th in per-pupil funding in the United States. In 2008, we cut K-12 funding by $173.6 million dollars. This year we have cut teacher pay by 4 percent, increased their health care premium and slashed classroom programs.

In vetoing this bill, the Governor commented that K-12 should not have its own special budget stabilization bill when there was not one for higher education, health and human services or general government. However, K-12 funding is different from other State obligations. The United States Supreme Court has ruled that all states must support K-12 education in a manner that does not discriminate between wealthy and poor children. This guaranteed amount of per pupil funding for all Nevada's students is set forth in the biennial budget and financed, in large measure, by sales taxes.

The Legislature uses the Economic Forum's projection of sales tax revenues two years into the future to determine how much to budget. When sales tax revenue is underestimated, the excess collections result in surplus in the K-12 budget. Right now, that money reverts to the General Fund at the end of the biennium. When the amounts are overestimated, large supplemental appropriations are required to maintain the budgeted per pupil amounts.

An Education Rainy Day Fund would even out the ups and downs of sales tax revenues by sequestering K-12 reversions when they occur so that they are available to fund the supplemental appropriations needed during a downturn in sales tax collections instead of allowing them to be diverted to other purposes. If K-12 was not financed with variable sales tax revenues there would not be a need for a separate Rainy Day Fund.

It is no secret that overall, Nevada's students perform poorly on nationwide achievement tests. In part, it is because we create programs to improve student achievement when revenue is up, only to slash them when revenue goes down. This wastes taxpayer money, harms our children and demoralizes teachers and parents.

Federal law does not require a state to have a system of higher education. Federal law does not require a state to have commissions on tourism or economic development or agencies for agriculture, natural resources or gaming. However, federal law does require this state to provide funding parity for K-12 education.

State Budget Director Andrew Clinger stated it well when he noted that the difference between state government and a private individual is that the private individual can choose where to reduce spending. State government still must allocate money for education. He stated, "We cannot say, 'We cannot serve you anymore because we are out of money.' We do not have a choice when it comes to educating students."

This is why we need a separate K-12 Education Budget Stabilization Fund. Ordinary prudence demands that we set aside money to meet this critical and unavoidable state financial obligation.

I urge you, my colleagues, to override this veto and establish a stabilization fund for K-12 education so that we can avoid future budget slashing for textbooks, for teachers and for supplies and equipment our children need to learn.

SENATOR RAGGIO:

I will sustain the Governor's veto in this manner. I do so for these reasons.

This is a lofty goal and one that should be encouraged in the future. However, this is not the time, nor is this the method that should be used to establish a stabilization fund for K-12 education. Everyone supports adequate funding for K-12, but over the years, the reversions that occur from time to time should remain with the agency or K-12 or higher education. The problem is that today we are in an economic downturn. Our first goal, once we are able to solve how we are going to fund essential services, is to recreate a meaningful stabilization fund for State government for our General Fund purposes. That is the goal I would want to be the primary goal.

We need a stabilization fund, or a "rainy day fund," for State purposes of at least a half billion dollars. That is minimal. We have utilized the Rainy Day Fund, which was $250 million and more, on two occasions. We know that these occur and that we need an adequate stabilization fund for general government purposes. That would be my first goal.

The Governor stated in his veto message that there could be stabilization funds for not only K-12, but also higher education, and health and human services in some ways. There would be appropriate funding available in those critical areas in education both in K-12 and higher education and in health and human services. The problem with this bill is that it would do it now. It would take any reversion that might occur and it would direct it solely for that purpose to the exclusion of other necessary services in the State. We should not be diverting any reversions that occur to anything other than reestablishing a meaningful and adequate stabilization fund, or rainy day fund, for State purposes.

I do not think it is wise to start diverting money out of redevelopment districts. To start taking money out of redevelopment districts as a source for a rainy day fund for K-12 or any other purpose is counterproductive. Those redevelopment districts were created to make certain that areas where there is no development or that are blighted could utilize that revenue for new development. The sponsor understands my concerns about this. I will vote to sustain the Governor's veto.

The roll was called, and the Senate sustained the veto of the Governor by the following vote:

Roll call on Assembly Bill No. 458 of the 75th Session:

YEAS—12.

NAYS—Amodei, Cegavske, Hardy, McGinness, Nolan, Raggio, Rhoads, Townsend, Washington—9.

Bill ordered transmitted to the Assembly.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Finance, to which was rereferred Assembly Bill No. 505, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNICE MATHEWS, *Cochair*

MOTIONS, RESOLUTIONS AND NOTICES

Senator Care moved that Senate Bill No. 85 be taken from the Second Reading File and placed on the Second Reading File on the next agenda.

Motion carried.

Senator Care moved that Assembly Bill No. 397 be taken from the General File and placed on the General File on the next agenda.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 317.

Bill read third time.

Roll call on Assembly Bill No. 317:

YEAS—21.

NAYS—None.

Assembly Bill No. 317 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 505.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 1011.

"SUMMARY—Revises provisions governing pupils. ~~[enrolled in high school.]~~ (BDR 34-784)"

"AN ACT relating to education; requiring the Department of Education to work in consultation with the Nevada System of Higher Education to establish a plan to ensure that high school pupils are ready for postsecondary education and the workplace; *requiring the State Board of Education to establish clear and well-defined goals for education; revising provisions governing the count of certain pupils for purposes of basic support;* revising provisions governing the academic plans for ninth grade pupils; requiring instruction on financial responsibility in high school; ~~[authorizing the issuance of an adjusted adult diploma for certain persons;]~~ requiring the school districts to adopt programs of teen mentoring; requiring school districts to adopt a policy for the remediation of deficient credits to the extent money is available; requiring school districts to adopt a policy for pupils to report unlawful activities; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Section 1 of this bill requires the Department of Education to work in consultation with the Nevada System of Higher Education to establish clearly defined goals and benchmarks for pupils enrolled in high schools to be adequately prepared for the educational requirements of postsecondary education and for success in the workplace.

Section 1.5 of this bill requires the Department to adopt a model to measure and track the achievement and progress of pupils in this State and prescribes the requirements for that system.

Section 1.7 of this bill provides for the establishment of a Statewide Advisory Council for the Support of Youth.

Section 1.9 of this bill requires the State Board of Education to establish clear and well-defined goals for the education of pupils in this State and to meet other specific objectives related to education. (NRS 385.075)

Existing law provides for the count of pupils for basic support for the purposes of apportionments from the State Distributive School Account. (NRS 387.123, 387.1233) Sections 4.5 and 4.7 of this bill revise the provisions governing the count of pupils to provide for a separate count for pupils who are enrolled in a full-time adult special education program for pupils with disabilities who are at least 18 but less than 22 years of age.

Existing law requires the board of trustees of a school district to adopt a policy for each public school in the school district in which ninth grade pupils are enrolled to develop a 4-year academic plan for each of those pupils. (NRS 388.205) Section 5 of this bill requires the policy to ensure that each ninth grade pupil and his parent or legal guardian are adequately notified of certain courses and programs available to the pupil which will assist in the advancement of the education of the pupil as well as the requirements for graduation, for admission to the Nevada System of Higher Education and for receipt of a Governor Guinn Millennium Scholarship.

Section 6 of this bill requires the board of trustees of each school district and the governing body of each charter school that operates as a high school to ensure that instruction on financial responsibility is provided to pupils enrolled in the public high schools in each school district and in each charter school that operates as a high school.

~~[Existing law provides that a pupil with a disability who does not satisfy the requirements for receipt of a standard high school diploma may receive an adjusted diploma if he satisfies the requirements set forth in his individualized education program. (NRS 389.805) Section 7 of this bill requires the State Board of Education to create an adjusted adult diploma.]~~

Section 9 of this bill requires the board of trustees of each school district to adopt a policy for a program of teen mentoring, which may include a component of adult mentoring, for the public high schools in the district designed to: (1) increase pupil participation in school and community activities; or (2) assist ninth grade pupils in the transition from middle school or junior high school to high school, or both. Section 9 further provides that the principal of each high school shall, to the extent that money is available for that purpose, carry out the program of teen mentoring at that school. Section 17 of this bill provides that section 9 becomes effective on July 1, 2011.

Section 10 of this bill requires the board of trustees of each school district, to the extent money is available for this purpose, to adopt a policy which ensures that a pupil who is deficient in the number of credits required for promotion to the next grade or graduation from high school has sufficient opportunities to remediate his deficient credits.

Section 11 of this bill requires the board of trustees of each school district to adopt a policy that allows pupils enrolled in a school within the school

district to report, anonymously if the pupils choose, any unlawful activities that are being conducted on school property, at an activity sponsored by a public school or on a school bus, commonly referred to as a "secret witness program."

Section 16 of this bill repeals NRS 392.090, 392.100 and 392.110, relating to the exemption of certain children from compulsory school attendance.

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

Sec. 0.5. *Chapter 385 of NRS is hereby amended by adding thereto the provisions set forth as sections 1, 1.5 and 1.7 of this act.*

Section 1. ~~[Chapter 385 of NRS is hereby amended by adding thereto a new section to read as follows:]~~

1. The Department shall work in consultation with the Nevada System of Higher Education to establish a plan which sets forth clearly defined goals and benchmarks for pupils enrolled in the public high schools to ensure that those pupils are adequately prepared for the educational requirements of postsecondary education and for success in the workplace, including, without limitation, methods to ensure that the high school standards, graduation requirements and assessments are aligned with college and workforce readiness expectations.

2. The Superintendent of Public Instruction shall:

(a) On or before February 1 of each odd-numbered year, submit a report on the progress of the plan to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature; and

(b) On or before February 1 of each even-numbered year, submit a report on the progress of the plan to the Legislative Committee on Education.

Sec. 1.5. *1. The Department shall adopt a model to measure and track from year to year the achievement and progress made by each pupil, each group of pupils identified in paragraph (b) of subsection 1 of NRS 385.361, each public school, including, without limitation, each charter school, each school district and the State as a whole.*

2. The Department shall identify the measures of progress for inclusion in the model which must include, without limitation, the results of pupils on the examinations administered pursuant to NRS 389.550 and the results of pupils on the high school proficiency examination administered pursuant to NRS 389.015. The model must include other measures of progress identified by the Department, including, without limitation, graduation and attendance rates.

3. The model must be designed in a manner which allows the Department to:

(a) Identify each program for which a grant of money is made from the Account for Programs for Innovation and the Prevention of Remediation or otherwise provided through the State and which is being used by a public school; and

(b) Determine, through results of evaluations, the programs which are used by public schools and which are making improvements in the achievement and progress of pupils and the programs which are used by public schools and which are not making the same level of improvements.

4. The Department may contract with a qualified and independent consultant to assist the Department in the development and maintenance of the model.

Sec. 1.7. 1. The nonprofit corporation formed pursuant to NRS 385.091, in consultation with the Department of Education and the Department of Employment, Training and Rehabilitation, shall establish a Statewide Advisory Council for the Support of Youth, composed of not less than six members.

2. The nonprofit corporation shall appoint members to the Statewide Advisory Council who:

(a) Have knowledge and experience in education, youth development or human resources; and

(b) To the extent practicable, represent:

(1) The Department of Employment, Training and Rehabilitation;

(2) The Department of Education;

(3) The Department of Health and Human Services;

(4) The Office of the Attorney General;

(5) The Assembly;

(6) The Senate;

(7) The Governor's Workforce Investment Board of the Department of Employment, Training and Rehabilitation;

(8) The Nevada System of Higher Education;

(9) An Indian tribe;

(10) The nonprofit corporation;

(11) The Nevada Parent Teacher Association or other parent association or organization in this State; and

(12) Any other person deemed necessary by the nonprofit corporation.

3. Each member of the Statewide Advisory Council serves at the pleasure of the nonprofit corporation.

4. The Department of Education shall provide administrative support to the Statewide Advisory Council.

5. Unless money is appropriated for that purpose, the members of the Statewide Advisory Council serve without compensation and shall not receive a per diem allowance or travel expenses.

6. The Statewide Advisory Council shall:

(a) Facilitate statewide efforts to ensure that each youth in this State receives an education which adequately prepares the youth for postsecondary education or training, adequately prepares the youth for a career and ensures a lifetime of successful accomplishments;

(b) Collaborate with organizations which serve youth to provide advice and guidance to public agencies in this State to ensure that youth are

engaged in postsecondary education or productive employment by 25 years of age; and

(c) Strengthen the coordination, communication and collaboration among public agencies and organizations which support at-risk youth in becoming successful adults.

Sec. 1.9. NRS 385.075 is hereby amended to read as follows:

385.075 The State Board shall ~~[establish policies]~~ *:*

1. Establish policies to govern the administration of all functions of the State relating to *the* supervision, management and control of public schools not conferred by law on some other agency.

2. Establish clearly defined goals and benchmarks for improving the achievement of pupils in this State, including, without limitation, goals for:

(a) Improving proficiency results in core academic subject areas;

(b) Increasing the number of pupils enrolled in middle schools and junior high schools in this State who enter high school with the skills necessary to succeed in high school;

(c) Improving the percentage of pupils who enroll in grade 9 in this State and who complete high school and obtain a standard diploma upon completion;

(d) Improving the performance of pupils in this State on standardized college entrance examinations;

(e) Increasing the percentage of pupils enrolled in high schools in this State who enter postsecondary educational institutions; and

(f) Reengaging disengaged youth who have dropped out of high school or who are at risk of dropping out of high school, including, without limitation, a mechanism for tracking and maintaining communication with those youth who have dropped out or who are at risk of doing so.

3. Establish a mechanism to measure the progress made toward meeting statewide educational goals, including, without limitation:

(a) Establishing measurable outcomes for the achievement of school districts and charter schools;

(b) Developing a system to track progress toward those measurable objectives, including data on the results of pupils on the examinations administered pursuant to NRS 389.550 and the high school proficiency examination; and

(c) Improving the capacity and maintenance of the automated system of accountability information for Nevada established pursuant to NRS 386.650.

4. Collaborate with the Department and the Nevada System of Higher Education to:

(a) Align the academic standards and curriculum developed for pupils enrolled in elementary and secondary education with the academic standards and curriculum developed for students enrolled in postsecondary educational institutions in this State; and

(b) Provide professional development and training through the Nevada System of Higher Education to assist the Department in ensuring that

educational personnel are properly trained and that educational personnel are exposed to various classroom methodologies.

Sec. 2. ~~[NRS 385.3469 is hereby amended to read as follows:~~

~~385.3469 1. The State Board shall prepare an annual report of accountability that includes, without limitation:~~

~~(a) Information on the achievement of all pupils based upon the results of the examinations administered pursuant to NRS 389.015 and 389.550, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.~~

~~(b) Except as otherwise provided in subsection 2, pupil achievement, reported separately by gender and reported separately for the following groups of pupils:~~

~~(1) Pupils who are economically disadvantaged, as defined by the State Board;~~

~~(2) Pupils from major racial and ethnic groups, as defined by the State Board;~~

~~(3) Pupils with disabilities;~~

~~(4) Pupils who are limited English proficient; and~~

~~(5) Pupils who are migratory children, as defined by the State Board.~~

~~(c) A comparison of the achievement of pupils in each group identified in paragraph (b) of subsection 1 of NRS 385.361 with the annual measurable objectives of the State Board.~~

~~(d) The percentage of all pupils who were not tested, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.~~

~~(e) Except as otherwise provided in subsection 2, the percentage of pupils who were not tested, reported separately by gender and reported separately for the groups identified in paragraph (b).~~

~~(f) The most recent 3-year trend in the achievement of pupils in each subject area tested and each grade level tested pursuant to NRS 389.015 and 389.550, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available.~~

~~(g) Information on whether each school district has made adequate yearly progress, including, without limitation, the name of each school district, if any, designated as demonstrating need for improvement pursuant to NRS 385.377 and the number of consecutive years that the school district has carried that designation.~~

~~(h) Information on whether each public school, including, without limitation, each charter school, has made adequate yearly progress, including, without limitation, the name of each public school, if any, designated as demonstrating need for improvement pursuant to NRS 385.3623 and the number of consecutive years that the school has carried that designation.~~

~~(i) Information on the results of pupils who participated in the examinations of the National Assessment of Educational Progress required pursuant to NRS 389.012.~~

~~(j) The ratio of pupils to teachers in kindergarten and at each grade level for all elementary schools, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole, and the average class size for each core academic subject, as set forth in NRS 389.018, for each secondary school, reported for each school district and for this State as a whole.~~

~~(k) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, information on the professional qualifications of teachers employed by the school districts and charter schools, including, without limitation:~~

~~(1) The percentage of teachers who are:~~

~~(I) Providing instruction pursuant to NRS 391.125;~~

~~(II) Providing instruction pursuant to a waiver of the requirements for licensure for the grade level or subject area in which the teachers are employed; or~~

~~(III) Otherwise providing instruction without an endorsement for the subject area in which the teachers are employed;~~

~~(2) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, in this State that are not taught by highly qualified teachers;~~

~~(3) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, in this State that are not taught by highly qualified teachers, in the aggregate and disaggregated by high poverty compared to low poverty schools, which for the purposes of this subparagraph means schools in the top quartile of poverty and the bottom quartile of poverty in this State;~~

~~(4) For each middle school, junior high school and high school:~~

~~(I) On and after July 1, 2005, the number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level and subject area; and~~

~~(II) On and after July 1, 2006, the number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level and subject area; and~~

~~(5) For each elementary school:~~

~~(I) On and after July 1, 2005, the number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level; and~~

~~(II) On and after July 1, 2006, the number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level.~~

~~(l) The total expenditure per pupil for each school district in this State, including, without limitation, each charter school in the district. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the State Board shall use that statewide program in complying with this paragraph. If a statewide program is not available, the State Board shall use the Department's own financial analysis program in complying with this paragraph.~~

~~(m) The total statewide expenditure per pupil. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the State Board shall use that statewide program in complying with this paragraph. If a statewide program is not available, the State Board shall use the Department's own financial analysis program in complying with this paragraph.~~

~~(n) For all elementary schools, junior high schools and middle schools, the rate of attendance, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.~~

~~(o) The annual rate of pupils who drop out of school in grade 8 and a separate reporting of the annual rate of pupils who drop out of school in grades 9 to 12, inclusive, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole. The reporting for pupils in grades 9 to 12, inclusive, excludes pupils who:~~

~~(1) Provide proof to the school district of successful completion of the examinations of general educational development.~~

~~(2) Are enrolled in courses that are approved by the Department as meeting the requirements for an adult standard diploma.~~

~~(3) Withdraw from school to attend another school.~~

~~(p) The attendance of teachers who provide instruction, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.~~

~~(q) Incidents involving weapons or violence, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.~~

~~(r) Incidents involving the use or possession of alcoholic beverages or controlled substances, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.~~

~~(s) The suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.~~

~~(t) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, reported for each school district, including,~~

~~without limitation, each charter school in the district, and for this State as a whole.~~

~~(u) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 or 392.125, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.~~

~~(v) The transiency rate of pupils, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole. For the purposes of this paragraph, a pupil is not a transient if he is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.~~

~~(w) Each source of funding for this State to be used for the system of public education.~~

~~(x) A compilation of the programs of remedial study purchased in whole or in part with money received from this State that are used in each school district, including, without limitation, each charter school in the district. The compilation must include:~~

~~(1) The amount and sources of money received for programs of remedial study.~~

~~(2) An identification of each program of remedial study, listed by subject area.~~

~~(y) The percentage of pupils who graduated from a high school or charter school in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university, state college or community college within the Nevada System of Higher Education, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.~~

~~(z) The technological facilities and equipment available for educational purposes, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.~~

~~(aa) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of pupils who received:~~

~~(1) A standard high school diploma, reported separately for pupils who received the diploma pursuant to:~~

~~(I) Paragraph (a) of subsection 1 of NRS 389.805; and~~

~~(II) Paragraph (b) of subsection 1 of NRS 389.805.~~

~~(2) *An adult diploma.*~~

~~*(3)* An adjusted diploma.~~

~~[(3)]~~ ~~*(4) An adjusted adult diploma.*~~

~~*(5)* A certificate of attendance.~~

~~*(6) A certificate of educational equivalence for passage of the tests of general educational development for those pupils who are eligible pursuant to NRS 385.448.*~~

~~(bb) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of pupils who failed to pass the high school proficiency examination.~~

~~(cc) The number of habitual truants who are reported to a school police officer or local law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144 and the number of habitual truants who are referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.~~

~~(dd) Information on the paraprofessionals employed at public schools in this State, including, without limitation, the charter schools in this State. The information must include:~~

~~(1) The number of paraprofessionals employed, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole; and~~

~~(2) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of all paraprofessionals who do not satisfy the qualifications set forth in 20 U.S.C. § 6319(c). The reporting requirements of this subparagraph apply to paraprofessionals who are employed in programs supported with Title I money and to paraprofessionals who are not employed in programs supported with Title I money.~~

~~(ee) An identification of appropriations made by the Legislature to improve the academic achievement of pupils and programs approved by the Legislature to improve the academic achievement of pupils.~~

~~(ff) A compilation of the special programs available for pupils at individual schools, listed by school and by school district, including, without limitation, each charter school in the district.~~

~~(gg) For each school district, including, without limitation, each charter school in the district and for this State as a whole, information on pupils enrolled in career and technical education, including, without limitation:~~

~~(1) The number of pupils enrolled in a course of career and technical education;~~

~~(2) The number of pupils who completed a course of career and technical education;~~

~~(3) The average daily attendance of pupils who are enrolled in a program of career and technical education;~~

~~(4) The annual rate of pupils who dropped out of school and were enrolled in a program of career and technical education before dropping out;~~

~~(5) The number and percentage of pupils who completed a program of career and technical education and who received a standard high school diploma, an adjusted diploma or a certificate of attendance; and~~

~~(6) The number and percentage of pupils who completed a program of career and technical education and who did not receive a high school diploma because the pupils failed to pass the high school proficiency examination.~~

~~2. A separate reporting for a group of pupils must not be made pursuant to this section if the number of pupils in that group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The State Board shall prescribe a mechanism for determining the minimum number of pupils that must be in a group for that group to yield statistically reliable information.~~

~~3. The annual report of accountability must:~~

~~(a) Comply with 20 U.S.C. § 6311(h)(1) and the regulations adopted pursuant thereto;~~

~~(b) Be prepared in a concise manner; and~~

~~(c) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.~~

~~4. On or before September 1 of each year, the State Board shall:~~

~~(a) Provide for public dissemination of the annual report of accountability by posting a copy of the report on the Internet website maintained by the Department; and~~

~~(b) Provide written notice that the report is available on the Internet website maintained by the Department. The written notice must be provided to the:~~

~~(1) Governor;~~

~~(2) Committee;~~

~~(3) Bureau;~~

~~(4) Board of Regents of the University of Nevada;~~

~~(5) Board of trustees of each school district; and~~

~~(6) Governing body of each charter school.~~

~~5. Upon the request of the Governor, an entity described in paragraph (b) of subsection 4 or a member of the general public, the State Board shall provide a portion or portions of the annual report of accountability.~~

~~6. As used in this section:~~

~~(a) "Highly qualified" has the meaning ascribed to it in 20 U.S.C. § 7801(23).~~

~~(b) "Paraprofessional" has the meaning ascribed to it in NRS 391.008.~~] *(Deleted by amendment.)*

Sec. 3. ~~[NRS 385.34692 is hereby amended to read as follows:~~

~~385.34692 1. The State Board shall prepare a summary of the annual report of accountability prepared pursuant to NRS 385.3469 that includes, without limitation, a summary of the following information for each school district, each charter school and the State as a whole:~~

~~(a) Demographic information of pupils, including, without limitation, the number and percentage of pupils:~~

~~(1) Who are economically disadvantaged, as defined by the State Board;~~

~~(2) Who are from major racial or ethnic groups, as defined by the State Board;~~

~~(3) With disabilities;~~

~~(4) Who are limited English proficient; and~~

~~(5) Who are migratory children, as defined by the State Board;~~

~~(b) The average daily attendance of pupils, reported separately for the groups identified in paragraph (a);~~

~~(c) The transiency rate of pupils;~~

~~(d) The percentage of pupils who are habitual truants;~~

~~(e) The percentage of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655;~~

~~(f) The number of incidents resulting in suspension or expulsion for:~~

~~(1) Violence to other pupils or to school personnel;~~

~~(2) Possession of a weapon;~~

~~(3) Distribution of a controlled substance;~~

~~(4) Possession or use of a controlled substance; and~~

~~(5) Possession or use of alcohol;~~

~~(g) For kindergarten through grade 8, the number and percentage of pupils who are retained in the same grade;~~

~~(h) For grades 9 to 12, inclusive, the number and percentage of pupils who are deficient in the number of credits required for promotion to the next grade or graduation from high school;~~

~~(i) The pupil-teacher ratio for kindergarten and grades 1 to 8, inclusive;~~

~~(j) The average class size for the subject area of mathematics, English, science and social studies in schools where pupils rotate to different teachers for different subjects;~~

~~(k) The number and percentage of pupils who graduated from high school;~~

~~(l) The number and percentage of pupils who received a:~~

~~(1) Standard diploma;~~

~~(2) Adult diploma;~~

~~(3) Adjusted diploma;~~ [and]

~~(4) *Adjusted adult diploma;*~~

~~*(5)* Certificate of attendance; *and*~~

~~*(6) Certificate of educational equivalence for passage of the tests of general educational development for those pupils who are eligible pursuant to NRS 385.448.*~~

~~(m) The number and percentage of pupils who graduated from high school and enrolled in remedial courses at the Nevada System of Higher Education;~~

~~(n) Per pupil expenditures;~~

~~(o) Information on the professional qualifications of teachers;~~

~~(p) The average daily attendance of teachers and licensure information;~~

~~(q) Information on the adequate yearly progress of the schools and school districts;~~

~~(r) Pupil achievement based upon the examinations administered pursuant to NRS 389.550 and the high school proficiency examination;~~

~~(s) To the extent practicable, pupil achievement based upon the examinations administered pursuant to NRS 389.015 for grades 4, 7 and 10; and~~

~~(t) Other information required by the Superintendent of Public Instruction in consultation with the Bureau.~~

~~2. The summary prepared pursuant to subsection 1 must:~~

~~(a) Comply with 20 U.S.C. § 6311(h)(1) and the regulations adopted pursuant thereto;~~

~~(b) Be prepared in a concise manner; and~~

~~(c) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents will likely understand.~~

~~3. On or before September 7 of each year, the State Board shall:~~

~~(a) Provide for public dissemination of the summary prepared pursuant to subsection 1 by posting the summary on the Internet website maintained by the Department; and~~

~~(b) Submit a copy of the summary in an electronic format to the:~~

~~(1) Governor;~~

~~(2) Committee;~~

~~(3) Bureau;~~

~~(4) Board of Regents of the University of Nevada;~~

~~(5) Board of trustees of each school district; and~~

~~(6) Governing body of each charter school.~~

~~4. The board of trustees of each school district and the governing body of each charter school shall ensure that the parents and guardians of pupils enrolled in the school district or charter school, as applicable, have sufficient information concerning the availability of the summary prepared by the State Board pursuant to subsection 1, including, without limitation, information that describes how to access the summary on the Internet website maintained by the Department. Upon the request of a parent or guardian of a pupil, the Department shall provide the parent or guardian with a written copy of the summary.~~

~~5. The Department shall, in consultation with the Bureau and the school districts, prescribe a form for the summary required by this section.]~~ *(Deleted by amendment.)*

Sec. 4. ~~[NRS 385.347 is hereby amended to read as follows:~~

~~385.347 1. The board of trustees of each school district in this State, in cooperation with associations recognized by the State Board as representing licensed educational personnel in the district, shall adopt a program providing for the accountability of the school district to the residents of the district and to the State Board for the quality of the schools and the educational achievement of the pupils in the district, including, without limitation, pupils enrolled in charter schools in the school district. The board of trustees of each school district shall report the information required by subsection 2 for each charter school that is located within the school district, regardless of the sponsor of the charter school. The information for charter~~

~~schools must be reported separately and must denote the charter schools sponsored by the school district, the charter schools sponsored by the State Board and the charter schools sponsored by a college or university within the Nevada System of Higher Education.~~

~~2. The board of trustees of each school district shall, on or before August 15 of each year, prepare an annual report of accountability concerning:~~

~~(a) The educational goals and objectives of the school district.~~

~~(b) Pupil achievement for each school in the district and the district as a whole, including, without limitation, each charter school in the district. The board of trustees of the district shall base its report on the results of the examinations administered pursuant to NRS 389.015 and 389.550 and shall compare the results of those examinations for the current school year with those of previous school years. The report must include, for each school in the district, including, without limitation, each charter school in the district, and each grade in which the examinations were administered:~~

~~(1) The number of pupils who took the examinations.~~

~~(2) A record of attendance for the period in which the examinations were administered, including an explanation of any difference in the number of pupils who took the examinations and the number of pupils who are enrolled in the school.~~

~~(3) Except as otherwise provided in this paragraph, pupil achievement, reported separately by gender and reported separately for the following groups of pupils:~~

~~(I) Pupils who are economically disadvantaged, as defined by the State Board;~~

~~(II) Pupils from major racial and ethnic groups, as defined by the State Board;~~

~~(III) Pupils with disabilities;~~

~~(IV) Pupils who are limited English proficient; and~~

~~(V) Pupils who are migratory children, as defined by the State Board.~~

~~(4) A comparison of the achievement of pupils in each group identified in paragraph (b) of subsection 1 of NRS 385.361 with the annual measurable objectives of the State Board.~~

~~(5) The percentage of pupils who were not tested.~~

~~(6) Except as otherwise provided in this paragraph, the percentage of pupils who were not tested, reported separately by gender and reported separately for the groups identified in subparagraph (3).~~

~~(7) The most recent 3-year trend in pupil achievement in each subject area tested and each grade level tested pursuant to NRS 389.015 and 389.550, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available.~~

~~(8) Information that compares the results of pupils in the school district, including, without limitation, pupils enrolled in charter schools in the district, with the results of pupils throughout this State. The information required by~~

~~this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.~~

~~(9) For each school in the district, including, without limitation, each charter school in the district, information that compares the results of pupils in the school with the results of pupils throughout the school district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.~~

~~➥ A separate reporting for a group of pupils must not be made pursuant to this paragraph if the number of pupils in that group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The State Board shall prescribe the mechanism for determining the minimum number of pupils that must be in a group for that group to yield statistically reliable information.~~

~~(c) The ratio of pupils to teachers in kindergarten and at each grade level for each elementary school in the district and the district as a whole, including, without limitation, each charter school in the district, and the average class size for each core academic subject, as set forth in NRS 389.018, for each secondary school in the district and the district as a whole, including, without limitation, each charter school in the district.~~

~~(d) Information on the professional qualifications of teachers employed by each school in the district and the district as a whole, including, without limitation, each charter school in the district. The information must include, without limitation:~~

~~(1) The percentage of teachers who are:~~

~~(I) Providing instruction pursuant to NRS 391.125;~~

~~(II) Providing instruction pursuant to a waiver of the requirements for licensure for the grade level or subject area in which the teachers are employed; or~~

~~(III) Otherwise providing instruction without an endorsement for the subject area in which the teachers are employed;~~

~~(2) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers;~~

~~(3) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools, which for the purposes of this subparagraph means schools in the top quartile of poverty and the bottom quartile of poverty in this State;~~

~~(4) For each middle school, junior high school and high school:~~

~~(I) On and after July 1, 2005, the number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level and subject area; and~~

~~(II) On and after July 1, 2006, the number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level and subject area; and~~

~~(5) For each elementary school:~~

~~(I) On and after July 1, 2005, the number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level; and~~

~~(II) On and after July 1, 2006, the number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level.~~

~~(e) The total expenditure per pupil for each school in the district and the district as a whole, including, without limitation, each charter school in the district. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, each school district shall use that statewide program in complying with this paragraph. If a statewide program is not available, each school district shall use its own financial analysis program in complying with this paragraph.~~

~~(f) The curriculum used by the school district, including:~~

~~(1) Any special programs for pupils at an individual school; and~~

~~(2) The curriculum used by each charter school in the district.~~

~~(g) Records of the attendance and truancy of pupils in all grades, including, without limitation:~~

~~(1) The average daily attendance of pupils, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.~~

~~(2) For each elementary school, middle school and junior high school in the district, including, without limitation, each charter school in the district that provides instruction to pupils enrolled in a grade level other than high school, information that compares the attendance of the pupils enrolled in the school with the attendance of pupils throughout the district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.~~

~~(h) The annual rate of pupils who drop out of school in grade 8 and a separate reporting of the annual rate of pupils who drop out of school in grades 9 to 12, inclusive, for each such grade, for each school in the district and for the district as a whole. The reporting for pupils in grades 9 to 12, inclusive, excludes pupils who:~~

~~(1) Provide proof to the school district of successful completion of the examinations of general educational development.~~

~~(2) Are enrolled in courses that are approved by the Department as meeting the requirements for an adult standard diploma.~~

~~(3) Withdraw from school to attend another school.~~

~~(i) Records of attendance of teachers who provide instruction, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.~~

~~(j) Efforts made by the school district and by each school in the district, including, without limitation, each charter school in the district, to increase:~~

~~(1) Communication with the parents of pupils in the district; and~~

~~(2) The participation of parents in the educational process and activities relating to the school district and each school, including, without limitation, the existence of parent organizations and school advisory committees.~~

~~(k) Records of incidents involving weapons or violence for each school in the district, including, without limitation, each charter school in the district.~~

~~(l) Records of incidents involving the use or possession of alcoholic beverages or controlled substances for each school in the district, including, without limitation, each charter school in the district.~~

~~(m) Records of the suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467.~~

~~(n) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.~~

~~(o) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 or 392.125, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.~~

~~(p) The transiency rate of pupils for each school in the district and the district as a whole, including, without limitation, each charter school in the district. For the purposes of this paragraph, a pupil is not transient if he is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.~~

~~(q) Each source of funding for the school district.~~

~~(r) A compilation of the programs of remedial study that are purchased in whole or in part with money received from this State, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The compilation must include:~~

~~(1) The amount and sources of money received for programs of remedial study for each school in the district and the district as a whole, including, without limitation, each charter school in the district.~~

~~(2) An identification of each program of remedial study, listed by subject area.~~

~~(s) For each high school in the district, including, without limitation, each charter school in the district, the percentage of pupils who graduated from that high school or charter school in the immediately preceding year and~~

~~enrolled in remedial courses in reading, writing or mathematics at a university, state college or community college within the Nevada System of Higher Education.~~

~~(t) The technological facilities and equipment available at each school, including, without limitation, each charter school, and the district's plan to incorporate educational technology at each school.~~

~~(u) For each school in the district and the district as a whole, including, without limitation, each charter school in the district, the number and percentage of pupils who received:~~

~~(1) A standard high school diploma, reported separately for pupils who received the diploma pursuant to:~~

~~(I) Paragraph (a) of subsection 1 of NRS 389.805; and~~

~~(II) Paragraph (b) of subsection 1 of NRS 389.805.~~

~~*(2) An adult diploma.*~~

~~*(3)* An adjusted diploma.~~

~~[(3)]~~ ~~*(4) An adjusted adult diploma.*~~

~~*(5)* A certificate of attendance.~~

~~*(6) A certificate of educational equivalence for passage of the tests of general educational development for those pupils who are eligible pursuant to NRS 385.448.*~~

~~(v) For each school in the district and the district as a whole, including, without limitation, each charter school in the district, the number and percentage of pupils who failed to pass the high school proficiency examination.~~

~~(w) The number of habitual truants who are reported to a school police officer or law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144 and the number of habitual truants who are referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144, for each school in the district and for the district as a whole.~~

~~(x) The amount and sources of money received for the training and professional development of teachers and other educational personnel for each school in the district and for the district as a whole, including, without limitation, each charter school in the district.~~

~~(y) Whether the school district has made adequate yearly progress. If the school district has been designated as demonstrating need for improvement pursuant to NRS 385.377, the report must include a statement indicating the number of consecutive years the school district has carried that designation.~~

~~(z) Information on whether each public school in the district, including, without limitation, each charter school in the district, has made adequate yearly progress, including, without limitation:~~

~~(1) The number and percentage of schools in the district, if any, that have been designated as needing improvement pursuant to NRS 385.3623; and~~

~~(2) The name of each school, if any, in the district that has been designated as needing improvement pursuant to NRS 385.3623 and the number of consecutive years that the school has carried that designation.~~

~~(aa) Information on the paraprofessionals employed by each public school in the district, including, without limitation, each charter school the district. The information must include:~~

~~(1) The number of paraprofessionals employed at the school; and~~

~~(2) The number and percentage of all paraprofessionals who do not satisfy the qualifications set forth in 20 U.S.C. § 6319(c). The reporting requirements of this subparagraph apply to paraprofessionals who are employed in positions supported with Title I money and to paraprofessionals who are not employed in positions supported with Title I money.~~

~~(bb) For each high school in the district, including, without limitation, each charter school that operates as a high school, information that provides a comparison of the rate of graduation of pupils enrolled in the high school with the rate of graduation of pupils throughout the district and throughout this State. The information required by this paragraph must be provided in consultation with the Department to ensure the accuracy of the comparison.~~

~~(cc) An identification of the appropriations made by the Legislature that are available to the school district or the schools within the district and programs approved by the Legislature to improve the academic achievement of pupils.~~

~~(dd) For each school in the district and the district as a whole, including, without limitation, each charter school in the district, information on pupils enrolled in career and technical education, including, without limitation:~~

~~(1) The number of pupils enrolled in a course of career and technical education;~~

~~(2) The number of pupils who completed a course of career and technical education;~~

~~(3) The average daily attendance of pupils who are enrolled in a program of career and technical education;~~

~~(4) The annual rate of pupils who dropped out of school and were enrolled in a program of career and technical education before dropping out;~~

~~(5) The number and percentage of pupils who completed a program of career and technical education and who received a standard high school diploma, an adjusted diploma or a certificate of attendance; and~~

~~(6) The number and percentage of pupils who completed a program of career and technical education and who did not receive a high school diploma because the pupils failed to pass the high school proficiency examination.~~

~~(ee) Such other information as is directed by the Superintendent of Public Instruction.~~

~~3. The records of attendance maintained by a school for purposes of paragraph (i) of subsection 2 must include the number of teachers who are in attendance at school and the number of teachers who are absent from school. A teacher shall be deemed in attendance if the teacher is excused from being~~

~~present in the classroom by the school in which he is employed for one of the following reasons:~~

~~(a) Acquisition of knowledge or skills relating to the professional development of the teacher; or~~

~~(b) Assignment of the teacher to perform duties for cocurricular or extracurricular activities of pupils.~~

~~4. The annual report of accountability prepared pursuant to subsection 2 must:~~

~~(a) Comply with 20 U.S.C. § 6311(h)(2) and the regulations adopted pursuant thereto; and~~

~~(b) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.~~

~~5. The Superintendent of Public Instruction shall:~~

~~(a) Prescribe forms for the reports required pursuant to subsection 2 and provide the forms to the respective school districts.~~

~~(b) Provide statistical information and technical assistance to the school districts to ensure that the reports provide comparable information with respect to each school in each district and among the districts throughout this State.~~

~~(c) Consult with a representative of the:~~

~~(1) Nevada State Education Association;~~

~~(2) Nevada Association of School Boards;~~

~~(3) Nevada Association of School Administrators;~~

~~(4) Nevada Parent Teacher Association;~~

~~(5) Budget Division of the Department of Administration; and~~

~~(6) Legislative Counsel Bureau,~~

~~→ concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.~~

~~6. The Superintendent of Public Instruction may consult with representatives of parent groups other than the Nevada Parent Teacher Association concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.~~

~~7. On or before August 15 of each year, the board of trustees of each school district shall submit to each advisory board to review school attendance created in the county pursuant to NRS 392.126 the information required in paragraph (g) of subsection 2.~~

~~8. On or before August 15 of each year, the board of trustees of each school district shall:~~

~~(a) Provide written notice that the report required pursuant to subsection 2 is available on the Internet website maintained by the school district, if any, or otherwise provide written notice of the availability of the report. The written notice must be provided to the:~~

~~(1) Governor;~~

~~(2) State Board;~~

~~(3) Department;~~

~~(4) Committee; and~~

~~(5) Bureau.~~

~~(b) Provide for public dissemination of the annual report of accountability prepared pursuant to subsection 2 in the manner set forth in 20 U.S.C. § 6311(h)(2)(E) by posting a copy of the report on the Internet website maintained by the school district, if any. If a school district does not maintain a website, the district shall otherwise provide for public dissemination of the annual report by providing a copy of the report to the schools in the school district, including, without limitation, each charter school in the district, the residents of the district, and the parents and guardians of pupils enrolled in schools in the district, including, without limitation, each charter school in the district.~~

~~9. Upon the request of the Governor, an entity described in paragraph (a) of subsection 8 or a member of the general public, the board of trustees of a school district shall provide a portion or portions of the report required pursuant to subsection 2.~~

~~10. As used in this section:~~

~~(a) "Highly qualified" has the meaning ascribed to it in 20 U.S.C. § 7801(23).~~

~~(b) "Paraprofessional" has the meaning ascribed to it in NRS 391.008.]~~ *(Deleted by amendment.)*

Sec. 4.5. *NRS 387.123 is hereby amended to read as follows:*

387.123 1. The count of pupils for apportionment purposes includes all pupils who are enrolled in programs of instruction of the school district, including, without limitation, a program of distance education provided by the school district, pupils who reside in the county in which the school district is located and are enrolled in any charter school, including, without limitation, a program of distance education provided by a charter school, and pupils who are enrolled in a university school for profoundly gifted pupils located in the county, for:

(a) Pupils in the kindergarten department.

(b) Pupils in grades 1 to 12, inclusive.

(c) Pupils not included under paragraph (a) or (b) who are receiving special education pursuant to the provisions of NRS 388.440 to 388.520, inclusive.

(d) Pupils who reside in the county and are enrolled part-time in a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive.

(e) Children detained in facilities for the detention of children, alternative programs and juvenile forestry camps receiving instruction pursuant to the provisions of NRS 388.550, 388.560 and 388.570.

(f) Pupils who are enrolled in classes pursuant to subsection 4 of NRS 386.560 and pupils who are enrolled in classes pursuant to subsection 5 of NRS 386.580.

(g) Pupils who are enrolled in classes pursuant to subsection 3 of NRS 392.070.

(h) Pupils who are enrolled in classes and taking courses necessary to receive a high school diploma, excluding those pupils who are included in paragraphs (d), (f) and (g).

(i) Pupils not included under paragraph (b) or (c) who are enrolled in a full-time adult special education program provided by the school district for pupils with disabilities who are at least 18 but less than 22 years of age.

2. The State Board shall establish uniform regulations for counting enrollment and calculating the average daily attendance of pupils. In establishing such regulations for the public schools, the State Board:

(a) Shall divide the school year into 10 school months, each containing 20 or fewer school days, or its equivalent for those public schools operating under an alternative schedule authorized pursuant to NRS 388.090.

(b) May divide the pupils in grades 1 to 12, inclusive, into categories composed respectively of those enrolled in elementary schools and those enrolled in secondary schools.

(c) Shall prohibit the counting of any pupil specified in subsection 1 more than once.

3. Except as otherwise provided in subsection 4 and NRS 388.700, the State Board shall establish by regulation the maximum pupil-teacher ratio in each grade, and for each subject matter wherever different subjects are taught in separate classes, for each school district of this State which is consistent with:

(a) The maintenance of an acceptable standard of instruction;

(b) The conditions prevailing in the school district with respect to the number and distribution of pupils in each grade; and

(c) Methods of instruction used, which may include educational television, team teaching or new teaching systems or techniques.

➥ If the Superintendent of Public Instruction finds that any school district is maintaining one or more classes whose pupil-teacher ratio exceeds the applicable maximum, and unless he finds that the board of trustees of the school district has made every reasonable effort in good faith to comply with the applicable standard, he shall, with the approval of the State Board, reduce the count of pupils for apportionment purposes by the percentage which the number of pupils attending those classes is of the total number of pupils in the district, and the State Board may direct him to withhold the quarterly apportionment entirely.

4. The provisions of subsection 3 do not apply to a charter school, a university school for profoundly gifted pupils or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive.

Sec. 4.7. NRS 387.1233 is hereby amended to read as follows:

387.1233 1. Except as otherwise provided in subsection 2, basic support of each school district must be computed by:

(a) Multiplying the basic support guarantee per pupil established for that school district for that school year by the sum of:

(1) Six-tenths the count of pupils enrolled in the kindergarten department on the last day of the first school month of the school district for the school year, including, without limitation, the count of pupils who reside in the county and are enrolled in any charter school on the last day of the first school month of the school district for the school year.

(2) The count of pupils enrolled in grades 1 to 12, inclusive, on the last day of the first school month of the school district for the school year, including, without limitation, the count of pupils who reside in the county and are enrolled in any charter school on the last day of the first school month of the school district for the school year and the count of pupils who are enrolled in a university school for profoundly gifted pupils located in the county.

(3) The count of pupils not included under subparagraph (1) or (2) who are enrolled full-time in a program of distance education provided by that school district or a charter school located within that school district on the last day of the first school month of the school district for the school year.

(4) The count of pupils who reside in the county and are enrolled:

(I) In a public school of the school district and are concurrently enrolled part-time in a program of distance education provided by another school district or a charter school on the last day of the first school month of the school district for the school year, expressed as a percentage of the total time services are provided to those pupils per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (2).

(II) In a charter school and are concurrently enrolled part-time in a program of distance education provided by a school district or another charter school on the last day of the first school month of the school district for the school year, expressed as a percentage of the total time services are provided to those pupils per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (2).

(5) The count of pupils not included under subparagraph (1), (2), (3) or (4), who are receiving special education pursuant to the provisions of NRS 388.440 to 388.520, inclusive, on the last day of the first school month of the school district for the school year, excluding the count of pupils who have not attained the age of 5 years and who are receiving special education pursuant to subsection 1 of NRS 388.490 on that day.

(6) Six-tenths the count of pupils who have not attained the age of 5 years and who are receiving special education pursuant to subsection 1 of NRS 388.490 on the last day of the first school month of the school district for the school year.

(7) The count of children detained in facilities for the detention of children, alternative programs and juvenile forestry camps receiving

instruction pursuant to the provisions of NRS 388.550, 388.560 and 388.570 on the last day of the first school month of the school district for the school year.

(8) The count of pupils who are enrolled in classes for at least one semester pursuant to subsection 4 of NRS 386.560, subsection 5 of NRS 386.580 or subsection 3 of NRS 392.070, expressed as a percentage of the total time services are provided to those pupils per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (2).

(9) The count of pupils not included under subparagraph (2) who are enrolled in a full-time adult special education program provided by the school district for pupils with disabilities who are at least 18 but less than 22 years of age. The amount of basic support attributable to pupils counted pursuant to this subparagraph must be accounted for separately and, in addition to any other funds available, used to support the provision of the adult special education program to those pupils.

(b) Multiplying the number of special education program units maintained and operated by the amount per program established for that school year.

(c) Adding the amounts computed in paragraphs (a) and (b).

2. If the enrollment of pupils in a school district or a charter school that is located within the school district on the last day of the first school month of the school district for the school year is less than or equal to 95 percent of the enrollment of pupils in the same school district or charter school on the last day of the first school month of the school district for the immediately preceding school year, the largest number from among the immediately preceding 2 school years must be used for purposes of apportioning money from the State Distributive School Account to that school district or charter school pursuant to NRS 387.124.

3. If the enrollment of pupils in a school district or a charter school that is located within the school district on the last day of the first school month of the school district for the school year is more than 95 percent of the enrollment of pupils in the same school district or charter school on the last day of the first school month of the school district for the immediately preceding school year, the larger enrollment number from the current year or the immediately preceding school year must be used for purposes of apportioning money from the State Distributive School Account to that school district or charter school pursuant to NRS 387.124.

4. Pupils who are excused from attendance at examinations or have completed their work in accordance with the rules of the board of trustees must be credited with attendance during that period.

5. Pupils who are incarcerated in a facility or institution operated by the Department of Corrections must not be counted for the purpose of computing basic support pursuant to this section. The average daily attendance for such pupils must be reported to the Department of Education.

6. ~~[Pupils]~~ *Except as otherwise provided in subparagraph (9) of paragraph (a) of subsection 1, pupils* who are enrolled in courses which are approved by the Department as meeting the requirements for an adult to earn a high school diploma must not be counted for the purpose of computing basic support pursuant to this section.

Sec. 5. NRS 388.205 is hereby amended to read as follows:

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

2. *The policy must ensure that each pupil enrolled in ninth grade and the pupil's parent or legal guardian are adequately notified and informed of the following information:*

(a) The advanced placement courses, honors courses, international baccalaureate courses, dual credit courses, career and technical education courses, including, without limitation, career and technical skills-building programs, and any other educational programs, pathways or courses available to the pupil which will assist in the advancement of the education of the pupil;

(b) The requirements for graduation from high school with a diploma and the types of diplomas available;

(c) The requirements for admission to the Nevada System of Higher Education and the eligibility requirements for a Governor Guinn Millennium Scholarship; and

(d) To the extent available, programs offered by charter schools within the school district.

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

(a) ~~[Work in]~~ *Be notified of opportunities to work in* consultation with a school counselor to develop *and review* an academic plan for the pupil; *and*

(b) ~~[Sign the academic plan; and~~

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

~~[3.]~~ *4.* If a pupil enrolls in a high school after ninth grade, an academic plan must be developed for that pupil with appropriate modifications for the grade level of the pupil.

~~[4.]~~ *5.* An academic plan for a pupil must be used as a guide for the pupil and the parent or legal guardian of the pupil to plan, monitor and manage the pupil's educational and occupational development and make determinations of the appropriate courses of study for the pupil. If a pupil does not satisfy all the goals set forth in the academic plan, the pupil is

eligible to graduate and receive a high school diploma if he otherwise satisfies the requirements for a diploma.

Sec. 6. Chapter 389 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The board of trustees of each school district and the governing body of each charter school that operates as a high school shall ensure that instruction on financial responsibility is provided to pupils in each public high school within the school district or in the charter school, as applicable. The instruction must include:

(a) The skills necessary to develop financial responsibility, including, without limitation:

(1) Making reasonable financial decisions by analyzing the alternatives and consequences to those financial decisions;

(2) Locating and evaluating financial information from various sources;

(3) Developing communication strategies to discuss financial issues;

(4) Controlling personal information; and

(5) Reviewing and summarizing federal and state consumer protection laws.

(b) The skills necessary to manage finances, including, without limitation:

(1) Developing a plan for spending and saving;

(2) Developing a system for keeping and using financial records; and

(3) Developing a personal financial plan.

(c) The skills necessary to understand the use of credit and the incurrence of debt, including, without limitation:

(1) Identifying the costs and benefits of various types of credit;

(2) Explaining the purpose of a credit report, including, without limitation, the manner in which a credit report is used by lenders;

(3) Describing the rights of a borrower regarding his credit report;

(4) Identifying methods to avoid and resolve debt problems; and

(5) Reviewing and summarizing federal and state consumer credit protection laws.

(d) The skills necessary to understand the basic principles of saving and investing, including, without limitation:

(1) Understanding how saving and investing contribute to financial well-being;

(2) Understanding the methods of investing and alternatives to investing;

(3) Understanding how to buy and sell investments; and

(4) Understanding how the regulation of financial institutions protects investors.

2. The instruction required by subsection 1 may be included within a course that pupils enrolled in high school are otherwise required to complete.

Sec. 7. ~~[NRS 389.805 is hereby amended to read as follows:~~

~~389.805 1. A pupil must receive a standard high school diploma if he:~~

~~(a) Passes all subject areas of the high school proficiency examination administered pursuant to NRS 389.015 and otherwise satisfies the requirements for graduation from high school; or~~

~~(b) Has failed to pass the high school proficiency examination administered pursuant to NRS 389.015 in its entirety not less than three times before beginning grade 12 and the pupil:~~

~~(1) Passes the subject areas of mathematics and reading on the proficiency examination;~~

~~(2) Has an overall grade point average of not less than 2.75 on a 4.0 grading scale;~~

~~(3) Satisfies the alternative criteria prescribed by the State Board pursuant to subsection [3;] 4; and~~

~~(4) Otherwise satisfies the requirements for graduation from high school.~~

~~2. A pupil with a disability who does not satisfy the requirements for receipt of a standard high school diploma may receive a diploma designated as an adjusted diploma if he satisfies the requirements set forth in his individualized education program. As used in this subsection, "individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).~~

~~3. The State Board shall prescribe an adjusted adult diploma and the requirements for receipt of an adjusted adult diploma by an adult who did not satisfy the requirements of subsection 2.~~

~~4. The State Board shall adopt regulations that prescribe the alternative criteria for a pupil to receive a standard high school diploma pursuant to paragraph (b) of subsection 1, including, without limitation:~~

~~(a) An essay;~~

~~(b) A senior project; or~~

~~(c) A portfolio of work,~~

~~➥ or any combination thereof, that demonstrate proficiency in the subject areas on the high school proficiency examination which the pupil failed to pass.]~~ *(Deleted by amendment.)*

Sec. 8. Chapter 392 of NRS is hereby amended by adding thereto the provisions set forth as sections 9, 10 and 11 of this act.

Sec. 9. *1. The board of trustees of each school district shall adopt a policy for the public high schools within the school district to provide a program of teen mentoring, which may include a component of adult mentoring, designed to:*

(a) Increase pupil participation in school activities, community activities and all levels of government; or

(b) Increase the ability of ninth grade pupils enrolled in high school to successfully make the transition from middle school or junior high school to high school,

➥ *or both.*

2. Any such policy must include, without limitation:

(a) Guidelines for establishing:

(1) Eligibility requirements for pupils who participate in the program as mentors or mentees, including, without limitation, any minimum grade level for pupils who serve as mentors and any minimum grade point average that must be maintained by pupils who serve as mentors. The guidelines may not require a pupil who participates in the program to maintain a grade point average that is higher than the grade point average required for a pupil to participate in sports at the high school the pupil attends.

(2) Training requirements for pupils who serve as mentors.

(3) Incentives for pupils who serve as mentors.

(b) A requirement that each public high school which carries out a program for teen mentoring must establish a committee to select each pupil mentor who participates in the program. The policy must provide that the committee may select a pupil who does not meet the general eligibility requirements for mentors if the members of the committee determine that the pupil is otherwise qualified to serve as a mentor.

(c) Any other provisions that the board of trustees deems appropriate.

3. The principal of each high school shall, to the extent that money is available for this purpose:

(a) Carry out a program of teen mentoring in accordance with the policy adopted by the board of trustees pursuant to subsection 1; and

(b) Adopt other policies for the program of teen mentoring that are consistent with this section and the policy adopted by the board of trustees pursuant to subsection 1.

4. If a principal of a public high school carries out a program of teen mentoring pursuant to this section, the principal shall, on a date prescribed by the board of trustees, submit an annual report to the board of trustees and the Director of the Legislative Counsel Bureau for transmission to the Legislative Committee on Education or the Legislature, as applicable, that sets forth a summary of:

(a) The specific activities of the program of teen mentoring; and

(b) The effectiveness of the program of teen mentoring in increasing pupil participation in school activities, community activities and all levels of government or in increasing the ability of ninth grade pupils to successfully make the transition from middle school or junior high school to high school

~~[3.]~~ *, as applicable to the type of program in effect at the school.*

5. The board of trustees of each school district and each public high school may apply for and accept gifts, grants and donations from any source for the support of the board of trustees or a public high school in carrying out a program of teen mentoring pursuant to the provisions of this section. Any money received pursuant to this subsection may be used only for purposes of carrying out a program of teen mentoring pursuant to the provisions of this section.

6. This section does not preclude a board of trustees of a school district or a public high school from continuing any other similar program of teen mentoring that exists on the July 1, 2011.

Sec. 10. *To the extent money is available for this purpose, the board of trustees of each school district shall adopt a policy of credit remediation which ensures that pupils who are deficient in the number of credits required for promotion to the next grade or for graduation from high school are provided sufficient opportunities, including, without limitation, opportunities during the school day, to complete appropriate remediation of deficient credits.*

Sec. 11. *1. The board of trustees of each school district shall adopt a policy that allows a pupil enrolled in a public school within the school district to report, anonymously if the pupil chooses, any unlawful activity which is being conducted on school property, at an activity sponsored by a public school or on a school bus. The policy must include, without limitation:*

(a) The types of unlawful activities which a pupil may report; and

(b) The manner in which a pupil may report the unlawful activities.

2. The board of trustees of a school district may work in consultation with a local law enforcement agency or other governmental entity, corporation, business, organization or other entity to assist in the implementation of the policy adopted pursuant to subsection 1.

3. Each public school within the school district shall post prominently in various locations at the school the policy adopted pursuant to subsection 1, which must clearly denote the phone number and any other methods to make a report. If a public school maintains an Internet website for the school, the policy must also be posted on the school's website.

4. The board of trustees of each school district shall post the policy on the Internet website maintained by the school district.

Sec. 12. NRS 392.019 is hereby amended to read as follows:

392.019 1. Except as otherwise provided in this subsection, if a child is exempt from compulsory attendance pursuant to *this section or* NRS 392.070 ~~[, 392.100 or 392.110,]~~ and the child is employed to work in the entertainment industry pursuant to a written contract for a period of more than 91 school days, or its equivalent if the child resides in a school district operating under an alternative schedule authorized pursuant to NRS 388.090, including, without limitation, employment with a motion picture company or employment with a production company hired by a casino or resort hotel, the entity that employs the child shall, upon the request of the parent or legal guardian of the child, pay the costs for the child to receive at least 3 hours of tutoring per day for at least 5 days per week. In lieu of tutoring, the parent or legal guardian of such a child may agree with the entity that employs the child that the entity will pay the costs for the child to receive other educational or instructional services which are equivalent to tutoring. The provisions of this subsection apply during the period of a child's employment with an entity, regardless of whether the child has obtained the appropriate

exemption from compulsory attendance at the time his contract with the entity is under negotiation.

2. *The board of trustees of a school district may excuse a child who is employed pursuant to subsection 1 from full-time attendance.* If such a child is exempt from ~~[compulsory]~~ attendance pursuant to ~~[NRS 392.100 or 392.110,]~~ *this subsection,* the tutoring or other educational or instructional services received by the child pursuant to subsection 1 must be approved by the board of trustees of the school district in which the child resides.

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

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

1. Make a full and impartial investigation of all charges against parents, guardians or other persons having control or charge of any child who is under 18 years of age and required to attend school pursuant to NRS 392.040 for violation of any of the provisions of NRS 392.040 to ~~[392.110,]~~ *392.080,* inclusive, or 392.130 to 392.160, inclusive.

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

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

392.180 If it appears upon investigation that any parent, guardian or other person having control or charge of any child who is under 18 years of age and required to attend school pursuant to NRS 392.040 has violated any of the provisions of NRS 392.040 to ~~[392.110,]~~ *392.080,* inclusive, or 392.130 to 392.160, inclusive, the clerk of the board of trustees or the governing body of a charter school in which the child is enrolled, except as otherwise provided in NRS 392.190, shall make and file in the proper court a criminal complaint against the parent, guardian or other person, charging the violation, and shall see that the charge is prosecuted by the proper authority.

Sec. 15. NRS 392.215 is hereby amended to read as follows:

392.215 Any parent, guardian or other person who, with intent to deceive under NRS 392.040 to ~~[392.110,]~~ *392.080,* inclusive, or 392.130 to 392.165, inclusive:

1. Makes a false statement concerning the age or attendance at school;

2. Presents a false birth certificate or record of attendance at school; or

3. Refuses to furnish a suitable identifying document, record of attendance at school or proof of change of name, upon request by a local law enforcement agency conducting an investigation in response to notification pursuant to subsection 4 of NRS 392.165,

➥ of a child under 18 years of age who is under his control or charge, is guilty of a misdemeanor.

Sec. 15.5. Section 2 of chapter 180, Statutes of Nevada 2009, is hereby amended to read as follows:

Sec. 2. This act becomes effective upon passage and approval and expires by limitation on June 30, 2011.

Sec. 16. NRS 392.090, 392.100 and 392.110 are hereby repealed.

Sec. 16.5. In addition to the study of the governance of the system of K-12 public education, the committee appointed by the Legislative Commission pursuant to Assembly Concurrent Resolution No. 2 of the 2009 Legislature, File No. 89, shall also study issues relating to the funding for the system of higher education in this State. As part of the study, the interim committee shall:

1. Review funding equities for the institutions within the Nevada System of Higher Education and their respective institutional missions;

2. Review the current policies of the Board of Regents of the University of Nevada for establishing tuition and fees and other commonly used models nationwide for establishing tuition and fees;

3. Determine, based upon the review conducted pursuant to subsection 2, an appropriate method for establishing tuition and fees and for determining the reasonable cost that should be borne by students;

4. Review other factors which influence funding for the system of higher education in this State, including, without limitation, funding from local governments, with a particular emphasis on local funding for community colleges; and

5. Recommend changes to the funding mechanism for the system of higher education in this State as determined appropriate by the interim committee and submit those recommendations to the:

(a) Board of Regents of the University of Nevada;

(b) Governor; and

(c) Legislature, which may be included in the final report of the committee.

Sec. 17. 1. This section and sections ~~[1]~~ *0.5* to 8, inclusive, and 10 to ~~[16,]~~ *16.5,* inclusive, of this act become effective on July 1, 2009.

2. Section 9 of this act becomes effective on July 1, 2011.

TEXT OF REPEALED SECTIONS

392.090 Juvenile court may permit child who has completed eighth grade to leave school. After review of the case, the juvenile court may issue a permit authorizing any child who has completed the eighth grade to leave school.

392.100 Attendance excused if child 14 years of age or older must support himself or his parent. Attendance required by the provisions of NRS 392.040 shall be excused when satisfactory written evidence is presented to the board of trustees of the school district in which the child resides that the child, 14 years of age or over, must work for his own or his parent's support.

392.110 Attendance excused for child between 14 and 18 years of age who has completed eighth grade to enter employment or apprenticeship; written permit required.

1. Any child between the ages of 14 and 18 years who has completed the work of the first eight grades may be excused from full-time school attendance and may be permitted to enter proper employment or

apprenticeship, by the written authority of the board of trustees excusing the child from such attendance. The board's written authority must state the reason or reasons for such excuse.

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

Senator Horsford moved the adoption of the amendment.

Remarks by Senator Horsford, Raggio, Cegavske and Coffin.

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

SENATOR HORSFORD:

Senate Bill No. 330, which was passed earlier this week, is in the Assembly, and there are provisions in that bill that will not be processed.

Assembly Bill No. 505 contains the provisions that are agreeable. Section 1.5 includes the provisions dealing with the model to measure and track the achievement and progress of pupils.

Section 1.6 establishes the Statewide Advisory Council for the Support of Youth, which is the Ready for Life Initiative administered by the Nevada Public Education Foundation.

Section 1.9 of the bill requires the Board to establish clear and well-defined goals for the education of pupils.

In sections 4.5 and 4.7, the bill establishes the provisions which govern the count of pupils and to provide for a separate count of who is enrolled in full-time adult education program with disabilities. They must be at least 18 years to 22 years of age. This amendment indicates that for those individuals who have an Individual Education Plan (IEP) or who are in special education, if they are enrolled in an adult education program they will receive full services by the Distributive School Account (DSA) support.

Section 6 deletes the reference in the provisions dealing with an adjusted diploma for adult education. This was the provision that was of concern to several of the members of the Finance Committee. It would have created another tier for the adult education programs. It would have been costly to implement. That provision is deleted in section 6.

Section 16.5 adds to the Assembly Concurrent Resolution study, which we adopted earlier to also study funding for the system of higher education in the State. Those provisions will be added to the Assembly Concurrent Resolution 2 study, which is looking at all of education.

SENATOR RAGGIO:

The Majority Leader knows I have a concern about Section 16.5, which was added to this by the Assembly. It is well meaning and it is an important issue that should be studied, but studied appropriately. This Section allows the Legislative Committee, which is a committee of 6 Legislators appointed pursuant to Assembly Concurrent Resolution 2, to study K-12 issues in addition to the study concerning funding, which includes formulas for the funding of higher education. That is disturbing to me. Should we assign something that important to that same committee that is going to study K-12 issues?

During my service in this Session, we have had two meaningful commissions who have looked at the formula funding for higher education. Those have been committees that bring all of the people involved in this process together. They had serious meetings during the interim to discuss funding and changes in any formula. Those have included officials from the Board of Regents. They have included presidents of the various institutions as well as Legislators.

It is nonsensical to have this important a study suddenly attached at the last hour to some study committee that is already assigned a major project.

For that reason, I will not support this amendment. If it is attached to the bill, I will not support the bill, although I agree that some of the issues the Majority Leader has resurrected into this came from the other measure, and they are important issues.

SENATOR CEGAVSKE:

Thank you, Mr. President. I knew the school districts had some concerns about this. On pages 19 and 21, I am concerned about special education, the students and adult education program. We had a large fiscal note on this, but it was said that something was deleted. Could you address that? Has the money been taken out of that section?

SENATOR HORSFORD:

The Clark County School District was opposed to the adjusted diploma in the original Assembly Bill No. 505 as it came to us from the Assembly. That provision has been deleted in section 6 of the bill. The other provision you are referencing is the establishment of the process whereby the 18-22 year olds who have an IEP, if they are enrolled in an adult education program, can be part of the DSA funding. That is in sections 4.5 and 4.7, on pages 18 and 19. There is an e-mail circulating that this may in some way harm students who are 18 or 19 years old and are still going to a regular school, not in adult education. Those provisions still remain. It adds a new subsection 9 for those 18- to 22-year-olds who have an IEP and who are enrolled in a full-time program of adult education.

SENATOR CEGAVSKE:

There is no fiscal note to those two sections? It is taken care of in the DSA count with each of those pupils and what they are getting for their special education funding that comes through from the federal government.

SENATOR HORSFORD:

Yes, it did so by deleting the section that created an adjusted diploma, which would have been a major expense. The provision is that 18- to 22-year-olds with special education or an IEP are entitled to an education until they are 22 years old. They would be otherwise supported through the DSA, so there is no other impact to the State.

SENATOR COFFIN:

What we have done this Session is to try to avoid any implications that regionalism played a role in the Governor's budget. Perhaps it was accidental that the cut to UNLV was 52percent and the cut to UNR was in the 30- to 35-percent range. It is a glaring omission if we do not address the issue this Session by simply saying that the Governor relied upon the formula to construct that budget. If it is true that he relied upon the formula and it resulted in a 20-point difference in the budgeting for these two institutions, it is time to take another look at it. I do not see anything insidious in suggesting that we take a look at the funding equities as outlined in subparagraph 1 of Section 16.5 because it could be that there is something wrong with the formula. I do not know if those cuts were purposeful. We would be remiss in our duties if we did not examine them. We could not have assembled a task force of presidents, student body presidents and business leaders in a session when we were trying to find money to fund what was there in the Governor's budget, and then add a responsible amount. After a lot of work by the Majority Leader and Minority Leader, we arrived at a cut across the institutions which was not as devastating as the Governor proposed.

It would be a horrible mistake to say that we should not study this. We are not saying that there must be a mistake. Let us just take another look. I do not see the harm. If not now, when?

Motion carried on a division of the house.

Amendment adopted.

The following amendment was proposed by Senators Horsford and Washington:

Amendment No. 1015.

"SUMMARY—Revises provisions governing *charter schools and* pupils enrolled in high school. (BDR 34-784)"

"AN ACT relating to education; requiring the Department of Education to work in consultation with the Nevada System of Higher Education to establish a plan to ensure that high school pupils are ready for postsecondary education and the workplace; *establishing the Nevada Charter School Institute; revising provisions relating to charter schools;* revising provisions governing the academic plans for ninth grade pupils; requiring instruction on financial responsibility in high school; authorizing the issuance of an adjusted adult diploma for certain persons; requiring the school districts to adopt programs of teen mentoring; requiring school districts to adopt a policy for the remediation of deficient credits to the extent money is available; requiring school districts to adopt a policy for pupils to report unlawful activities; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Section 1 of this bill requires the Department of Education to work in consultation with the Nevada System of Higher Education to establish clearly defined goals and benchmarks for pupils enrolled in high schools to be adequately prepared for the educational requirements of postsecondary education and for success in the workplace.

Existing law requires the board of trustees of a school district to adopt a policy for each public school in the school district in which ninth grade pupils are enrolled to develop a 4-year academic plan for each of those pupils. (NRS 388.205) Section 5 of this bill requires the policy to ensure that each ninth grade pupil and his parent or legal guardian are adequately notified of certain courses and programs available to the pupil which will assist in the advancement of the education of the pupil as well as the requirements for graduation, for admission to the Nevada System of Higher Education and for receipt of a Governor Guinn Millennium Scholarship.

Existing law authorizes the formation of charter schools and authorizes school districts, the State Board of Education and colleges and universities within the Nevada System of Higher Education to sponsor charter schools. (NRS 386.500-386.610) Sections 4.21-4.31 of this bill establish the Nevada Charter School Institute and prescribe the membership and authority of the Charter School Institute. Section 4.34 of this bill removes the authority of the State Board of Education to sponsor charter schools and authorizes the Nevada Charter School Institute to sponsor charter schools. (NRS 386.515)

Section 6 of this bill requires the board of trustees of each school district and the governing body of each charter school that operates as a high school to ensure that instruction on financial responsibility is provided to pupils enrolled in the public high schools in each school district and in each charter school that operates as a high school.

Existing law provides that a pupil with a disability who does not satisfy the requirements for receipt of a standard high school diploma may receive an

adjusted diploma if he satisfies the requirements set forth in his individualized education program. (NRS 389.805) Section 7 of this bill requires the State Board of Education to create an adjusted adult diploma.

Section 9 of this bill requires the board of trustees of each school district to adopt a policy for a program of teen mentoring, which may include a component of adult mentoring, for the public high schools in the district designed to: (1) increase pupil participation in school and community activities; or (2) assist ninth grade pupils in the transition from middle school or junior high school to high school, or both. Section 9 further provides that the principal of each high school shall, to the extent that money is available for that purpose, carry out the program of teen mentoring at that school. Section 17 of this bill provides that section 9 becomes effective on July 1, 2011.

Section 10 of this bill requires the board of trustees of each school district, to the extent money is available for this purpose, to adopt a policy which ensures that a pupil who is deficient in the number of credits required for promotion to the next grade or graduation from high school has sufficient opportunities to remediate his deficient credits.

Section 11 of this bill requires the board of trustees of each school district to adopt a policy that allows pupils enrolled in a school within the school district to report, anonymously if the pupils choose, any unlawful activities that are being conducted on school property, at an activity sponsored by a public school or on a school bus, commonly referred to as a "secret witness program."

Section 16 of this bill repeals NRS 392.090, 392.100 and 392.110, relating to the exemption of certain children from compulsory school attendance.

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

Section 1. Chapter 385 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department shall work in consultation with the Nevada System of Higher Education to establish a plan which sets forth clearly defined goals and benchmarks for pupils enrolled in the public high schools to ensure that those pupils are adequately prepared for the educational requirements of postsecondary education and for success in the workplace, including, without limitation, methods to ensure that the high school standards, graduation requirements and assessments are aligned with college and workforce readiness expectations.

2. The Superintendent of Public Instruction shall:

(a) On or before February 1 of each odd-numbered year, submit a report on the progress of the plan to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature; and

(b) On or before February 1 of each even-numbered year, submit a report on the progress of the plan to the Legislative Committee on Education.

Sec. 2. NRS 385.3469 is hereby amended to read as follows:

385.3469 1. The State Board shall prepare an annual report of accountability that includes, without limitation:

(a) Information on the achievement of all pupils based upon the results of the examinations administered pursuant to NRS 389.015 and 389.550, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(b) Except as otherwise provided in subsection 2, pupil achievement, reported separately by gender and reported separately for the following groups of pupils:

(1) Pupils who are economically disadvantaged, as defined by the State Board;

(2) Pupils from major racial and ethnic groups, as defined by the State Board;

(3) Pupils with disabilities;

(4) Pupils who are limited English proficient; and

(5) Pupils who are migratory children, as defined by the State Board.

(c) A comparison of the achievement of pupils in each group identified in paragraph (b) of subsection 1 of NRS 385.361 with the annual measurable objectives of the State Board.

(d) The percentage of all pupils who were not tested, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(e) Except as otherwise provided in subsection 2, the percentage of pupils who were not tested, reported separately by gender and reported separately for the groups identified in paragraph (b).

(f) The most recent 3-year trend in the achievement of pupils in each subject area tested and each grade level tested pursuant to NRS 389.015 and 389.550, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available.

(g) Information on whether each school district has made adequate yearly progress, including, without limitation, the name of each school district, if any, designated as demonstrating need for improvement pursuant to NRS 385.377 and the number of consecutive years that the school district has carried that designation.

(h) Information on whether each public school, including, without limitation, each charter school, has made adequate yearly progress, including, without limitation, the name of each public school, if any, designated as demonstrating need for improvement pursuant to NRS 385.3623 and the number of consecutive years that the school has carried that designation.

(i) Information on the results of pupils who participated in the examinations of the National Assessment of Educational Progress required pursuant to NRS 389.012.

(j) The ratio of pupils to teachers in kindergarten and at each grade level for all elementary schools, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole, and the average class size for each core academic subject, as set forth in NRS 389.018, for each secondary school, reported for each school district and for this State as a whole.

(k) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, information on the professional qualifications of teachers employed by the school districts and charter schools, including, without limitation:

(1) The percentage of teachers who are:

(I) Providing instruction pursuant to NRS 391.125;

(II) Providing instruction pursuant to a waiver of the requirements for licensure for the grade level or subject area in which the teachers are employed; or

(III) Otherwise providing instruction without an endorsement for the subject area in which the teachers are employed;

(2) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, in this State that are not taught by highly qualified teachers;

(3) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, in this State that are not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools, which for the purposes of this subparagraph means schools in the top quartile of poverty and the bottom quartile of poverty in this State;

(4) For each middle school, junior high school and high school:

(I) On and after July 1, 2005, the number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level and subject area; and

(II) On and after July 1, 2006, the number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level and subject area; and

(5) For each elementary school:

(I) On and after July 1, 2005, the number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level; and

(II) On and after July 1, 2006, the number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level.

(l) The total expenditure per pupil for each school district in this State, including, without limitation, each charter school in the district. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the State Board shall use that statewide program in complying with this paragraph. If a statewide program is not available, the State Board shall use the Department's own financial analysis program in complying with this paragraph.

(m) The total statewide expenditure per pupil. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the State Board shall use that statewide program in complying with this paragraph. If a statewide program is not available, the State Board shall use the Department's own financial analysis program in complying with this paragraph.

(n) For all elementary schools, junior high schools and middle schools, the rate of attendance, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(o) The annual rate of pupils who drop out of school in grade 8 and a separate reporting of the annual rate of pupils who drop out of school in grades 9 to 12, inclusive, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole. The reporting for pupils in grades 9 to 12, inclusive, excludes pupils who:

(1) Provide proof to the school district of successful completion of the examinations of general educational development.

(2) Are enrolled in courses that are approved by the Department as meeting the requirements for an adult standard diploma.

(3) Withdraw from school to attend another school.

(p) The attendance of teachers who provide instruction, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(q) Incidents involving weapons or violence, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(r) Incidents involving the use or possession of alcoholic beverages or controlled substances, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(s) The suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(t) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(u) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 or 392.125, reported for each school district,

including, without limitation, each charter school in the district, and for this State as a whole.

(v) The transiency rate of pupils, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole. For the purposes of this paragraph, a pupil is not a transient if he is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

(w) Each source of funding for this State to be used for the system of public education.

(x) A compilation of the programs of remedial study purchased in whole or in part with money received from this State that are used in each school district, including, without limitation, each charter school in the district. The compilation must include:

(1) The amount and sources of money received for programs of remedial study.

(2) An identification of each program of remedial study, listed by subject area.

(y) The percentage of pupils who graduated from a high school or charter school in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university, state college or community college within the Nevada System of Higher Education, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(z) The technological facilities and equipment available for educational purposes, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(aa) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of pupils who received:

(1) A standard high school diploma, reported separately for pupils who received the diploma pursuant to:

(I) Paragraph (a) of subsection 1 of NRS 389.805; and

(II) Paragraph (b) of subsection 1 of NRS 389.805.

(2) *An adult diploma.*

(3) An adjusted diploma.

~~[(3)]~~ *(4) An adjusted adult diploma.*

(5) A certificate of attendance.

(6) A certificate of educational equivalence for passage of the tests of general educational development for those pupils who are eligible pursuant to NRS 385.448.

(bb) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of pupils who failed to pass the high school proficiency examination.

(cc) The number of habitual truants who are reported to a school police officer or local law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144 and the number of habitual truants who are referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(dd) Information on the paraprofessionals employed at public schools in this State, including, without limitation, the charter schools in this State. The information must include:

(1) The number of paraprofessionals employed, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole; and

(2) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of all paraprofessionals who do not satisfy the qualifications set forth in 20 U.S.C. § 6319(c). The reporting requirements of this subparagraph apply to paraprofessionals who are employed in programs supported with Title I money and to paraprofessionals who are not employed in programs supported with Title I money.

(ee) An identification of appropriations made by the Legislature to improve the academic achievement of pupils and programs approved by the Legislature to improve the academic achievement of pupils.

(ff) A compilation of the special programs available for pupils at individual schools, listed by school and by school district, including, without limitation, each charter school in the district.

(gg) For each school district, including, without limitation, each charter school in the district and for this State as a whole, information on pupils enrolled in career and technical education, including, without limitation:

(1) The number of pupils enrolled in a course of career and technical education;

(2) The number of pupils who completed a course of career and technical education;

(3) The average daily attendance of pupils who are enrolled in a program of career and technical education;

(4) The annual rate of pupils who dropped out of school and were enrolled in a program of career and technical education before dropping out;

(5) The number and percentage of pupils who completed a program of career and technical education and who received a standard high school diploma, an adjusted diploma or a certificate of attendance; and

(6) The number and percentage of pupils who completed a program of career and technical education and who did not receive a high school diploma because the pupils failed to pass the high school proficiency examination.

2. A separate reporting for a group of pupils must not be made pursuant to this section if the number of pupils in that group is insufficient to yield

statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The State Board shall prescribe a mechanism for determining the minimum number of pupils that must be in a group for that group to yield statistically reliable information.

3. The annual report of accountability must:

(a) Comply with 20 U.S.C. § 6311(h)(1) and the regulations adopted pursuant thereto;

(b) Be prepared in a concise manner; and

(c) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

4. On or before September 1 of each year, the State Board shall:

(a) Provide for public dissemination of the annual report of accountability by posting a copy of the report on the Internet website maintained by the Department; and

(b) Provide written notice that the report is available on the Internet website maintained by the Department. The written notice must be provided to the:

(1) Governor;

(2) Committee;

(3) Bureau;

(4) Board of Regents of the University of Nevada;

(5) Board of trustees of each school district; and

(6) Governing body of each charter school.

5. Upon the request of the Governor, an entity described in paragraph (b) of subsection 4 or a member of the general public, the State Board shall provide a portion or portions of the annual report of accountability.

6. As used in this section:

(a) "Highly qualified" has the meaning ascribed to it in 20 U.S.C. § 7801(23).

(b) "Paraprofessional" has the meaning ascribed to it in NRS 391.008.

Sec. 3. NRS 385.34692 is hereby amended to read as follows:

385.34692 1. The State Board shall prepare a summary of the annual report of accountability prepared pursuant to NRS 385.3469 that includes, without limitation, a summary of the following information for each school district, each charter school and the State as a whole:

(a) Demographic information of pupils, including, without limitation, the number and percentage of pupils:

(1) Who are economically disadvantaged, as defined by the State Board;

(2) Who are from major racial or ethnic groups, as defined by the State Board;

(3) With disabilities;

(4) Who are limited English proficient; and

(5) Who are migratory children, as defined by the State Board;

(b) The average daily attendance of pupils, reported separately for the groups identified in paragraph (a);

(c) The transiency rate of pupils;

(d) The percentage of pupils who are habitual truants;

(e) The percentage of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655;

(f) The number of incidents resulting in suspension or expulsion for:

(1) Violence to other pupils or to school personnel;

(2) Possession of a weapon;

(3) Distribution of a controlled substance;

(4) Possession or use of a controlled substance; and

(5) Possession or use of alcohol;

(g) For kindergarten through grade 8, the number and percentage of pupils who are retained in the same grade;

(h) For grades 9 to 12, inclusive, the number and percentage of pupils who are deficient in the number of credits required for promotion to the next grade or graduation from high school;

(i) The pupil-teacher ratio for kindergarten and grades 1 to 8, inclusive;

(j) The average class size for the subject area of mathematics, English, science and social studies in schools where pupils rotate to different teachers for different subjects;

(k) The number and percentage of pupils who graduated from high school;

(l) The number and percentage of pupils who received a:

(1) Standard diploma;

(2) Adult diploma;

(3) Adjusted diploma; ~~[and]~~

(4) *Adjusted adult diploma;*

(5) Certificate of attendance; *and*

(6) Certificate of educational equivalence for passage of the tests of general educational development for those pupils who are eligible pursuant to NRS 385.448.

(m) The number and percentage of pupils who graduated from high school and enrolled in remedial courses at the Nevada System of Higher Education;

(n) Per pupil expenditures;

(o) Information on the professional qualifications of teachers;

(p) The average daily attendance of teachers and licensure information;

(q) Information on the adequate yearly progress of the schools and school districts;

(r) Pupil achievement based upon the examinations administered pursuant to NRS 389.550 and the high school proficiency examination;

(s) To the extent practicable, pupil achievement based upon the examinations administered pursuant to NRS 389.015 for grades 4, 7 and 10; and

(t) Other information required by the Superintendent of Public Instruction in consultation with the Bureau.

2. The summary prepared pursuant to subsection 1 must:

(a) Comply with 20 U.S.C. § 6311(h)(1) and the regulations adopted pursuant thereto;

(b) Be prepared in a concise manner; and

(c) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents will likely understand.

3. On or before September 7 of each year, the State Board shall:

(a) Provide for public dissemination of the summary prepared pursuant to subsection 1 by posting the summary on the Internet website maintained by the Department; and

(b) Submit a copy of the summary in an electronic format to the:

(1) Governor;

(2) Committee;

(3) Bureau;

(4) Board of Regents of the University of Nevada;

(5) Board of trustees of each school district; and

(6) Governing body of each charter school.

4. The board of trustees of each school district and the governing body of each charter school shall ensure that the parents and guardians of pupils enrolled in the school district or charter school, as applicable, have sufficient information concerning the availability of the summary prepared by the State Board pursuant to subsection 1, including, without limitation, information that describes how to access the summary on the Internet website maintained by the Department. Upon the request of a parent or guardian of a pupil, the Department shall provide the parent or guardian with a written copy of the summary.

5. The Department shall, in consultation with the Bureau and the school districts, prescribe a form for the summary required by this section.

Sec. 4. ~~[NRS 385.347 is hereby amended to read as follows:~~

~~385.347 1. The board of trustees of each school district in this State, in cooperation with associations recognized by the State Board as representing licensed educational personnel in the district, shall adopt a program providing for the accountability of the school district to the residents of the district and to the State Board for the quality of the schools and the educational achievement of the pupils in the district, including, without limitation, pupils enrolled in charter schools in the school district. The board of trustees of each school district shall report the information required by subsection 2 for each charter school that is located within the school district, regardless of the sponsor of the charter school. The information for charter schools must be reported separately and must denote the charter schools sponsored by the school district, the charter schools sponsored by the State Board and the charter schools sponsored by a college or university within the Nevada System of Higher Education.~~

~~2. The board of trustees of each school district shall, on or before August 15 of each year, prepare an annual report of accountability concerning:~~

~~(a) The educational goals and objectives of the school district.~~

~~(b) Pupil achievement for each school in the district and the district as a whole, including, without limitation, each charter school in the district. The board of trustees of the district shall base its report on the results of the examinations administered pursuant to NRS 389.015 and 389.550 and shall compare the results of those examinations for the current school year with those of previous school years. The report must include, for each school in the district, including, without limitation, each charter school in the district, and each grade in which the examinations were administered:~~

~~(1) The number of pupils who took the examinations.~~

~~(2) A record of attendance for the period in which the examinations were administered, including an explanation of any difference in the number of pupils who took the examinations and the number of pupils who are enrolled in the school.~~

~~(3) Except as otherwise provided in this paragraph, pupil achievement, reported separately by gender and reported separately for the following groups of pupils:~~

~~(I) Pupils who are economically disadvantaged, as defined by the State Board;~~

~~(II) Pupils from major racial and ethnic groups, as defined by the State Board;~~

~~(III) Pupils with disabilities;~~

~~(IV) Pupils who are limited English proficient; and~~

~~(V) Pupils who are migratory children, as defined by the State Board.~~

~~(4) A comparison of the achievement of pupils in each group identified in paragraph (b) of subsection 1 of NRS 385.361 with the annual measurable objectives of the State Board.~~

~~(5) The percentage of pupils who were not tested.~~

~~(6) Except as otherwise provided in this paragraph, the percentage of pupils who were not tested, reported separately by gender and reported separately for the groups identified in subparagraph (3).~~

~~(7) The most recent 3-year trend in pupil achievement in each subject area tested and each grade level tested pursuant to NRS 389.015 and 389.550, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available.~~

~~(8) Information that compares the results of pupils in the school district, including, without limitation, pupils enrolled in charter schools in the district, with the results of pupils throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.~~

~~(9) For each school in the district, including, without limitation, each charter school in the district, information that compares the results of pupils in the school with the results of pupils throughout the school district and throughout this State. The information required by this subparagraph must be~~

~~provided in consultation with the Department to ensure the accuracy of the comparison.~~

~~"~~ ~~A separate reporting for a group of pupils must not be made pursuant to this paragraph if the number of pupils in that group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The State Board shall prescribe the mechanism for determining the minimum number of pupils that must be in a group for that group to yield statistically reliable information.~~

~~(c) The ratio of pupils to teachers in kindergarten and at each grade level for each elementary school in the district and the district as a whole, including, without limitation, each charter school in the district, and the average class size for each core academic subject, as set forth in NRS 389.018, for each secondary school in the district and the district as a whole, including, without limitation, each charter school in the district.~~

~~(d) Information on the professional qualifications of teachers employed by each school in the district and the district as a whole, including, without limitation, each charter school in the district. The information must include, without limitation:~~

~~(1) The percentage of teachers who are:~~

~~(I) Providing instruction pursuant to NRS 391.125;~~

~~(II) Providing instruction pursuant to a waiver of the requirements for licensure for the grade level or subject area in which the teachers are employed; or~~

~~(III) Otherwise providing instruction without an endorsement for the subject area in which the teachers are employed;~~

~~(2) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers;~~

~~(3) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools, which for the purposes of this subparagraph means schools in the top quartile of poverty and the bottom quartile of poverty in this State;~~

~~(4) For each middle school, junior high school and high school:~~

~~(I) On and after July 1, 2005, the number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level and subject area; and~~

~~(II) On and after July 1, 2006, the number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level and subject area; and~~

~~(5) For each elementary school:~~

~~(I) On and after July 1, 2005, the number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level; and~~

~~(II) On and after July 1, 2006, the number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level.~~

~~(e) The total expenditure per pupil for each school in the district and the district as a whole, including, without limitation, each charter school in the district. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, each school district shall use that statewide program in complying with this paragraph. If a statewide program is not available, each school district shall use its own financial analysis program in complying with this paragraph.~~

~~(f) The curriculum used by the school district, including:~~

~~(1) Any special programs for pupils at an individual school; and~~

~~(2) The curriculum used by each charter school in the district.~~

~~(g) Records of the attendance and truancy of pupils in all grades, including, without limitation:~~

~~(1) The average daily attendance of pupils, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.~~

~~(2) For each elementary school, middle school and junior high school in the district, including, without limitation, each charter school in the district that provides instruction to pupils enrolled in a grade level other than high school, information that compares the attendance of the pupils enrolled in the school with the attendance of pupils throughout the district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.~~

~~(h) The annual rate of pupils who drop out of school in grade 8 and a separate reporting of the annual rate of pupils who drop out of school in grades 9 to 12, inclusive, for each such grade, for each school in the district and for the district as a whole. The reporting for pupils in grades 9 to 12, inclusive, excludes pupils who:~~

~~(1) Provide proof to the school district of successful completion of the examinations of general educational development.~~

~~(2) Are enrolled in courses that are approved by the Department as meeting the requirements for an adult standard diploma.~~

~~(3) Withdraw from school to attend another school.~~

~~(i) Records of attendance of teachers who provide instruction, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.~~

~~(j) Efforts made by the school district and by each school in the district, including, without limitation, each charter school in the district, to increase:~~

~~(1) Communication with the parents of pupils in the district; and~~

~~(2) The participation of parents in the educational process and activities relating to the school district and each school, including, without limitation, the existence of parent organizations and school advisory committees.~~

~~(k) Records of incidents involving weapons or violence for each school in the district, including, without limitation, each charter school in the district.~~

~~(l) Records of incidents involving the use or possession of alcoholic beverages or controlled substances for each school in the district, including, without limitation, each charter school in the district.~~

~~(m) Records of the suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467.~~

~~(n) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.~~

~~(o) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 or 392.125, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.~~

~~(p) The transiency rate of pupils for each school in the district and the district as a whole, including, without limitation, each charter school in the district. For the purposes of this paragraph, a pupil is not transient if he is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.~~

~~(q) Each source of funding for the school district.~~

~~(r) A compilation of the programs of remedial study that are purchased in whole or in part with money received from this State, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The compilation must include:~~

~~(1) The amount and sources of money received for programs of remedial study for each school in the district and the district as a whole, including, without limitation, each charter school in the district.~~

~~(2) An identification of each program of remedial study, listed by subject area.~~

~~(s) For each high school in the district, including, without limitation, each charter school in the district, the percentage of pupils who graduated from that high school or charter school in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university, state college or community college within the Nevada System of Higher Education.~~

~~(t) The technological facilities and equipment available at each school, including, without limitation, each charter school, and the district's plan to incorporate educational technology at each school.~~

~~(u) For each school in the district and the district as a whole, including, without limitation, each charter school in the district, the number and percentage of pupils who received:~~

~~(1) A standard high school diploma, reported separately for pupils who received the diploma pursuant to:~~

~~(I) Paragraph (a) of subsection 1 of NRS 389.805; and~~

~~(II) Paragraph (b) of subsection 1 of NRS 389.805.~~

~~*(2) An adult diploma.*~~

~~*(3)* An adjusted diploma.~~

~~[(3)]~~ ~~*(4) An adjusted adult diploma.*~~

~~*(5)* A certificate of attendance.~~

~~*(6) A certificate of educational equivalence for passage of the tests of general educational development for those pupils who are eligible pursuant to NRS 385.448.*~~

~~(v) For each school in the district and the district as a whole, including, without limitation, each charter school in the district, the number and percentage of pupils who failed to pass the high school proficiency examination.~~

~~(w) The number of habitual truants who are reported to a school police officer or law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144 and the number of habitual truants who are referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144, for each school in the district and for the district as a whole.~~

~~(x) The amount and sources of money received for the training and professional development of teachers and other educational personnel for each school in the district and for the district as a whole, including, without limitation, each charter school in the district.~~

~~(y) Whether the school district has made adequate yearly progress. If the school district has been designated as demonstrating need for improvement pursuant to NRS 385.377, the report must include a statement indicating the number of consecutive years the school district has carried that designation.~~

~~(z) Information on whether each public school in the district, including, without limitation, each charter school in the district, has made adequate yearly progress, including, without limitation:~~

~~(1) The number and percentage of schools in the district, if any, that have been designated as needing improvement pursuant to NRS 385.3623; and~~

~~(2) The name of each school, if any, in the district that has been designated as needing improvement pursuant to NRS 385.3623 and the number of consecutive years that the school has carried that designation.~~

~~(aa) Information on the paraprofessionals employed by each public school in the district, including, without limitation, each charter school the district. The information must include:~~

~~(1) The number of paraprofessionals employed at the school; and~~

~~(2) The number and percentage of all paraprofessionals who do not satisfy the qualifications set forth in 20 U.S.C. § 6319(c). The reporting requirements of this subparagraph apply to paraprofessionals who are employed in positions supported with Title I money and to paraprofessionals who are not employed in positions supported with Title I money.~~

~~(bb) For each high school in the district, including, without limitation, each charter school that operates as a high school, information that provides a comparison of the rate of graduation of pupils enrolled in the high school with the rate of graduation of pupils throughout the district and throughout this State. The information required by this paragraph must be provided in consultation with the Department to ensure the accuracy of the comparison.~~

~~(cc) An identification of the appropriations made by the Legislature that are available to the school district or the schools within the district and programs approved by the Legislature to improve the academic achievement of pupils.~~

~~(dd) For each school in the district and the district as a whole, including, without limitation, each charter school in the district, information on pupils enrolled in career and technical education, including, without limitation:~~

~~(1) The number of pupils enrolled in a course of career and technical education;~~

~~(2) The number of pupils who completed a course of career and technical education;~~

~~(3) The average daily attendance of pupils who are enrolled in a program of career and technical education;~~

~~(4) The annual rate of pupils who dropped out of school and were enrolled in a program of career and technical education before dropping out;~~

~~(5) The number and percentage of pupils who completed a program of career and technical education and who received a standard high school diploma, an adjusted diploma or a certificate of attendance; and~~

~~(6) The number and percentage of pupils who completed a program of career and technical education and who did not receive a high school diploma because the pupils failed to pass the high school proficiency examination.~~

~~(ee) Such other information as is directed by the Superintendent of Public Instruction.~~

~~3. The records of attendance maintained by a school for purposes of paragraph (i) of subsection 2 must include the number of teachers who are in attendance at school and the number of teachers who are absent from school. A teacher shall be deemed in attendance if the teacher is excused from being present in the classroom by the school in which he is employed for one of the following reasons:~~

~~(a) Acquisition of knowledge or skills relating to the professional development of the teacher; or~~

~~(b) Assignment of the teacher to perform duties for cocurricular or extracurricular activities of pupils.~~

~~4. The annual report of accountability prepared pursuant to subsection 2 must:~~

~~(a) Comply with 20 U.S.C. § 6311(h)(2) and the regulations adopted pursuant thereto; and~~

~~(b) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.~~

~~5. The Superintendent of Public Instruction shall:~~

~~(a) Prescribe forms for the reports required pursuant to subsection 2 and provide the forms to the respective school districts.~~

~~(b) Provide statistical information and technical assistance to the school districts to ensure that the reports provide comparable information with respect to each school in each district and among the districts throughout this State.~~

~~(c) Consult with a representative of the:~~

~~(1) Nevada State Education Association;~~

~~(2) Nevada Association of School Boards;~~

~~(3) Nevada Association of School Administrators;~~

~~(4) Nevada Parent Teacher Association;~~

~~(5) Budget Division of the Department of Administration; and~~

~~(6) Legislative Counsel Bureau,~~

~~➥ concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.~~

~~6. The Superintendent of Public Instruction may consult with representatives of parent groups other than the Nevada Parent Teacher Association concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.~~

~~7. On or before August 15 of each year, the board of trustees of each school district shall submit to each advisory board to review school attendance created in the county pursuant to NRS 392.126 the information required in paragraph (g) of subsection 2.~~

~~8. On or before August 15 of each year, the board of trustees of each school district shall:~~

~~(a) Provide written notice that the report required pursuant to subsection 2 is available on the Internet website maintained by the school district, if any, or otherwise provide written notice of the availability of the report. The written notice must be provided to the:~~

~~(1) Governor;~~

~~(2) State Board;~~

~~(3) Department;~~

~~(4) Committee; and~~

~~(5) Bureau.~~

~~(b) Provide for public dissemination of the annual report of accountability prepared pursuant to subsection 2 in the manner set forth in 20 U.S.C. § 6311(h)(2)(E) by posting a copy of the report on the Internet website~~

~~maintained by the school district, if any. If a school district does not maintain a website, the district shall otherwise provide for public dissemination of the annual report by providing a copy of the report to the schools in the school district, including, without limitation, each charter school in the district, the residents of the district, and the parents and guardians of pupils enrolled in schools in the district, including, without limitation, each charter school in the district.~~

~~9. Upon the request of the Governor, an entity described in paragraph (a) of subsection 8 or a member of the general public, the board of trustees of a school district shall provide a portion or portions of the report required pursuant to subsection 2.~~

~~10. As used in this section:~~

~~(a) "Highly qualified" has the meaning ascribed to it in 20 U.S.C. § 7801(23).~~

~~(b) "Paraprofessional" has the meaning ascribed to it in NRS 391.008.]~~ *(Deleted by amendment.)*

Sec. 4.01. *NRS 385.347 is hereby amended to read as follows:*

385.347 1. The board of trustees of each school district in this State, in cooperation with associations recognized by the State Board as representing licensed educational personnel in the district, shall adopt a program providing for the accountability of the school district to the residents of the district and to the State Board for the quality of the schools and the educational achievement of the pupils in the district . ~~[, including, without limitation, pupils enrolled in charter schools in the school district. The board of trustees of each school district shall report the information required by subsection 2 for each charter school that is located within the school district, regardless of the sponsor of the charter school. The information for charter schools must be reported separately and must denote the charter schools sponsored by the school district, the charter schools sponsored by the State Board and the charter schools sponsored by a college or university within the Nevada System of Higher Education.]~~

2. The board of trustees of each school district shall, on or before August 15 of each year, prepare an annual report of accountability concerning:

(a) The educational goals and objectives of the school district.

(b) Pupil achievement for each school in the district and the district as a whole . ~~[, including, without limitation, each charter school in the district.]~~ The board of trustees of the district shall base its report on the results of the examinations administered pursuant to NRS 389.015 and 389.550 and shall compare the results of those examinations for the current school year with those of previous school years. The report must include, for each school in the district ~~[, including, without limitation, each charter school in the district,]~~ and each grade in which the examinations were administered:

(1) The number of pupils who took the examinations.

(2) A record of attendance for the period in which the examinations were administered, including an explanation of any difference in the number of pupils who took the examinations and the number of pupils who are enrolled in the school.

(3) Except as otherwise provided in this paragraph, pupil achievement, reported separately by gender and reported separately for the following groups of pupils:

(I) Pupils who are economically disadvantaged, as defined by the State Board;

(II) Pupils from major racial and ethnic groups, as defined by the State Board;

(III) Pupils with disabilities;

(IV) Pupils who are limited English proficient; and

(V) Pupils who are migratory children, as defined by the State Board.

(4) A comparison of the achievement of pupils in each group identified in paragraph (b) of subsection 1 of NRS 385.361 with the annual measurable objectives of the State Board.

(5) The percentage of pupils who were not tested.

(6) Except as otherwise provided in this paragraph, the percentage of pupils who were not tested, reported separately by gender and reported separately for the groups identified in subparagraph (3).

(7) The most recent 3-year trend in pupil achievement in each subject area tested and each grade level tested pursuant to NRS 389.015 and 389.550, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available.

(8) Information that compares the results of pupils in the school district ~~[, including, without limitation, pupils enrolled in charter schools in the district,]~~ with the results of pupils throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(9) For each school in the district, ~~[including, without limitation, each charter school in the district,]~~ information that compares the results of pupils in the school with the results of pupils throughout the school district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

➥ A separate reporting for a group of pupils must not be made pursuant to this paragraph if the number of pupils in that group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The State Board shall prescribe the mechanism for determining the minimum number of pupils that must be in a group for that group to yield statistically reliable information.

(c) The ratio of pupils to teachers in kindergarten and at each grade level for each elementary school in the district and the district as a whole ~~[, including, without limitation, each charter school in the district,]~~ and the

average class size for each core academic subject, as set forth in NRS 389.018, for each secondary school in the district and the district as a whole . ~~[, including, without limitation, each charter school in the district.]~~

(d) Information on the professional qualifications of teachers employed by each school in the district and the district as a whole . ~~[, including, without limitation, each charter school in the district.]~~ The information must include, without limitation:

(1) The percentage of teachers who are:

(I) Providing instruction pursuant to NRS 391.125;

(II) Providing instruction pursuant to a waiver of the requirements for licensure for the grade level or subject area in which the teachers are employed; or

(III) Otherwise providing instruction without an endorsement for the subject area in which the teachers are employed;

(2) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers;

(3) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools, which for the purposes of this subparagraph means schools in the top quartile of poverty and the bottom quartile of poverty in this State;

(4) For each middle school, junior high school and high school:

(I) ~~[On and after July 1, 2005, the]~~ *The* number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level and subject area; and

(II) ~~[On and after July 1, 2006, the]~~ *The* number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level and subject area; and

(5) For each elementary school:

(I) ~~[On and after July 1, 2005, the]~~ *The* number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level; and

(II) ~~[On and after July 1, 2006, the]~~ *The* number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level.

(e) The total expenditure per pupil for each school in the district and the district as a whole . ~~[, including, without limitation, each charter school in the district.]~~ If this State has a financial analysis program that is designed to track

educational expenditures and revenues to individual schools, each school district shall use that statewide program in complying with this paragraph. If a statewide program is not available, each school district shall use its own financial analysis program in complying with this paragraph.

(f) The curriculum used by the school district, including [:

~~(1) Any~~] *any* special programs for pupils at an individual school . [~~; and~~

~~(2) The curriculum used by each charter school in the district.~~]

(g) Records of the attendance and truancy of pupils in all grades, including, without limitation:

(1) The average daily attendance of pupils, for each school in the district and the district as a whole . [~~, including, without limitation, each charter school in the district.~~]

(2) For each elementary school, middle school and junior high school in the district, [~~including, without limitation, each charter school in the district that provides instruction to pupils enrolled in a grade level other than high school,~~] information that compares the attendance of the pupils enrolled in the school with the attendance of pupils throughout the district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(h) The annual rate of pupils who drop out of school in grade 8 and a separate reporting of the annual rate of pupils who drop out of school in grades 9 to 12, inclusive, for each such grade, for each school in the district and for the district as a whole. The reporting for pupils in grades 9 to 12, inclusive, excludes pupils who:

(1) Provide proof to the school district of successful completion of the examinations of general educational development.

(2) Are enrolled in courses that are approved by the Department as meeting the requirements for an adult standard diploma.

(3) Withdraw from school to attend another school.

(i) Records of attendance of teachers who provide instruction, for each school in the district and the district as a whole . [~~, including, without limitation, each charter school in the district.~~]

(j) Efforts made by the school district and by each school in the district [~~, including, without limitation, each charter school in the district,~~] to increase:

(1) Communication with the parents of pupils in the district; and

(2) The participation of parents in the educational process and activities relating to the school district and each school, including, without limitation, the existence of parent organizations and school advisory committees.

(k) Records of incidents involving weapons or violence for each school in the district . [~~, including, without limitation, each charter school in the district.~~]

(l) Records of incidents involving the use or possession of alcoholic beverages or controlled substances for each school in the district . [~~, including, without limitation, each charter school in the district.~~]

(m) Records of the suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467.

(n) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, for each school in the district and the district as a whole . ~~[, including, without limitation, each charter school in the district.]~~

(o) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 or 392.125, for each school in the district and the district as a whole . ~~[, including, without limitation, each charter school in the district.]~~

(p) The transiency rate of pupils for each school in the district and the district as a whole . ~~[, including, without limitation, each charter school in the district.]~~ For the purposes of this paragraph, a pupil is not transient if he is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

(q) Each source of funding for the school district.

(r) A compilation of the programs of remedial study that are purchased in whole or in part with money received from this State, for each school in the district and the district as a whole . ~~[, including, without limitation, each charter school sponsored by the district.]~~ The compilation must include:

(1) The amount and sources of money received for programs of remedial study for each school in the district and the district as a whole . ~~[, including, without limitation, each charter school in the district.]~~

(2) An identification of each program of remedial study, listed by subject area.

(s) For each high school in the district, ~~[including, without limitation, each charter school in the district,]~~ the percentage of pupils who graduated from that high school ~~[or charter school]~~ in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university, state college or community college within the Nevada System of Higher Education.

(t) The technological facilities and equipment available at each school ~~[, including, without limitation, each charter school,]~~ and the district's plan to incorporate educational technology at each school.

(u) For each school in the district and the district as a whole ~~[, including, without limitation, each charter school in the district,]~~ the number and percentage of pupils who received:

(1) A standard high school diploma, reported separately for pupils who received the diploma pursuant to:

(I) Paragraph (a) of subsection 1 of NRS 389.805; and

(II) Paragraph (b) of subsection 1 of NRS 389.805.

(2) An adjusted diploma.

(3) A certificate of attendance.

(v) For each school in the district and the district as a whole, ~~[including, without limitation, each charter school in the district,]~~ the number and

percentage of pupils who failed to pass the high school proficiency examination.

(w) The number of habitual truants who are reported to a school police officer or law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144 and the number of habitual truants who are referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144, for each school in the district and for the district as a whole.

(x) The amount and sources of money received for the training and professional development of teachers and other educational personnel for each school in the district and for the district as a whole. ~~[, including, without limitation, each charter school in the district.]~~

(y) Whether the school district has made adequate yearly progress. If the school district has been designated as demonstrating need for improvement pursuant to NRS 385.377, the report must include a statement indicating the number of consecutive years the school district has carried that designation.

(z) Information on whether each public school in the district ~~[, including, without limitation, each charter school in the district,]~~ has made adequate yearly progress, including, without limitation:

(1) The number and percentage of schools in the district, if any, that have been designated as needing improvement pursuant to NRS 385.3623; and

(2) The name of each school, if any, in the district that has been designated as needing improvement pursuant to NRS 385.3623 and the number of consecutive years that the school has carried that designation.

(aa) Information on the paraprofessionals employed by each public school in the district. ~~[, including, without limitation, each charter school the district.]~~ The information must include:

(1) The number of paraprofessionals employed at the school; and

(2) The number and percentage of all paraprofessionals who do not satisfy the qualifications set forth in 20 U.S.C. § 6319(c). The reporting requirements of this subparagraph apply to paraprofessionals who are employed in positions supported with Title I money and to paraprofessionals who are not employed in positions supported with Title I money.

(bb) For each high school in the district, ~~[including, without limitation, each charter school that operates as a high school,]~~ information that provides a comparison of the rate of graduation of pupils enrolled in the high school with the rate of graduation of pupils throughout the district and throughout this State. The information required by this paragraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(cc) An identification of the appropriations made by the Legislature that are available to the school district or the schools within the district and programs approved by the Legislature to improve the academic achievement of pupils.

(dd) For each school in the district and the district as a whole, ~~[including, without limitation, each charter school in the district,]~~ information on pupils enrolled in career and technical education, including, without limitation:

(1) The number of pupils enrolled in a course of career and technical education;

(2) The number of pupils who completed a course of career and technical education;

(3) The average daily attendance of pupils who are enrolled in a program of career and technical education;

(4) The annual rate of pupils who dropped out of school and were enrolled in a program of career and technical education before dropping out;

(5) The number and percentage of pupils who completed a program of career and technical education and who received a standard high school diploma, an adjusted diploma or a certificate of attendance; and

(6) The number and percentage of pupils who completed a program of career and technical education and who did not receive a high school diploma because the pupils failed to pass the high school proficiency examination.

(ee) Such other information as is directed by the Superintendent of Public Instruction.

3. *The Nevada Charter School Institute shall, on or before August 15 of each year, prepare an annual report of accountability of charter schools in this State concerning the accountability information prescribed by the Department pursuant to this section. The Department shall prescribe by regulation the information that must be prepared by the Nevada Charter School Institute, which must include, without limitation, the information contained in paragraphs (a) to (ee), inclusive, of subsection 2, as applicable for charter schools.*

4. The records of attendance maintained by a school for purposes of paragraph (i) of subsection 2 *or maintained by a charter school for purposes of the reporting required pursuant to subsection 3* must include the number of teachers who are in attendance at school and the number of teachers who are absent from school. A teacher shall be deemed in attendance if the teacher is excused from being present in the classroom by the school in which he is employed for one of the following reasons:

(a) Acquisition of knowledge or skills relating to the professional development of the teacher; or

(b) Assignment of the teacher to perform duties for cocurricular or extracurricular activities of pupils.

~~[4.]~~ *5.* The annual report of accountability prepared pursuant to subsection 2 *or 3, as applicable,* must:

(a) Comply with 20 U.S.C. § 6311(h)(2) and the regulations adopted pursuant thereto; and

(b) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

~~[5.]~~ *6.* The Superintendent of Public Instruction shall:

(a) Prescribe forms for the reports required pursuant to ~~[subsection]~~ *subsections* 2 *and 3* and provide the forms to the respective school districts ~~[.]~~ *and the Nevada Charter School Institute.*

(b) Provide statistical information and technical assistance to the school districts *and the Nevada Charter School Institute* to ensure that the reports provide comparable information with respect to each school in each district *, each charter school* and among the districts *and charter schools* throughout this State.

(c) Consult with a representative of the:

(1) Nevada State Education Association;

(2) Nevada Association of School Boards;

(3) Nevada Association of School Administrators;

(4) Nevada Parent Teacher Association;

(5) Budget Division of the Department of Administration; and

(6) Legislative Counsel Bureau,

➥ concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

~~[6.]~~ *7.* The Superintendent of Public Instruction may consult with representatives of parent groups other than the Nevada Parent Teacher Association concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

~~[7.]~~ *8.* On or before August 15 of each year ~~[, the]~~ *:*

(a) The board of trustees of each school district *and the Nevada Charter School Institute* shall submit to each advisory board to review school attendance created in the county pursuant to NRS 392.126 the information required in paragraph (g) of subsection 2.

~~[8.]~~ *(b) The Nevada Charter School Institute shall submit to each advisory board to review school attendance created in a county pursuant to NRS 392.126 the information regarding the records of the attendance and truancy of pupils enrolled in each charter school located in that county, if any, in accordance with the regulations prescribed by the Department pursuant to subsection 3.*

9. On or before August 15 of each year, the board of trustees of each school district *and the Nevada Charter School Institute* shall:

(a) Provide written notice that the report required pursuant to subsection 2 *or 3, as applicable,* is available on the Internet website maintained by the school district ~~[,]~~ *or the Nevada Charter School Institute,* if any, or otherwise provide written notice of the availability of the report. The written notice must be provided to the:

(1) Governor;

(2) State Board;

(3) Department;

(4) Committee; and

(5) Bureau.

(b) Provide for public dissemination of the annual report of accountability prepared pursuant to subsection 2 *or 3, as applicable,* in the manner set forth in 20 U.S.C. § 6311(h)(2)(E) by posting a copy of the report on the Internet website maintained by the school district ~~[,]~~ *or the Nevada Charter School Institute,* if any. If a school district does not maintain a website, the district shall otherwise provide for public dissemination of the annual report by providing a copy of the report to the schools in the school district, ~~[including, without limitation, each charter school in the district,]~~ the residents of the district ~~[,]~~ and the parents and guardians of pupils enrolled in schools in the district . ~~[, including, without limitation, each charter school in the district.~~

~~9.]~~ *If the Nevada Charter School Institute does not maintain a website, the Nevada Charter School Institute shall otherwise provide for public dissemination of the annual report by providing a copy of the report to each charter school in this State and the parents and guardians of pupils enrolled in each charter school in this State.*

10. Upon the request of the Governor, an entity described in paragraph (a) of subsection ~~[8]~~ *9* or a member of the general public, the board of trustees of a school district shall provide a portion or portions of the report required pursuant to subsection 2 ~~[.~~

~~10.]~~ *or 3, as applicable.*

11. As used in this section:

(a) "Highly qualified" has the meaning ascribed to it in 20 U.S.C. § 7801(23).

(b) "Paraprofessional" has the meaning ascribed to it in NRS 391.008.

Sec. 4.02. NRS 385.349 is hereby amended to read as follows:

385.349 1. The board of trustees of each school district *and the Nevada Charter School Institute* shall prepare a summary of the annual report of accountability prepared pursuant to NRS 385.347 on the form prescribed by the Department pursuant to subsection 3 or an expanded form, as applicable. The summary must include, without limitation:

(a) ~~[The]~~ *If prepared by a school district, the* information set forth in subsection 1 of NRS 385.34692, reported for the school district as a whole and for each school within the school district;

(b) *If prepared by the Nevada Charter School Institute, the information set forth in subsection 1 of NRS 385.34692, reported for the charter schools in this State as a whole and for each charter school in this State;*

(c) Information on the involvement of parents and legal guardians in the education of their children; and

~~[(c)]~~ *(d)* Other information required by the Superintendent of Public Instruction in consultation with the Bureau.

2. The summary prepared pursuant to subsection 1 must:

(a) Comply with 20 U.S.C. § 6311(h)(2) and the regulations adopted pursuant thereto; and

(b) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents will likely understand.

3. The Department shall, in consultation with the Bureau , ~~[and]~~ the school districts ~~[,]~~ *and the Nevada Charter School Institute,* prescribe a form that contains the basic information required by subsection 1. The board of trustees of a school district *or the Nevada Charter School Institute* may use an expanded form that contains additions to the form prescribed by the Department if the basic information contained in the expanded form complies with the form prescribed by the Department.

4. On or before September 7 of each year, the board of trustees of each school district *and the Nevada Charter School Institute* shall:

(a) Submit the summary in an electronic format to the:

(1) Governor;

(2) State Board;

(3) Department;

(4) Committee;

(5) Bureau; and

(6) Schools within the school district ~~[.]~~ *or charter schools, as applicable.*

(b) Provide for the public dissemination of the summary *of the school district or the Nevada Charter School Institute, as applicable,* by posting a copy of the summary on the Internet website maintained by the school district ~~[,]~~ *or the Nevada Charter School Institute,* if any. If a school district *or the Nevada Charter School Institute* does not maintain a website, the district *or the Nevada Charter School Institute* shall otherwise provide for public dissemination of the summary. The board of trustees of each school district *and the Nevada Charter School Institute* shall ensure that the parents and guardians of pupils enrolled in the school district *or each charter school, as applicable,* have sufficient information concerning the availability of the summary, including, without limitation, information that describes how to access the summary on the Internet website maintained by the school district ~~[,]~~ *or the Nevada Charter School Institute,* if any. Upon the request of a parent or legal guardian, the school district *or the Nevada Charter School Institute, as applicable,* shall provide the parent or legal guardian with a written copy of the summary.

~~[5. The board of trustees of each school district shall report the information required by this section for each charter school that is located within the school district, regardless of the sponsor of the charter school. The information for charter schools must be reported separately and must denote the charter schools sponsored by the school district, the charter schools sponsored by the State Board and the charter schools sponsored by a college or university within the Nevada System of Higher Education.]~~

Sec. 4.03. NRS 385.357 is hereby amended to read as follows:

385.357 1. The principal of each school, including, without limitation, each charter school, shall, in consultation with the employees of the school, prepare a plan to improve the achievement of the pupils enrolled in the school.

2. The plan developed pursuant to subsection 1 must include:

(a) A review and analysis of the data pertaining to the school upon which the report required pursuant to subsection 2 *or 3* of NRS 385.347 *, as applicable,* is based and a review and analysis of any data that is more recent than the data upon which the report is based.

(b) The identification of any problems or factors at the school that are revealed by the review and analysis.

(c) Strategies based upon scientifically based research, as defined in 20 U.S.C. § 7801(37), that will strengthen the core academic subjects, as defined in NRS 389.018.

(d) Policies and practices concerning the core academic subjects which have the greatest likelihood of ensuring that each group of pupils identified in paragraph (b) of subsection 1 of NRS 385.361 who are enrolled in the school will make adequate yearly progress and meet the minimum level of proficiency prescribed by the State Board.

(e) Annual measurable objectives, consistent with the annual measurable objectives established by the State Board pursuant to NRS 385.361, for the continuous and substantial progress by each group of pupils identified in paragraph (b) of subsection 1 of that section who are enrolled in the school to ensure that each group will make adequate yearly progress and meet the level of proficiency prescribed by the State Board.

(f) Strategies, consistent with the policy adopted pursuant to NRS 392.457 by the board of trustees of the school district in which the school is located, to promote effective involvement by parents and families of pupils enrolled in the school in the education of their children.

(g) As appropriate, programs of remedial education or tutoring to be offered before and after school, during the summer, or between sessions if the school operates on a year-round calendar for pupils enrolled in the school who need additional instructional time to pass or to reach a level considered proficient.

(h) Strategies to improve the academic achievement of pupils enrolled in the school, including, without limitation, strategies to:

(1) Instruct pupils who are not achieving to their fullest potential, including, without limitation:

(I) The curriculum appropriate to improve achievement;

(II) The manner by which the instruction will improve the achievement and proficiency of pupils on the examinations administered pursuant to NRS 389.015 and 389.550; and

(III) An identification of the instruction and curriculum that is specifically designed to improve the achievement and proficiency of pupils in each group identified in paragraph (b) of subsection 1 of NRS 385.361;

(2) Increase the rate of attendance of pupils and reduce the number of pupils who drop out of school;

(3) Integrate technology into the instructional and administrative programs of the school;

(4) Manage effectively the discipline of pupils; and

(5) Enhance the professional development offered for the teachers and administrators employed at the school to include the activities set forth in 20 U.S.C. § 7801(34) and to address the specific needs of pupils enrolled in the school, as deemed appropriate by the principal.

(i) An identification, by category, of the employees of the school who are responsible for ensuring that the plan is carried out effectively.

(j) In consultation with the school district or governing body, as applicable, an identification, by category, of the employees of the school district or governing body, if any, who are responsible for ensuring that the plan is carried out effectively or for overseeing and monitoring whether the plan is carried out effectively.

(k) In consultation with the Department, an identification, by category, of the employees of the Department, if any, who are responsible for overseeing and monitoring whether the plan is carried out effectively.

(l) For each provision of the plan, a timeline for carrying out that provision, including, without limitation, a timeline for monitoring whether the provision is carried out effectively.

(m) For each provision of the plan, measurable criteria for determining whether the provision has contributed toward improving the academic achievement of pupils, increasing the rate of attendance of pupils and reducing the number of pupils who drop out of school.

(n) The resources available to the school to carry out the plan. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, each school shall use that statewide program in complying with this paragraph. If a statewide program is not available, each school shall use the financial analysis program used by the school district in which the school is located in complying with this paragraph.

(o) A summary of the effectiveness of appropriations made by the Legislature that are available to the school to improve the academic achievement of pupils and programs approved by the Legislature to improve the academic achievement of pupils.

(p) A budget of the overall cost for carrying out the plan.

3. In addition to the requirements of subsection 2, if a school has been designated as demonstrating need for improvement pursuant to NRS 385.3623, the plan must comply with 20 U.S.C. § 6316(b)(3) and the regulations adopted pursuant thereto.

4. Except as otherwise provided in subsection 5, the principal of each school shall, in consultation with the employees of the school:

(a) Review the plan prepared pursuant to this section annually to evaluate the effectiveness of the plan; and

(b) Based upon the evaluation of the plan, make revisions, as necessary, to ensure that the plan is designed to improve the academic achievement of pupils enrolled in the school.

5. If a school has been designated as demonstrating need for improvement pursuant to NRS 385.3623 and a support team has been established for the school, the support team shall review the plan and make revisions to the most recent plan for improvement of the school pursuant to NRS 385.3741. If the school is a Title I school that has been designated as demonstrating need for improvement, the support team established for the school shall, in making revisions to the plan, work in consultation with parents and guardians of pupils enrolled in the school and, to the extent deemed appropriate by the entity responsible for creating the support team, outside experts.

6. On or before November 1 of each year, the principal of each school or the support team established for the school, as applicable, shall submit the plan or the revised plan, as applicable, to:

(a) If the school is a public school of the school district, the superintendent of schools of the school district.

(b) If the school is a charter school, the governing body of the charter school.

7. If a Title I school is designated as demonstrating need for improvement pursuant to NRS 385.3623, the superintendent of schools of the school district or the governing body, as applicable, shall carry out a process for peer review of the plan or the revised plan, as applicable, in accordance with 20 U.S.C. § 6316(b)(3)(E) and the regulations adopted pursuant thereto. Not later than 45 days after receipt of the plan, the superintendent of schools of the school district or the governing body, as applicable, shall approve the plan or the revised plan, as applicable, if it meets the requirements of 20 U.S.C. § 6316(b)(3) and the regulations adopted pursuant thereto and the requirements of this section. The superintendent of schools of the school district or the governing body, as applicable, may condition approval of the plan or the revised plan, as applicable, in the manner set forth in 20 U.S.C. § 6316(b)(3)(B) and the regulations adopted pursuant thereto. The State Board shall prescribe the requirements for the process of peer review, including, without limitation, the qualifications of persons who may serve as peer reviewers.

8. If a school is designated as demonstrating exemplary achievement, high achievement or adequate achievement, or if a school that is not a Title I school is designated as demonstrating need for improvement, not later than 45 days after receipt of the plan or the revised plan, as applicable, the superintendent of schools of the school district or the governing body, as applicable, shall approve the plan or the revised plan if it meets the requirements of this section.

9. On or before December 15 of each year, the principal of each school or the support team established for the school, as applicable, shall submit the final plan or the final revised plan, as applicable, to the:

(a) Superintendent of Public Instruction;

(b) Governor;

(c) State Board;

(d) Department;

(e) Committee;

(f) Bureau; and

(g) Board of trustees of the school district in which the school is located ~~[.]~~ *or, if the school is a charter school, the sponsor of the charter school.*

10. A plan for the improvement of a school must be carried out expeditiously, but not later than January 1 after approval of the plan pursuant to subsection 7 or 8, as applicable.

Sec. 4.04. NRS 385.358 is hereby amended to read as follows:

385.358 1. The principal of each public school, including, without limitation, each charter school, shall prepare a summary of accountability information on the form prescribed by the Department pursuant to subsection 3 or an expanded form, as applicable. The summary must include, without limitation:

(a) The information set forth in subsection 1 of NRS 385.34692, reported only for the school;

(b) Information on the involvement of parents and legal guardians in the education of their children; and

(c) Such other information as is directed by the Superintendent of Public Instruction in consultation with the Bureau.

2. The summary prepared pursuant to subsection 1 must be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents will likely understand.

3. The Department shall, in consultation with the Bureau , ~~[and]~~ the school districts ~~[,]~~ *and the Nevada Charter School Institute,* prescribe a form that contains the basic information required by subsection 1. The principal of a school may use an expanded form that contains additions to the form prescribed by the Department if the basic information contained in the expanded form complies with the form prescribed by the Department.

4. On or before September 7 of each year:

(a) The principal of each public school shall submit the summary in electronic format to the:

(1) Department;

(2) Bureau; and

(3) Board of trustees of the school district in which the school is located ~~[.]~~ *or, if the school is a charter school, to the sponsor of the charter school.*

(b) The school district in which the school is located shall ensure that the summary is posted on the Internet website maintained by the school, if any, or the Internet website maintained by the school district, if any. *The sponsor of a charter school shall ensure that each summary of the charter school is posted on the Internet website maintained by the charter school, if any, or the Internet website maintained by the sponsor, if any.* If the summary is not posted on the website of the school , ~~[or]~~ the school district ~~[,]~~ *or the sponsor of the charter school, as applicable,* the school district *or the sponsor of the*

charter school, as applicable, shall otherwise provide for public dissemination of the summary.

(c) The principal of each public school shall ensure that the parents and legal guardians of the pupils enrolled in the school have sufficient information concerning the availability of the summary, including, without limitation, information that describes how to access the summary on the Internet website, if any, and how a parent or guardian may otherwise access the summary.

(d) The principal of each public school shall provide a written copy of the summary to each parent and legal guardian of a pupil enrolled in the school.

Sec. 4.05. NRS 385.359 is hereby amended to read as follows:

385.359 1. The Bureau shall contract with a person or entity to:

(a) Review and analyze, in accordance with the standards prescribed by the Committee pursuant to subsection 2 of NRS 218.5354, the:

(1) Annual report of accountability prepared by:

(I) The State Board pursuant to NRS 385.3469; ~~[and]~~

(II) The board of trustees of each school district pursuant to *subsection 2 of* NRS 385.347 ~~[.]~~ *; and*

(III) The Nevada Charter School Institute pursuant to subsection 3 of NRS 385.347.

(2) Plan to improve the achievement of pupils prepared by:

(I) The State Board pursuant to NRS 385.34691;

(II) The board of trustees of each school district pursuant to NRS 385.348; and

(III) Each school pursuant to NRS 385.357 identified by the Bureau for review, if any.

(b) Submit a written report to and consult with the State Board and the Department regarding any methods by which the State Board may improve the accuracy of the report of accountability required pursuant to NRS 385.3469 and the plan to improve the achievement of pupils required pursuant to NRS 385.34691, and the purposes for which the report and plan to improve are used.

(c) Submit a written report to and consult with each school district *and the Nevada Charter School Institute* regarding any methods by which the district *or the Nevada Charter School Institute* may improve the accuracy of the report required pursuant to subsection 2 *or 3* of NRS 385.347 *, as applicable,* and the plan to improve the achievement of pupils required pursuant to NRS 385.348, and the purposes for which the report and plan to improve are used.

(d) If requested by the Bureau, submit a written report to and consult with individual schools identified by the Bureau regarding any methods by which the school may improve the accuracy of the information required to be reported for the school pursuant to subsection 2 *or 3* of NRS 385.347 *, as applicable,* and the plan to improve the achievement of pupils required pursuant to NRS 385.357.

(e) Submit written reports and any recommendations to the Committee and the Bureau concerning:

(1) The effectiveness of the provisions of NRS 385.3455 to 385.391, inclusive, in improving the accountability of the schools of this State;

(2) The status of each school district that is designated as demonstrating need for improvement pursuant to NRS 385.377 and each school that is designated as demonstrating need for improvement pursuant to NRS 385.3623; and

(3) Any other matter related to the accountability of the public schools of this State, as deemed necessary by the Bureau.

2. The consultant with whom the Bureau contracts to perform the duties required pursuant to subsection 1 must possess the experience and knowledge necessary to perform those duties, as determined by the Committee.

Sec. 4.06. *NRS 385.3613 is hereby amended to read as follows:*

385.3613 1. Except as otherwise provided in subsection 2, on or before June 15 of each year, the Department shall determine whether each public school is making adequate yearly progress, as defined by the State Board pursuant to NRS 385.361.

2. On or before June 30 of each year, the Department shall determine whether each public school that operates on a schedule other than a traditional 9-month schedule is making adequate yearly progress, as defined by the State Board pursuant to NRS 385.361.

3. The determination pursuant to subsection 1 or 2, as applicable, for a public school, including, without limitation, a charter school sponsored by the board of trustees of the school district, must be made in consultation with the board of trustees of the school district in which the public school is located. If a charter school is sponsored by the ~~[State Board]~~ *Nevada Charter School Institute* or by a college or university within the Nevada System of Higher Education, the Department shall make a determination for the charter school in consultation with the ~~[State Board]~~ *Charter School Institute* or the institution *within the Nevada System of Higher Education* that sponsors the charter school, as applicable. The determination made for each school must be based only upon the information and data for those pupils who are enrolled in the school for a full academic year. On or before June 15 or June 30 of each year, as applicable, the Department shall transmit:

(a) Except as otherwise provided in paragraph (b) or (c), the determination made for each public school to the board of trustees of the school district in which the public school is located.

(b) To the ~~[State Board]~~ *Nevada Charter School Institute* the determination made for each charter school that is sponsored by the ~~[State Board.]~~ *Institute.*

(c) The determination made for the charter school to the institution that sponsors the charter school if a charter school is sponsored by a college or university within the Nevada System of Higher Education.

4. Except as otherwise provided in this subsection, the Department shall determine that a public school has failed to make adequate yearly progress if any group identified in paragraph (b) of subsection 1 of NRS 385.361 does not satisfy the annual measurable objectives established by the State Board pursuant to that section. To comply with 20 U.S.C. § 6311(b)(2)(I) and the regulations adopted pursuant thereto, the State Board shall prescribe by regulation the conditions under which a school shall be deemed to have made adequate yearly progress even though a group identified in paragraph (b) of subsection 1 of NRS 385.361 did not satisfy the annual measurable objectives of the State Board.

5. In addition to the provisions of subsection 4, the Department shall determine that a public school has failed to make adequate yearly progress if:

(a) The number of pupils enrolled in the school who took the examinations administered pursuant to NRS 389.550 or the high school proficiency examination, as applicable, is less than 95 percent of all pupils enrolled in the school who were required to take the examinations; or

(b) Except as otherwise provided in subsection 6, for each group of pupils identified in paragraph (b) of subsection 1 of NRS 385.361, the number of pupils in the group enrolled in the school who took the examinations administered pursuant to NRS 389.550 or the high school proficiency examination, as applicable, is less than 95 percent of all pupils in that group enrolled in the school who were required to take the examinations.

6. If the number of pupils in a particular group who are enrolled in a public school is insufficient to yield statistically reliable information:

(a) The Department shall not determine that the school has failed to make adequate yearly progress pursuant to paragraph (b) of subsection 5 based solely upon that particular group.

(b) The pupils in such a group must be included in the overall count of pupils enrolled in the school who took the examinations.

➥ The State Board shall prescribe the mechanism for determining the number of pupils that must be in a group for that group to yield statistically reliable information.

7. If an irregularity in testing administration or an irregularity in testing security occurs at a school and the irregularity invalidates the test scores of pupils, those test scores must be included in the scores of pupils reported for the school, the attendance of those pupils must be counted towards the total number of pupils who took the examinations and the pupils must be included in the total number of pupils who were required to take the examinations.

8. As used in this section:

(a) "Irregularity in testing administration" has the meaning ascribed to it in NRS 389.604.

(b) "Irregularity in testing security" has the meaning ascribed to it in NRS 389.608.

Sec. 4.07. *NRS 385.362 is hereby amended to read as follows:*

385.362 1. If a public school fails to make adequate yearly progress for 1 year:

(a) Except as otherwise provided in ~~[paragraph (b),]~~ *paragraphs (b) and (c),* the board of trustees of the school district in which the school is located shall ensure that the school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto. For a charter school sponsored by the school district, the board of trustees shall provide the technical assistance to the charter school in conjunction with the governing body of the charter school.

(b) *For a charter school sponsored by the Nevada Charter School Institute, the Institute shall ensure, in conjunction with the governing body of the charter school, that the charter school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.*

(c) For a charter school sponsored by ~~[the State Board or by]~~ a college or university within the Nevada System of Higher Education, the Department shall ensure, in conjunction with the governing body of the charter school, that the school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.

2. If a public school fails to make adequate yearly progress for 1 year, the principal of the school shall ensure that the plan to improve the achievement of pupils enrolled in the school is reviewed, revised and approved in accordance with NRS 385.357.

Sec. 4.08. NRS 385.366 is hereby amended to read as follows:

385.366 1. Based upon the information received from the Department pursuant to NRS 385.3613, the board of trustees of each school district shall, on or before July 1 of each year, issue a preliminary designation for each public school in the school district in accordance with the criteria set forth in NRS 385.3623, excluding charter schools sponsored by the ~~[State Board]~~ *Nevada Charter School Institute* or by a college or university within the Nevada System of Higher Education. The board of trustees shall make preliminary designations for all charter schools that are sponsored by the board of trustees. The Department shall make preliminary designations for all charter schools that are sponsored by the ~~[State Board]~~ *Nevada Charter School Institute* and all charter schools sponsored by a college or university within the Nevada System of Higher Education. The initial designation of a school as demonstrating need for improvement must be based upon 2 consecutive years of data and information for that school.

2. Before making a final designation for a school, the board of trustees of the school district or the Department, as applicable, shall provide the school an opportunity to review the data upon which the preliminary designation is based and to present evidence in the manner set forth in 20 U.S.C. § 6316(b)(2) and the regulations adopted pursuant thereto. If the school is a public school of the school district or a charter school sponsored by the board of trustees, the board of trustees of the school district shall, in consultation

with the Department, make a final determination concerning the designation for the school on August 1. If the school is a charter school sponsored by the ~~[State Board]~~ *Nevada Charter School Institute* or by a college or university within the Nevada System of Higher Education, the Department shall make a final determination concerning the designation for the school on August 1.

3. On or before August 1 of each year, the Department shall provide written notice of the determinations made pursuant to NRS 385.3613 and the final designations made pursuant to this section as follows:

(a) The determinations and final designations made for all schools in this State to the:

(1) Governor;

(2) State Board;

(3) Committee; and

(4) Bureau.

(b) The determinations and final designations made for all schools within a school district to the:

(1) Superintendent of schools of the school district; and

(2) Board of trustees of the school district.

(c) The determination and final designation made for each school to the principal of the school.

(d) The determination and final designation made for each charter school sponsored by the Nevada Charter School Institute to the Institute.

Sec. 4.09. NRS 385.3661 is hereby amended to read as follows:

385.3661 1. Except as otherwise provided in subsection 2, if a public school is designated as demonstrating need for improvement pursuant to NRS 385.3623 and the provisions of NRS 385.3693, 385.3721 or 385.3745 do not apply, the board of trustees of the school district shall:

(a) Provide notice of the designation to the parents and guardians of pupils enrolled in the school on the form prescribed by the Department pursuant to NRS 385.382; and

(b) Ensure that the school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.

2. If a charter school is designated as demonstrating need for improvement pursuant to NRS 385.3623 and the provisions of NRS 385.3693, 385.3721 or 385.3745 do not apply:

(a) The governing body of the charter school shall provide notice of the designation to the parents and guardians of pupils enrolled in the charter school on the form prescribed by the Department pursuant to NRS 385.382.

(b) For a charter school sponsored by the board of trustees of a school district, the board of trustees shall, in conjunction with the governing body of the charter school, ensure that the charter school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.

(c) *For a charter school sponsored by the Nevada Charter School Institute, the Institute shall, in conjunction with the governing body of the*

charter school, ensure that the charter school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.

(d) For a charter school sponsored by ~~[the State Board or by]~~ a college or university within the Nevada System of Higher Education, the Department shall, in conjunction with the governing body of the charter school, ensure that the charter school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.

3. In addition to the requirements of subsection 1 or 2, as applicable, if a Title I school is designated as demonstrating need for improvement pursuant to NRS 385.3623 and the provisions of NRS 385.3693, 385.3721 or 385.3745 do not apply:

(a) Except as otherwise provided in ~~[paragraph (b),]~~ *paragraphs (b) and (c),* the board of trustees of the school district shall provide school choice to the parents and guardians of pupils enrolled in the school, including, without limitation, a charter school sponsored by the school district, in accordance with 20 U.S.C. § 6316(b)(1) and the regulations adopted pursuant thereto.

(b) *For a charter school sponsored by the Nevada Charter School Institute, the Institute shall work cooperatively with the board of trustees of the school district in which the charter school is located to provide school choice to the parents and guardians of pupils enrolled in the charter school in accordance with 20 U.S.C. § 6316(b)(1) and the regulations adopted pursuant thereto.*

(c) For a charter school sponsored by ~~[the State Board or by]~~ a college or university within the Nevada System of Higher Education, the Department shall work cooperatively with the board of trustees of the school district in which the charter school is located to provide school choice to the parents and guardians of pupils enrolled in the charter school in accordance with 20 U.S.C. § 6316(b)(1) and the regulations adopted pursuant thereto.

Sec. 4.10. NRS 385.3693 is hereby amended to read as follows:

385.3693 1. Except as otherwise provided in subsection 2, if a public school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 2 consecutive years, the board of trustees of the school district shall:

(a) Provide notice of the designation to the parents and guardians of pupils enrolled in the school on the form prescribed by the Department pursuant to NRS 385.382; and

(b) Ensure that the school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.

2. If a charter school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 2 consecutive years:

(a) The governing body of the charter school shall provide notice of the designation to the parents and guardians of pupils enrolled in the school on the form prescribed by the Department pursuant to NRS 385.382.

(b) For a charter school sponsored by the board of trustees of a school district, the board of trustees shall, in conjunction with the governing body of the charter school, ensure that the charter school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.

(c) *For a charter school sponsored by the Nevada Charter School Institute, the Institute shall, in conjunction with the governing body of the charter school, ensure that the charter school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.*

(d) For a charter school sponsored by ~~[the State Board or by]~~ a college or university within the Nevada System of Higher Education, the Department shall, in conjunction with the governing body of the charter school, ensure that the charter school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.

Sec. 4.11. NRS 385.372 is hereby amended to read as follows:

385.372 1. In addition to the requirements of NRS 385.3693, if a Title I school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 2 consecutive years for failing to make adequate yearly progress:

(a) Except as otherwise provided in paragraph (b), the board of trustees of the school district shall:

(1) Provide school choice to the parents and guardians of pupils enrolled in the school in accordance with 20 U.S.C. § 6316(b)(1) and the regulations adopted pursuant thereto.

(2) Except as otherwise provided in subsection 2, provide supplemental educational services in accordance with 20 U.S.C. § 6316(e) and the regulations adopted pursuant thereto from a provider approved pursuant to NRS 385.384, unless a waiver is granted pursuant to that provision of federal law.

(b) If the school is a charter school:

(1) Sponsored by the board of trustees of a school district, the board of trustees shall provide school choice to the parents and guardians of pupils enrolled in the school in accordance with 20 U.S.C. § 6316(b)(1) and the regulations adopted pursuant thereto.

(2) *Sponsored by the Nevada Charter School Institute, the Institute shall work cooperatively with the board of trustees of the school district in which the charter school is located to provide school choice to the parents and guardians of pupils enrolled in the charter school in accordance with 20 U.S.C. § 6316(b)(1) and the regulations adopted pursuant thereto.*

(3) Sponsored by ~~[the State Board or by]~~ a college or university within the Nevada System of Higher Education, the Department shall work cooperatively with the board of trustees of the school district in which the charter school is located to provide school choice to the parents and

guardians of pupils enrolled in the charter school in accordance with 20 U.S.C. § 6316(b)(1) and the regulations adopted pursuant thereto.

~~[(3)]~~ *(4)* Except as otherwise provided in subsection 3, the governing body of the charter school shall provide supplemental educational services in accordance with 20 U.S.C. § 6316(e) and the regulations adopted pursuant thereto from a provider approved pursuant to NRS 385.384, unless a waiver is granted pursuant to that provision of federal law.

2. The board of trustees of a school district shall grant a delay from the imposition of supplemental educational services for a school for a period not to exceed 1 year if the school qualifies for a delay pursuant to 20 U.S.C. § 6316(b)(7)(D). If the school fails to make adequate yearly progress during the period of the delay, the provisions of NRS 385.3721 apply to the school as if the delay never occurred.

3. The sponsor of a charter school shall grant a delay from the imposition of supplemental educational services for the charter school for a period not to exceed 1 year if the charter school qualifies for a delay pursuant to 20 U.S.C. § 6316(b)(7)(D). If the charter school fails to make adequate yearly progress during the period of the delay, the provisions of NRS 385.3721 apply to the charter school as if the delay never occurred.

Sec. 4.12. NRS 385.3721 is hereby amended to read as follows:

385.3721 1. If a public school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 3 consecutive years, the support team established for the school pursuant to this section shall carry out the requirements of NRS 385.3741 and 385.3742.

2. Except as otherwise provided in subsection 3, if a public school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 3 consecutive years:

(a) The board of trustees of the school district shall:

(1) Provide notice of the designation to the parents and guardians of pupils enrolled in the school on the form prescribed by the Department pursuant to NRS 385.382; and

(2) Ensure that the school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.

(b) The Department shall establish a support team for the school, with the membership prescribed pursuant to NRS 385.374.

3. If a charter school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 3 consecutive years:

(a) The governing body of the charter school shall provide notice of the designation to the parents and guardians of pupils enrolled in the charter school on the form prescribed by the Department pursuant to NRS 385.382.

(b) For a charter school sponsored by the board of trustees of a school district, the board of trustees shall, in conjunction with the governing body of the charter school, ensure that the charter school receives technical assistance

in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.

(c) *For a charter school sponsored by the Nevada Charter School Institute, the Institute shall, in conjunction with the governing body of the charter school, ensure that the charter school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.*

(d) For a charter school sponsored by ~~[the State Board or by]~~ a college or university within the Nevada System of Higher Education, the Department shall, in conjunction with the governing body of the charter school, ensure that the charter school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.

~~[(d)]~~ *(e)* The Department shall establish a support team for the school, with the membership prescribed pursuant to NRS 385.374.

Sec. 4.13. *NRS 385.3741 is hereby amended to read as follows:*

385.3741 1. Each support team established for a public school pursuant to NRS 385.3721 shall:

(a) Review and analyze the operation of the school, including, without limitation, the design and operation of the instructional program of the school.

(b) Review and analyze the data pertaining to the school upon which the report required pursuant to subsection 2 *or 3* of NRS 385.347 *, as applicable,* is based and review and analyze any data that is more recent than the data upon which the report is based.

(c) Review the most recent plan to improve the achievement of the school's pupils.

(d) Review the information concerning the educational involvement accords provided to the support team pursuant to NRS 392.4575 and the information concerning the reports provided to the support team pursuant to NRS 392.456.

(e) Identify and investigate the problems and factors at the school that contributed to the designation of the school as demonstrating need for improvement.

(f) Assist the school in developing recommendations for improving the performance of pupils who are enrolled in the school.

(g) Except as otherwise provided in this paragraph, make recommendations to the board of trustees of the school district, the State Board and the Department concerning additional assistance for the school in carrying out the plan for improvement of the school. For a charter school sponsored by the ~~[State Board,]~~ *Nevada Charter School Institute,* the support team shall make the recommendations to the ~~[State Board]~~ *Institute* and the Department. For a charter school sponsored by a college or university within the Nevada System of Higher Education, the support team shall make the recommendations to the sponsor, the State Board and the Department.

(h) In accordance with its findings pursuant to this section and NRS 385.3742, submit, on or before November 1, written revisions to the most recent plan to improve the achievement of the school's pupils for approval pursuant to NRS 385.357. The written revisions must:

(1) Comply with NRS 385.357;

(2) If the school is a Title I school, be developed in consultation with parents and guardians of pupils enrolled in the school and, to the extent deemed appropriate by the entity that created the support team, outside experts;

(3) Include the data and findings of the support team that provide support for the revisions;

(4) Set forth goals, objectives, tasks and measures for the school that are:

(I) Designed to improve the achievement of the school's pupils;

(II) Specific;

(III) Measurable; and

(IV) Conducive to reliable evaluation;

(5) Set forth a timeline to carry out the revisions;

(6) Set forth priorities for the school in carrying out the revisions; and

(7) Set forth the name and duties of each person who is responsible for carrying out the revisions.

(i) Except as otherwise provided in this paragraph, work cooperatively with the board of trustees of the school district in which the school is located, the employees of the school, and the parents and guardians of pupils enrolled in the school to carry out and monitor the plan for improvement of the school. If a charter school is sponsored by the ~~[State Board, the Department]~~ *Nevada Charter School Institute, the Institute* shall assist the school with carrying out and monitoring the plan for improvement of the school. If a charter school is sponsored by a college or university within the Nevada System of Higher Education, ~~[that]~~ *the* institution *that sponsors the charter school* shall assist the school with carrying out and monitoring the plan for improvement of the school.

(j) Prepare a quarterly progress report in the format prescribed by the Department and:

(1) Submit the progress report to the Department.

(2) Distribute copies of the progress report to each employee of the school for review.

(k) In addition to the requirements of this section, if the support team is established for a Title I school, carry out the requirements of 20 U.S.C. § 6317(a)(5).

2. A school support team may require the school for which the support team was established to submit plans, strategies, tasks and measures that, in the determination of the support team, will assist the school in improving the achievement and proficiency of pupils enrolled in the school.

3. The Department shall prescribe a concise quarterly progress report for use by each support team in accordance with paragraph (j) of subsection 1.

Sec. 4.14. *NRS 385.3742 is hereby amended to read as follows:*

385.3742 1. In addition to the duties prescribed in NRS 385.3741, a support team established for a school shall prepare an annual written report that includes:

(a) Information concerning the most recent plan to improve the achievement of the school's pupils, including, without limitation, an evaluation of:

(1) The appropriateness of the plan for the school; and

(2) Whether the school has achieved the goals and objectives set forth in the plan;

(b) The written revisions to the plan to improve the achievement of the school's pupils submitted by the support team pursuant to NRS 385.3741;

(c) A summary of each program for remediation, if any, purchased for the school with money that is available from the Federal Government, this state and the school district in which the school is located, including, without limitation:

(1) The name of the program;

(2) The date on which the program was purchased and the date on which the program was carried out by the school;

(3) The percentage of personnel at the school who were trained regarding the use of the program;

(4) The satisfaction of the personnel at the school with the program; and

(5) An evaluation of whether the program has improved the academic achievement of the pupils enrolled in the school who participated in the program;

(d) An analysis of the problems and factors at the school which contributed to the designation of the school as demonstrating need for improvement, including, without limitation, issues relating to:

(1) The financial resources of the school;

(2) The administrative and educational personnel of the school;

(3) The curriculum of the school;

(4) The facilities available at the school, including the availability and accessibility of educational technology; and

(5) Any other factors that the support team believes contributed to the designation of the school as demonstrating need for improvement; and

(e) Other information concerning the school, including, without limitation:

(1) The results of the pupils who are enrolled in the school on the examinations that are administered pursuant to NRS 389.550 or the high school proficiency examination, as applicable;

(2) Records of the attendance and truancy of pupils who are enrolled in the school;

(3) The transiency rate of pupils who are enrolled in the school;

(4) A description of the number of years that each teacher has provided instruction at the school and the rate of turnover of teachers and other educational personnel employed at the school;

(5) A description of the participation of parents and legal guardians in the educational process and other activities relating to the school;

(6) A description of each source of money for the remediation of pupils who are enrolled in the school; and

(7) ~~[A]~~ *Except as otherwise provided in subparagraph (8), a* description of the disciplinary problems of the pupils who are enrolled in the school, including, without limitation, the information contained in paragraphs (k) to (n), inclusive, of subsection 2 of NRS 385.347.

(8) For a charter school, a description of the disciplinary problems of the pupils enrolled in the charter school as reported in the annual report of accountability prepared by the Nevada Charter School Institute pursuant to subsection 3 of NRS 385.347.

2. On or before November 1, the support team *of a school other than a charter school* shall submit a copy of the final written report to the:

(a) Principal of the school;

(b) Board of trustees of the school district in which the school is located;

(c) Superintendent of schools of the school district in which the school is located;

(d) Department; and

(e) Bureau.

➥ The support team shall make the written report available, upon request, to each parent or legal guardian of a pupil who is enrolled in the school.

3. On or before November 1, the support team for a charter school shall submit a copy of the final written report to the:

(a) Principal of the school;

(b) Sponsor of the charter school;

(c) Department; and

(d) Bureau.

➥ The support team shall make the written report available, upon request, to each parent or legal guardian of a pupil who is enrolled in the charter school.

Sec. 4.15. NRS 385.743 is hereby amended to read as follows:

385.3743 1. In addition to the requirements of NRS 385.3721, if a Title I school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 3 consecutive years:

(a) Except as otherwise provided in paragraph (b), the board of trustees of the school district shall:

(1) Provide school choice to the parents and guardians of pupils enrolled in the school in accordance with 20 U.S.C. § 6316(b)(1) and the regulations adopted pursuant thereto;

(2) Provide supplemental educational services in accordance with 20 U.S.C. § 6316(e) and the regulations adopted pursuant thereto from a

provider approved pursuant to NRS 385.384, unless a waiver is granted pursuant to that provision of federal law; and

(3) Except as otherwise provided in subsection 2, take corrective action pursuant to 20 U.S.C. § 6316(b)(7) and the regulations adopted pursuant thereto.

(b) If the school is a charter school:

(1) Sponsored by the board of trustees of a school district, the board of trustees shall:

(I) Provide school choice to the parents and guardians of pupils enrolled in the charter school in accordance with 20 U.S.C. § 6316(b)(1); and

(II) Except as otherwise provided in subsection 3, take corrective action pursuant to 20 U.S.C. § 6316(b)(7) and the regulations adopted pursuant thereto.

(2) *Sponsored by the Nevada Charter School Institute, the Institute shall:*

(I) Work cooperatively with the board of trustees of the school district in which the charter school is located to provide school choice to the parents and guardians of pupils enrolled in the school in accordance with 20 U.S.C. § 6316(b)(1) and the regulations adopted pursuant thereto; and

(II) Except as otherwise provided in subsection 3, take corrective action pursuant to 20 U.S.C. § 6316(b)(7) and the regulations adopted pursuant thereto.

(3) Sponsored by ~~[the State Board or by]~~ a college or university within the Nevada System of Higher Education, the Department shall:

(I) Work cooperatively with the board of trustees of the school district in which the charter school is located to provide school choice to the parents and guardians of pupils enrolled in the school in accordance with 20 U.S.C. § 6316(b)(1) and the regulations adopted pursuant thereto; and

(II) Except as otherwise provided in subsection 3, take corrective action pursuant to 20 U.S.C. § 6316(b)(7) and the regulations adopted pursuant thereto.

~~[(3)]~~ *(4)* Regardless of the sponsor, the governing body of the charter school shall provide supplemental educational services in accordance with 20 U.S.C. § 6316(e) and the regulations adopted pursuant thereto from a provider approved pursuant to NRS 385.384, unless a waiver is granted pursuant to that provision of federal law.

2. The board of trustees of a school district shall grant a delay from the imposition of corrective action for a school for a period not to exceed 1 year if the school qualifies for a delay pursuant to 20 U.S.C. 6316(b)(7)(D). If the school fails to make adequate yearly progress during the period of the delay, the provisions of NRS 385.3745 apply as if the delay never occurred.

3. The sponsor of a charter school shall grant a delay from the imposition of corrective action for the charter school for a period not to exceed 1 year if the charter school qualifies for a delay pursuant to 20 U.S.C. 6316(b)(7)(D). If the charter school fails to make adequate yearly progress during the period

of the delay, the provisions of NRS 385.3745 apply as if the delay never occurred.

Sec. 4.16. NRS 385.3744 is here by amended to read as follows:

385.3744 1. Except as otherwise provided in subsection 3, if a public school that is not a Title I school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 3 consecutive years for failing to make adequate yearly progress, the support team established for the school shall consider whether corrective action is appropriate for the school. If the support team determines that corrective action is appropriate, the support team shall make a recommendation for corrective action for the school, including, without limitation, the type of corrective action that is recommended from the list of corrective actions authorized pursuant to subsection 2. The recommendation must be submitted to:

(a) For a school of the school district or a charter school sponsored by the board of trustees of the school district, the board of trustees.

(b) *For a charter school sponsored by the Nevada Charter School Institute, the Institute.*

(c) For a charter school sponsored by ~~[the State Board or by]~~ a college or university within the Nevada System of Higher Education, the Department.

2. Regardless of whether a support team recommends corrective action for a school, *the Nevada Charter School Institute may, for a charter school sponsored by the Institute,* the Department may, for a charter school sponsored by ~~[the State Board or by]~~ a college or university within the Nevada System of Higher Education, and the board of trustees of a school district may, for a school of the school district or a charter school sponsored by the board of trustees, take one or more of the following corrective actions for the school:

(a) Develop and carry out a new curriculum at the school, including the provision of appropriate professional development relating to the new curriculum.

(b) Significantly decrease the managerial authority of the employees at the school.

(c) Extend the school year or the school day.

3. The *Nevada Charter School Institute, the* Department or the board of trustees of a school district, as applicable, shall grant a delay from the imposition of corrective action for a school for a period not to exceed 1 year if the school qualifies for a delay in the manner set forth in 20 U.S.C. § 6316(b)(7)(D). If the school fails to make adequate yearly progress during the period of the delay, the *Nevada Charter School Institute, the* Department or the board of trustees, as applicable, may proceed with corrective action as if the delay never occurred.

Sec. 4.17. NRS 385.3745 is hereby amended to read as follows:

385.3745 1. If a public school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 4 or more consecutive years, the support team established for the school pursuant to NRS 385.3721 shall carry

out the requirements of NRS 385.3741, 385.3742 and 385.3744, as applicable.

2. Except as otherwise provided in subsection 3, if a public school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 4 or more consecutive years:

(a) The board of trustees of the school district shall:

(1) Provide notice of the designation to the parents and guardians of pupils enrolled in the school on the form prescribed by the Department pursuant to NRS 385.382; and

(2) Ensure that the school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.

(b) The Department shall continue a support team for the school.

3. If a charter school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 4 or more consecutive years:

(a) The governing body of the charter school shall provide notice of the designation to the parents and guardians of pupils enrolled in the school on the form prescribed by the Department pursuant to NRS 385.382.

(b) For a charter school sponsored by the board of trustees of a school district, the board of trustees shall, in conjunction with the governing body of the charter school, ensure that the charter school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.

(c) *For a charter school sponsored by the Nevada Charter School Institute, the Institute shall, in conjunction with the governing body of the charter school, ensure that the charter school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.*

(d) For a charter school sponsored by ~~[the State Board or by]~~ a college or university within the Nevada System of Higher Education, the Department shall, in conjunction with the governing body of the charter school, ensure that the charter school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.

~~[(d)]~~ *(e)* The Department shall continue a support team for the charter school.

Sec. 4.18. NRS 385.3746 is hereby amended to read as follows:

385.3746 1. In addition to the requirements of NRS 385.3745, if a Title I school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 4 or more consecutive years:

(a) Except as otherwise provided in paragraph (b), the board of trustees of the school district shall:

(1) Provide school choice to the parents and guardians of pupils enrolled in the school in accordance with 20 U.S.C. § 6316(b)(1) and the regulations adopted pursuant thereto;

(2) Provide supplemental educational services in accordance with 20 U.S.C. § 6316(e) and the regulations adopted pursuant thereto from a provider approved pursuant to NRS 385.384, unless a waiver is granted pursuant to that provision of federal law; and

(3) Except as otherwise provided in subsection 2, proceed with a plan for restructuring the school if required by 20 U.S.C. § 6316(b)(8) and the regulations adopted pursuant thereto.

(b) If the school is a charter school:

(1) Sponsored by the board of trustees of a school district, the board of trustees shall:

(I) Provide school choice to the parents and guardians of pupils enrolled in the charter school in accordance with 20 U.S.C. § 6316(b)(1); and

(II) Except as otherwise provided in subsection 3, proceed with a plan for restructuring the school if required by 20 U.S.C. § 6316(b)(8) and the regulations adopted pursuant thereto.

(2) *Sponsored by the Nevada Charter School Institute, the Institute shall:*

(I) Work cooperatively with the board of trustees of the school district in which the charter school is located to provide school choice to the parents and guardians of pupils enrolled in the school in accordance with 20 U.S.C. § 6316(b)(1) and the regulations adopted pursuant thereto; and

(II) Except as otherwise provided in subsection 3, proceed with a plan for restructuring the school if required by 20 U.S.C. § 6316(b)(8) and the regulations adopted pursuant thereto.

(3) Sponsored by ~~[the State Board or by]~~ a college or university within the Nevada System of Higher Education, the Department shall:

(I) Work cooperatively with the board of trustees of the school district in which the charter school is located to provide school choice to the parents and guardians of pupils enrolled in the school in accordance with 20 U.S.C. § 6316(b)(1) and the regulations adopted pursuant thereto; and

(II) Except as otherwise provided in subsection 3, proceed with a plan for restructuring the school if required by 20 U.S.C. § 6316(b)(8) and the regulations adopted pursuant thereto.

~~[(3)]~~ *(4)* Regardless of the sponsor, the governing body of the charter school shall provide supplemental educational services in accordance with 20 U.S.C. § 6316(e) and the regulations adopted pursuant thereto from a provider approved pursuant to NRS 385.384, unless a waiver is granted pursuant to that provision of federal law.

2. The board of trustees of a school district shall grant a delay from the imposition of a plan for restructuring for a school for a period not to exceed 1 year if the school qualifies for a delay pursuant to 20 U.S.C. § 6316(b)(7)(D). If the school fails to make adequate yearly progress during the period of the delay, the board of trustees shall proceed with a plan for restructuring the school as if the delay never occurred.

3. The sponsor of a charter school shall grant a delay from the imposition of a plan for restructuring for the charter school for a period not to exceed 1 year if the charter school qualifies for a delay pursuant to 20 U.S.C. § 6316(b)(7)(D). If the charter school fails to make adequate yearly progress during the period of the delay, the Department shall proceed with a plan for restructuring the charter school as if the delay never occurred.

4. Before the board of trustees of a school district *, the Nevada Charter School Institute* or the Department proceeds with a plan for restructuring, the board of trustees *, the Institute* or the Department, as applicable, shall provide to the administrators, teachers and other educational personnel employed at that school, and parents and guardians of pupils enrolled in the school:

(a) Notice that the board of trustees *, the Institute* or the Department, as applicable, will develop a plan for restructuring the school;

(b) An opportunity to comment before the plan to restructure is developed; and

(c) An opportunity to participate in the development of the plan to restructure.

Sec. 4.19. NRS 385.376 is hereby amended to read as follows:

385.376 1. Except as otherwise provided in subsection 3, if a public school that is not a Title I school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 4 or more consecutive years for failure to make adequate yearly progress, the support team for the school shall:

(a) If corrective action was not taken against the school pursuant to NRS 385.3744, consider whether corrective action is appropriate for the school.

(b) If corrective action was taken against the school pursuant to NRS 385.3744, consider whether further corrective action is appropriate or whether consequences or sanctions, or both, are appropriate for the school.

2. Regardless of whether a support team recommends corrective action or consequences or sanctions for a school, *the Nevada Charter School Institute may, for a charter school sponsored by the Institute,* the Department may, for a charter school sponsored by ~~[the State Board or by]~~ a college or university within the Nevada System of Higher Education, and the board of trustees of a school district may, for a school of the school district or a charter school sponsored by the board of trustees, take corrective action as set forth in NRS 385.3744 or proceed with consequences or sanctions, or both, as prescribed by the State Board pursuant to NRS 385.361.

3. The *Nevada Charter School Institute, the* Department or the board of trustees of a school district, as applicable, shall grant a delay from the imposition of corrective action or restructuring pursuant to this section for a school for a period not to exceed 1 year if the school qualifies for a delay in the manner set forth in 20 U.S.C. § 6316(b)(7)(D). If the school fails to make adequate yearly progress during the period of the delay, the *Nevada Charter School Institute, the* Department or the board of trustees, as applicable, may

proceed with corrective action or with consequences or sanctions, or both, for the school, as appropriate, as if the delay never occurred.

4. Before the board of trustees *, the Nevada Charter School Institute* or the Department proceeds with consequences or sanctions, the board of trustees *, the Charter School Institute* or the Department, as applicable, shall provide to the administrators, teachers and other educational personnel employed at that school, and parents and guardians of pupils enrolled in the school:

(a) Notice that the board of trustees *, the Charter School Institute* or the Department, as applicable, will proceed with consequences or sanctions for the school;

(b) An opportunity to comment before the consequences or sanctions are carried out; and

(c) An opportunity to participate in the development of the consequences or sanctions.

Sec. 4.20. NRS 385.620 is hereby amended to read as follows:

385.620 The Advisory Council shall:

1. Review the policy of parental involvement adopted by the State Board and the policy of parental involvement adopted by the board of trustees of each school district pursuant to NRS 392.457;

2. Review the information relating to communication with and participation of parents that is included in the annual report of accountability for each school district pursuant to paragraph (j) of subsection 2 of NRS 385.347 ~~[,]~~ *and similar information in the annual report of accountability prepared by the Nevada Charter School Institute pursuant to subsection 3 of NRS 385.347.*

3. Review any effective practices carried out in individual school districts to increase parental involvement and determine the feasibility of carrying out those practices on a statewide basis;

4. Review any effective practices carried out in other states to increase parental involvement and determine the feasibility of carrying out those practices in this State;

5. Identify methods to communicate effectively and provide outreach to parents and legal guardians of pupils who have limited time to become involved in the education of their children for various reasons, including, without limitation, work schedules, single-parent homes and other family obligations;

6. Identify the manner in which the level of parental involvement affects the performance, attendance and discipline of pupils;

7. Identify methods to communicate effectively with and provide outreach to parents and legal guardians of pupils who are limited English proficient;

8. Determine the necessity for the appointment of a statewide parental involvement coordinator or a parental involvement coordinator in each school district, or both;

9. On or before July 1 of each year, submit a report to the Legislative Committee on Education describing the activities of the Advisory Council and any recommendations for legislation; and

10. On or before February 1 of each odd-numbered year, submit a report to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature describing the activities of the Advisory Council and any recommendations for legislation.

Sec. 4.21. Chapter 386 of NRS is hereby amended by adding thereto the provisions set forth as sections 4.22 to 4.31, inclusive, of this act.

Sec. 4.22. As used in NRS 386.500 to 386.610, inclusive, and sections 4.22 to 4.31, inclusive, of this act, the words and terms defined in NRS 386.500 and sections 4.23 and 4.24 of this act have the meanings ascribed to them in those sections.

Sec. 4.23. "Charter School Institute" means the Nevada Charter School Institute created by section 4.25 of this act.

Sec. 4.24. "Director" means the Director of the Charter School Institute.

Sec. 4.25. 1. The Nevada Charter School Institute, consisting of seven members, is hereby created. The membership of the Charter School Institute consists of:

(a) Two members appointed by the Governor in accordance with subsection 2;

(b) Two members, who must not be Legislators, appointed by the Majority Leader of the Senate in accordance with subsection 2;

(c) Two members, who must not be Legislators, appointed by the Speaker of the Assembly in accordance with subsection 2; and

(d) One member appointed by an association of charter schools pursuant to subsection 3.

2. The Governor, the Majority Leader of the Senate and the Speaker of the Assembly shall ensure that the membership of the Charter School Institute:

(a) Includes persons with specific knowledge of:

(1) Issues relating to elementary and secondary education;

(2) School finance;

(3) Management practices;

(4) Assessments required in elementary and secondary education;

(5) Educational technology; and

(6) The laws and regulations applicable to charter schools; and

(b) Insofar as practicable, reflects the ethnic and geographical diversity of this State.

3. The Charter School Institute shall establish a list of associations of charter schools that operate within this State and designate the order in which such associations may appoint a member to the Charter School Institute. Except as otherwise provided in subsection 5, an association may not appoint more than one member to the Charter School Institute unless

each association designated pursuant to this subsection has had an opportunity to make an appointment.

4. Each member of the Charter School Institute must be a resident of this State.

5. After the initial terms, the term of each member of the Charter School Institute is 3 years, commencing on July 1 of the year he is appointed. A vacancy in the membership of the Charter School Institute must be filled for the remainder of the unexpired term in the same manner as the original appointment. A member shall continue to serve on the Charter School Institute until his successor is appointed.

6. The members of the Charter School Institute shall select a Chairman and Vice Chairman from among its members. After the initial selection of those officers, each of those officers holds the position for a term of 2 years commencing on July 1 of each odd-numbered year. If a vacancy occurs in the Chairmanship or Vice Chairmanship, the vacancy must be filled in the same manner as the original selection for the remainder of the unexpired term.

7. Each member of the Charter School Institute is entitled to receive:

(a) For each day or portion of a day during which he attends a meeting of the Institute, a salary of not more than $80, as fixed by the Institute; and

(b) For each day or portion of a day during which he attends a meeting of the Institute or is otherwise engaged in the business of the Institute, the per diem allowance and travel expenses provided for state officers and employees generally.

Sec. 4.26. 1. The members of the Charter School Institute shall meet throughout the year at the times and places specified by a call of the Chairman or a majority of the members.

2. Four members of the Charter School Institute constitute a quorum, and a quorum may exercise all the power and authority conferred on the Charter School Institute.

Sec. 4.27. 1. The Charter School Institute shall appoint a Director of the Institute for a term of 3 years. The Charter School Institute may remove the Director from office for inefficiency, neglect of duty, malfeasance in office or for other just cause.

2. A vacancy must be filled by the Charter School Institute for the remainder of the unexpired term.

3. The Director is in the unclassified service of the State.

Sec. 4.28. The Director shall not pursue any other business or occupation or hold any other office of profit without the approval of the Charter School Institute.

Sec. 4.29. The Director shall:

1. Execute, direct and supervise all administrative, technical and procedural activities of the Charter School Institute in accordance with the policies prescribed by the Charter School Institute;

2. Organize the Charter School Institute in a manner which will assure efficient operation and service of the Charter School Institute;

3. Serve as the Executive Secretary of the Charter School Institute; and

4. Perform such other duties as are prescribed by law or the Charter School Institute.

Sec. 4.30. The Charter School Institute may employ such persons as it deems necessary to carry out the provisions of NRS 386.500 to 386.610, inclusive, and sections 4.22 to 4.31, inclusive, of this act.

Sec. 4.31. 1. The Account for the Nevada Charter School Institute is hereby created in the State General Fund, to be administered by the Director.

2. The interest and income earned on the money in the Account must be credited to the Account.

3. The money in the Account may be used only for the establishment and maintenance of the Charter School Institute.

4. Any money remaining in the Account at the end of a fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.

5. The Director may accept gifts, grants and bequests. Any money from gifts, grants and bequests must be deposited in the Account and may be expended in accordance with the terms and conditions of the gift or grant, or in accordance with this section.

Sec. 4.32. NRS 386.500 is hereby amended to read as follows:

386.500 ~~[For the purposes of NRS 386.500 to 386.610, inclusive, a]~~ *A* pupil is "at risk" if he has an economic or academic disadvantage such that he requires special services and assistance to enable him to succeed in educational programs. The term includes, without limitation, pupils who are members of economically disadvantaged families, pupils who are limited English proficient, pupils who are at risk of dropping out of high school and pupils who do not meet minimum standards of academic proficiency. The term does not include a pupil with a disability.

Sec. 4.33. NRS 386.508 is hereby amended to read as follows:

386.508 There is hereby created a school district to be designated as the Charter School District for ~~[State Board-Sponsored]~~ *Charter School Institute-Sponsored* Charter Schools and Nevada System of Higher Education-Sponsored Charter Schools. The School District comprises only those charter schools that are sponsored by the ~~[State Board]~~ *Charter School Institute* or sponsored by a college or university within the Nevada System of Higher Education. The ~~[State Board]~~ *Charter School Institute* is hereby deemed the Board of Trustees of the School District. The School District is created for the sole purpose of providing local educational agency status to the School District for purposes of federal law governing charter schools.

Sec. 4.34. NRS 386.515 is hereby amended to read as follows:

386.515 1. The board of trustees of a school district may apply to the Department for authorization to sponsor charter schools within the school district. An application must be approved by the Department before the board of trustees may sponsor a charter school. Not more than 180 days after

receiving approval to sponsor charter schools, the board of trustees shall provide public notice of its ability to sponsor charter schools and solicit applications for charter schools.

2. The ~~[State Board]~~ *Charter School Institute* shall sponsor charter schools whose applications have been approved by the ~~[State Board]~~ *Charter School Institute* pursuant to NRS 386.525. Except as otherwise provided by specific statute, if the ~~[State Board]~~ *Charter School Institute* sponsors a charter school, the ~~[State Board or the Department]~~ *Charter School Institute* is responsible for the evaluation, monitoring and oversight of the charter school.

3. A college or university within the Nevada System of Higher Education may sponsor charter schools.

Sec. 4.35. NRS 386.520 is hereby amended to read as follows:

386.520 1. A committee to form a charter school must consist of at least three teachers, as defined in subsection 4. In addition to the teachers who serve, the committee may consist of:

(a) Members of the general public;

(b) Representatives of nonprofit organizations and businesses; or

(c) Representatives of a college or university within the Nevada System of Higher Education.

➥ A majority of the persons described in paragraphs (a), (b) and (c) who serve on the committee must be residents of this State at the time that the application to form the charter school is submitted to the Department.

2. Before a committee to form a charter school may submit an application to the board of trustees of a school district, the ~~[Subcommittee on Charter Schools, the State Board]~~ *Charter School Institute* or a college or university within the Nevada System of Higher Education, it must submit the application to the Department. The application must include all information prescribed by the ~~[Department]~~ *Charter School Institute* by regulation and:

(a) A written description of how the charter school will carry out the provisions of NRS 386.500 to 386.610, inclusive ~~[.]~~ *, and sections 4.22 to 4.31, inclusive, of this act.*

(b) A written description of the mission and goals for the charter school. A charter school must have as its stated purpose at least one of the following goals:

(1) Improving the opportunities for pupils to learn;

(2) Encouraging the use of effective methods of teaching;

(3) Providing an accurate measurement of the educational achievement of pupils;

(4) Establishing accountability of public schools;

(5) Providing a method for public schools to measure achievement based upon the performance of the schools; or

(6) Creating new professional opportunities for teachers.

(c) The projected enrollment of pupils in the charter school.

(d) The proposed dates of enrollment for the charter school.

(e) The proposed system of governance for the charter school, including, without limitation, the number of persons who will govern, the method of selecting the persons who will govern and the term of office for each person.

(f) The method by which disputes will be resolved between the governing body of the charter school and the sponsor of the charter school.

(g) The proposed curriculum for the charter school and, if applicable to the grade level of pupils who are enrolled in the charter school, the requirements for the pupils to receive a high school diploma, including, without limitation, whether those pupils will satisfy the requirements of the school district in which the charter school is located for receipt of a high school diploma.

(h) The textbooks that will be used at the charter school.

(i) The qualifications of the persons who will provide instruction at the charter school.

(j) Except as otherwise required by NRS 386.595, the process by which the governing body of the charter school will negotiate employment contracts with the employees of the charter school.

(k) A financial plan for the operation of the charter school. The plan must include, without limitation, procedures for the audit of the programs and finances of the charter school and guidelines for determining the financial liability if the charter school is unsuccessful.

(l) A statement of whether the charter school will provide for the transportation of pupils to and from the charter school. If the charter school will provide transportation, the application must include the proposed plan for the transportation of pupils. If the charter school will not provide transportation, the application must include a statement that the charter school will work with the parents and guardians of pupils enrolled in the charter school to develop a plan for transportation to ensure that pupils have access to transportation to and from the charter school.

(m) The procedure for the evaluation of teachers of the charter school, if different from the procedure prescribed in NRS 391.3125. If the procedure is different from the procedure prescribed in NRS 391.3125, the procedure for the evaluation of teachers of the charter school must provide the same level of protection and otherwise comply with the standards for evaluation set forth in NRS 391.3125.

(n) The time by which certain academic or educational results will be achieved.

(o) The kind of school, as defined in subsections 1 to 4, inclusive, of NRS 388.020, for which the charter school intends to operate.

3. The Department shall review an application to form a charter school to determine whether it is complete. If an application proposes to convert an existing public school, homeschool or other program of home study into a charter school, the Department shall deny the application. The Department shall provide written notice to the applicant of its approval or denial of the application. If the Department denies an application, the Department shall

include in the written notice the reason for the denial and the deficiencies in the application. The applicant must be granted 30 days after receipt of the written notice to correct any deficiencies identified in the written notice and resubmit the application.

4. As used in subsection 1, "teacher" means a person who:

(a) Holds a current license to teach issued pursuant to chapter 391 of NRS; and

(b) Has at least 2 years of experience as an employed teacher.

➥ The term does not include a person who is employed as a substitute teacher.

Sec. 4.36. NRS 386.527 is hereby amended to read as follows:

386.527 1. If the ~~[State Board,]~~ *Charter School Institute*, the board of trustees of a school district or a college or university within the Nevada System of Higher Education approves an application to form a charter school, it shall grant a written charter to the applicant. The ~~[State Board,]~~ *Charter School Institute*, the board of trustees, the college or the university, as applicable, shall, not later than 10 days after the approval of the application, provide written notice to the Department of the approval and the date of the approval. If the board of trustees approves the application, the board of trustees shall be deemed the sponsor of the charter school.

2. If the ~~[State Board]~~ *Charter School Institute* approves the application:

(a) The ~~[State Board]~~ *Charter School Institute* shall be deemed the sponsor of the charter school.

(b) Neither the State of Nevada, the State Board *, the Charter School Institute* nor the Department is an employer of the members of the governing body of the charter school or any of the employees of the charter school.

3. If a college or university within the Nevada System of Higher Education approves the application:

(a) That institution shall be deemed the sponsor of the charter school.

(b) Neither the State of Nevada, the State Board *, the Charter School Institute* nor the Department is an employer of the members of the governing body of the charter school or any of the employees of the charter school.

4. The governing body of a charter school may request, at any time, a change in the sponsorship of the charter school to an entity that is authorized to sponsor charter schools pursuant to NRS 386.515. The ~~[State Board]~~ *Charter School Institute* shall adopt ~~[:~~

~~(a) An application]~~ *a* process for a charter school that requests a change in the sponsorship of the charter school, which must not require the ~~[applicant]~~ *charter school* to undergo the requirements of an initial application to form a charter school *.* ~~[; and~~

~~(b) Objective criteria for the conditions under which such a request may be granted.]~~ *If the request is for sponsorship by the Charter School Institute, the governing body must not be required to submit an application and the Charter School Institute shall accept the transfer of the charter school to the Institute.*

5. Except as otherwise provided in subsection 7, a written charter must be for a term of 6 years unless the governing body of a charter school renews its initial charter after 3 years of operation pursuant to subsection 2 of NRS 386.530. A written charter must include all conditions of operation set forth in paragraphs (a) to (o), inclusive, of subsection 2 of NRS 386.520 and include the kind of school, as defined in subsections 1 to 4, inclusive, of NRS 388.020 for which the charter school is authorized to operate. If the ~~[State Board]~~ *Charter School Institute* or a college or university within the Nevada System of Higher Education is the sponsor of the charter school, the written charter must set forth the responsibilities of the sponsor and the charter school with regard to the provision of services and programs to pupils with disabilities who are enrolled in the charter school in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and NRS 388.440 to 388.520, inclusive. As a condition of the issuance of a written charter pursuant to this subsection, the charter school must agree to comply with all conditions of operation set forth in NRS 386.550.

6. The governing body of a charter school may submit to the sponsor of the charter school a written request for an amendment of the written charter of the charter school. Such an amendment may include, without limitation, the expansion of instruction and other educational services to pupils who are enrolled in grade levels other than the grade levels of pupils currently approved for enrollment in the charter school if the expansion of grade levels does not change the kind of school, as defined in NRS 388.020, for which the charter school is authorized to operate. If the proposed amendment complies with the provisions of ~~[this section,]~~ NRS 386.500 to 386.610, inclusive, *and sections 4.22 to 4.31, inclusive, of this act,* and any other statute or regulation applicable to charter schools, the sponsor may amend the written charter in accordance with the proposed amendment. If a charter school wishes to expand the instruction and other educational services offered by the charter school to pupils who are enrolled in grade levels other than the grade levels of pupils currently approved for enrollment in the charter school and the expansion of grade levels changes the kind of school, as defined in NRS 388.020, for which the charter school is authorized to operate, the governing body of the charter school must submit a new application to form a charter school. If such an application is approved, the charter school may continue to operate under the same governing body and an additional governing body does not need to be selected to operate the charter school with the expanded grade levels.

7. The ~~[State Board]~~ *Charter School Institute* shall adopt objective criteria for the issuance of a written charter to an applicant who is not prepared to commence operation on the date of issuance of the written charter. The criteria must include, without limitation, the:

(a) Period for which such a written charter is valid; and

(b) Timelines by which the applicant must satisfy certain requirements demonstrating its progress in preparing to commence operation.

➥ A holder of such a written charter may apply for grants of money to prepare the charter school for operation. A written charter issued pursuant to this subsection must not be designated as a conditional charter or a provisional charter or otherwise contain any other designation that would indicate the charter is issued for a temporary period.

8. The holder of a written charter that is issued pursuant to subsection 7 shall not commence operation of the charter school and is not eligible to receive apportionments pursuant to NRS 387.124 until the sponsor has determined that the requirements adopted by the ~~[State Board]~~ *Charter School Institute* pursuant to subsection 7 have been satisfied and that the facility the charter school will occupy has been inspected and meets the requirements of any applicable building codes, codes for the prevention of fire, and codes pertaining to safety, health and sanitation. Except as otherwise provided in this subsection, the sponsor shall make such a determination 30 days before the first day of school for the:

(a) Schools of the school district in which the charter school is located that operate on a traditional school schedule and not a year-round school schedule; or

(b) Charter school,

➥ whichever date the sponsor selects. The sponsor shall not require a charter school to demonstrate compliance with the requirements of this subsection more than 30 days before the date selected. However, it may authorize a charter school to demonstrate compliance less than 30 days before the date selected.

Sec. 4.37. NRS 386.540 is hereby amended to read as follows:

386.540 1. ~~[The Department]~~ *Subject to the provisions of subsections 3 and 4, the Charter School Institute* shall adopt regulations that prescribe:

(a) The process for submission of an application by the board of trustees of a school district to the Department for authorization to sponsor charter schools and the contents of the application;

(b) The process for submission of an application to form a charter school to the Department, the board of trustees of a school district, the ~~[Subcommittee on Charter Schools]~~ *Charter School Institute* and a college or university within the Nevada System of Higher Education, and the contents of the application;

(c) The process for submission of an application to renew a written charter; and

(d) The criteria and type of investigation that must be applied by the board of trustees, the ~~[Subcommittee on Charter Schools, the State Board]~~ *Charter School Institute* and a college or university within the Nevada System of Higher Education in determining whether to approve an application to form a charter school or an application to renew a written charter.

2. *Subject to the provisions of subsections 3 and 4, the Charter School Institute may adopt regulations as it determines are necessary to carry out the provisions of NRS 386.500 to 386.610, inclusive, and sections 4.22 to*

4.31, inclusive, of this act, including, without limitation, regulations that prescribe the:

(a) Requirements for performance audits of charter schools on an annual basis for charter schools that do not satisfy the requirements of subsection 1 of NRS 386.5515; and

(b) Requirements for performance audits every 3 years for charter schools that satisfy the requirements of subsection 1 of NRS 386.5515.

3. The Department may adopt regulations *relating to the finances and budgets of charter schools* as it determines are necessary to carry out the provisions of NRS 386.500 to 386.610, inclusive, *and sections 4.22 to 4.31, inclusive, of this act,* including, without limitation, regulations that prescribe the:

(a) Procedures for accounting and budgeting;

(b) Requirements for ~~[performance audits and]~~ financial audits of charter schools on an annual basis for charter schools that do not satisfy the requirements of subsection 1 of NRS 386.5515; and

(c) Requirements for ~~[performance audits every 3 years and]~~ financial audits on an annual basis for charter schools that satisfy the requirements of subsection 1 of NRS 386.5515.

4. The State Board may disapprove any regulation adopted by the Charter School Institute if the regulation:

(a) Threatens the efficient operation of the public schools in this State; or

(b) Creates an undue financial hardship for any charter school in this State.

➥ A regulation shall be deemed approved if the State Board does not disapprove the regulation within 45 days after it is adopted by the Charter School Institute.

Sec. 4.38. NRS 386.5515 is hereby amended to read as follows:

386.5515 1. To the extent money is available from legislative appropriation or otherwise, a charter school may apply to the Department for money for facilities if:

(a) The charter school has been operating in this State for at least 5 consecutive years and is in good financial standing;

(b) Each financial audit and each performance audit of the charter school required ~~[by the Department]~~ *pursuant to NRS 386.540* contains no major notations, corrections or errors concerning the charter school for at least 5 consecutive years;

(c) The charter school has met or exceeded adequate yearly progress as determined pursuant to NRS 385.3613 or has demonstrated improvement in the achievement of pupils enrolled in the charter school, as indicated by annual measurable objectives determined by the ~~[State Board,]~~ *Charter School Institute,* for the majority of the years of its operation;

(d) The charter school offers instruction on a daily basis during the school week of the charter school on the campus of the charter school; and

(e) At least 75 percent of the pupils enrolled in the charter school who are required to take the high school proficiency examination have passed that examination, if the charter school enrolls pupils at a high school grade level.

2. A charter school that satisfies the requirements of subsection 1 shall submit to a performance audit as required by the ~~[Department]~~ *Charter School Institute* one time every 3 years. The sponsor of the charter school and the ~~[Department]~~ *Charter School Institute* shall not request a performance audit of the charter school more frequently than every 3 years without showing good cause for such a request.

3. A charter school that does not satisfy the requirements of subsection 1 shall submit a quarterly report of the financial status of the charter school if requested by the sponsor of the charter school.

Sec. 4.39. NRS 386.570 is hereby amended to read as follows:

386.570 1. Each pupil who is enrolled in a charter school, including, without limitation, a pupil who is enrolled in a program of special education in a charter school, must be included in the count of pupils in the school district for the purposes of apportionments and allowances from the State Distributive School Account pursuant to NRS 387.121 to 387.126, inclusive, unless the pupil is exempt from compulsory attendance pursuant to NRS 392.070. A charter school is entitled to receive its proportionate share of any other money available from federal, state or local sources that the school or the pupils who are enrolled in the school are eligible to receive. If a charter school receives special education program units directly from this State, the amount of money for special education that the school district pays to the charter school may be reduced proportionately by the amount of money the charter school received from this State for that purpose.

2. All money received by the charter school from this State or from the board of trustees of a school district must be deposited in a bank, credit union or other financial institution in this State. The governing body of a charter school may negotiate with the board of trustees of the school district and the State Board for additional money to pay for services which the governing body wishes to offer.

3. Upon completion of a school year, the sponsor of a charter school may request reimbursement from the governing body of the charter school for the administrative costs associated with sponsorship for that school year if the sponsor provided administrative services during that school year. The request must include an itemized list of those costs. Upon receipt of such a request, the governing body shall pay the reimbursement to the ~~[board of trustees of the school district if the board of trustees sponsors the charter school, to the Department if the State Board sponsors the charter school or to the college or university within the Nevada System of Higher Education if that institution sponsors]~~ *sponsor of* the charter school. If a governing body fails to pay the reimbursement, the charter school shall be deemed to have violated its written charter and the sponsor may take such action to revoke the written charter pursuant to NRS 386.535 as it deems necessary. ~~[If the board of~~

~~trustees of a school district is the sponsor of a charter school, the]~~ *The* amount of money that may be paid to the sponsor pursuant to this subsection for administrative expenses in 1 school year must not exceed ~~[:~~

~~(a) For the first year of operation of the charter school, 2 percent of the total amount of money apportioned to the charter school during the year pursuant to NRS 387.124.~~

~~(b) For any year after the first year of operation of the charter school, 1 percent of the total amount of money apportioned to the charter school during the year pursuant to NRS 387.124.~~

~~4.]~~ *2 percent of the total amount of money apportioned to the charter school during the year pursuant to NRS 387.124.* ~~[If the State Board or a college or university within the Nevada System of Higher Education is the sponsor of a charter school, the amount of money that may be paid to the Department or to the institution, as applicable, pursuant to subsection 3 for administrative expenses in 1 school year must not exceed:~~

~~(a) For the first year of operation of the charter school, 2 percent of the total amount of money apportioned to the charter school during the year pursuant to NRS 387.124.~~

~~(b) For any year after the first year of operation of the charter school, 1.5 percent of the total amount of money apportioned to the charter school during the year pursuant to NRS 387.124.~~

~~5.]~~ *4.* To determine the amount of money for distribution to a charter school in its first year of operation, the count of pupils who are enrolled in the charter school must initially be determined 30 days before the beginning of the school year of the school district, based on the number of pupils whose applications for enrollment have been approved by the charter school. The count of pupils who are enrolled in the charter school must be revised on the last day of the first school month of the school district in which the charter school is located for the school year, based on the actual number of pupils who are enrolled in the charter school. Pursuant to subsection 5 of NRS 387.124, the governing body of a charter school may request that the apportionments made to the charter school in its first year of operation be paid to the charter school 30 days before the apportionments are otherwise required to be made.

~~[6.]~~ *5.* If a charter school ceases to operate as a charter school during a school year, the remaining apportionments that would have been made to the charter school pursuant to NRS 387.124 for that year must be paid on a proportionate basis to the school districts where the pupils who were enrolled in the charter school reside.

~~[7.]~~ *6.* The governing body of a charter school may solicit and accept donations, money, grants, property, loans, personal services or other assistance for purposes relating to education from members of the general public, corporations or agencies. The governing body may comply with applicable federal laws and regulations governing the provision of federal grants for charter schools. The ~~[State Board]~~ *Charter School Institute* may

assist a charter school that operates exclusively for the enrollment of pupils who receive special education in identifying sources of money that may be available from the Federal Government or this State for the provision of educational programs and services to such pupils.

~~[8.]~~ *7.* If a charter school uses money received from this State to purchase real property, buildings, equipment or facilities, the governing body of the charter school shall assign a security interest in the property, buildings, equipment and facilities to the State of Nevada.

Sec. 4.40. NRS 386.577 is hereby amended to read as follows:

386.577 1. After deducting the costs directly related to administering the Fund for Charter Schools, the ~~[Department]~~ *Charter School Institute* may use the money in the Fund for Charter Schools, including repayments of principal and interest on loans made from the Fund, and interest and income earned on money in the Fund, only to make loans at or below market rate to charter schools for the costs incurred:

(a) In preparing a charter school to commence its first year of operation; and

(b) To improve a charter school that has been in operation.

2. The total amount of a loan that may be made to a charter school in 1 year must not exceed $25,000.

Sec. 4.41. NRS 386.578 is hereby amended to read as follows:

386.578 1. If the governing body of a charter school has a written charter issued pursuant to NRS 386.527, the governing body may submit an application to the ~~[Department]~~ *Charter School Institute* for a loan from the Fund for Charter Schools. An application must include a written description of the manner in which the loan will be used to prepare the charter school for its first year of operation or to improve a charter school that has been in operation.

2. The ~~[Department]~~ *Charter School Institute* shall, within the limits of money available for use in the Fund, make loans to charter schools whose applications have been approved. If the ~~[Department]~~ *Charter School Institute* makes a loan from the Fund, the ~~[Department]~~ *Charter School Institute* shall ensure that the contract for the loan includes all terms and conditions for repayment of the loan.

3. ~~[The State Board:]~~ *Subject to the provisions of subsection 3 of NRS 386.540, the Charter School Institute:*

(a) Shall adopt regulations that prescribe the:

(1) Annual deadline for submission of an application to the ~~[Department]~~ *Charter School Institute* by a charter school that desires to receive a loan from the Fund; and

(2) Period for repayment and the rate of interest for loans made from the Fund.

(b) May adopt such other regulations as it deems necessary to carry out the provisions of this section and NRS 386.576 and 386.577.

Sec. 4.42. NRS 386.605 is hereby amended to read as follows:

386.605 1. On or before July 15 of each year, the governing body of a charter school shall submit the information concerning the charter school that is required pursuant to subsection ~~[2]~~ *3* of NRS 385.347 to ~~[the board of trustees of the school district in which the charter school is located]~~ *:*

(a) If the charter school is sponsored by the board of trustees of a school district or a college or university within the Nevada System of Higher Education, the sponsor of the charter school, which shall forward the information to the Charter School Institute in a timely manner; or

(b) If the charter school is sponsored by the Charter School Institute, the Charter School Institute,

➥ for inclusion in the report of the ~~[school district]~~ *Institute* pursuant to that section. The information must be submitted by the *sponsor of the charter school or the* charter school *, as applicable,* in a format prescribed by the ~~[board of trustees.]~~ *Charter School Institute.*

2. The Legislative Bureau of Educational Accountability and Program Evaluation created pursuant to NRS 218.5356 may authorize a person or entity with whom it contracts pursuant to NRS 385.359 to review and analyze information submitted by *sponsors of charter schools pursuant to this section and* charter schools pursuant to this section and NRS 385.357, consult with the *Charter School Institute and the* governing bodies of charter schools and submit written reports concerning charter schools pursuant to NRS 385.359.

Sec. 4.43. NRS 386.745 is hereby amended to read as follows:

386.745 1. Except as otherwise provided in subsection 10, the empowerment team of a public school, other than a charter school that is sponsored by the ~~[State Board]~~ *Nevada Charter School Institute* or by a college or university within the Nevada System of Higher Education, that develops an empowerment plan pursuant to NRS 386.740 shall submit the proposed empowerment plan to the designee of the board of trustees appointed pursuant to this subsection for review and approval pursuant to this section. The board of trustees shall designate a person to review each proposed empowerment plan and recommend the approval or denial of the plan to the board of trustees.

2. The board of trustees shall approve or deny the empowerment plan. The approval or denial of an empowerment plan must be based solely upon the contents of the plan and may not consider the amount of money required to carry out the empowerment plan if the plan is within the limits of the total apportionment to the school pursuant to subsection 4 of NRS 386.740.

3. Except as otherwise provided in subsection 10, if the board of trustees approves an empowerment plan, the president of the board of trustees, the principal of the public school and the chairman of the empowerment team, if the principal is not the chairman, shall each sign the plan. The empowerment plan is effective for 3 years unless the empowerment team determines that the school will no longer operate under the plan or the board of trustees of the school district revokes the plan.

4. Except as otherwise provided in subsection 10, if the board of trustees denies an empowerment plan, the board of trustees shall:

(a) Return the plan to the empowerment team with a written statement indicating the reason for the denial; and

(b) Provide the empowerment team with a reasonable opportunity to correct any deficiencies identified in the written statement and resubmit it for approval. An empowerment plan may be resubmitted not more than once in a school year.

5. Except as otherwise provided in subsection 10, an empowerment plan for a public school is not effective and a public school shall not operate as an empowerment school unless the plan is signed by the president of the board of trustees of the school district, the principal of the public school and the chairman of the empowerment team, if the principal is not the chairman. If an empowerment plan includes a request for a waiver from a statute contained in this title or a regulation of the State Board *, the Nevada Charter School Institute* or the Department, a public school may operate under the approved plan but the requested waivers from state law are not effective unless approved by the State Board pursuant to subsection 7.

6. Except as otherwise provided in subsection 10, the empowerment team may submit a written request to the board of trustees for an amendment to the empowerment plan approved pursuant to this section, including an explanation of the reason for the amendment. An amendment must be approved in the same manner as the empowerment plan was approved.

7. If the empowerment plan includes a request for a waiver from a statute or regulation, the board of trustees shall forward the approved empowerment plan to the State Board for review of the request for a waiver. The State Board shall review the empowerment plan and may approve or deny the request for a waiver from a statute or regulation unless the statute or regulation is required by federal law or is required to carry out federal law. *If the statute or regulation for which the request is submitted is within the jurisdiction of the Nevada Charter School Institute, the State Board shall work in consultation with the Institute in reviewing the request and in making a determination on the request.*

8. If the State Board approves the request for a waiver for a school, the Department shall provide written notice of the approval to the board of trustees of the school district that submitted the empowerment plan on behalf of the school.

9. If the State Board denies a request for a waiver, the State Board shall:

(a) Return the request to the school district with a written statement indicating the reason for the denial; and

(b) Except as otherwise provided in subsection 10, provide the empowerment team with a reasonable opportunity to correct any deficiencies identified in the written statement and resubmit it for approval. A request for a waiver may be resubmitted by the school district, after the empowerment team corrects any deficiencies, not more than once in a school year.

10. If an empowerment team has not been established pursuant to the exception provided in subsection 2 of NRS 386.730, the principal of the school shall carry out the responsibilities and duties assigned to the empowerment team pursuant to this section.

Sec. 4.44. *NRS 386.750 is hereby amended to read as follows:*

386.750 1. Except as otherwise provided in subsection 7, the empowerment team of a charter school that is sponsored by the ~~[State Board]~~ *Nevada Charter School Institute* or by a college or university within the Nevada System of Higher Education which develops an empowerment plan pursuant to NRS 386.740 shall submit the proposed plan to the Department for transmission to the State Board for review and approval pursuant to this section.

2. The State Board shall review each proposed empowerment plan and approve or deny the plan, including a request for a waiver from a statute contained in this title or a regulation of the State Board , *the Nevada Charter School Institute* or the Department, if applicable. The approval or denial of an empowerment plan must be based solely upon the contents of the plan and may not consider the amount of money required to carry out the empowerment plan if the plan is within the limits of the total apportionment to the charter school pursuant to subsection 4 of NRS 386.740. *If the charter school is sponsored by the Nevada Charter School Institute, the State Board shall work in consultation with the Institute in reviewing the plan and in making a determination on the plan.*

3. Except as otherwise provided in subsection 7, if the State Board approves an empowerment plan, the President of the State Board, the principal of the charter school and the chairman of the empowerment team, if the principal is not the chairman, shall each sign the plan. The empowerment plan is effective for 3 years unless the empowerment team determines that the school will no longer operate under the plan or the State Board revokes the plan.

4. Except as otherwise provided in subsection 7, if the State Board denies an empowerment plan, the State Board shall:

(a) Return the plan to the empowerment team with a written statement indicating the reason for the denial; and

(b) Provide the empowerment team with a reasonable opportunity to correct any deficiencies identified in the written statement and resubmit it for approval. An empowerment plan may be resubmitted not more than once in a school year.

5. Except as otherwise provided in subsection 7, an empowerment plan for a charter school that is sponsored by the ~~[State Board]~~ *Nevada Charter School Institute* or by a college or university within the Nevada System of Higher Education is not effective and a charter school shall not operate as an empowerment school unless the plan is signed by the President of the State Board, the principal of the charter school and the chairman of the empowerment team, if the principal is not the chairman.

6. Except as otherwise provided in subsection 7, the empowerment team may submit a written request to the Department for an amendment to the empowerment plan approved pursuant to this section, including an explanation of the reason for the amendment. An amendment must be approved in the same manner as the empowerment plan was approved.

7. If an empowerment team has not been established pursuant to the exception provided in subsection 2 of NRS 386.730, the principal of the school shall carry out the responsibilities and duties assigned to the empowerment team pursuant to this section.

Sec. 4.45. *NRS 386.760 is hereby amended to read as follows:*

386.760 1. Each empowerment school, other than a charter school that is sponsored by the ~~[State Board]~~ *Nevada Charter School Institute* or by a college or university within the Nevada System of Higher Education, shall, on a quarterly basis, submit to the board of trustees of the school district in which the school is located a report that includes:

(a) The financial status of the school; and

(b) A description of the school's compliance with each component of the empowerment plan for the school.

2. Each charter school that is sponsored by the ~~[State Board]~~ *Nevada Charter School Institute* or by a college or university within the Nevada System of Higher Education which is approved to operate as an empowerment school shall, on a quarterly basis, submit to the Department a report that includes:

(a) The financial status of the school; and

(b) A description of the school's compliance with each component of the empowerment plan for the school.

3. The board of trustees of a school district shall conduct a financial audit of each empowerment school within the school district, other than a charter school that is sponsored by the ~~[State Board]~~ *Nevada Charter School Institute* or by a college or university within the Nevada System of Higher Education. Each financial audit must be conducted on an annual basis and more frequently if determined necessary by the board of trustees.

4. The Department shall conduct a financial audit of each charter school that is sponsored by the ~~[State Board]~~ *Nevada Charter School Institute* or by a college or university within the Nevada System of Higher Education which operates as an empowerment school on an annual basis and more frequently if determined necessary by the Department.

5. On or before July 1 of each year, the board of trustees of each school district shall compile the reports and audits required pursuant to subsections 1 and 3, if any, and forward the compilation to the:

(a) Governor;

(b) Department; and

(c) Legislative Committee on Education.

6. On or before July 1 of each year, the Department shall compile the reports and audits required pursuant to subsections 2 and 4, if any, and forward the compilation to the:

(a) Governor; and

(b) Legislative Committee on Education.

Sec. 4.9. *NRS 387.124 is hereby amended to read as follows:*

387.124 Except as otherwise provided in this section and NRS 387.528:

1. On or before August 1, November 1, February 1 and May 1 of each year, the Superintendent of Public Instruction shall apportion the State Distributive School Account in the State General Fund among the several county school districts, charter schools and university schools for profoundly gifted pupils in amounts approximating one-fourth of their respective yearly apportionments less any amount set aside as a reserve. The apportionment to a school district, computed on a yearly basis, equals the difference between the basic support and the local funds available pursuant to NRS 387.1235, minus all the funds attributable to pupils who reside in the county but attend a charter school, all the funds attributable to pupils who reside in the county and are enrolled full-time or part-time in a program of distance education provided by another school district or a charter school and all the funds attributable to pupils who are enrolled in a university school for profoundly gifted pupils located in the county. No apportionment may be made to a school district if the amount of the local funds exceeds the amount of basic support.

2. Except as otherwise provided in subsection 3, the apportionment to a charter school, computed on a yearly basis, is equal to the sum of the basic support per pupil in the county in which the pupil resides plus the amount of local funds available per pupil pursuant to NRS 387.1235 and all other funds available for public schools in the county in which the pupil resides minus all the funds attributable to pupils who are enrolled in the charter school but are concurrently enrolled part-time in a program of distance education provided by a school district or another charter school. If the apportionment per pupil to a charter school is more than the amount to be apportioned to the school district in which a pupil who is enrolled in the charter school resides, the school district in which the pupil resides shall pay the difference directly to the charter school.

3. The apportionment to a charter school that is sponsored by the ~~[State Board]~~ *Nevada Charter School Institute* or by a college or university within the Nevada System of Higher Education, computed on a yearly basis, is equal to the sum of the basic support per pupil in the county in which the pupil resides plus the amount of local funds available per pupil pursuant to NRS 387.1235 and all other funds available for public schools in the county in which the pupil resides, minus all funds attributable to pupils who are enrolled in the charter school but are concurrently enrolled part-time in a program of distance education provided by a school district or another charter school.

4. In addition to the apportionments made pursuant to this section, an apportionment must be made to a school district or charter school that provides a program of distance education for each pupil who is enrolled part-time in the program. The amount of the apportionment must be equal to the percentage of the total time services are provided to the pupil through the program of distance education per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (2) of paragraph (a) of subsection 1 of NRS 387.1233 for the school district in which the pupil resides.

5. The governing body of a charter school may submit a written request to the Superintendent of Public Instruction to receive, in the first year of operation of the charter school, an apportionment 30 days before the apportionment is required to be made pursuant to subsection 1. Upon receipt of such a request, the Superintendent of Public Instruction may make the apportionment 30 days before the apportionment is required to be made. A charter school may receive all four apportionments in advance in its first year of operation.

6. The apportionment to a university school for profoundly gifted pupils, computed on a yearly basis, is equal to the sum of the basic support per pupil in the county in which the university school is located plus the amount of local funds available per pupil pursuant to NRS 387.1235 and all other funds available for public schools in the county in which the university school is located. If the apportionment per pupil to a university school for profoundly gifted pupils is more than the amount to be apportioned to the school district in which the university school is located, the school district shall pay the difference directly to the university school. The governing body of a university school for profoundly gifted pupils may submit a written request to the Superintendent of Public Instruction to receive, in the first year of operation of the university school, an apportionment 30 days before the apportionment is required to be made pursuant to subsection 1. Upon receipt of such a request, the Superintendent of Public Instruction may make the apportionment 30 days before the apportionment is required to be made. A university school for profoundly gifted pupils may receive all four apportionments in advance in its first year of operation.

7. The Superintendent of Public Instruction shall apportion, on or before August 1 of each year, the money designated as the "Nutrition State Match" pursuant to NRS 387.105 to those school districts that participate in the National School Lunch Program, 42 U.S.C. §§ 1751 et seq. The apportionment to a school district must be directly related to the district's reimbursements for the Program as compared with the total amount of reimbursements for all school districts in this State that participate in the Program.

8. If the State Controller finds that such an action is needed to maintain the balance in the State General Fund at a level sufficient to pay the other appropriations from it, he may pay out the apportionments monthly, each

approximately one-twelfth of the yearly apportionment less any amount set aside as a reserve. If such action is needed, the State Controller shall submit a report to the Department of Administration and the Fiscal Analysis Division of the Legislative Counsel Bureau documenting reasons for the action.

Sec. 5. NRS 388.205 is hereby amended to read as follows:

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

2. *The policy must ensure that each pupil enrolled in ninth grade and the pupil's parent or legal guardian are adequately notified and informed of the following information:*

(a) The advanced placement courses, honors courses, international baccalaureate courses, dual credit courses, career and technical education courses, including, without limitation, career and technical skills-building programs, and any other educational programs, pathways or courses available to the pupil which will assist in the advancement of the education of the pupil;

(b) The requirements for graduation from high school with a diploma and the types of diplomas available;

(c) The requirements for admission to the Nevada System of Higher Education and the eligibility requirements for a Governor Guinn Millennium Scholarship; and

(d) To the extent available, programs offered by charter schools within the school district.

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

(a) ~~[Work in]~~ *Be notified of opportunities to work in* consultation with a school counselor to develop *and review* an academic plan for the pupil; *and*

(b) ~~[Sign the academic plan; and~~

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

~~[3.]~~ *4.* If a pupil enrolls in a high school after ninth grade, an academic plan must be developed for that pupil with appropriate modifications for the grade level of the pupil.

~~[4.]~~ *5.* An academic plan for a pupil must be used as a guide for the pupil and the parent or legal guardian of the pupil to plan, monitor and manage the pupil's educational and occupational development and make determinations of the appropriate courses of study for the pupil. If a pupil does not satisfy all the goals set forth in the academic plan, the pupil is

eligible to graduate and receive a high school diploma if he otherwise satisfies the requirements for a diploma.

Sec. 5.5. *NRS 388.795 is hereby amended to read as follows:*

388.795 1. The Commission shall establish a plan for the use of educational technology in the public schools of this State. In preparing the plan, the Commission shall consider:

(a) Plans that have been adopted by the Department and the school districts in this State;

(b) Plans that have been adopted in other states;

(c) The information reported pursuant to paragraph (t) of subsection 2 of NRS 385.347 ~~[,]~~ *and similar information included in the annual report of accountability prepared by the Nevada Charter School Institute pursuant to subsection 3 of NRS 385.347.*

(d) The results of the assessment of needs conducted pursuant to subsection 6; and

(e) Any other information that the Commission or the Committee deems relevant to the preparation of the plan.

2. The plan established by the Commission must include recommendations for methods to:

(a) Incorporate educational technology into the public schools of this State;

(b) Increase the number of pupils in the public schools of this State who have access to educational technology;

(c) Increase the availability of educational technology to assist licensed teachers and other educational personnel in complying with the requirements of continuing education, including, without limitation, the receipt of credit for college courses completed through the use of educational technology;

(d) Facilitate the exchange of ideas to improve the achievement of pupils who are enrolled in the public schools of this State; and

(e) Address the needs of teachers in incorporating the use of educational technology in the classroom, including, without limitation, the completion of training that is sufficient to enable the teachers to instruct pupils in the use of educational technology.

3. The Department shall provide:

(a) Administrative support;

(b) Equipment; and

(c) Office space,

➥ as is necessary for the Commission to carry out the provisions of this section.

4. The following entities shall cooperate with the Commission in carrying out the provisions of this section:

(a) The State Board.

(b) The board of trustees of each school district.

(c) The superintendent of schools of each school district.

(d) The Department.

5. The Commission shall:

(a) Develop technical standards for educational technology and any electrical or structural appurtenances necessary thereto, including, without limitation, uniform specifications for computer hardware and wiring, to ensure that such technology is compatible, uniform and can be interconnected throughout the public schools of this State.

(b) Allocate money to the school districts from the Trust Fund for Educational Technology created pursuant to NRS 388.800 and any money appropriated by the Legislature for educational technology, subject to any priorities for such allocation established by the Legislature.

(c) Establish criteria for the board of trustees of a school district that receives an allocation of money from the Commission to:

(1) Repair, replace and maintain computer systems.

(2) Upgrade and improve computer hardware and software and other educational technology.

(3) Provide training, installation and technical support related to the use of educational technology within the district.

(d) Submit to the Governor, the Committee and the Department its plan for the use of educational technology in the public schools of this State and any recommendations for legislation.

(e) Review the plan annually and make revisions as it deems necessary or as directed by the Committee or the Department.

(f) In addition to the recommendations set forth in the plan pursuant to subsection 2, make further recommendations to the Committee and the Department as the Commission deems necessary.

6. During the spring semester of each even-numbered school year, the Commission shall conduct an assessment of the needs of each school district relating to educational technology. In conducting the assessment, the Commission shall consider:

(a) The recommendations set forth in the plan pursuant to subsection 2;

(b) The plan for educational technology of each school district, if applicable;

(c) Evaluations of educational technology conducted for the State or for a school district, if applicable; and

(d) Any other information deemed relevant by the Commission.

➥ The Commission shall submit a final written report of the assessment to the Superintendent of Public Instruction on or before April 1 of each even-numbered year.

7. The Superintendent of Public Instruction shall prepare a written compilation of the results of the assessment conducted by the Commission and transmit the written compilation on or before June 1 of each even-numbered year to the Legislative Committee on Education and to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature.

8. The Commission may appoint an advisory committee composed of members of the Commission or other qualified persons to provide recommendations to the Commission regarding standards for the establishment, coordination and use of a telecommunications network in the public schools throughout the various school districts in this State. The advisory committee serves at the pleasure of the Commission and without compensation unless an appropriation or other money for that purpose is provided by the Legislature.

9. As used in this section, "public school" includes the Caliente Youth Center, the Nevada Youth Training Center and any other state facility for the detention of children that is operated pursuant to title 5 of NRS.

Sec. 6. Chapter 389 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The board of trustees of each school district and the governing body of each charter school that operates as a high school shall ensure that instruction on financial responsibility is provided to pupils in each public high school within the school district or in the charter school, as applicable. The instruction must include:

(a) The skills necessary to develop financial responsibility, including, without limitation:

(1) Making reasonable financial decisions by analyzing the alternatives and consequences to those financial decisions;

(2) Locating and evaluating financial information from various sources;

(3) Developing communication strategies to discuss financial issues;

(4) Controlling personal information; and

(5) Reviewing and summarizing federal and state consumer protection laws.

(b) The skills necessary to manage finances, including, without limitation:

(1) Developing a plan for spending and saving;

(2) Developing a system for keeping and using financial records; and

(3) Developing a personal financial plan.

(c) The skills necessary to understand the use of credit and the incurrence of debt, including, without limitation:

(1) Identifying the costs and benefits of various types of credit;

(2) Explaining the purpose of a credit report, including, without limitation, the manner in which a credit report is used by lenders;

(3) Describing the rights of a borrower regarding his credit report;

(4) Identifying methods to avoid and resolve debt problems; and

(5) Reviewing and summarizing federal and state consumer credit protection laws.

(d) The skills necessary to understand the basic principles of saving and investing, including, without limitation:

(1) Understanding how saving and investing contribute to financial well-being;

(2) Understanding the methods of investing and alternatives to investing;

(3) Understanding how to buy and sell investments; and

(4) Understanding how the regulation of financial institutions protects investors.

2. The instruction required by subsection 1 may be included within a course that pupils enrolled in high school are otherwise required to complete.

Sec. 7. NRS 389.805 is hereby amended to read as follows:

389.805 1. A pupil must receive a standard high school diploma if he:

(a) Passes all subject areas of the high school proficiency examination administered pursuant to NRS 389.015 and otherwise satisfies the requirements for graduation from high school; or

(b) Has failed to pass the high school proficiency examination administered pursuant to NRS 389.015 in its entirety not less than three times before beginning grade 12 and the pupil:

(1) Passes the subject areas of mathematics and reading on the proficiency examination;

(2) Has an overall grade point average of not less than 2.75 on a 4.0 grading scale;

(3) Satisfies the alternative criteria prescribed by the State Board pursuant to subsection ~~[3;]~~ *4;* and

(4) Otherwise satisfies the requirements for graduation from high school.

2. A pupil with a disability who does not satisfy the requirements for receipt of a standard high school diploma may receive a diploma designated as an adjusted diploma if he satisfies the requirements set forth in his individualized education program. As used in this subsection, "individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

3. *The State Board shall prescribe an adjusted adult diploma and the requirements for receipt of an adjusted adult diploma by an adult who did not satisfy the requirements of subsection 2.*

4. The State Board shall adopt regulations that prescribe the alternative criteria for a pupil to receive a standard high school diploma pursuant to paragraph (b) of subsection 1, including, without limitation:

(a) An essay;

(b) A senior project; or

(c) A portfolio of work,

➥ or any combination thereof, that demonstrate proficiency in the subject areas on the high school proficiency examination which the pupil failed to pass.

Sec. 8. Chapter 392 of NRS is hereby amended by adding thereto the provisions set forth as sections 9, 10 and 11 of this act.

Sec. 9. *1. The board of trustees of each school district shall adopt a policy for the public high schools within the school district to provide a program of teen mentoring, which may include a component of adult mentoring, designed to:*

(a) Increase pupil participation in school activities, community activities and all levels of government; or

(b) Increase the ability of ninth grade pupils enrolled in high school to successfully make the transition from middle school or junior high school to high school,

➥ *or both.*

2. Any such policy must include, without limitation:

(a) Guidelines for establishing:

(1) Eligibility requirements for pupils who participate in the program as mentors or mentees, including, without limitation, any minimum grade level for pupils who serve as mentors and any minimum grade point average that must be maintained by pupils who serve as mentors. The guidelines may not require a pupil who participates in the program to maintain a grade point average that is higher than the grade point average required for a pupil to participate in sports at the high school the pupil attends.

(2) Training requirements for pupils who serve as mentors.

(3) Incentives for pupils who serve as mentors.

(b) A requirement that each public high school which carries out a program for teen mentoring must establish a committee to select each pupil mentor who participates in the program. The policy must provide that the committee may select a pupil who does not meet the general eligibility requirements for mentors if the members of the committee determine that the pupil is otherwise qualified to serve as a mentor.

(c) Any other provisions that the board of trustees deems appropriate.

3. The principal of each high school shall, to the extent that money is available for this purpose:

(a) Carry out a program of teen mentoring in accordance with the policy adopted by the board of trustees pursuant to subsection 1; and

(b) Adopt other policies for the program of teen mentoring that are consistent with this section and the policy adopted by the board of trustees pursuant to subsection 1.

4. If a principal of a public high school carries out a program of teen mentoring pursuant to this section, the principal shall, on a date prescribed by the board of trustees, submit an annual report to the board of trustees and the Director of the Legislative Counsel Bureau for transmission to the Legislative Committee on Education or the Legislature, as applicable, that sets forth a summary of:

(a) The specific activities of the program of teen mentoring; and

(b) The effectiveness of the program of teen mentoring in increasing pupil participation in school activities, community activities and all levels of

government or in increasing the ability of ninth grade pupils to successfully make the transition from middle school or junior high school to high school

~~[3.]~~ *, as applicable to the type of program in effect at the school.*

5. The board of trustees of each school district and each public high school may apply for and accept gifts, grants and donations from any source for the support of the board of trustees or a public high school in carrying out a program of teen mentoring pursuant to the provisions of this section. Any money received pursuant to this subsection may be used only for purposes of carrying out a program of teen mentoring pursuant to the provisions of this section.

6. This section does not preclude a board of trustees of a school district or a public high school from continuing any other similar program of teen mentoring that exists on the July 1, 2011.

Sec. 10. *To the extent money is available for this purpose, the board of trustees of each school district shall adopt a policy of credit remediation which ensures that pupils who are deficient in the number of credits required for promotion to the next grade or for graduation from high school are provided sufficient opportunities, including, without limitation, opportunities during the school day, to complete appropriate remediation of deficient credits.*

Sec. 11. *1. The board of trustees of each school district shall adopt a policy that allows a pupil enrolled in a public school within the school district to report, anonymously if the pupil chooses, any unlawful activity which is being conducted on school property, at an activity sponsored by a public school or on a school bus. The policy must include, without limitation:*

(a) The types of unlawful activities which a pupil may report; and

(b) The manner in which a pupil may report the unlawful activities.

2. The board of trustees of a school district may work in consultation with a local law enforcement agency or other governmental entity, corporation, business, organization or other entity to assist in the implementation of the policy adopted pursuant to subsection 1.

3. Each public school within the school district shall post prominently in various locations at the school the policy adopted pursuant to subsection 1, which must clearly denote the phone number and any other methods to make a report. If a public school maintains an Internet website for the school, the policy must also be posted on the school's website.

4. The board of trustees of each school district shall post the policy on the Internet website maintained by the school district.

Sec. 12. NRS 392.019 is hereby amended to read as follows:

392.019 1. Except as otherwise provided in this subsection, if a child is exempt from compulsory attendance pursuant to *this section or* NRS 392.070 ~~[, 392.100 or 392.110,]~~ and the child is employed to work in the entertainment industry pursuant to a written contract for a period of more than 91 school days, or its equivalent if the child resides in a school district operating under an alternative schedule authorized pursuant to NRS 388.090,

including, without limitation, employment with a motion picture company or employment with a production company hired by a casino or resort hotel, the entity that employs the child shall, upon the request of the parent or legal guardian of the child, pay the costs for the child to receive at least 3 hours of tutoring per day for at least 5 days per week. In lieu of tutoring, the parent or legal guardian of such a child may agree with the entity that employs the child that the entity will pay the costs for the child to receive other educational or instructional services which are equivalent to tutoring. The provisions of this subsection apply during the period of a child's employment with an entity, regardless of whether the child has obtained the appropriate exemption from compulsory attendance at the time his contract with the entity is under negotiation.

2. *The board of trustees of a school district may excuse a child who is employed pursuant to subsection 1 from full-time attendance.* If such a child is exempt from ~~[compulsory]~~ attendance pursuant to ~~[NRS 392.100 or 392.110,]~~ *this subsection,* the tutoring or other educational or instructional services received by the child pursuant to subsection 1 must be approved by the board of trustees of the school district in which the child resides.

Sec. 12.5. NRS 392.128 is hereby amended to read as follows:

392.128 1. Each advisory board to review school attendance created pursuant to NRS 392.126 shall:

(a) Review the records of the attendance and truancy of pupils submitted to the advisory board to review school attendance by the board of trustees of the school district *or the Nevada Charter School Institute* pursuant to subsection ~~[7]~~ *8* of NRS 385.347;

(b) Identify factors that contribute to the truancy of pupils in the school district;

(c) Establish programs to reduce the truancy of pupils in the school district, including, without limitation, the coordination of services available in the community to assist with the intervention, diversion and discipline of pupils who are truant;

(d) At least annually, evaluate the effectiveness of those programs;

(e) Establish a procedure for schools and school districts for the reporting of the status of pupils as habitual truants; and

(f) Inform the parents and legal guardians of the pupils who are enrolled in the schools within the district of the policies and procedures adopted pursuant to the provisions of this section.

2. The chairman of an advisory board may divide the advisory board into subcommittees. The advisory board may delegate one or more of the duties of the advisory board to a subcommittee of the advisory board, including, without limitation, holding hearings pursuant to NRS 392.147. If the chairman of an advisory board divides the advisory board into subcommittees, the chairman shall notify the board of trustees of the school district of this action. Upon receipt of such a notice, the board of trustees shall establish rules and procedures for each such subcommittee. A

subcommittee shall abide by the applicable rules and procedures when it takes action or makes decisions.

3. An advisory board to review school attendance may work with a family resource center or other provider of community services to provide assistance to pupils who are truant. The advisory board shall identify areas within the school district in which community services are not available to assist pupils who are truant. As used in this subsection, "family resource center" has the meaning ascribed to it in NRS 430A.040.

4. An advisory board to review school attendance created in a county pursuant to NRS 392.126 may use money appropriated by the Legislature and any other money made available to the advisory board for the use of programs to reduce the truancy of pupils in the school district. The advisory board to review school attendance shall, on a quarterly basis, provide to the board of trustees of the school district an accounting of the money used by the advisory board to review school attendance to reduce the truancy of pupils in the school district.

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

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

1. Make a full and impartial investigation of all charges against parents, guardians or other persons having control or charge of any child who is under 18 years of age and required to attend school pursuant to NRS 392.040 for violation of any of the provisions of NRS 392.040 to ~~[392.110,]~~ *392.080,* inclusive, or 392.130 to 392.160, inclusive.

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

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

392.180 If it appears upon investigation that any parent, guardian or other person having control or charge of any child who is under 18 years of age and required to attend school pursuant to NRS 392.040 has violated any of the provisions of NRS 392.040 to ~~[392.110,]~~ *392.080,* inclusive, or 392.130 to 392.160, inclusive, the clerk of the board of trustees or the governing body of a charter school in which the child is enrolled, except as otherwise provided in NRS 392.190, shall make and file in the proper court a criminal complaint against the parent, guardian or other person, charging the violation, and shall see that the charge is prosecuted by the proper authority.

Sec. 15. NRS 392.215 is hereby amended to read as follows:

392.215 Any parent, guardian or other person who, with intent to deceive under NRS 392.040 to ~~[392.110,]~~ *392.080,* inclusive, or 392.130 to 392.165, inclusive:

1. Makes a false statement concerning the age or attendance at school;

2. Presents a false birth certificate or record of attendance at school; or

3. Refuses to furnish a suitable identifying document, record of attendance at school or proof of change of name, upon request by a local law

enforcement agency conducting an investigation in response to notification pursuant to subsection 4 of NRS 392.165,

➥ of a child under 18 years of age who is under his control or charge, is guilty of a misdemeanor.

Sec. 15.5. Section 2 of chapter 180, Statutes of Nevada 2009, is hereby amended to read as follows:

Sec. 2. This act becomes effective upon passage and approval and expires by limitation on June 30, 2011.

Sec. 16. NRS *386.507,* 392.090, 392.100 and 392.110 are hereby repealed.

Sec. 17. The Department of Education shall, on or before October 1, 2009, transfer to the Account for the Nevada Charter School Institute created by section 4.31 of this act any unexpended money collected by the Department pursuant to NRS 386.570 for reimbursement of the administrative costs associated with sponsorship of charter schools sponsored by the State Board of Education.

Sec. 18. Notwithstanding the provisions of section 4.27 of this act to the contrary, on October 1, 2009, the Governor shall appoint a Director of the Nevada Charter School Institute to a term of 3 years. Upon the expiration of the term of the Director or if a vacancy occurs before the expiration of the term, the Nevada Charter School Institute shall appoint the Director in accordance with section 4.27 of this act.

Sec. 19. 1. To assist the Nevada Charter School Institute created by section 4.25 of this act in carrying out its duties and responsibilities, the Director shall on January 1, 2010:

(a) Hire an administrative assistant and an accounting assistant; and

(b) Hire an educational consultant.

2. On January 1, 2010, one management analyst position in the Department of Education with job duties and responsibilities that relate to charter schools must be transferred to the Nevada Charter School Institute.

Sec. 20. On or before January 1, 2010, the members of the Nevada Charter School Institute created by section 4.25 of this act shall be appointed to terms commencing on January 1, 2010, as follows:

1. One member appointed by the Governor to a term that expires on June 30, 2011.

2. One member appointed by the Governor to a term that expires on June 30, 2013.

3. One member appointed by the Majority Leader of the Senate to a term that expires on June 30, 2011.

4. One member appointed by the Majority Leader of the Senate to a term that expires on June 30, 2013.

5. One member appointed by the Speaker of the Assembly to a term that expires on June 30, 2011.

6. One member appointed by the Speaker of the Assembly to a term that expires on June 30, 2013.

7. One member must be appointed by an association of charter schools to a term that expires on June 30, 2013. For the initial selection pursuant to this subsection, the Superintendent of Public Instruction shall designate the association of charter schools that is authorized to appoint a member of the Nevada Charter School Institute.

Sec. 21. The Legislative Counsel shall, in preparing the reprint and supplement to the Nevada Revised Statutes with respect to any section which is not amended by this act or is adopted or amended by another act, appropriately change any reference to an officer or agency whose responsibilities have been transferred to pursuant to the provisions of this act to refer to the appropriate officer or agency. If any internal reference is made to a section repealed by this act, the Legislative Counsel shall delete the reference and replace it by reference to the superseding section, if any.

Sec. 22. Any regulations adopted by the Department of Education or the State Board of Education pursuant to NRS 386.500 to 386.610, inclusive, before January 1, 2010, remain in effect and may be enforced by the Nevada Charter School Institute created by section 4.25 of this act until the Institute adopts regulations to repeal or replace those regulations.

Sec. 23. A charter school that is approved to operate as a State Board of Education-sponsored charter school shall be deemed to be sponsored by the Nevada Charter School Institute commencing on January 1, 2010, and the written charter of the charter school shall remain in effect until the expiration of the written charter, unless the written charter is revoked by the Nevada Charter School Institute pursuant to NRS 386.535. Before expiration of the written charter such a charter school may apply to the Nevada Charter School Institute for renewal of its written charter pursuant to NRS 386.530.

Sec. 24. 1. The Department of Personnel shall, upon the request of an employee of the Department of Education or the State Board of Education whose employment is terminated as a result of this act, place the employee on an appropriate reemployment list maintained by the Department of Personnel and allow a preference for each of those employees on that list. The Department of Personnel shall maintain each such employee on the reemployment list for not less than 2 years, or until the employee is reemployed by the Executive Branch of State Government, whichever occurs earlier.

2. The provisions of this section apply regardless of whether the employee was in the classified, unclassified or nonclassified service of the State of Nevada.

~~[Sec. 17.]~~ *Sec. 25.* 1. This section and sections *4.01, 4.21, 4.31 and 17 become effective upon passage and approval.*

2. Section 1 to ~~[8,]~~ *4,* inclusive, ~~[and 10 to 16, inclusive,]~~ *5, 6, 7, 8, 10, 11, 12, 13, 14, 15.5, 16 and 21* of this act become effective on July 1, 2009.

~~[2.]~~ *3. Sections 4.02 to 4.20, inclusive, 4.22 to 4.30, inclusive, 4.32 to 4.9, inclusive, 5.5, 12.5 and 18, 19, 20, 22, 23 and 24 of this act become effective on October 1, 2009.*

4. Section 9 of this act becomes effective on July 1, 2011.

5. Sections 4.43, 4.44 and 4.45 of this act expire by limitation on June 30, 2011.

TEXT OF REPEALED SECTIONS

386.507 Subcommittee on Charter Schools: Appointment of members; terms. The Subcommittee on Charter Schools of the State Board is hereby created. The President of the State Board shall appoint three members of the State Board to serve on the Subcommittee. Except as otherwise provided in this section, the members of the Subcommittee serve terms of 2 years. If a member is not reelected to the State Board during his service on the Subcommittee, his term on the Subcommittee expires when his membership on the State Board expires. Members of the Subcommittee may be reappointed.

392.090 Juvenile court may permit child who has completed eighth grade to leave school. After review of the case, the juvenile court may issue a permit authorizing any child who has completed the eighth grade to leave school.

392.100 Attendance excused if child 14 years of age or older must support himself or his parent. Attendance required by the provisions of NRS 392.040 shall be excused when satisfactory written evidence is presented to the board of trustees of the school district in which the child resides that the child, 14 years of age or over, must work for his own or his parent's support.

392.110 Attendance excused for child between 14 and 18 years of age who has completed eighth grade to enter employment or apprenticeship; written permit required.

1. Any child between the ages of 14 and 18 years who has completed the work of the first eight grades may be excused from full-time school attendance and may be permitted to enter proper employment or apprenticeship, by the written authority of the board of trustees excusing the child from such attendance. The board's written authority must state the reason or reasons for such excuse.

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

Senator Washington moved the adoption of the amendment.

Remarks by Senators Washington and Horsford.

Conflict of interest declared by Senator Care.

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

SENATOR WASHINGTON:

This amendment deals with charter schools and sets up the Nevada Charter School Institute. On page 21, it deals with the reporting requirements for the Institute. Page 22 deals with the review for attendance and the maintenance of a website. Page 29 deals with the requirements set up by the federal government as far as providing a choice for parents and providing technical assistance. On page 41, the Institute is set up and the requirements for the Director and the members who will serve on the Board are listed. Technical services are provided by the Institute for schools who come under their charge. Section 4.26 deals with the members who are part of the Institute.

The major provisions are within these pages. This Institute will provide an opportunity to set up governance that will oversee the operations and maintenance of charter schools as well as making certain charter schools are in compliance with their application and their contract. This will give us the opportunity to access some federal funds for the formation and the proliferation of charter schools.

SENATOR HORSFORD:

This legislation was introduced in an Assembly bill and in a Senate bill. Hearings were done in both Houses. There was a joint hearing at one time. This came from the Interim Committee on Education. To not move on this, when there is so much emphasis on charter schools and the need to support charter schools, would be a disservice and would be a missed opportunity to position Nevada to benefit from the resources that are coming from the federal government.

Charter schools and innovations in education are the emphasis that the new U.S. Secretary of Education, Arne Duncan, has placed on what he expects states to do. He has said that those states with barriers or that do not have a structure in place to support charter schools or other types of innovative models will not receive the level of support from the federal government that this legislation seeks to enable.

Amendments adopted.

Senator Horsford moved that all necessary rules be suspended, that Assembly Bill No. 505 be declared an emergency measure under the Constitution and that the Secretary be authorized to insert Amendment Nos. 1011 and 1015 adopted by the Senate, and the bill be immediately placed on General File for final passage.

Motion carried.

Assembly Bill No. 505.

Bill read third time.

Conflict of interest declared by Senator Care.

Roll call on Assembly Bill No. 505:

YEAS—18.

NAYS—Raggio, Townsend—2.

NOT VOTING—Care.

Assembly Bill No. 505 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 3.

The following Assembly amendment was read:

Amendment No. 1001.

"SUMMARY—Creates the Legislative Committee on Child Welfare and Juvenile Justice. (BDR 17-213)"

"AN ACT relating to legislative affairs; creating the Legislative Committee on Child Welfare and Juvenile Justice; prescribing the powers and duties of the Committee; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Section 3 of this bill creates the Legislative Committee on Child Welfare and Juvenile Justice and provides for the appointment of its membership by the Legislative Commission. Section 4 of this bill prescribes the manner in which meetings must be conducted by the Committee and provides for the compensation of its members. Section 5 of this bill prescribes the duties of the Committee, including the evaluation and review of issues relating to child welfare services and juvenile justice in this State. Sections 6 and 7 of this bill authorize the Committee to conduct investigations and hold hearings and provide for the administration of oaths, the deposition of witnesses and the issuance of subpoenas in connection with those investigations and hearings. ~~[Section 9 of this bill provides that the members of the Committee will be appointed following the 2011 Legislative Session, unless before then a sufficient amount of money is collected through gifts, grants and donations to establish and provide administrative support for the Committee.]~~

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

Section 1. Chapter 218 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this act.

Sec. 2. *As used in sections 2 to 8, inclusive, of this act, unless the context otherwise requires, "Committee" means the Legislative Committee on Child Welfare and Juvenile Justice.*

Sec. 3. *1. The Legislative Committee on Child Welfare and Juvenile Justice is hereby created. The membership of the Committee consists of three members of the Senate and three members of the Assembly, appointed by the Legislative Commission.*

2. The Legislative Commission shall select the Chairman and Vice Chairman of the Committee from among the members of the Committee. After the initial selection of those officers, each of those officers holds the position for a term of 2 years commencing on July 1 of each odd-numbered year. The Chairmanship of the Committee must alternate each biennium between the houses of the Legislature. If a vacancy occurs in the Chairmanship or Vice Chairmanship, the vacancy must be filled in the same manner as the original selection for the remainder of the unexpired term.

3. A member of the Committee who is not a candidate for reelection or who is defeated for reelection continues to serve until the convening of the next regular session of the Legislature.

4. A vacancy on the Committee must be filled in the same manner as the original appointment.

Sec. 4. *1. The members of the Committee shall meet throughout the year at the times and places specified by a call of the Chairman or a majority of the Committee.*

2. The Director of the Legislative Counsel Bureau or his designee shall act as the nonvoting recording Secretary of the Committee.

3. Four members of the Committee constitute a quorum, and a quorum may exercise all the power and authority conferred on the Committee.

4. Except during a regular or special session of the Legislature, for each day or portion of a day during which a member of the Committee attends a meeting of the Committee or is otherwise engaged in the work of the Committee, the member is entitled to receive the:

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

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

(c) Travel expenses provided pursuant to NRS 218.2207.

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

Sec. 5. *The Committee shall evaluate and review issues relating to:*

1. The provision of child welfare services in this State, including, without limitation:

(a) Programs for the provision of child welfare services;

(b) Licensing and reimbursement of providers of foster care;

(c) Mental health services; and

(d) Compliance with federal requirements regarding child welfare; and

2. Juvenile justice in this State, including, without limitation:

(a) The coordinated continuum of care in which community-based programs and services are combined to ensure that health services, substance abuse treatment, education, training and care are compatible with the needs of each juvenile in the juvenile justice system;

(b) Individualized supervision, care and treatment to accommodate the individual needs and potential of the juvenile and his family, and treatment programs which integrate the juvenile into situations of living and interacting that are compatible with a healthy, stable and familial environment;

(c) Programs for aftercare and reintegration in which juveniles will continue to receive treatment after their active rehabilitation in a facility to prevent the relapse or regression of progress achieved during the recovery process;

(d) Overrepresentation and disparate treatment of minorities in the juvenile justice system, including, without limitation, a review of the various places where bias may influence decisions concerning minorities;

(e) Gender-specific services, including, without limitation, programs for female juvenile offenders which consider female development in their design

and implementation and which address the needs of females, including issues relating to:

(1) Victimization and abuse;

(2) Substance abuse;

(3) Mental health;

(4) Education; and

(5) Vocational and skills training;

(f) The quality of care provided for juvenile offenders in state institutions and facilities, including, without limitation:

(1) The qualifications and training of staff;

(2) The documentation of the performance of state institutions and facilities;

(3) The coordination and collaboration of agencies; and

(4) The availability of services relating to mental health, substance abuse, education, vocational training and treatment of sex offenders and violent offenders;

(g) The feasibility and necessity for the independent monitoring of state institutions and facilities for the quality of care provided to juvenile offenders; and

(h) Programs developed in other states which provide a system of community-based programs that place juvenile offenders in more specialized programs according to the needs of the juveniles.

Sec. 6. *1. The Committee may:*

(a) Conduct investigations and hold hearings in connection with its duties pursuant to section 5 of this act;

(b) Request that the Legislative Counsel Bureau assist in the research, investigations, hearings and reviews of the Committee; and

(c) Propose recommended legislation concerning child welfare and juvenile justice to the Legislature.

2. The Committee shall, on or before January 15 of each odd-numbered year, submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislature a report concerning the evaluation and review conducted pursuant to section 5 of this act.

Sec. 7. *1. If the Committee conducts investigations or holds hearings pursuant to section 6 of this act:*

(a) The Chairman of the Committee or, in his absence, a member designated by the Committee may administer oaths;

(b) The Chairman of the Committee may cause the deposition of witnesses, residing within or outside of this State, to be taken in the manner prescribed by rule of court for taking depositions in civil actions in the district courts; and

(c) The Chairman of the Committee may issue subpoenas to compel the attendance of witnesses and the production of books and papers.

2. If any witness refuses to attend or testify or produce any books and papers as required by the subpoena, the Chairman of the Committee may report to the district court by petition, setting forth that:

(a) Due notice has been given of the time and place of attendance of the witness or the production of the books and papers;

(b) The witness has been subpoenaed by the Committee pursuant to this section; and

(c) The witness has failed or refused to attend or produce the books and papers required by the subpoena before the Committee which is named in the subpoena, or has refused to answer questions propounded to him,

➥ and asking for an order of the court compelling the witness to attend and testify or produce the books and papers before the Committee.

3. Upon such petition, the court shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 10 days after the date of the order, and then and there show cause why he has not attended or testified or produced the books or papers before the Committee. A certified copy of the order must be served upon the witness.

4. If it appears to the court that the subpoena was regularly issued by the Committee, the court shall enter an order that the witness appear before the Committee at the time and place fixed in the order and testify or produce the required books or papers, and upon failure to obey the order, the witness shall be dealt with as for contempt of court.

Sec. 8. *Each witness who appears before the Committee by its order, except a state officer or employee, is entitled to receive for his attendance the fees and mileage provided for witnesses in civil cases in the courts of record of this State. The fees and mileage must be audited and paid upon the presentation of proper claims sworn to by the witness and approved by the Secretary and Chairman of the Committee.*

Sec. 9. ~~[1. Except as otherwise provided in this section, the Legislative Commission shall appoint the members of the Legislative Committee on Child Welfare and Juvenile Justice created pursuant to section 3 of this act following the 2011 Legislative Session.~~

~~2. The Director of the Legislative Counsel Bureau shall accept gifts, grants and donations to establish and provide administrative support for the Legislative Committee on Child Welfare and Juvenile Justice. The money must be accounted for separately in the Legislative Fund.~~

~~3. If the Director of the Legislative Counsel Bureau determines that sufficient money has been collected to establish and provide administrative support for the Legislative Committee on Child Welfare and Juvenile Justice before the adjournment sine die of the 2011 Legislative Session, the Director must notify the Legislative Commission.~~

~~4. If the Legislative Commission agrees with the Director that a sufficient amount of money has been collected, the Legislative Commission shall appoint the members of the Legislative Committee on Child Welfare~~

~~and Juvenile Justice to serve until appointments are made following the 2011 Legislative Session.]~~ *(Deleted by amendment.)*

Sec. 10. This act becomes effective ~~[upon passage and approval.]~~ *on July 1, 2009*.

Senator Woodhouse moved that the Senate concur in the Assembly amendment to Senate Bill No. 3.

Remarks by Senator Woodhouse.

Senator Woodhouse requested that her remarks be entered in the Journal.

This amendment deletes Section 9 containing provisions directing the Legislative Commission to appoint the members of the Committee on Child Welfare and Juvenile Justice after the 2011 Legislative Session ended. The amendment changes the effective date to July 1, 2009.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 212.

The following Assembly amendment was read:

Amendment No. 1002.

"SUMMARY—Revises provisions governing initiative petitions. (BDR 24-649)"

"AN ACT relating to initiative petitions; providing a procedure for a petition proposing a statute, an amendment to a statute or an amendment to the Constitution to be placed on a ballot; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law requires that an initiative petition proposing a statute, an amendment to a statute or an amendment to the Constitution be signed by a number of registered voters that is equal to at least 10 percent of the voters who voted at the last preceding general election. (Nev. Const. Art. 19, § 2) Existing law also requires an initiative petition be signed by a number of registered voters from each county in the State that is at least equal to 10 percent of the voters who voted in the entire State at the last preceding general election multiplied by the population percentage for that county. (NRS 295.012) The United States District Court for the District of Nevada declared that the current existing law violates the Equal Protection Clause of the United States Constitution because it results in the signatures of voters from counties with lower population carrying more weight than the signatures of voters from counties with higher population. (*Marijuana Policy Project v. Miller*, 578 F.Supp. 2d 1290 (D. Nev. 2008)) This bill repeals and replaces the current existing law.

Section 3.2 of this bill requires the Legislature to create petition districts from which signatures for a petition for initiative must be gathered. Section 14 of this bill defines "petition district" to mean congressional district until July 1, 2011, at which time the Legislature must have established petition districts for the period after that date. Section 3.4 of this bill requires the

Director of the Legislative Counsel Bureau to retain a copy of maps of the petitions district and make them available to any interested person for a reasonable fee not to exceed the actual cost of producing the copy. Section 12 of this bill requires a petition for initiative to be signed by a number of registered voters in each petition district in the State that equals at least 10 percent of the voters who voted in that petition district in the last preceding general election.

Section 5 of this bill requires the Secretary of State to determine, as soon as practicable after each general election, the number of signatures required to be gathered from each petition district. Sections 6-9 of this bill provide procedures for the verification of signatures on a petition proposing a statute, an amendment to a statute or an amendment to the Constitution. Sections 7 and 9 require the Secretary of State to adopt regulations concerning these procedures. Section 10 of this bill requires the Secretary of State to provide on his website a current list of the registered voters in this State that indicates the petition district in which each registered voter resides. Section 13 of this bill authorizes the person signing a petition to indicate his petition district on the petition and, if not so indicated, ~~[allows]~~ *requires* the circulator of the petition to indicate the petition district of the person if known. Section 13 further allows a voter to consult the website of the Secretary of State to determine within which petition district he resides and to rely on that information.

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

Section 1. Chapter 293 of NRS is hereby amended by adding thereto the provisions set forth as ~~[sections 2 and 3]~~ *section 2* of this act.

Sec. 2. *"Petition district" means a district established by the Legislature pursuant to section 3.2 of this act.*

Sec. 3. (Deleted by amendment.)

Sec. 3.2. *1. The Legislature shall establish petition districts from which signatures for a petition for initiative that proposes a statute, an amendment to a statute or an amendment to the Constitution of this State must be gathered. The petition districts must be established in a manner that is fair to all residents of the State, represent approximately equal populations and ensure that each signature is afforded the same weight.*

2. Petition districts must be:

(a) Based on the population databases compiled by the Bureau of the Census of the United States Department of Commerce as validated and incorporated into the geographic information system by the Legislative Counsel Bureau for use by the Nevada Legislature.

(b) Designated in the maps filed with the Office of the Secretary of State pursuant to section 3.4 of this act.

Sec. 3.4. *The Director of the Legislative Counsel Bureau shall:*

1. Retain in an office of the Legislative Counsel Bureau, copies of maps of the petition districts established pursuant to section 3.2 of this act.

2. Make available copies of the maps to any interested person for a reasonable fee, not to exceed the actual costs of producing copies of the maps.

3. File a copy of the maps with the Secretary of State.

Sec. 4. NRS 293.010 is hereby amended to read as follows:

293.010 As used in this title, unless the context otherwise requires, the words and terms defined in NRS 293.013 to 293.121, inclusive, *and section 2 of this act,* have the meanings ascribed to them in those sections.

Sec. 5. NRS 293.127563 is hereby amended to read as follows:

293.127563 1. As soon as practicable after each general election, the Secretary of State shall determine the number of signatures required to be gathered from each ~~[county]~~ *petition district* within the State for a petition for initiative that proposes a statute, an amendment to *a* statute or an amendment to the Constitution of this State.

2. To determine the number of signatures required to be gathered from ~~[a county,]~~ *a petition district,* the Secretary of State shall ~~[multiply]~~ *calculate* the amount that equals 10 percent of the voters who voted in ~~[the entire State]~~ *that petition district* at the last preceding general election . ~~[by the population percentage for that county.~~

~~3. As used in this section:~~

~~(a) "Total population of the State" means the determination of the total population of the State by the national decennial census conducted by the Bureau of the Census of the United States Department of Commerce pursuant to Section 2 of Article I of the Constitution of the United States and reported by the Secretary of Commerce to the Governor pursuant to 13 U.S.C. § 141(c).~~

~~(b) "Population percentage for that county" means the figure obtained by dividing the population of the county, as determined by the national decennial census conducted by the Bureau of the Census of the United States Department of Commerce pursuant to Section 2 of Article I of the Constitution of the United States and reported by the Secretary of Commerce to the Governor pursuant to 13 U.S.C. § 141(c), by the total population of the State.]~~

Sec. 6. NRS 293.1276 is hereby amended to read as follows:

293.1276 1. Within 4 days, excluding Saturdays, Sundays and holidays, after the submission of a petition containing signatures which are required to be verified pursuant to NRS 293.128, 293.165, 293.172, 293.200, 295.056, 298.109, 306.035 or 306.110, the county clerk shall determine the total number of signatures affixed to the documents *and, in the case of a petition proposing a statute, an amendment to a statute or an amendment to the Constitution, shall tally the number of signatures for each petition district contained fully or partially within his county* and forward that information to the Secretary of State.

2. If the Secretary of State finds that the total number of signatures filed with all the county clerks is less than 100 percent of the required number of

registered voters, he shall so notify the person who submitted the petition and the county clerks and no further action may be taken in regard to the petition. If the petition is a petition to recall a county, district or municipal officer, the Secretary of State shall also notify the officer with whom the petition is to be filed.

3. After the petition is submitted to the county clerk, it must not be handled by any other person except by an employee of the county clerk's office until it is filed with the Secretary of State.

Sec. 7. NRS 293.1277 is hereby amended to read as follows:

293.1277 1. If the Secretary of State finds that the total number of signatures submitted to all the county clerks is 100 percent or more of the number of registered voters needed to declare the petition sufficient, he shall immediately so notify the county clerks. Within 9 days, excluding Saturdays, Sundays and holidays, after notification, each of the county clerks shall determine the number of registered voters who have signed the documents submitted in his county ~~[.]~~ *and, in the case of a petition proposing a statute, an amendment to a statute or an amendment to the Constitution, shall tally the number of signatures for each petition district contained or fully contained within his county.*

2. If more than 500 names have been signed on the documents submitted to him, a county clerk shall examine the signatures by sampling them at random for verification. The random sample of signatures to be verified must be drawn in such a manner that every signature which has been submitted to the county clerk is given an equal opportunity to be included in the sample. The sample must include an examination of at least 500 or 5 percent of the signatures, whichever is greater.

3. In determining from the records of registration the number of registered voters who signed the documents, the county clerk may use the signatures contained in the file of applications to register to vote. If the county clerk uses that file, he shall ensure that every application in the file is examined, including any application in his possession which may not yet be entered into his records. The county clerk shall rely only on the appearance of the signature and the address and date included with each signature in making his determination.

4. *In the case of a petition proposing a statute, an amendment to a statute or an amendment to the Constitution, when the county clerk is determining the number of registered voters who signed the documents from each petition district contained fully or partially within his county, he must use the statewide voter registration list available pursuant to NRS 293.675.*

5. Except as otherwise provided in subsection ~~[6,]~~ *7,* upon completing the examination, the county clerk shall immediately attach to the documents a certificate properly dated, showing the result of his examination *, including the tally of signatures by petition district, if required,* and transmit the documents with the certificate to the Secretary of State. *If a petition district comprises more than one county and the petition proposes a statute, an*

amendment to a statute or an amendment to the Constitution, the appropriate county clerks shall comply with the regulations adopted by the Secretary of State pursuant to this section to complete the certificate. A copy of this certificate must be filed in the clerk's office. When the county clerk transmits the certificate to the Secretary of State, the county clerk shall notify the Secretary of State of the number of requests to remove a name received by the county clerk pursuant to NRS 295.055 or 306.015.

~~[5.]~~ *6.* A person who submits a petition to the county clerk which is required to be verified pursuant to NRS 293.128, 293.165, 293.172, 293.200, 295.056, 298.109, 306.035 or 306.110 must be allowed to witness the verification of the signatures. A public officer who is the subject of a recall petition must also be allowed to witness the verification of the signatures on the petition.

~~[6.]~~ *7.* For any petition containing signatures which are required to be verified pursuant to the provisions of NRS 293.165, 293.200, 306.035 or 306.110 for any county, district or municipal office within one county, the county clerk shall not transmit to the Secretary of State the documents containing the signatures of the registered voters.

~~[7.]~~ *8.* The Secretary of State ~~[may]~~ *shall* by regulation establish further procedures for carrying out the provisions of this section.

Sec. 8. NRS 293.1278 is hereby amended to read as follows:

293.1278 1. If the certificates received by the Secretary of State from all the county clerks establish that the number of valid signatures is less than 90 percent of the required number of registered voters, the petition shall be deemed to have failed to qualify, and the Secretary of State shall immediately so notify the petitioners and the county clerks.

2. If those certificates establish that the number of valid signatures is equal to or more than the sum of 100 percent of the number of registered voters needed to make the petition sufficient plus the total number of requests to remove a name received by the county clerks pursuant to NRS 295.055 or 306.015 ~~[,]~~ *and, in the case of a petition proposing a statute, an amendment to a statute or an amendment to the Constitution, that the petition has the minimum number of signatures required for each petition district,* the petition shall be deemed to qualify as of the date of receipt by the Secretary of State of those certificates, and the Secretary of State shall immediately so notify the petitioners and the county clerks.

3. If the certificates establish that the petitioners have 100 percent or more of the number of registered voters needed to make the petition sufficient but the petition fails to qualify pursuant to subsection 2, each county clerk who received a request to remove a name pursuant to NRS 295.055 or 306.015 shall remove each name as requested, amend the certificate and transmit the amended certificate to the Secretary of State. If the amended certificates establish that the petitioners have 100 percent or more of the number of registered voters needed to make the petition sufficient ~~[,]~~ *and, in the case of a petition proposing a statute, an amendment*

to a statute or an amendment to the Constitution, that the petition has the minimum number of signatures required for each petition district, the petition shall be deemed to qualify as of the date of receipt by the Secretary of State of the amended certificates, and the Secretary of State shall immediately so notify the petitioners and the county clerks.

Sec. 9. NRS 293.1279 is hereby amended to read as follows:

293.1279 1. If the statistical sampling shows that the number of valid signatures filed is 90 percent or more, but less than the sum of 100 percent of the number of signatures of registered voters needed to declare the petition sufficient plus the total number of requests to remove a name received by the county clerks pursuant to NRS 295.055 or 306.015, the Secretary of State shall order the county clerks to examine the signatures for verification. The county clerks shall examine the signatures for verification until they determine that 100 percent of the number of signatures of registered voters needed to declare the petition sufficient are valid. If the county clerks received a request to remove a name pursuant to NRS 295.055 or 306.015, the county clerks may not determine that 100 percent of the number of signatures of registered voters needed to declare the petition sufficient are valid until they have removed each name as requested pursuant to NRS 295.055 or 306.015.

2. Except as otherwise provided in this subsection, if the statistical sampling shows that the number of valid signatures filed in any county is 90 percent or more but less than the sum of 100 percent of the number of signatures of registered voters needed to constitute 10 percent of the number of voters who voted at the last preceding general election in that county plus the total number of requests to remove a name received by the county clerk in that county pursuant to NRS 295.055 or 306.015, the Secretary of State may order the county clerk in that county to examine every signature for verification. If the county clerk received a request to remove a name pursuant to NRS 295.055 or 306.015, the county clerk may not determine that 100 percent or more of the number of signatures of registered voters needed to constitute 10 percent of the number of voters who voted at the last preceding general election in that county are valid until he has removed each name as requested pursuant to NRS 295.055 or 306.015. In the case of a petition for initiative that proposes a statute, an amendment to *a* statute or an amendment to the Constitution of this State, if the statistical sampling shows that the number of valid signatures in any ~~[county]~~ *petition district* is 90 percent or more but less than the sum of 100 percent of the number of signatures of registered voters required for that ~~[county]~~ *petition district* pursuant to NRS 295.012 plus the total number of requests to remove a name received by the county clerk ~~[in that]~~ *or county clerks, if the petition district comprises more than one* county , pursuant to NRS 295.055, the Secretary of State may order the county clerk to examine every signature for verification.

3. Within 12 days, excluding Saturdays, Sundays and holidays, after receipt of such an order, the county clerk *or county clerks* shall determine

from the records of registration what number of registered voters have signed the petition ~~[.]~~ *and, if appropriate, tally those signatures by petition district.* If necessary, the board of county commissioners shall allow the county clerk additional assistants for examining the signatures and provide for their compensation. In determining from the records of registration what number of registered voters have signed the petition ~~[.]~~ *and in determining in which petition district the voters reside,* the county clerk must use the statewide voter registration list. The county clerk may rely on the appearance of the signature and the address and date included with each signature in determining the number of registered voters that signed the petition.

4. Except as otherwise provided in subsection 5, upon completing the examination, the county clerk *or county clerks* shall immediately attach to the documents of the petition an amended certificate, properly dated, showing the result of the examination and shall immediately forward the documents with the amended certificate to the Secretary of State. A copy of the amended certificate must be filed in the county clerk's office. *In the case of a petition to propose a statute, an amendment to a statute or an amendment to the Constitution, if a petition district comprises more than one county, the county clerks shall comply with the regulations adopted by the Secretary of State pursuant to this section to complete the amended certificate.*

5. For any petition containing signatures which are required to be verified pursuant to the provisions of NRS 293.165, 293.200, 306.035 or 306.110 for any county, district or municipal office within one county, the county clerk shall not forward to the Secretary of State the documents containing the signatures of the registered voters.

6. Except for a petition to recall a county, district or municipal officer, the petition shall be deemed filed with the Secretary of State as of the date on which he receives certificates from the county clerks showing the petition to be signed by the requisite number of voters of the State.

7. If the amended certificates received from all county clerks by the Secretary of State establish that the petition is still insufficient, he shall immediately so notify the petitioners and the county clerks. If the petition is a petition to recall a county, district or municipal officer, the Secretary of State shall also notify the officer with whom the petition is to be filed.

8. The Secretary of State shall adopt regulations to carry out the provisions of this section.

Sec. 10. NRS 293.4687 is hereby amended to read as follows:

293.4687 1. The Secretary of State shall maintain a website on the Internet for public information maintained, collected or compiled by the Secretary of State that relates to elections, which must include, without limitation:

(a) The Voters' Bill of Rights required to be posted on his Internet website pursuant to the provisions of NRS 293.2549;

(b) The abstract of votes required to be posted on a website pursuant to the provisions of NRS 293.388; ~~[and]~~

(c) *A current list of the registered voters in this State that also indicates the petition district in which each registered voter resides;*

(d) A map or maps indicating the boundaries of each petition district; and

(e) All reports on campaign contributions and expenditures submitted to the Secretary of State pursuant to the provisions of NRS 294A.120, 294A.125, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280, 294A.283, 294A.360 and 294A.362 and all reports on contributions received by and expenditures made from a legal defense fund submitted to the Secretary of State pursuant to NRS 294A.286.

2. The abstract of votes required to be maintained on the website pursuant to paragraph (b) of subsection 1 must be maintained in such a format as to permit the searching of the abstract of votes for specific information.

3. If the information required to be maintained by the Secretary of State pursuant to subsection 1 may be obtained by the public from a website on the Internet maintained by a county clerk or city clerk, the Secretary of State may provide a hyperlink to that website to comply with the provisions of subsection 1 with regard to that information.

Sec. 11. Chapter 295 of NRS is hereby amended by adding thereto a new section to read as follows:

"Petition district" has the meaning ascribed to it in section 2 of this act.

Sec. 12. NRS 295.012 is hereby amended to read as follows:

295.012 ~~[1.]~~ A petition for initiative that proposes a statute, an amendment to *a* statute or an amendment to the Constitution must be proposed by a number of registered voters from each ~~[county]~~ *petition district* in the State that is at least equal to 10 percent of the voters who voted in ~~[the entire State]~~ *that petition district* at the last preceding general election . ~~[multiplied by the population percentage for that county.~~

~~2. As used in this section:~~

~~(a) "Total population of the State" means the determination of the total population of the State by the national decennial census conducted by the Bureau of the Census of the United States Department of Commerce pursuant to Section 2 of Article I of the Constitution of the United States and reported by the Secretary of Commerce to the Governor pursuant to 13 U.S.C. § 141(c).~~

~~(b) "Population percentage for that county" means the figure obtained by dividing the population of the county, as determined by the national decennial census conducted by the Bureau of the Census of the United States Department of Commerce pursuant to Section 2 of Article I of the Constitution of the United States and reported by the Secretary of Commerce to the Governor pursuant to 13 U.S.C. § 141(c), by the total population of the State.]~~

Sec. 13. NRS 295.055 is hereby amended to read as follows:

295.055 1. The Secretary of State shall by regulation specify:

(a) The format for the signatures on a petition for an initiative or referendum and make free specimens of the format available upon request. The regulations must ensure that the format includes, without limitation, that:

(1) In addition to signing the petition, a person who signs a petition ~~[shall print]~~ *:*

(I) Shall print his given name followed by his surname on the petition before his signature ~~[.]~~ *; and*

(II) May indicate the petition district in which he resides. If the person does not indicate the petition district on the petition, the circulator ~~[may]~~ shall indicate the petition district of the person if known.

(2) Each signature must be dated.

(b) The manner of fastening together several sheets circulated by one person to constitute a single document.

2. *The registered voter may consult the list of the registered voters in this State posted on the website maintained by the Secretary of State pursuant to subsection 1 of NRS 293.4687 to determine the petition district in which he resides. The registered voter may rely on the information contained in the list when he indicates the appropriate petition district, unless he believes that the information is inaccurate.*

3. Each document of the petition must bear the name of a county, and only registered voters of that county may sign the document.

~~[3.]~~ *4.* A person who signs a petition may request that the county clerk remove his name from it by transmitting his request in writing to the county clerk at any time before the petition is filed with the county clerk.

Sec. 14. Notwithstanding the definition of "petition district" set forth in sections 2 and 11 of this act, until July 1, 2011, "petition district" as used in chapters 293 and 295 of NRS means congressional districts established for the State of Nevada.

Sec. 15. This act becomes effective upon passage and approval.

Senator Rhoads moved that the Senate concur in the Assembly amendment to Senate Bill No. 212.

Remarks by Senators Rhoads and Care.

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

SENATOR RHOADS:
They changed the word "may" to "shall" on the last page.

SENATOR CARE:
Changing "may" to "shall" is another step in increasing the burden on those who wish to undertake the initiative or referendum process. I ask that the body not concur with this conference report.

Motion carried by a constitutional majority.

Bill ordered enrolled.

REPORTS OF CONFERENCE COMMITTEES

Mr. President:

The Conference Committee concerning Senate Bill No. 263, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment Nos. 684 and 870 of the Assembly be concurred in.

It has agreed to recommend that Amendment No. 891 of the Assembly be receded from and a 4th reprint be created in accordance with this action.

WILLIAM J. RAGGIO	RUBEN J. KIHUEN
DEAN A. RHOADS	TICK SEGERBLOM
JOHN J. LEE	JOHN HAMBRICK
Senate Conference Committee	*Assembly Conference Committee*

Senator Raggio moved that the Senate adopt the report of the Conference Committee concerning Senate Bill No. 263.

Remarks by Senators Raggio and Care.

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

SENATOR RAGGIO:

The conference committee concurred in Amendments Nos. 684 and 870 but did not accept Amendment No. 891, which had been disapproved in this House. It added the Reno city election to the process.

SENATOR CARE:

Is there anything in the report that goes outside the charters of the cities of Carlin, Reno and Wells regarding municipal elections?

SENATOR RAGGIO:

No.

Motion carried by a constitutional majority.

Mr. President:

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.

Conference Amendment.

"SUMMARY—Revises certain provisions relating to housing. (BDR 10-839)"

"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 ~~[,]~~ *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 ~~[2]~~ *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. ~~[of 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-subparagaph (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.

MAGGIE CARLTON	WILLIAM C. HORNE
ALLISON COPENING	KATHY A. MCCLAIN
Senate Conference Committee	*Assembly Conference Committee*

Senator Carlton moved that the Senate adopt the report of the Conference Committee concerning Assembly Bill No. 454.

Motion lost on a division of the house.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Care moved that Assembly Bill No. 451 be taken from the Secretary's desk and placed on the General File on this agenda.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 451.

Bill read third time.

Roll call on Assembly Bill No. 451:

YEAS—12.

NAYS—Amodei, Cegavske, Hardy, Lee, McGinness, Nolan, Raggio, Rhoads, Townsend—9.

Assembly Bill No. 451 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

REMARKS FROM THE FLOOR

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

My colleagues, peers and friends, while it is probably wiser to let time and distance go by to allow for a more accurate reflection of the challenging past four months, please indulge me as I share my feelings at this moment. What I feel is a mix of emotions ranging from humility to pride; fatigue and energy; regret and reward; accomplishment, yet lack of finality. While we are all tired, while we have all expended a lot of emotions and have worked hard, we can be proud of the work we have done together to help our State navigate through these tough times, to help ease the burdens of this terrible recession and yet never lose sight of our future potential. We have accomplished much. Yet our work is far from done, which I know we are all keenly aware of.

This year, 2009, has been a difficult year for Nevada. We have experienced an unprecedented economic shift that left us in a dire economic situation. We have witnessed a crash in our housing market, a surge in home foreclosures, a weakened tourist industry and the stalling of Nevada's promise. All of our citizens were at risk, with home foreclosures piling up as quickly as jobs were being lost.

We have been tested in this Session as never before. We were presented with a budget that decimated our education and social services systems. We were asked to dismantle the higher education system and to decimate our K-12 education system, placing the burden of our current economic troubles on the backs of our children. We were given the excruciatingly difficult decision of choosing between protecting our future, our children's education, or having to ask Nevada's businesses and families to give more than they already do.

Today, I am not standing here to tell you that we have fixed all the problems. But, we have kept the fabric of this State together and done it with compassion for our citizens while providing them hope for the future. We have kept teachers in classrooms and preserved services for our most vulnerable citizens. We have not dismantled our higher education system, and we have kept our promises to those citizens who serve our State with dedication, our public employees. We have done our job.

In short, we produced the balanced budget required by the Nevada Constitution by preserving what was necessary, finding new ways to pay for it and eliminating close to $1 billion in spending. We made difficult choices, but we kept what was important to our State. We did our job.

Despite staggering losses in our economy, we never gave up hope in the potential of Nevada. We crafted and adopted far-reaching renewable energy and green jobs legislation, setting the foundation for a new green economy capable of replacing lost jobs in tourism with new jobs in a new industry. We took bold action to bring new jobs to Nevada that will free us from a dependency on tourist dollars. We will diversify our economic base while putting people back to work and in the process, we will ensure a cleaner, brighter future for future generations. I applaud the dedication of both Senator Mike Schneider and Senator Randolph Townsend on this important matter.

We upheld the ideals of fairness. I want to commend Senator David Parks on his groundbreaking domestic partnership law that brings equality to all Nevada families. It is the right thing to do to erase a history of discrimination based on sexual orientation. Fairness could also be seen in Senator Valerie Wiener's groundbreaking legislation to develop a long-term financial sustainability of Nevada's Medicaid program and create a cost-effective path for non-profits to deliver life-saving medicines to the sick and elderly.

Most importantly, we maintained our faith in the future, despite the odds stacked against us. When Governor Gibbons announced that his solution to our $2 billion budget deficit was to decimate both K-12 and higher education budgets, the Nevada Senate said no. It meant making sacrifices, but we protected teacher salaries, classroom funding, special education funding and scholarships for students to attend in-State universities. We did what the people of Nevada

wanted us to do. We had the courage to make the right decisions, and we kept our faith in the future. We refused to balance the budget on the backs of our children, and I am proud of every legislator who demonstrated courage and conviction.

If I had one personal goal this Session, it was to move towards "yes," while "no" was a much easier alternative. It would have been easy to say "no more taxes." It would have been easy to say "no" to retirement and benefits reform. It would have been easy to say "no" to change. I am thankful and grateful that so many of you, my friends and colleagues, had the courage to say "yes." Yes," our children are our priority. "Yes" to funding schools from elementary through universities even in these difficult times. I am grateful to the Minority Leader and to all the other 16 members of this Senate who bravely said yes.

I thank all of you for making what I believe to be a heartfelt and passionate commitment to say, "Yes, we can work together, set aside differences, set aside conventional political thinking, maintain Nevada's traditional values and a special yes to a belief in a prosperous, dynamic and exciting future for our State."

Nevadans have spoken on term limits, and this is something we have all accepted. However, it is with great sadness and great loss that we say farewell to a group of very distinguished, accomplished and experienced statesmen. To Senator Washington, who has brought his years of experience to critical Nevada issues like health care. To Senator Townsend, whose vision and persistence laid the groundwork for energy and business innovation in this great State. To Senator Amodei's intelligence and practical approach. To Senator Mathews, who never lost touch and always had her feet planted firmly on the ground as the voice of Nevadans often unheard. To the legal knowledge and expertise of Senator Care. To the fiery passion of Senator Coffin, and to our resident advocate for working families, who has remained the constant conscience of the Senate, Maggie Carlton. You all will be greatly missed.

On a personal note to the esteemed Minority Leader, we have had our moments, shared our differences and both voiced them on more than one occasion. But let me say this: your work is not done. We all have more to learn from you. I look forward to working with you in the interim and to building an even stronger relationship next session, which will be equally challenging but more promising.

Clearly, this has been a humbling experience, with the overwhelming sense of responsibility, lessons learned and mistakes made. As we wind down and I reflect on the last four months as this Chamber's Majority Leader, I am further awed and even more respectful of the job with which I have been entrusted. At the same time, I am proud that, in more cases than not, we worked efficiently, we worked effectively and we did the job the citizens of this State sent us here to do.

Indeed, today is the end of another chapter in the history of this State. Our work, however, is far from over. It is time for Nevada to take a bigger look at its revenue sources. We must establish a long-term solution to revenue stability so that we are not in this same situation every two or four years. We must face the stark truth that our State is among the bottom in the nation in every important indicator that determines our quality of life. The only way to begin to fix this is to find more stable revenue sources. We have devoted ourselves to that reform by creating a special sub-committee of the Interim Finance Committee.

This is a vision for the future; a future where our schools do not have to worry whether there will be enough money for them to continue; a future where businesses thrive because their employees are happy to live here. I believe we have a moral responsibility to leave this State in better shape than we found it. The commitment and passion demonstrated by all members of this body has made me believe that by working together, this body can do just that. I look forward to working with all of you to ensure that Nevada's future is even stronger, and more full of promise, than her past.

Thank you, Mr. President, for your leadership in presiding over this 75th Session. Thank you to our Secretary for her dedication, service and support. I am grateful for everything she has done for me personally and for this Chamber. To the Sergeant at Arms, Mr. Goodheart, good luck to you in law school. He has been accepted to Boyd School of Law. Thank you to all of our staff, and thank you to the members of the Nevada State Senate.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, June 1, 2009

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Senate Bills Nos. 113, 303.

Also, I have the honor to inform your honorable body that the Assembly on this day passed, as amended, Assembly Bill No. 558.

Also, I have the honor to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 39.

Also, I have the honor to inform your honorable body that the Assembly on this day adopted the reports of the Conference Committee concerning Assembly Bill No. 24, 223, 309, 350, 561.

DIANE M. KEETCH
Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

Senator Horsford moved that vetoed Assembly Bill No. 267 of the 75th Session be made a Special Order of business for Monday, June 1, 2009, at 10:20 p.m.

Motion carried.

SPECIAL ORDERS OF THE DAY

VETO MESSAGES OF THE GOVERNOR

The hour of 10:20 p.m. having arrived, Vetoed Assembly Bill No. 267 was considered.

Bill read.

The Governor's message stating his objections.

MESSAGES FROM THE GOVERNOR

STATE OF NEVADA
EXECUTIVE CHAMBER
CARSON CITY, NEVADA 89701

May 28, 2009

DEAR SPEAKER BUCKLEY:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Assembly Bill 267, which is entitled:

> AN ACT relating to the taxation of property; requiring certain golf courses assessed as open-space real property to be designated as open-space real property under applicable zoning ordinances; and providing other matters properly relating thereto.

Assembly Bill 267 is a bill that relates to the property tax assessment of golf courses. Under existing law, golf courses are assessed for property tax purposes as open-space real property. This bill does not change the existing tax assessment for most golf courses. However, it appears to target one particular business. It is bad public policy to enact legislation that singles out individual businesses.

For these reasons, I hereby exercise my constitutional grant of authority and veto Assembly Bill 267.

Sincerely,
JIM GIBBONS
Governor

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

The roll was called, and the Senate sustained the veto of the governor by the following vote:

Roll call on Assembly Bill No. 267 of the 75th Session:

YEAS—12.

NAYS—Amodei, Cegavske, Hardy, McGinness, Nolan, Raggio, Rhoads, Townsend, Washington—9.

Bill ordered transmitted to the Assembly.

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Joint Resolution No. 1.

Senator Woodhouse moved that all necessary rules be suspended, reading so far had considered first reading, rules further suspended, Assembly Joint Resolution No. 1 declared an emergency measure under the Constitution and placed on third reading and final passage.

Motion carried unanimously.

INTRODUCTION, FIRST READING AND REFERENCE

Assembly Bill No. 558.

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

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICE

Senator Care moved that Senate Bill No. 85 be taken from the Second Reading File and placed on the Second Reading File on the next agenda.

Motion carried.

Senator Horsford moved to withdraw Amendment No. 1007 from Assembly Bill No. 397.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 397.

Bill read third time.

Roll call on Assembly Bill No. 397:

YEAS—20.

NAYS—None.

NOT VOTING—Schneider.

Assembly Bill No. 397 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Joint Resolution No. 1.

Resolution read third time.

Remarks by Senator Care.

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

This is a proposed constitutional amendment to petition districts. We discussed this yesterday, and no one knows what these petition districts will be. They could change every two years. If you use Congressional, Senate or Regent Districts, you know what they will be for ten years because that is the reapportionment process. To have a petition district, undefined and uncertain, something that could change every two years, is a dangerous thing to do when it comes to constitutional rights for referendum and initiative processes. I will vote against this resolution.

Roll call on Assembly Joint Resolution No. 1:

YEAS—16.

NAYS—Amodei, Care, Cegavske, Raggio, Washington—5.

Assembly Joint Resolution No. 1 having received a constitutional majority, Mr. President declared it passed.

Resolution ordered transmitted to the Assembly.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. President:

The Conference Committee concerning Senate Bill No. 35, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 624 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 20, which is attached to and hereby made a part of this report.

Conference Amendment.

"SUMMARY—Revises provisions relating to the prosecution of certain offenses. (BDR 15-272)"

"AN ACT relating to criminal procedure; providing that an acquittal of an offense in another jurisdiction ~~[is admissible]~~ *may be introduced* in evidence *by the defendant* in the trial in this State for the same offense; eliminating the provision that prohibits the prosecution of a person in this State for a crime after the person is convicted or acquitted of the crime in another country; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Section 1 of this bill amends existing law to provide that after a person is acquitted of a crime in another jurisdiction and a criminal prosecution is brought in the courts of this State for the same offense, the acquittal in the other jurisdiction ~~[is admissible]~~ *may be introduced* in evidence *by the defendant* in the prosecution in this State. (NRS 193.280)

Section 1.5 of this bill revises the provision that prohibits the prosecution of a person in this State for a crime after the person is convicted or acquitted of the crime in another state, territory or country by eliminating the prohibition on the prosecution of a person in this State for a crime after the person is convicted or acquitted of the crime in another country. (NRS 171.070)

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

Section 1. NRS 193.280 is hereby amended to read as follows:

193.280 Whenever, upon the trial of any person for a crime, it appears that the offense was committed in another state or country, under such circumstances that the courts of this state had jurisdiction thereof, and that the defendant has already been acquitted ~~[or convicted]~~ upon the merits, upon a criminal prosecution under the laws of such state or country, founded upon the act or omission with respect to which he is upon trial, such former acquittal ~~[or conviction is a sufficient defense.]~~ ~~*[is admissible]*~~ *may be introduced in evidence by the defendant in the trial.*

Sec. 1.5. NRS 171.070 is hereby amended to read as follows:

171.070 When an act charged as a public offense is within the jurisdiction of another state ~~[,]~~ *or* territory ~~[,]~~ ~~[or country,]~~ as well as of this state, a conviction or acquittal thereof in the former is a bar to the prosecution or indictment therefor in this state.

Sec. 2. (Deleted by amendment.)

Sec. 3. The amendatory provisions of this act do not apply to offenses committed before July 1, 2009.

Sec. 4. This act becomes effective on July 1, 2009.

VALERIE WIENER	BERNIE ANDERSON
DAVID R. PARKS	WILLIAM C. HORNE
MIKE MCGINNESS	JOHN C. CARPENTER
Senate Conference Committee	*Assembly Conference Committee*

Senator Wiener moved that the Senate adopt the report of the Conference Committee concerning Senate Bill No. 35.

Remarks by Senator Wiener.

Senator Wiener requested that her remarks be entered in the Journal.

We accepted the changes to this legislation that many referred to as double jeopardy or duel jeopardy. We excluded those convictions or records from other territories or other states. The bill only pertains to certain legal proceedings and outcomes in other countries. We agreed, however, that acquittals in other jurisdictions may be introduced in evidence by the defendant.

Motion carried by a constitutional majority.

Mr. President:

The Conference Committee concerning Assembly Bill No. 24, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 599 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 31, which is attached to and hereby made a part of this report.

Conference Amendment.

"SUMMARY—~~[Revises]~~ *Enacts* provisions governing *certain* claims for compensation under industrial insurance. (BDR 53-423)"

"AN ACT relating to industrial insurance; ~~[revising provisions relating to the duty of an insurer to accept or deny a claim for compensation; revising provisions relating to the selection of a physician or chiropractor by an injured employee; revising provisions relating to the denial of compensation due to discharge from employment for misconduct; revising provisions relating to the closure of a claim; repealing provisions requiring the reduction of compensation by the amount of federal disability insurance benefits received by an injured employee;]~~ *establishing provisions concerning a claim for a catastrophic injury; establishing provisions for the administering of such claims;* and providing other matters properly relating thereto."

Legislative Counsel's Digest:

~~[~~ ~~Under existing law, an insurer is required to accept or deny a claim for compensation within 30 days after the insurer has been notified of an industrial accident. (NRS 616C.065) Section 2 of this bill provides that if an insurer is ordered by the Administrator of the Division of Industrial Relations of the Department of Business and Industry, a hearing or appeals officer, a district court or the Supreme Court of Nevada to make a new determination relating to a claim for compensation, such a determination must be made within 30 days after the order.~~

~~Existing law provides that an injured employee may choose an alternative treating physician or chiropractor after making his initial choice if the alternative choice is made within 90 days after the injury. (NRS 616C.090) Section 3 of this bill clarifies existing law by providing that an injured employee may make the alternative choice without the insurer's approval if the alternative choice is made within 90 days after the injury. Section 3 also provides that an injured employee may make a change in the treating physician or chiropractor at any time, subject to the insurer's approval. Section 3 further requires an insurer to provide to an injured employee whose request for a change in the treating physician or chiropractor has been denied the specific reason for the denial.~~

~~Section 4 of this bill provides that the affidavit or declaration of a qualified laboratory director, chemist or any other person meeting certain qualifications may be used to prove the existence of alcohol or controlled substances in an employee's system in denying, reducing or suspending the payment of compensation for an injury. (NRS 616C.230)~~

~~Section 5 of this bill revises existing provisions governing the denial of compensation to injured employees who have been discharged for misconduct by providing that only compensation for temporary total disability may be denied. (NRS 616C.232)~~

~~Section 5.5 of this bill revises existing law by requiring an insurer to notify an injured employee whose claim will be closed whether an evaluation for a permanent partial disability has been scheduled or, if such an evaluation has not been scheduled, that the reason is because~~

~~the insurer determined there is no possibility of a permanent impairment of any kind. (NRS 616C.235)~~

~~Section 9 of this bill repeals the provisions requiring a reduction in the compensation received by an employee for temporary disability, permanent partial disability or permanent total disability by the amount of federal disability insurance benefits received by the employee. (NRS 616C.430)~~]

Section 12 of this bill requires the Administrator of the Division of Industrial Relations of the Department of Business and Industry to adopt regulations for the determination of injuries as catastrophic injuries. Section 15 of this bill requires an adjuster who administers a claim for a catastrophic injury to be competent and qualified. Section 15 also requires the Administrator to adopt regulations prescribing the qualifications for such an adjuster. Section 16 of this bill requires an insurer that accepts a claim for a catastrophic injury to develop a life care plan for the injured employee within 90 days after the date of the acceptance of the claim. Section 16 also requires the Administrator to adopt certain regulations concerning life care plans. Section 17 of this bill allows an insurer that has accepted a claim for a catastrophic injury to rescind or revise its determination that the injury is a catastrophic injury under certain circumstances.

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

Section 1. ~~[NRS 616C.050 is hereby amended to read as follows:~~

~~616C.050 1. An insurer shall provide to each claimant:~~

~~(a) Upon written request, one copy of any medical information concerning his injury or illness.~~

~~(b) A statement which contains information concerning the claimant's right to:~~

~~(1) Receive the information and forms necessary to file a claim;~~

~~(2) Select a treating physician or chiropractor and an alternative treating physician or chiropractor in accordance with the provisions of NRS 616C.090;~~

~~(3) Request the appointment of the Nevada Attorney for Injured Workers to represent him before the appeals officer;~~

~~(4) File a complaint with the Administrator;~~

~~(5) When applicable, receive compensation for:~~

~~(I) Permanent total disability;~~

~~(II) Temporary total disability;~~

~~(III) Permanent partial disability;~~

~~(IV) Temporary partial disability;~~

~~(V) All medical costs related to his injury or disease; or~~

~~(VI) The hours he is absent from the place of employment to receive medical treatment pursuant to NRS 616C.477;~~

~~(6) Receive services for rehabilitation if his injury prevents him from returning to gainful employment;~~

~~(7) Review by a hearing officer of any determination or rejection of a claim by the insurer within the time specified by statute; and~~

~~(8) Judicial review of any final decision within the time specified by statute.~~

~~2. The insurer's statement must include a copy of the form designed by the Administrator pursuant to subsection [7] 8 of NRS 616C.090 that notifies injured employees of their right to select an alternative treating physician or chiropractor. The Administrator shall adopt regulations for the manner of compliance by an insurer with the other provisions of subsection 1.~~] *(Deleted by amendment.)*

Sec. 2. ~~[NRS 616C.065 is hereby amended to read as follows:~~

~~616C.065 1. Except as otherwise provided in NRS 616C.136, within 30 days after the insurer has been notified of an industrial accident, every insurer shall:~~

~~(a) Accept a claim for compensation, notify the claimant or the person acting on behalf of the claimant that the claim has been accepted and commence payment of the claim; or~~

~~(b) Deny the claim and notify the claimant or the person acting on behalf of the claimant and the Administrator that the claim has been denied.~~

~~2. *If an insurer is ordered by the Administrator, a hearing officer, an appeals officer, a district court or the Supreme Court of Nevada to make a new determination, including, without*~~

~~*limitation, a new determination regarding the acceptance or denial of a claim for compensation, the insurer shall make the new determination within 30 days after the date on which the insurer has been ordered to do so.*~~

~~*3.* Payments made by an insurer pursuant to this section are not an admission of liability for the claim or any portion of the claim.~~

~~[3.] *4.* Except as otherwise provided in this subsection, if an insurer unreasonably delays or refuses to pay the claim within 30 days after the insurer has been notified of an industrial accident, the insurer shall pay upon order of the Administrator an additional amount equal to three times the amount specified in the order as refused or unreasonably delayed. This payment is for the benefit of the claimant and must be paid to him with the compensation assessed pursuant to chapters 616A to 617, inclusive, of NRS. The provisions of this section do not apply to the payment of a bill for accident benefits that is governed by the provisions of NRS 616C.136.~~

~~[4.] *5.* The insurer shall notify the claimant or the person acting on behalf of the claimant that a claim has been accepted or denied pursuant to subsection 1 or 2 by:~~

~~(a) Mailing its written determination to the claimant or the person acting on behalf of the claimant; and~~

~~(b) If the claim has been denied, in whole or in part, obtaining a certificate of mailing.~~

~~[5.] *6.* The failure of the insurer to obtain a certificate of mailing as required by paragraph (b) of subsection [4].*5* shall be deemed to be a failure of the insurer to mail the written determination of the denial of a claim as required by this section.~~

~~[6.] *7.* Upon request, the insurer shall provide a copy of the certificate of mailing, if any, to the claimant or the person acting on behalf of the claimant.~~

~~[7.] *8.* For the purposes of this section, the insurer shall mail the written determination to:~~

~~(a) The mailing address of the claimant or the person acting on behalf of the claimant that is provided on the form prescribed by the Administrator for filing the claim; or~~

~~(b) Another mailing address if the claimant or the person acting on behalf of the claimant provides to the insurer written notice of another mailing address.~~

~~[8.] *9.* As used in this section, "certificate of mailing" means a receipt that provides evidence of the date on which the insurer presented its written determination to the United States Postal Service for mailing.~~] *(Deleted by amendment.)*

Sec. 3. ~~[NRS 616C.090 is hereby amended to read as follows:~~

~~616C.090 1. The Administrator shall establish a panel of physicians and chiropractors who have demonstrated special competence and interest in industrial health to treat injured employees under chapters 616A to 616D, inclusive, or chapter 617 of NRS. Every employer whose insurer has not entered into a contract with an organization for managed care or with providers of health care services pursuant to NRS 616B.527 shall maintain a list of those physicians and chiropractors on the panel who are reasonably accessible to his employees.~~

~~2. An injured employee whose employer's insurer has not entered into a contract with an organization for managed care or with providers of health care services pursuant to NRS 616B.527 may choose his treating physician or chiropractor from the panel of physicians and chiropractors. If the injured employee is not satisfied with the first physician or chiropractor he so chooses, he may make an alternative choice of physician or chiropractor from the panel if the choice is made within 90 days after his injury. The insurer shall notify the first physician or chiropractor in writing. The notice must be postmarked within 3 working days after the insurer receives knowledge of the change. The first physician or chiropractor must be reimbursed only for the services he rendered to the injured employee up to and including the date of notification. Except as otherwise provided in this subsection, any further change is subject to the approval of the insurer, which must be granted or denied within 10 days after a written request for such a change is received from the injured employee. If no action is taken on the request within 10 days, the request shall be deemed granted. Any request for a change of physician or chiropractor must include the name of the new physician or chiropractor chosen by the injured employee. If the treating physician or chiropractor refers the injured employee to a specialist for treatment, the treating physician or chiropractor shall provide to the injured employee a list that includes the name of each physician or chiropractor with that specialization who is on the panel.~~

~~After receiving the list, the injured employee shall, at the time the referral is made, select a physician or chiropractor from the list.~~

~~3. An injured employee whose employer's insurer has entered into a contract with an organization for managed care or with providers of health care services pursuant to NRS 616B.527 must choose his treating physician or chiropractor pursuant to the terms of that contract. If the injured employee is not satisfied with the first physician or chiropractor he so chooses, he may make an alternative choice of physician or chiropractor pursuant to the terms of the contract *without the approval of the insurer* if the choice is made within 90 days after his injury. If the injured employee, after choosing his treating physician or chiropractor, moves to a county which is not served by the organization for managed care or providers of health care services named in the contract and the insurer determines that it is impractical for the injured employee to continue treatment with the physician or chiropractor, the injured employee must choose a treating physician or chiropractor who has agreed to the terms of that contract unless the insurer authorizes the injured employee to choose another physician or chiropractor. If the treating physician or chiropractor refers the injured employee to a specialist for treatment, the treating physician or chiropractor shall provide to the injured employee a list that includes the name of each physician or chiropractor with that specialization who is available pursuant to the terms of the contract with the organization for managed care or with providers of health care services pursuant to NRS 616B.527, as appropriate. After receiving the list, the injured employee shall, at the time the referral is made, select a physician or chiropractor from the list. If the employee fails to select a physician or chiropractor, the insurer may select a physician or chiropractor with that specialization. If a physician or chiropractor with that specialization is not available pursuant to the terms of the contract, the organization for managed care or the provider of health care services may select a physician or chiropractor with that specialization.~~

~~*4. If the injured employee is not satisfied with the physician or chiropractor selected by himself or by the insurer, the organization for managed care or the provider of health care services pursuant to subsection 3, the injured employee may make an alternative choice of physician or chiropractor pursuant to the terms of the contract. A change in the treating physician or chiropractor may be made at any time but is subject to the approval of the insurer, which must be granted or denied within 10 days after a written request for such a change is received from the injured employee. If no action is taken on the request within 10 days, the request shall be deemed granted. Any request for a change of physician or chiropractor must include the name of the new physician or chiropractor chosen by the injured employee. If the insurer denies a request for a change in the treating physician or chiropractor under this subsection, the insurer must include in a written notice of denial to the injured employee the specific reason for the denial of the request.*~~

~~*5.* Except when emergency medical care is required and except as otherwise provided in NRS 616C.055, the insurer is not responsible for any charges for medical treatment or other accident benefits furnished or ordered by any physician, chiropractor or other person selected by the injured employee in disregard of the provisions of this section or for any compensation for any aggravation of the injured employee's injury attributable to improper treatments by such physician, chiropractor or other person.~~

~~[5.]~~ *6.* The Administrator may order necessary changes in a panel of physicians and chiropractors and shall suspend or remove any physician or chiropractor from a panel for good cause shown.

~~[6.]~~ *7.* An injured employee may receive treatment by more than one physician or chiropractor if the insurer provides written authorization for such treatment.

~~[7.]~~ *8.* The Administrator shall design a form that notifies injured employees of their right pursuant to subsections 2 , [and] *3 and 4* to select an alternative treating physician or chiropractor and make the form available to insurers for distribution pursuant to subsection 2 of NRS 616C.050.~~]~~ *(Deleted by amendment.)*

Sec. 4. ~~[NRS 616C.230 is hereby amended to read as follows:~~

~~616C.230 1. Compensation is not payable pursuant to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS for an injury:~~

~~(a) Caused by the employee's willful intention to injure himself.~~

~~(b) Caused by the employee's willful intention to injure another.~~

~~(c) Proximately caused by the employee's intoxication. If the employee was intoxicated at the time of his injury, intoxication must be presumed to be a proximate cause unless rebutted by evidence to the contrary.~~

~~(d) Proximately caused by the employee's use of a controlled substance. If the employee had any amount of a controlled substance in his system at the time of his injury for which the employee did not have a current and lawful prescription issued in his name or that he was not using in accordance with the provisions of chapter 453A of NRS, the controlled substance must be presumed to be a proximate cause unless rebutted by evidence to the contrary.~~

~~2. For the purposes of paragraphs (c) and (d) of subsection 1:~~

~~(a) The affidavit or declaration of an expert or other person described in NRS *50.310*, 50.315 or *50.320* is admissible to prove the existence of any alcohol or the existence, quantity or identity of a controlled substance in an employee's system. If the affidavit or declaration is to be so used, it must be submitted in the manner prescribed in NRS 616C.355.~~

~~(b) When an examination requested or ordered includes testing for the use of alcohol or a controlled substance, the laboratory that conducts the testing must be licensed pursuant to the provisions of chapter 652 of NRS.~~

~~3. No compensation is payable for the death, disability or treatment of an employee if his death is caused by, or insofar as his disability is aggravated, caused or continued by, an unreasonable refusal or neglect to submit to or to follow any competent and reasonable surgical treatment or medical aid.~~

~~4. If any employee persists in an unsanitary or injurious practice that imperils or retards his recovery, or refuses to submit to such medical or surgical treatment as is necessary to promote his recovery, his compensation may be reduced or suspended.~~

~~5. An injured employee's compensation, other than accident benefits, must be suspended if:~~

~~(a) A physician or chiropractor determines that the employee is unable to undergo treatment, testing or examination for the industrial injury solely because of a condition or injury that did not arise out of and in the course of his employment; and~~

~~(b) It is within the ability of the employee to correct the nonindustrial condition or injury.~~

~~.~~ ~~The compensation must be suspended until the injured employee is able to resume treatment, testing or examination for the industrial injury. The insurer may elect to pay for the treatment of the nonindustrial condition or injury.~~] *(Deleted by amendment.)*

Sec. 5. ~~[NRS 616C.232 is hereby amended to read as follows:~~

~~616C.232 1. If an injured employee is discharged from his employment as a result of misconduct, an insurer may deny compensation *for temporary total disability* to the injured employee because of that discharge for misconduct only if the insurer proves by a preponderance of the evidence that:~~

~~(a) The injured employee was discharged from his employment solely for his misconduct and not for any reason relating to his claim for compensation; and~~

~~(b) It is the injured employee's discharge from his employment for misconduct, and not his injury, that is the sole cause for the injured employee's inability to return to work with the preinjury employer.~~

~~2. An insurer waives its rights under subsection 1 if the insurer does not make a determination to deny or suspend compensation to the injured employee within 70 days after the date on which the insurer learns that the injured employee has been discharged for misconduct.~~

~~*3. An insurer may not deny any compensation pursuant to this section except for compensation for temporary total disability pursuant to subsection 1.*~~] *(Deleted by amendment.)*

Sec. 5.5. ~~[NRS 616C.235 is hereby amended to read as follows:~~

~~616C.235 1. Except as otherwise provided in subsections 2, 3 and 4:~~

~~(a) When the insurer determines that a claim should be closed before all benefits to which the claimant may be entitled have been paid, the insurer shall send a written notice of its intention to close the claim to the claimant by first class mail addressed to the last known address of the claimant and, if the insurer has been notified that the claimant is represented by an attorney, to the attorney for the claimant by first class mail addressed to the last known address of the attorney. The notice must include, on a separate page, a statement describing the effects of closing a claim pursuant to this section and a statement that if the claimant does not agree with the determination, he has a right to request a resolution of the dispute pursuant to NRS 616C.305~~

~~and 616C.315 to 616C.385, inclusive, including, without limitation, a statement which prominently displays the limit on the time that the claimant has to request a resolution of the dispute as set forth in NRS 616C.315. A suitable form for requesting a resolution of the dispute must be enclosed with the notice. The closure of a claim pursuant to this subsection is not effective unless notice is given as required by this subsection.~~

~~(b) If the insurer does not receive a request for the resolution of the dispute, it may close the claim.~~

~~(c) Notwithstanding the provisions of NRS 233B.125, if a hearing is conducted to resolve the dispute, the decision of the hearing officer may be served by first-class mail.~~

~~2. If, during the first 12 months after a claim is opened, the medical benefits required to be paid for a claim are less than $300, the insurer may close the claim at any time after he sends, by first-class mail addressed to the last known address of the claimant, written notice that includes a statement which prominently displays that:~~

~~(a) The claim is being closed pursuant to this subsection;~~

~~(b) The injured employee may appeal the closure of the claim pursuant to the provisions of NRS 616C.305 and 616C.315 to 616C.385, inclusive; and~~

~~(c) If the injured employee does not appeal the closure of the claim or appeals the closure of the claim but is not successful, the claim cannot be reopened.~~

~~3. In addition to the notice described in subsection 2, an insurer shall send to each claimant who receives less than $300 in medical benefits within 6 months after the claim is opened a written notice that explains the circumstances under which a claim may be closed pursuant to subsection 2. The written notice provided pursuant to this subsection does not create any right to appeal the contents of that notice. The written notice must be:~~

~~(a) Sent by first-class mail addressed to the last known address of the claimant; and~~

~~(b) A document that is separate from any other document or form that is used by the insurer.~~

~~4. The closure of a claim pursuant to subsection 2 is not effective unless notice is given as required by subsections 2 and 3.~~

~~*5. In addition to the requirements of this section, an insurer shall include in the written notice described in subsection 2:*~~

~~*(a) If an evaluation for a permanent partial disability has been scheduled pursuant to NRS 616C.490, a statement to that effect; or*~~

~~*(b) If an evaluation for a permanent partial disability will not be scheduled pursuant to NRS 616C.490, a statement explaining that the reason is because the insurer has determined there is no possibility of a permanent impairment of any kind.]~~ *(Deleted by amendment.)*

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. ~~[NRS 616C.475 is hereby amended to read as follows:~~

~~616C.475 1. Except as otherwise provided in this section, NRS 616C.175 and 616C.390, every employee in the employ of an employer, within the provisions of chapters 616A to 616D, inclusive, of NRS, who is injured by accident arising out of and in the course of employment, or his dependents, is entitled to receive for the period of temporary total disability, 66 2/3 percent of the average monthly wage.~~

~~2. Except as otherwise provided in NRS 616B.028 and 616B.029, an injured employee or his dependents are not entitled to accrue or be paid any benefits for a temporary total disability during the time the injured employee is incarcerated. The injured employee or his dependents are entitled to receive such benefits when the injured employee is released from incarceration if he is certified as temporarily totally disabled by a physician or chiropractor.~~

~~3. If a claim for the period of temporary total disability is allowed, the first payment pursuant to this section must be issued by the insurer within 14 working days after receipt of the initial certification of disability and regularly thereafter.~~

~~4. Any increase in compensation and benefits effected by the amendment of subsection 1 is not retroactive.~~

~~5. Payments for a temporary total disability must cease when:~~

~~(a) A physician or chiropractor determines that the employee is physically capable of any gainful employment for which the employee is suited, after giving consideration to the employee's education, training and experience;~~

~~(b) The employer offers the employee light-duty employment or employment that is modified according to the limitations or restrictions imposed by a physician or chiropractor pursuant to subsection 7; or~~

~~(c) Except as otherwise provided in NRS 616B.028 and 616B.029, the employee is incarcerated.~~

~~6. Each insurer may, with each check that it issues to an injured employee for a temporary total disability, include a form approved by the Division for the injured employee to request continued compensation for the temporary total disability.~~

~~7. A certification of disability issued by a physician or chiropractor must:~~

~~(a) Include the period of disability and a description of any physical limitations or restrictions imposed upon the work of the employee;~~

~~(b) Specify whether the limitations or restrictions are permanent or temporary; and~~

~~(c) Be signed by the treating physician or chiropractor authorized pursuant to NRS 616B.527 or appropriately chosen pursuant to subsection 3 or 4 of NRS 616C.090.~~

~~8. If the certification of disability specifies that the physical limitations or restrictions are temporary, the employer of the employee at the time of his accident may offer temporary, light-duty employment to the employee. If the employer makes such an offer, the employer shall confirm the offer in writing within 10 days after making the offer. The making, acceptance or rejection of an offer of temporary, light-duty employment pursuant to this subsection does not affect the eligibility of the employee to receive vocational rehabilitation services, including compensation, and does not exempt the employer from complying with NRS 616C.545 to 616C.575, inclusive, and 616C.590 or the regulations adopted by the Division governing vocational rehabilitation services. Any offer of temporary, light-duty employment made by the employer must specify a position that:~~

~~(a) Is substantially similar to the employee's position at the time of his injury in relation to the location of the employment and the hours he is required to work;~~

~~(b) Provides a gross wage that is:~~

~~(1) If the position is in the same classification of employment, equal to the gross wage the employee was earning at the time of his injury; or~~

~~(2) If the position is not in the same classification of employment, substantially similar to the gross wage the employee was earning at the time of his injury; and~~

~~(c) Has the same employment benefits as the position of the employee at the time of his injury.~~ *(Deleted by amendment.)*

Sec. 9. ~~[NRS 616C.430 is hereby repealed.]~~ *(Deleted by amendment.)*

Sec. 10. Chapter 616A of NRS is hereby amended by adding thereto the provisions set forth as sections 11 and 12 of this act.

Sec. 11. "Catastrophic injury" means an injury sustained from an accident and resulting in:

1. The total loss of sight in one or both eyes;

2. The total loss of hearing in one or both ears;

3. The loss by separation of any arm or leg;

4. An injury to the head or spine which results in paralysis of the legs, the arms or both the legs and arms;

5. An injury to the head which results in severe cognitive impairment, as determined by a nationally recognized method of objective psychological testing;

6. An injury consisting of second or third degree burns on 50 percent or more of:

(a) The body;

(b) Both hands; or

(c) The face;

7. The total loss of or significant and permanent impairment of speech; or

8. Any other category of injury deemed to be catastrophic as determined by the Administrator.

Sec. 12. The Administrator shall adopt regulations for the determination of categories of injury, other than those described in section 11 of this act, to be deemed catastrophic injuries.

Sec. 13. NRS 616A.025 is hereby amended to read as follows:

616A.025 As used in chapters 616A to 616D, inclusive, of NRS, unless the context otherwise requires, the words and terms defined in NRS 616A.030 to 616A.360, inclusive, *and section 11 of this act* have the meanings ascribed to them in those sections.

Sec. 14. Chapter 616C of NRS is hereby amended by adding thereto the provisions set forth as sections 15, 16 and 17 of this act.

Sec. 15. 1. An adjuster who administers a claim for a catastrophic injury must be competent and qualified to administer such a claim.

2. The Administrator shall adopt regulations establishing qualifications for an adjuster to administer a claim for a catastrophic injury.

Sec. 16. 1. Notwithstanding any other provision of this chapter, if an insurer accepts a claim for a catastrophic injury, the insurer shall:

(a) As soon as reasonably practicable after the date of acceptance of the claim, assign the claim to a qualified adjuster, nurse and vocational rehabilitation counselor; and

(b) Within 90 days after the date of acceptance of the claim, develop a life care plan in consultation with the adjuster, nurse and vocational rehabilitation counselor assigned to the claim pursuant to paragraph (a).

2. A life care plan which is developed pursuant to subsection 1 must ensure the prompt, efficient and proper provision of medical services to the injured employee.

3. The Administrator shall adopt regulations to carry out the provisions of this section, including, without limitation, regulations prescribing:

(a) The form and content of a life care plan; and

(b) The frequency and method of communication by which the insurer shall contact the injured employee, his family members or representative.

Sec. 17. An insurer that has accepted a claim for a catastrophic injury may thereafter rescind or revise its original determination that the injury is a catastrophic injury if:

1. Medical evidence supports the rescission or revision;

2. The injured employee is stable and ratable; or

3. Other circumstances warrant such a rescission or revision.

~~[Sec. 10.]~~ *Sec. 18.* This act becomes effective ~~[on July 1, 2009.]~~ *:*

1. Upon passage and approval for the purpose of adopting regulations; and

2. On October 1, 2009, for all other purposes.

~~TEXT OF REPEALED SECTION~~

~~616C.430 Reduction of compensation by amount of federal disability insurance benefits received by employee.~~

~~1. If an employee who is entitled to compensation under chapters 616A to 616D, inclusive, of NRS for temporary total disability, permanent partial disability or permanent total disability becomes entitled to federal disability insurance benefits under section 202 or 223 of the Social Security Act, as amended, 42 U.S.C. §§ 402 and 423, respectively, the employee's compensation under chapters 616A to 616D, inclusive, of NRS must be reduced by the amount of the federal benefits being received by him.~~

~~2. This section must not be applied to reduce the employee's compensation under chapters 616A to 616D, inclusive, of NRS to any greater extent than his federal benefits would have otherwise been reduced by the Social Security Administration under section 224 of the Social Security Act, as amended, 42 U.S.C. § 424a. After any reduction pursuant to this section, the combination of his state compensation and federal benefits must be at least as much as the greater of:~~

~~(a) The benefits payable pursuant to chapters 616A to 616D, inclusive, of NRS, without the reduction; or~~

~~(b) The benefits payable under the Social Security Act, without any reduction.~~

~~3. After a reduced amount of compensation for an employee has been established pursuant to this section, no further reduction in his compensation may be made because he receives an increase in his benefits under the Social Security Act as the result of an adjustment based on an increase in the cost of living.~~

~~4. No compensation may be reduced pursuant to this section until the Social Security Administration has determined the amount of benefits payable to the employee under section 202 or 223 of the Social Security Act and he has begun to receive those benefits.~~

~~5. If an employee:~~

~~(a) Fails to report the amount of benefits which he is receiving under section 202 or 223 of the Social Security Act, within 30 days after he is requested in writing by the insurer to make that report; or~~

~~(b) Fails to provide the insurer with a written authorization for the Social Security Administration to release information on the employee's average current earnings and the amount of benefits to which he is entitled, within 30 days after he is requested to provide that authorization,~~

~~→ the insurer may reduce by 50 percent the compensation which the employee would otherwise receive pursuant to chapters 616A to 616D, inclusive, of NRS. Any compensation which is withheld pursuant to this subsection must be paid to the employee when he has furnished the report or authorization as requested.~~

~~6. If the provisions of section 224 of the Social Security Act are amended:~~

~~(a) To allow an employee to receive more compensation under chapters 616A to 616D, inclusive, of NRS without any reduction in benefits payable under section 202 or 223 of the Social Security Act; or~~

~~(b) To lower the maximum sum of compensation payable under chapters 616A to 616D, inclusive, of NRS and benefits payable under section 202 or 223 of the Social Security Act,~~

~~→ the reduction imposed by this section must be increased or decreased correspondingly.~~

~~7. No reduction in compensation may be made under this section for any period of entitlement which:~~

~~(a) Occurs before January 1, 1982;~~

~~(b) Occurs before the employee has been given a written notice by mail of the intended reduction; or~~

~~(c) Includes any week after the week in which the employee becomes 62 years of age.]~~

MICHAEL A. SCHNEIDER	MARCUS L. CONKLIN
MAGGIE CARLTON	ELLEN B. SPIEGEL
Senate Conference Committee	*Assembly Conference Committee*

Senator Schneider moved that the Senate adopt the report of the Conference Committee concerning Assembly Bill No. 24.

Remarks by Senator Schneider.

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

This concerns catastrophic injuries. There are very few of these in the State. We have spelled out what it is. The Administrator will also make determinations through regulation, which is specific on catastrophic injuries.

The plan is to develop a life-care plan for the person who has a catastrophic injury. The form of the life-care plan will be developed by the administrator also. Those handling the life-care plan have to have a certain level of experience, and that will be set by the Administrator by regulation.

This bill has been worked on for several months and has been agreed to by the businesses of Nevada and the labor forces of Nevada.

Motion carried by a constitutional majority.

Mr. President:

The Conference Committee concerning Assembly Bill No. 52, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 615 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 27, which is attached to and hereby made a part of this report.

Conference Amendment.

"SUMMARY— ~~[Requires]~~ *Revises provisions relating to public hospitals and requires* hospitals in certain larger counties to provide a report of certain information concerning patients to the Legislative Committee on Health Care. (BDR ~~[S]~~ *40*-448)"

"AN ACT relating to health care; *authorizing a board of county commissioners to adopt procedures to lease the naming rights relating to public hospitals located within the county;* requiring certain hospitals in certain larger counties to report information to the Legislative Committee on Health Care concerning the transfer of patients to another hospital; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law authorizes the board of county commissioners in certain larger counties to adopt, by ordinance, procedures for the sale of naming rights relating to a shooting range that is owned by the county. (NRS 244.30701) Under existing law, counties and groups of counties are authorized to establish public hospitals. (Chapter 450 of NRS) Section 1 of this bill authorizes a board of county commissioners to lease the naming rights relating to such a hospital and specifies the purposes for which proceeds from the lease must be used.

Hospitals in this State are required to provide emergency services and care, and it is unlawful for a hospital or a physician working in a hospital emergency room to refuse to accept or treat a patient in need of emergency services and care. (NRS 439B.410) ~~[This]~~ *Section 2 of this* bill requires certain hospitals located in larger counties to provide a report of certain information to the Legislative Committee on Health Care concerning the transfer of patients from the hospital to another hospital and the availability of specialty medical services in the hospital. Such a report must be made quarterly beginning on October 15, 2009, and cover information from July 1, 2009, through September 30, 2010.

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

Section 1. Chapter 450 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The board of county commissioners of a county in which a public hospital is located may adopt, by ordinance, procedures for the lease of naming rights relating to the public hospital, including, without limitation, the lease of naming rights to:

(a) Buildings, improvements, facilities, rooms, features, fixtures and sites located within the boundaries of the public hospital; and

(b) Activities, events, programs, chairs, fellowships and memorials held or established at the public hospital.

2. If a board of county commissioners leases naming rights in accordance with the procedures adopted pursuant to this section, the board shall create an enterprise fund exclusively for the proceeds of the lease of all such naming rights, for fees or charges for use of the hospital and for any gifts, grants, donations, bequests, devises or money from any other source received for the public hospital. Any interest or other income earned on the money in the fund, after deducting any applicable charges, must be credited to the fund. Money that remains in the fund at the end of a fiscal year does not revert to the county general fund and the balance in the fund must be carried forward to the next fiscal year. The money in the fund may only be used to pay for expenses directly related to the costs of the public hospital for construction, improvement, operation, maintenance or programs.

3. The procedures adopted pursuant to subsection 1 must, without limitation:

(a) Prohibit the lease of naming rights for a public hospital to that public hospital;

(b) Provide that the board of county commissioners may reject any name proposed pursuant to a lease of naming rights;

(c) Provide for the development of selection criteria for awarding a lease of naming rights, including procedures for circumstances in which more than one request for the lease of naming rights is submitted to the board of county commissioners;

(d) Provide that the name must be consistent with the mission of the public hospital;

(e) Prohibit the use of a name that:

(1) Is false, misleading or deceptive;

(2) Promotes unlawful or illegal goods, service or activities;

(3) Promotes or encourages hate, violence or antisocial behavior;

(4) Implies an endorsement by the county or a public official of any good, service or activity;

(5) Is libelous or defamatory;

(6) Contains text or an image that is likely to be confused with safety, traffic or emergency signage; or

(7) Is associated with a person who has been convicted of a felony;

(f) Provide that the term of a lease does not exceed 20 years; and

(g) Provide that the board of county commissioners:

(1) Shall require the change of a name authorized pursuant to a lease or revoke a lease before the expiration of its term if a change of circumstances results in a violation of the provisions of paragraph (d) or (e); and

(2) May require the change of a name authorized pursuant to a lease or revoke a lease before the expiration of its term for any other purpose in accordance with the procedures adopted pursuant to subsection 1.

4. The terms of a lease granted pursuant to this section may be renegotiated and renewed. Each such renewal must provide that the term of the lease does not exceed 20 years.

5. A lease of naming rights pursuant to this section and the procedures adopted pursuant thereto are not subject to the requirements for competitive bidding set forth in chapter 332 of NRS.

~~[Section 1.]~~ *Sec. 2.* 1. Each hospital located in a county whose population is 400,000 or more which is licensed to have more than 70 beds shall provide to the Legislative Committee on Health Care reports with information concerning the transfer of patients from one hospital to another hospital. Such information must include:

(a) The number of patients who are transferred from the hospital to another hospital;

(b) The number of patients who were received by the hospital that were transferred from another hospital;

(c) The reason for each transfer of a patient to another hospital;

(d) The availability of specialty services and care in the hospital; and

(e) Whether each patient who was transferred from the hospital had insurance or some other guaranteed form of payment for services.

2. Each hospital subject to the provisions of subsection 1 shall provide a report to the Legislative Committee on Health Care with the information required at least once every 3 months, and the reports must include information from July 1, 2009, through September 30, 2010. The first report must be made by October 15, 2009, and must include information from July 1, 2009, through September 30, 2009. Subsequent reports must include information for the period since the last report.

3. The information reported pursuant to this section must be made available to each person or entity that provides information pursuant to this section to the extent that it is not required to be kept confidential.

4. The information reported pursuant to this section must be maintained and reported in a manner consistent with the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191.

5. As used in this section, "specialty services" includes, without limitation:

(a) Cardiology services;

(b) Gastroenterological services;

(c) General surgical services;

(d) Neurosurgical services;

(e) Ophthalmology services;

(f) Oral and maxillofacial surgical services;

(g) Orthopedic services;

(h) Otolaryngology services; and

(i) Urological services.

~~[Sec. 2.]~~ *Sec. 3.* This act becomes effective on July 1, 2009.

VALERIE WIENER	PEGGY PIERCE
SHIRLEY A. BREEDEN	APRIL MASTROLUCA
	JOSEPH P. HARDY
Senate Conference Committee	*Assembly Conference Committee*

Senator Wiener moved that the Senate adopt the report of the Conference Committee concerning Assembly Bill No. 52.

Remarks by Senators Wiener and Care.

Senator Wiener requested that the following remarks be entered in the Journal

SENATOR WIENER:

We discussed this amendment at great length. It provides for naming opportunities for the county hospital in Clark County. These options would include both building facilities and other things affiliated with the physical plant, as well as events and other activities that may be connected with the hospital. These monies would go into an enterprise fund, and the proceeds would help with expenses and other needs of the public hospital.

SENATOR CARE:

I rise in opposition to the motion. We did this last session with shooting ranges. It is going to get to the point that if we keep doing this, we are going to say, "This government is brought to you by," and fill in the blank. I will be opposed to the adoption of this report.

Motion carried by a constitutional majority on a division of the house.

Mr. President:

The Conference Committee concerning Assembly Bill No. 223, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 963 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 34, which is attached to and hereby made a part of this report.

Conference Amendment.

"SUMMARY—Revises provisions concerning preferences for bidders on certain state purchasing and public works contracts. (BDR 27-857)"

"AN ACT relating to state governmental procurement; establishing a bidder's preference for local businesses *owned by service-disabled veterans* with respect to state purchasing contracts ~~[, establishing a bidder's preference for local businesses owned by service-disabled veterans with respect to]~~ *and* state public works contracts; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law, with respect only to contracts for public works for which the estimated cost exceeds $250,000, provides a mechanism by which a contractor who has paid certain taxes may earn a 5-percent preference in bidding on public works. (NRS 338.1389, 338.147, 338.1693, 338.1727) Sections 18-25 of this bill establish a limited preference in bidding on public works for local businesses owned by service-disabled veterans. This new preference in bidding on public works does not overlap with the existing preference in bidding on public works because the new preference is limited to public works for which the estimated cost is $100,000 or less.

Under existing law, the State of Nevada imposes an inverse preference against a person who submits a bid or proposal on a state purchasing contract if that person is a resident of a state that denies a preference to bidders or contractors who are residents of this State. (NRS 333.336) Section 31 of this bill repeals that inverse preference.

In place of the former inverse preference, sections 5-13 of this bill establish a 5-percent preference in bidding on state purchasing contracts for local businesses ~~[.]~~ *owned by service-disabled veterans.* Section 14 of this bill requires advertisements for bids or proposals to include notices of this new preference.

Section 30 of this bill directs the Office of Veterans' Services to perform certain duties with respect to gathering information and making recommendations to the Legislative Commission concerning the ~~[preference]~~ *preferences* in bidding on *state purchasing contracts and* public works for local businesses owned by service-disabled veterans.

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

Section 1. Chapter 333 of NRS is hereby amended by adding thereto the provisions set forth as sections 5 to 13, inclusive, of this act.

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. *As used in sections 5 to 13, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections ~~[6]~~ 5.5 to 9, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 5.5. "Business owned by a service-disabled veteran" has the meaning ascribed to it in section 19 of this act.

Sec. 6. (Deleted by amendment.)

Sec. 7. *"Local business" means a business that:*

1. Employs at least one person in this State; and

2. Has employed at least one person in this State for not fewer than 2 years.

Sec. 7.5. "Service-disabled veteran" has the meaning ascribed to it in section 21 of this act.

Sec. 8. (Deleted by amendment.)

Sec. 9. *"State purchasing contract" means a contract awarded pursuant to the provisions of this chapter.*

Sec. 10. *For the purpose of awarding a formal contract solicited pursuant to subsection 2 of NRS 333.300, if a local business owned by a service-disabled veteran submits a bid or proposal and is a responsive and responsible bidder, the bid or proposal shall be deemed to be 5 percent lower than the bid or proposal actually submitted.*

Sec. 11. *1. If the Purchasing Division determines that a business has made a material misrepresentation or otherwise committed a fraudulent act in applying for a preference described in section 10 of this act, the business is thereafter permanently prohibited from:*

(a) Applying for or receiving the preference described in section 10 of this act; and

(b) Bidding on a state purchasing contract.

2. If the Purchasing Division determines, as described in subsection 1, that a business has made a material misrepresentation or otherwise committed a fraudulent act in applying for a preference described in section 10 of this act, the business may apply to the Chief to review the decision pursuant to chapter 233B of NRS.

Sec. 12. *The Purchasing Division shall report every 6 months to the Legislature, if it is in session, or to the Interim Finance Committee, if the Legislature is not in session. The report must contain, for the period since the last report:*

1. The number of state purchasing contracts that were subject to the provisions of sections 5 to 13, inclusive, of this act.

2. The total dollar amount of state purchasing contracts that were subject to the provisions of sections 5 to 13, inclusive, of this act.

3. The number of local businesses owned by service-disabled veterans that submitted a bid or proposal on a state purchasing contract.

4. The number of state purchasing contracts that were awarded to local businesses ~~[.]~~ owned by service-disabled veterans.

5. The total number of dollars worth of state purchasing contracts that were awarded to local businesses ~~[.]~~ owned by service-disabled veterans.

6. Any other information deemed relevant by the Director of the Legislative Counsel Bureau.

Sec. 13. *The Purchasing Division may adopt such regulations as it determines to be necessary or advisable to carry out the provisions of sections 5 to 13, inclusive, of this act. The regulations may include, without limitation, provisions setting forth:*

1. The method by which a business may apply to receive a preference described in section 10 of this act;

2. The documentation or other proof that a business must submit to demonstrate that it qualifies for a preference described in section 10 of this act; and

3. Such other matters as the Purchasing Division deems relevant.

➥ *In carrying out the provisions of this section, the Purchasing Division shall, to the extent practicable, cooperate and coordinate with the State Public Works Board so that any regulations adopted pursuant to this section and section 25 of this act are reasonably consistent.*

Sec. 14. NRS 333.310 is hereby amended to read as follows:

333.310 1. An advertisement must contain a general description of the classes of commodities or services for which a bid or proposal is wanted and must state:

(a) The name and location of the department, agency, local government, district or institution for which the purchase is to be made.

(b) Where and how specifications and quotation forms may be obtained.

(c) If the advertisement is for bids, whether the Chief is authorized by the using agency to be supplied to consider a bid for an article that is an alternative to the article listed in the original request for bids if:

(1) The specifications of the alternative article meet or exceed the specifications of the article listed in the original request for bids;

(2) The purchase of the alternative article results in a lower price; and

(3) The Chief deems the purchase of the alternative article to be in the best interests of the State of Nevada.

(d) ~~[A summary]~~ *Notice* of the ~~[provisions of NRS 333.336.]~~ *preference set forth in section 10 of this act.*

(e) The date and time not later than which responses must be received by the Purchasing Division.

(f) The date and time when responses will be opened.

➥ The Chief or his designated agent shall approve the copy for the advertisement.

2. Each advertisement must be published in at least one newspaper of general circulation in the State. The selection of the newspaper to carry the advertisement must be made in the manner provided by this chapter for other purchases, on the basis of the lowest price to be secured in relation to the paid circulation.

Sec. 15. NRS 333.335 is hereby amended to read as follows:

333.335 1. Each proposal must be evaluated by:

(a) The chief of the using agency, or a committee appointed by the chief of the using agency in accordance with the regulations adopted pursuant to NRS 333.135, if the proposal is for a using agency; or

(b) The Chief of the Purchasing Division, or a committee appointed by the Chief in accordance with the regulations adopted pursuant to NRS 333.135, if he is responsible for administering the proposal.

2. A committee appointed pursuant to subsection 1 must consist of not less than two members. A majority of the members of the committee must be state officers or employees. The committee may include persons who are not state officers or employees and possess expert knowledge or special expertise that the chief of the using agency or the Chief of the Purchasing Division determines is necessary to evaluate a proposal. The members of the committee are not entitled to compensation for their service on the committee, except that members of the committee who are state officers or employees are entitled to receive their salaries as state officers and employees. No member of the committee may have a financial interest in a proposal.

3. In making an award, the chief of the using agency, the Chief of the Purchasing Division or each member of the committee, if a committee is established, shall consider and assign a score for each of the following factors for determining whether the proposal is in the best interests of the State of Nevada:

(a) The experience and financial stability of the person submitting the proposal;

(b) Whether the proposal complies with the requirements of the request for proposals as prescribed in NRS 333.311;

(c) The price of the proposal *;* ~~[, including the imposition of an inverse preference described in NRS 333.336, if applicable;]~~ and

(d) Any other factor disclosed in the request for proposals.

4. The chief of the using agency, the Chief of the Purchasing Division or the committee, if a committee is established, shall determine the relative weight of each factor set forth in

subsection 3 before a request for proposals is advertised. The weight of each factor must not be disclosed before the date proposals are required to be submitted.

5. The chief of the using agency, the Chief of the Purchasing Division or the committee, if a committee is established, shall award the contract based on the best interests of the State, as determined by the total scores assigned pursuant to subsection 3, and is not required to accept the lowest-priced proposal.

6. Except as otherwise provided in NRS 239.0115, each proposal evaluated pursuant to the provisions of this section is confidential and may not be disclosed until the contract is awarded.

Sec. 16. NRS 333.340 is hereby amended to read as follows:

333.340 1. Every contract or order for goods must be awarded to the lowest responsible bidder. To determine the lowest responsible bidder, the Chief:

(a) Shall consider, if applicable, the ~~[imposition]~~ *granting* of the ~~[inverse preference]~~ *preference* described in ~~[NRS 333.336.]~~ *section 10 of this act.*

(b) May consider:

(1) The location of the using agency to be supplied.

(2) The qualities of the articles to be supplied.

(3) The total cost of ownership of the articles to be supplied.

(4) Except as otherwise provided in subparagraph (5), the conformity of the articles to be supplied with the specifications.

(5) If the articles are an alternative to the articles listed in the original request for bids, whether the advertisement for bids included a statement that bids for an alternative article will be considered if:

(I) The specifications of the alternative article meet or exceed the specifications of the article listed in the original request for bids;

(II) The purchase of the alternative article results in a lower price; and

(III) The Chief deems the purchase of the alternative article to be in the best interests of the State of Nevada.

(6) The purposes for which the articles to be supplied are required.

(7) The dates of delivery of the articles to be supplied.

2. If a contract or an order is not awarded to the lowest bidder, the Chief shall provide the lowest bidder with a written statement which sets forth the specific reasons that the contract or order was not awarded to him.

3. As used in this section, "total cost of ownership" includes, but is not limited to:

(a) The history of maintenance or repair of the articles;

(b) The cost of routine maintenance and repair of the articles;

(c) Any warranties provided in connection with the articles;

(d) The cost of replacement parts for the articles; and

(e) The value of the articles as used articles when given in trade on a subsequent purchase.

Sec. 17. Chapter 338 of NRS is hereby amended by adding thereto the provisions set forth as sections 18 to 25, inclusive, of this act.

Sec. 18. *As used in sections 18 to 25, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 19, 20 and 21 of this act have the meanings ascribed to them in those sections.*

Sec. 19. *"Business owned by a service-disabled veteran" means a business:*

1. Of which at least 51 percent of the ownership interest is held by one or more service-disabled veterans;

2. That is organized to engage in commercial transactions; and

3. That is managed and operated on a day-to-day basis by one or more service-disabled veterans.

➥ *The term includes a business which meets the above requirements that is transferred to the spouse of a service-disabled veteran upon the death of the service-disabled veteran, as determined by the United States Department of Veterans Affairs.*

Sec. 20. *"Local business" has the meaning ascribed to it in section 7 of this act.*

Sec. 21. *"Service-disabled veteran" means a veteran of the Armed Forces of the United States who has a service-connected disability of at least zero percent as determined by the United States Department of Veterans Affairs.*

Sec. 22. *1. For the purpose of awarding a contract for a public work of this State for which the estimated cost is $100,000 or less, as governed by NRS 338.13862, if a local business owned by a service-disabled veteran submits a bid, the bid shall be deemed to be 5 percent lower than the bid actually submitted.*

2. The preference described in subsection 1 may not be combined with any other preference.

Sec. 23. *1. If the State Public Works Board determines that a business has made a material misrepresentation or otherwise committed a fraudulent act in applying for the preference described in section 22 of this act, the business is thereafter permanently prohibited from:*

(a) Applying for or receiving the preference described in section 22 of this act; and

(b) Bidding on a contract for a public work of this State.

2. If the State Public Works Board determines, as described in subsection 1, that a business has made a material misrepresentation or otherwise committed a fraudulent act in applying for the preference described in section 22 of this act, the business may apply to the Manager to review the decision pursuant to chapter 233B of NRS.

3. As used in this section, "Manager" has the meaning ascribed to it in NRS 341.015.

Sec. 24. *The State Public Works Board shall report every 6 months to the Legislature, if it is in session, or to the Interim Finance Committee, if the Legislature is not in session. The report must contain, for the period since the last report:*

1. The number of contracts for public works of this State that were subject to the provisions of sections 18 to 25, inclusive, of this act.

2. The total dollar amount of contracts for public works of this State that were subject to the provisions of sections 18 to 25, inclusive, of this act.

3. The number of local businesses owned by service-disabled veterans that submitted a bid or proposal on a contract for a public work of this State.

4. The number of contracts for public works of this State that were awarded to local businesses owned by service-disabled veterans.

5. The total number of dollars worth of contracts for public works of this State that were awarded to local businesses owned by service-disabled veterans.

6. Any other information deemed relevant by the Director of the Legislative Counsel Bureau.

Sec. 25. *The State Public Works Board may adopt such regulations as it determines to be necessary or advisable to carry out the provisions of sections 18 to 25, inclusive, of this act. The regulations may include, without limitation, provisions setting forth:*

1. The method by which a business may apply to receive the preference described in section 22 of this act;

2. The documentation or other proof that a business must submit to demonstrate that it qualifies for the preference described in section 22 of this act; and

3. Such other matters as the State Public Works Board deems relevant.

➥ *In carrying out the provisions of this section, the State Public Works Board shall, to the extent practicable, cooperate and coordinate with the Purchasing Division of the Department of Administration so that any regulations adopted pursuant to this section and section 13 of this act are reasonably consistent.*

Sec. 26. NRS 338.1375 is hereby amended to read as follows:

338.1375 1. The State Public Works Board shall not accept a bid on a contract for a public work unless the contractor who submits the bid has qualified pursuant to NRS 338.1379 to bid on that contract.

2. The State Public Works Board shall by regulation adopt criteria for the qualification of bidders on contracts for public works of this State. The criteria adopted by the State Public Works Board pursuant to this section must be used by the State Public Works Board to determine the qualification of bidders on contracts for public works of this State.

3. The criteria adopted by the State Public Works Board pursuant to this section:

(a) Must be adopted in such a form that the determination of whether an applicant is qualified to bid on a contract for a public work does not require or allow the exercise of discretion by any one person.

(b) May include only:

(1) The financial ability of the applicant to perform a contract;

(2) The principal personnel of the applicant;

(3) Whether the applicant has breached any contracts with a public body or person in this State or any other state;

(4) Whether the applicant has been disqualified from being awarded a contract pursuant to NRS 338.017 or 338.13895 ~~[.]~~ *or section 23 of this act;*

(5) The performance history of the applicant concerning other recent, similar contracts, if any, completed by the applicant; and

(6) The truthfulness and completeness of the application.

Sec. 27. NRS 338.1385 is hereby amended to read as follows:

338.1385 1. Except as otherwise provided in subsection 9 and NRS 338.1906 and 338.1907, this State, or a governing body or its authorized representative that awards a contract for a public work in accordance with paragraph (a) of subsection 1 of NRS 338.1373 shall not:

(a) Commence a public work for which the estimated cost exceeds $100,000 unless it advertises in a newspaper qualified pursuant to chapter 238 of NRS that is published in the county where the public work will be performed for bids for the public work. If no qualified newspaper is published in the county where the public work will be performed, the required advertisement must be published in some qualified newspaper that is printed in the State of Nevada and has a general circulation in the county.

(b) Commence a public work for which the estimated cost is $100,000 or less unless it complies with the provisions of NRS 338.1386, 338.13862 and 338.13864 ~~[.]~~ *and, with respect to the State, sections 18 to 25, inclusive, of this act.*

(c) Divide a public work into separate portions to avoid the requirements of paragraph (a) or (b).

2. At least once each quarter, the authorized representative of a public body shall report to the public body any contract that the authorized representative awarded pursuant to subsection 1 in the immediately preceding quarter.

3. Each advertisement for bids must include a provision that sets forth the requirement that a contractor must be qualified pursuant to NRS 338.1379 or 338.1382 to bid on the contract.

4. Approved plans and specifications for the bids must be on file at a place and time stated in the advertisement for the inspection of all persons desiring to bid thereon and for other interested persons. Contracts for the public work must be awarded on the basis of bids received.

5. Except as otherwise provided in subsection 6 and NRS 338.1389, a public body or its authorized representative shall award a contract to the lowest responsive and responsible bidder.

6. Any bids received in response to an advertisement for bids may be rejected if the public body or its authorized representative responsible for awarding the contract determines that:

(a) The bidder is not a qualified bidder pursuant to NRS 338.1379 or 338.1382;

(b) The bidder is not responsive or responsible;

(c) The quality of the services, materials, equipment or labor offered does not conform to the approved plans or specifications; or

(d) The public interest would be served by such a rejection.

7. A public body may let a contract without competitive bidding if no bids were received in response to an advertisement for bids and:

(a) The public body publishes a notice stating that no bids were received and that the contract may be let without further bidding;

(b) The public body considers any bid submitted in response to the notice published pursuant to paragraph (a);

(c) The public body lets the contract not less than 7 days after publishing a notice pursuant to paragraph (a); and

(d) The contract is awarded to the bidder who has submitted the lowest responsive and responsible bid.

8. Before a public body may commence the performance of a public work itself pursuant to the provisions of this section, based upon a determination that the public interest would be served by rejecting any bids received in response to an advertisement for bids, the public body shall prepare and make available for public inspection a written statement containing:

(a) A list of all persons, including supervisors, whom the public body intends to assign to the public work, together with their classifications and an estimate of the direct and indirect costs of their labor;

(b) A list of all equipment that the public body intends to use on the public work, together with an estimate of the number of hours each item of equipment will be used and the hourly cost to use each item of equipment;

(c) An estimate of the cost of administrative support for the persons assigned to the public work;

(d) An estimate of the total cost of the public work, including the fair market value of or, if known, the actual cost of all materials, supplies, labor and equipment to be used for the public work; and

(e) An estimate of the amount of money the public body expects to save by rejecting the bids and performing the public work itself.

9. This section does not apply to:

(a) Any utility subject to the provisions of chapter 318 or 710 of NRS;

(b) Any work of construction, reconstruction, improvement and maintenance of highways subject to NRS 408.323 or 408.327;

(c) Normal maintenance of the property of a school district;

(d) The Las Vegas Valley Water District created pursuant to chapter 167, Statutes of Nevada 1947, the Moapa Valley Water District created pursuant to chapter 477, Statutes of Nevada 1983 or the Virgin Valley Water District created pursuant to chapter 100, Statutes of Nevada 1993;

(e) The design and construction of a public work for which a public body contracts with a design-build team pursuant to NRS 338.1711 to 338.1727, inclusive;

(f) A constructability review of a public work, which review a local government or its authorized representative is required to perform pursuant to NRS 338.1435; or

(g) The preconstruction or construction of a public work for which a public body enters into a contract with a construction manager at risk pursuant to NRS 338.169 to 338.1699, inclusive.

Sec. 28. NRS 338.1385 is hereby amended to read as follows:

338.1385 1. Except as otherwise provided in subsection 9, this State, or a governing body or its authorized representative that awards a contract for a public work in accordance with paragraph (a) of subsection 1 of NRS 338.1373 shall not:

(a) Commence a public work for which the estimated cost exceeds $100,000 unless it advertises in a newspaper qualified pursuant to chapter 238 of NRS that is published in the county where the public work will be performed for bids for the public work. If no qualified newspaper is published in the county where the public work will be performed, the required advertisement must be published in some qualified newspaper that is printed in the State of Nevada and having a general circulation within the county.

(b) Commence a public work for which the estimated cost is $100,000 or less unless it complies with the provisions of NRS 338.1386, 338.13862 and 338.13864 ~~[.]~~ *and, with respect to the State, sections 18 to 25, inclusive, of this act.*

(c) Divide a public work into separate portions to avoid the requirements of paragraph (a) or (b).

2. At least once each quarter, the authorized representative of a public body shall report to the public body any contract that the authorized representative awarded pursuant to subsection 1 in the immediately preceding quarter.

3. Each advertisement for bids must include a provision that sets forth the requirement that a contractor must be qualified pursuant to NRS 338.1379 or 338.1382 to bid on the contract.

4. Approved plans and specifications for the bids must be on file at a place and time stated in the advertisement for the inspection of all persons desiring to bid thereon and for other interested persons. Contracts for the public work must be awarded on the basis of bids received.

5. Except as otherwise provided in subsection 6 and NRS 338.1389, a public body or its authorized representative shall award a contract to the lowest responsive and responsible bidder.

6. Any bids received in response to an advertisement for bids may be rejected if the public body or its authorized representative responsible for awarding the contract determines that:

(a) The bidder is not a qualified bidder pursuant to NRS 338.1379 or 338.1382;

(b) The bidder is not responsive or responsible;

(c) The quality of the services, materials, equipment or labor offered does not conform to the approved plans or specifications; or

(d) The public interest would be served by such a rejection.

7. A public body may let a contract without competitive bidding if no bids were received in response to an advertisement for bids and:

(a) The public body publishes a notice stating that no bids were received and that the contract may be let without further bidding;

(b) The public body considers any bid submitted in response to the notice published pursuant to paragraph (a);

(c) The public body lets the contract not less than 7 days after publishing a notice pursuant to paragraph (a); and

(d) The contract is awarded to the lowest responsive and responsible bidder.

8. Before a public body may commence the performance of a public work itself pursuant to the provisions of this section, based upon a determination that the public interest would be served by rejecting any bids received in response to an advertisement for bids, the public body shall prepare and make available for public inspection a written statement containing:

(a) A list of all persons, including supervisors, whom the public body intends to assign to the public work, together with their classifications and an estimate of the direct and indirect costs of their labor;

(b) A list of all equipment that the public body intends to use on the public work, together with an estimate of the number of hours each item of equipment will be used and the hourly cost to use each item of equipment;

(c) An estimate of the cost of administrative support for the persons assigned to the public work;

(d) An estimate of the total cost of the public work, including, the fair market value of or, if known, the actual cost of all materials, supplies, labor and equipment to be used for the public work; and

(e) An estimate of the amount of money the public body expects to save by rejecting the bids and performing the public work itself.

9. This section does not apply to:

(a) Any utility subject to the provisions of chapter 318 or 710 of NRS;

(b) Any work of construction, reconstruction, improvement and maintenance of highways subject to NRS 408.323 or 408.327;

(c) Normal maintenance of the property of a school district;

(d) The Las Vegas Valley Water District created pursuant to chapter 167, Statutes of Nevada 1947, the Moapa Valley Water District created pursuant to chapter 477, Statutes of Nevada 1983 or the Virgin Valley Water District created pursuant to chapter 100, Statutes of Nevada 1993;

(e) The design and construction of a public work for which a public body contracts with a design-build team pursuant to NRS 338.1711 to 338.1727, inclusive;

(f) A constructability review of a public work, which review a local government or its authorized representative is required to perform pursuant to NRS 338.1435; or

(g) The preconstruction or construction of a public work for which a public body enters into a contract with a construction manager at risk pursuant to NRS 338.169 to 338.1699, inclusive.

Sec. 29. NRS 338.13862 is hereby amended to read as follows:

338.13862 1. Before this State or a local government awards a contract for the completion of a public work in accordance with subsection 1 of NRS 338.1386, the State or the local government must:

(a) If the estimated cost of the public work is more than $25,000 but not more than $100,000, solicit bids from at least three properly licensed contractors; and

(b) If the estimated cost of the public work is $25,000 or less, solicit a bid from at least one properly licensed contractor.

2. Any bids received in response to a solicitation for bids made pursuant to this section may be rejected if the State or the local government determines that:

(a) The quality of the services, materials, equipment or labor offered does not conform to the approved plan or specifications;

(b) The bidder is not responsive or responsible; or

(c) The public interest would be served by such a rejection.

3. At least once each quarter, the State and each local government shall prepare a report detailing, for each public work over $25,000 for which a contract for its completion is awarded pursuant to paragraph (a) of subsection 1, if any:

(a) The name of the contractor to whom the contract was awarded;

(b) The amount of the contract awarded;

(c) A brief description of the public work; and

(d) The names of all contractors from whom bids were solicited.

4. A report prepared pursuant to subsection 3 is a public record and must be maintained on file at the administrative offices of the applicable public body.

5. The provisions of this section do not relieve this State from the duty to award the contract for the public work to a bidder who is:

(a) Qualified pursuant to the applicable provisions of NRS 338.1375 to 338.1382, inclusive; and

(b) The lowest responsive and responsible bidder, if bids are required to be solicited from more than one properly licensed contractor pursuant to subsection 1. *For the purposes of this paragraph, the lowest responsive and responsible bidder must be determined in consideration of any applicable bidder's preference granted pursuant to section 22 of this act.*

Sec. 30. Chapter 417 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each year on or before October 1, the Office of Veterans' Services shall review the reports submitted pursuant to ~~[section]~~ sections 12 and 24 of this act.

2. In carrying out the provisions of subsection 1, the Office of Veterans' Services shall seek input from:

(a) The Purchasing Division of the Department of Administration.

(b) The State Public Works Board.

~~[(b)]~~ (c) The Commission on Economic Development.

~~[(c)]~~ (d) Groups representing the interests of veterans of the Armed Forces of the United States.

~~[(d)]~~ (e) The business community.

~~[(e)]~~ (f) Local businesses owned by service-disabled veterans.

3. After performing the duties described in subsections 1 and 2, the Office of Veterans' Services shall make recommendations to the Legislative Commission regarding the continuation, modification, promotion or expansion of the ~~[preference]~~ preferences for local businesses owned by service-disabled veterans which ~~[is]~~ are described in ~~[section]~~ sections 10 and 22 of this act.

4. As used in this section:

(a) "Business owned by a service-disabled veteran" has the meaning ascribed to it in section 19 of this act.

(b) "Local business" has the meaning ascribed to it in section 7 of this act.

(c) "Service-disabled veteran" has the meaning ascribed to it in section 21 of this act.

Sec. 31. NRS 333.336 is hereby repealed.

Sec. 32. 1. This section and sections 1 to ~~[26,]~~ 27, inclusive, 29, 30 and 31 of this act become effective on October 1, 2009.

2. Section 27 of this act expires by limitation on April 30, 2013.

3. Section 28 of this act becomes effective on May 1, 2013.

TEXT OF REPEALED SECTION

333.336 Inverse preference imposed on certain bidders resident outside State of Nevada.

For the purpose of awarding a contract pursuant to this chapter, if a person who submits a bid or proposal:

1. Is a resident of a state other than the State of Nevada; and

2. That other state, with respect to contracts awarded by that other state or agencies of that other state, applies to bidders or contractors who are residents of that state a preference which is not afforded to bidders or contractors who are residents of the State of Nevada,

➥ the person or entity responsible for awarding the contract pursuant to this chapter shall, insofar as is practicable, increase the person's bid or proposal by an amount that is substantially

equivalent to the preference that the other state of which the person is a resident denies to bidders or contractors who are residents of the State of Nevada.

JOHN J. LEE	DEBBIE SMITH
WILLIAM J. RAGGIO	MARILYN KIRKPATRICK
TERRY CARE	JOSEPH P. HARDY
Senate Conference Committee	*Assembly Conference Committee*

Senator Lee moved that the Senate adopt the report of the Conference Committee concerning Assembly Bill No. 223.

Remarks by Senator Lee.

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

The conference committee decided to concur in the Senate amendment and further amended the bill to make the proposed 5-percent local bidder's preference specific just to those local businesses owned by service-disabled veterans.

Motion carried by a constitutional majority.

Mr. President:

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. 35, which is attached to and hereby made a part of this report.

Conference Amendment.

"SUMMARY—Revises provisions relating to ~~[the crime of stalking.]~~ *crimes.* (BDR 15-994)"

"AN ACT relating to crimes; revising provisions relating to the crime of stalking; *revising provisions relating to the Nevada Clean Indoor Air Act;* 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 Nevada Clean Indoor Air Act, which is currently codified as NRS 202.2483, was proposed by an initiative petition and approved by the voters at the 2006 General Election and therefore is not subject to legislative amendment or repeal until after December 8, 2009. The Act generally prohibits the smoking of tobacco in certain locations, such as within indoor places of employment, within school buildings and on school property.

Section 1.5 of this bill revises the provisions of the Act by authorizing the smoking of tobacco in certain convention facilities during certain meetings and trade shows.

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 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 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 , ~~[or]~~ 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. 1.5. *NRS 202.2483 is hereby amended to read as follows:*

202.2483 1. Except as otherwise provided in subsection 3, smoking tobacco in any form is prohibited within indoor places of employment including, but not limited to, the following:

(a) Child care facilities;

(b) Movie theatres;

(c) Video arcades;

(d) Government buildings and public places;

(e) Malls and retail establishments;

(f) All areas of grocery stores; and

(g) All indoor areas within restaurants.

2. Without exception, smoking tobacco in any form is prohibited within school buildings and on school property.

3. Smoking tobacco is not prohibited in:

(a) Areas within casinos where loitering by minors is already prohibited by state law pursuant to NRS 463.350;

(b) Stand-alone bars, taverns and saloons;

(c) Strip clubs or brothels;

(d) Retail tobacco stores; and

(e) Private residences, including private residences which may serve as an office workplace, except if used as a child care, an adult day care or a health care facility. ~~[.]~~ *; and*

(f) The area of a convention facility in which a meeting or trade show is being held, during the time the meeting or trade show is occurring, if the meeting or trade show:

(1) Is not open to the public;

(2) Is being produced or organized by a business relating to tobacco or a professional association for convenience stores; and

(3) Involves the display of tobacco products.

4. In areas or establishments where smoking is not prohibited by this section, nothing in state law shall be construed to prohibit the owners of said establishments from voluntarily creating nonsmoking sections or designating the entire establishment as smoke free.

5. Nothing in state law shall be construed to restrict local control or otherwise prohibit a county, city or town from adopting and enforcing local tobacco control measures that meet or exceed the minimum applicable standards set forth in this section.

6. "No Smoking" signs or the international "No Smoking" symbol shall be clearly and conspicuously posted in every public place and place of employment where smoking is prohibited by this section. Each public place and place of employment where smoking is prohibited shall post, at every entrance, a conspicuous sign clearly stating that smoking is prohibited. All ashtrays and other smoking paraphernalia shall be removed from any area where smoking is prohibited.

7. Health authorities, police officers of cities or towns, sheriffs and their deputies shall, within their respective jurisdictions, enforce the provisions of this section and shall issue citations for violations of this section pursuant to NRS 202.2492 and NRS 202.24925.

8. No person or employer shall retaliate against an employee, applicant or customer for exercising any rights afforded by, or attempts to prosecute a violation of, this section.

9. For the purposes of this section, the following terms have the following definitions:

(a) "Casino" means an entity that contains a building or large room devoted to gambling games or wagering on a variety of events. A casino must possess a nonrestricted gaming license as described in NRS 463.0177 and typically uses the word 'casino' as part of its proper name.

(b) "Child care facility" has the meaning ascribed to it in NRS 432A.024.

(c) "Completely enclosed area" means an area that is enclosed on all sides by any combination of solid walls, windows or doors that extend from the floor to the ceiling.

(d) "Government building" means any building or office space owned or occupied by:

(1) Any component of the Nevada System of Higher Education and used for any purpose related to the System;

(2) The State of Nevada and used for any public purpose; or

(3) Any county, city, school district or other political subdivision of the State and used for any public purpose.

(e) "Health authority" has the meaning ascribed to it in NRS 202.2485.

(f) "Incidental food service or sales" means the service of prepackaged food items including, but not limited to, peanuts, popcorn, chips, pretzels or any other incidental food items that are exempt from food licensing requirements pursuant to subsection 2 of NRS 446.870.

(g) "Place of employment" means any enclosed area under the control of a public or private employer which employees frequent during the course of employment including, but not limited to, work areas, restrooms, hallways, employee lounges, cafeterias, conference and meeting rooms, lobbies and reception areas.

(h) "Public places" means any enclosed areas to which the public is invited or in which the public is permitted.

(i) "Restaurant" means a business which gives or offers for sale food, with or without alcoholic beverages, to the public, guests or employees, as well as kitchens and catering facilities in which food is prepared on the premises for serving elsewhere.

(j) "Retail tobacco store" means a retail store utilized primarily for the sale of tobacco products and accessories and in which the sale of other products is merely incidental.

(k) "School building" means all buildings on the grounds of any public school described in NRS 388.020 and any private school as defined in NRS 394.103.

(l) "School property" means the grounds of any public school described in NRS 388.020 and any private school as defined in NRS 394.103.

(m) "Stand-alone bar, tavern or saloon" means an establishment devoted primarily to the sale of alcoholic beverages to be consumed on the premises, in which food service is incidental to its operation, and provided that smoke from such establishments does not infiltrate into areas where smoking is prohibited under the provisions of this section. In addition, a stand-alone bar, tavern or saloon must be housed in either:

(1) A physically independent building that does not share a common entryway or indoor area with a restaurant, public place or any other indoor workplaces where smoking is prohibited by this section; or

(2) A completely enclosed area of a larger structure, such as a strip mall or an airport, provided that indoor windows must remain shut at all times and doors must remain closed when not actively in use.

(n) "Video arcade" has the meaning ascribed to it in paragraph (d) of subsection 3 of NRS 453.3345.

10. Any statute or regulation inconsistent with this section is null and void.

11. The provisions of this section are severable. If any provision of this section or the application thereof is declared by a court of competent jurisdiction to be invalid or unconstitutional, such declaration shall not affect the validity of the section as a whole or any provision thereof other than the part declared to be invalid or unconstitutional.

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 , ~~[or]~~ 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 , ~~[or]~~ 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.

Sec. 5. 1. This section and sections 1, 3 and 4 of this act become effective on October 1, 2009.

2. Section 1.5 of this act becomes effective on December 9, 2009.

MARK E. AMODEI	MARILYN DONDERO LOOP
TERRY CARE	JOHN HAMBRICK
Senate Conference Committee	*Assembly Conference Committee*

Senator Amodei moved that the Senate adopt the report of the Conference Committee concerning Assembly Bill No. 309.

Conflict of interest declared by Senator Raggio.

Remarks by Senators Care, Amodei and Lee.

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

SENATOR CARE:

The body might recall the discussion we had about the amendments on Assembly Bill No. 309 when it was confined solely to the stalking issue. In the conference committee report, we had the first offense remain a misdemeanor, and subsequent offenses would be a gross misdemeanor. We have a definition of a family member. Originally, it was a member of the household.

Chapter 200 deals with crimes against the person. Chapter 202 is crimes against public health and safety. That was the germaneness that led to the inclusion of section 1.5 in the bill. Section 1.5 was a provision of Senate Bill No. 372, which was about various changes to the Nevada Clean Indoor Air Act that passed out of this body 14-5 with 2 not voting. Section 1.5 is the provision that would allow for smoking at tradeshows where the tradeshow is for tobacco products and the tradeshow itself is not open to the public. We had testimony from the Las Vegas Convention and Visitor's Authority that we had lost one and perhaps two shows that would have brought in revenue of about $43 million. They went to New Orleans. Senator Amodei discussed this issue. There is nothing in the adoption of that language in this conference committee report that threatens the health of children, secondhand smoke for

members of the public. There is nothing in here about grocery stores or adult stand-alone bars. It is confined solely to the tradeshows closed to the public for exchange of information and the sampling of products relating to tobacco. I urge the adoption of this report.

SENATOR AMODEI:

In the Nevada Clean Indoor Air Act, adopted in 2006, there is a specific exemption that says smoking is allowed in retail tobacco establishments open to the public. That is a specific voter-created exemption. Adding the trade show section into this allows smoking in the sorts of conventions that are not open to the public and cater to those very exempted retail tobacco establishments. For those who think this is a break of faith with the voters, in an initiative petition, you look to the petition itself for legislative intent. That legislative record allows smoking in public retail tobacco establishments. This amendment allows smoking in closed-to-the-public conventions that market to those establishments. I disagree that this is any sort of violence to the Nevada Clean Indoor Air Act, as the language contained in it in 2006 plainly reads.

SENATOR LEE:

The germaneness issue came up in a discussion with the Senator from Clark 7. The only thing germane about this issue is that stalking and smoking both start with "S." I will vote against this bill because the germaneness is not there.

Motion carried by a division of the house.

MOTIONS, RESOLUTIONS AND NOTICE

Senator Schneider moved that Assembly Bill No. 350 be taken from the Unfinished Business File and placed on the bottom of the Unfinished Business File.

Motion carried.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. President:

The Conference Committee concerning Assembly Bill No. 561, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 973 of the Senate be receded from and a 3rd reprint be created in accordance with this action.

JOYCE WOODHOUSE	MARCUS L. CONKLIN
	KATHY A. MCCLAIN
WARREN B. HARDY II	PETE J. GOICOECHEA
Senate Conference Committee	*Assembly Conference Committee*

Senator Care moved that the Senate adopt the report of the Conference Committee concerning Assembly Bill No. 561.

Remarks by Senator Care.

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

The body may recall I said that Senate Bill No. 355, which was the Uniform Debt Management Service Act, had passed stating the Act would be administered by the Financial Institution Division. Miss Cornwall, who oversees the Department of Business and Industry, said that it needs to be the Mortgage Lending Division. We had a trailer amendment to Assembly Bill No. 561 making that change in the bill that has been signed by the Governor.

Simple as that might sound, it went to the Assembly and the Assembly did not concur. Miss Cornwall has had discussions with members of the committee in the Assembly, and they have agreed to work this out through the Interim Finance Committee. Senate Bill No. 355 remains the Financial Institutions Division. This does away with the trailer amendment.

Motion carried by a constitutional majority.

Mr. President:

The Conference Committee concerning Assembly Bill No. 350, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 737 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 26, which is attached to and hereby made a part of this report.

Conference Amendment.

"SUMMARY—Makes various changes relating to ~~[common interest communities.]~~ *real property.* (BDR 10-620)"

"AN ACT relating to ~~[common interest communities;]~~ *real property;* revising provisions relating to *costs of collection,* interest on certain past due assessments ~~[;]~~ *and copies of certain documents;* providing that punitive damages may not be awarded against the members of the executive board or the officers of an association under certain circumstances; *establishing certain standards for management agreements; establishing the duties, responsibilities and standards of practice for community managers; making various other changes relating to common-interest communities; revising provisions relating to swimming pools;* and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Section 1.7 of this bill authorizes an association to charge reasonable fees for costs associated with collecting any past due obligation. Section 3.5 of this bill provides that in addition to complying with the business-judgment rule, officers and members of the executive board of an association are required to act on an informed basis, in good faith and in the honest belief that their actions are in the best interest of the association. (NRS 116.3103)

Existing law authorizes an executive board to impose fines for certain violations of the governing documents and to assess interest on any unpaid fines at a rate established by the association, not to exceed the legal rate per annum. (NRS 116.31031) Section 4.5 of this bill eliminates the authority to charge interest on any past due fines.

Existing law provides that: (1) punitive damages may not be recovered against an association, but may be recovered against persons whose activity gave rise to the damages; and (2) punitive damages may be awarded for a willful and material failure to comply with any provision of chapter 116 of NRS. (NRS 116.31036, 116.4117) Sections 5.5 and 16.5 of this bill provide that punitive damages may not be recovered against the members of the executive board or the officers of an association for acts or omissions that occur in their capacity as members or officers.

Existing law provides that any past due assessment for common expenses or installment thereof bears interest at the rate established by the association, which must not exceed 18 percent per year. Section 9 of this bill provides that the association may charge the prime rate plus 2 percent on such a past due assessment, beginning when the assessment is 60 days past due.

Sections 6.5 and 7.5 of this bill provide that: (1) a unit's owner may receive a copy or summary of the minutes of a meeting of the units' owners or executive board in electronic format at no cost to the unit's owner or, if the association is unable to provide a copy or summary in electronic format, in paper format at a cost not to exceed 25 cents per page for the first 10 pages, and at 10 cents per page thereafter; and (2) a meeting of the executive board must be held at a time other than during normal business hours at least twice per year. (NRS 116.3108, 116.31083)

Section 10.5 of this bill requires the budget of an association to be available for review at a location not to exceed 60 miles from the common-interest community. (NRS 116.31151) Section 12.2 of this bill also requires the books, records and other papers of an association to be available for review at the business office of the association or a location not to exceed 60 miles from the common-interest community. (NRS 116.31175)

Section 12.5 of this bill provides that if a unit's owner is the subject of retaliatory action based on certain complaints or requests, he may bring an action to recover compensatory damages and attorney's fees and costs. (NRS 116.31183)

Sections 13.7 and 15.5 of this bill require a public offering or a resale package to include a statement listing all current and expected fees for each unit. (NRS 116.4103, 116.4109)

Section 19.3 of this bill establishes the requirements concerning the disclosures that a community manager must make before entering into a management agreement and incorporates into statute the existing requirements contained in the Nevada Administrative Code. (NAC 116.310)

Section 19.4 of this bill sets forth the requirements of a management agreement and incorporates into statute the existing requirements contained in the Nevada Administrative Code. (NAC 116.305)

Section 19.5 of this bill sets forth the responsibilities and duties of a community manager, incorporates into statute many of the existing provisions of the Nevada Administrative Code and adds certain new responsibilities and duties. (NAC 116.300) Section 19.5 also provides that a community manager acts as a fiduciary at all times and must exercise ordinary and reasonable care in performing his duties.

Section 19.6 of this bill incorporates into statute many of the existing provisions of the Nevada Administrative Code pertaining to standards of practice for community managers and conduct warranting disciplinary action and establishes certain new requirements, such as provisions governing the acceptance of any compensation, gift or any other item of material value by the community manager. (NAC 116.341)

Section 21.3 of this bill exempts privately owned swimming pools used only by members of a private club from the definition of "public swimming pool" for purposes of supervision by the Health Authority.

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

Section 1. (Deleted by amendment.)

Sec. 1.5. (Deleted by amendment.)

Sec. 1.7. Chapter 116 of NRS is hereby amended by adding thereto a new section to read as follows:

1. An association may charge a unit's owner reasonable fees to cover the costs of collecting any past due obligation. The Commission shall adopt regulations establishing the amount of the fees that an association may charge pursuant to this section.

2. The provisions of this section apply to any costs of collecting a past due obligation charged to a unit's owner, regardless of whether the past due obligation is collected by the association itself or by any person acting on behalf of the association, including, without limitation, an officer or employee of the association, a community manager or a collection agency.

3. As used in this section:

(a) "Costs of collecting" includes any fee, charge or cost, by whatever name, including, without limitation, any collection fee, filing fee, recording fee, fee related to the preparation, recording or delivery of a lien or lien rescission, title search lien fee, bankruptcy search fee, referral fee, fee for postage or delivery and any other fee or cost that an association charges a unit's owner for the investigation, enforcement or collection of a past due obligation. The term does not include any costs incurred by an association if a lawsuit is filed to enforce any past due obligation or any costs awarded by a court.

(b) "Obligation" means any assessment, fine, construction penalty, fee, charge or interest levied or imposed against a unit's owner pursuant to any provision of this chapter or the governing documents.

Sec. 2. (Deleted by amendment.)

Sec. 2.5. NRS 116.3102 is hereby amended to read as follows:

116.3102 1. Except as otherwise provided in subsection 2, and subject to the provisions of the declaration, the association may do any or all of the following:

(a) Adopt and amend bylaws, rules and regulations.

(b) Adopt and amend budgets for revenues, expenditures and reserves and collect assessments for common expenses from the units' owners.

(c) Hire and discharge managing agents and other employees, agents and independent contractors.

(d) Institute, defend or intervene in litigation or administrative proceedings in its own name on behalf of itself or two or more units' owners on matters affecting the common-interest community.

(e) Make contracts and incur liabilities.

(f) Regulate the use, maintenance, repair, replacement and modification of common elements.

(g) Cause additional improvements to be made as a part of the common elements.

(h) Acquire, hold, encumber and convey in its own name any right, title or interest to real estate or personal property, but:

(1) Common elements in a condominium or planned community may be conveyed or subjected to a security interest only pursuant to NRS 116.3112; and

(2) Part of a cooperative may be conveyed, or all or part of a cooperative may be subjected to a security interest, only pursuant to NRS 116.3112.

(i) Grant easements, leases, licenses and concessions through or over the common elements.

(j) Impose and receive any payments, fees or charges for the use, rental or operation of the common elements, other than limited common elements described in subsections 2 and 4 of NRS 116.2102, and for services provided to the units' owners.

(k) Impose charges for late payment of assessments ~~.~~ *pursuant to NRS 116.3115.*

(l) Impose construction penalties when authorized pursuant to NRS 116.310305.

(m) Impose reasonable fines for violations of the governing documents of the association only if the association complies with the requirements set forth in NRS 116.31031.

(n) Impose reasonable charges for the preparation and recordation of any amendments to the declaration or any statements of unpaid assessments, and impose reasonable fees, not to exceed the amounts authorized by NRS 116.4109, for preparing and furnishing the documents and certificate required by that section.

(o) Provide for the indemnification of its officers and executive board and maintain directors' and officers' liability insurance.

(p) Assign its right to future income, including the right to receive assessments for common expenses, but only to the extent the declaration expressly so provides.

(q) Exercise any other powers conferred by the declaration or bylaws.

(r) Exercise all other powers that may be exercised in this State by legal entities of the same type as the association.

(s) Direct the removal of vehicles improperly parked on property owned or leased by the association, as authorized pursuant to NRS 487.038, or improperly parked on any road, street, alley or other thoroughfare within the common-interest community in violation of the governing documents. In addition to complying with the requirements of NRS 487.038 and any requirements in the governing documents, if a vehicle is improperly parked as described in this paragraph, the association must post written notice in a conspicuous place on the vehicle or provide oral or written notice to the owner or operator of the vehicle at least 48 hours before the association may direct the removal of the vehicle, unless the vehicle:

(1) Is blocking a fire hydrant, fire lane or parking space designated for the handicapped; or

(2) Poses an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the units' owners or residents of the common-interest community.

(t) Exercise any other powers necessary and proper for the governance and operation of the association.

2. The declaration may not impose limitations on the power of the association to deal with the declarant which are more restrictive than the limitations imposed on the power of the association to deal with other persons.

Sec. 3. (Deleted by amendment.)

Sec. 3.5. NRS 116.3103 is hereby amended to read as follows:

116.3103 1. Except as otherwise provided in the declaration, the bylaws, this section or other provisions of this chapter, the executive board may act in all instances on behalf of the association. In the performance of their duties, the officers and members of the executive board are fiduciaries ~~.~~ *and shall act on an informed basis, in good faith and in the honest belief that their actions are in the best interest of the association.* The members of the executive board are

required to exercise the ordinary and reasonable care of directors of a corporation, subject to the business-judgment rule.

2. The executive board may not act on behalf of the association to amend the declaration, to terminate the common-interest community, or to elect members of the executive board or determine their qualifications, powers and duties or terms of office, but the executive board may fill vacancies in its membership for the unexpired portion of any term.

Sec. 4. (Deleted by amendment.)

Sec. 4.5. *NRS 116.31031 is hereby amended to read as follows:*

116.31031 1. Except as otherwise provided in this section, if a unit's owner or a tenant or guest of a unit's owner violates any provision of the governing documents of an association, the executive board may, if the governing documents so provide:

(a) Prohibit, for a reasonable time, the unit's owner or the tenant or guest of the unit's owner from:

(1) Voting on matters related to the common-interest community.

(2) Using the common elements. The provisions of this subparagraph do not prohibit the unit's owner or the tenant or guest of the unit's owner from using any vehicular or pedestrian ingress or egress to go to or from the unit, including any area used for parking.

(b) Impose a fine against the unit's owner or the tenant or guest of the unit's owner for each violation, except that a fine may not be imposed for a violation that is the subject of a construction penalty pursuant to NRS 116.310305. If the violation poses an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the units' owners or residents of the common-interest community, the amount of the fine must be commensurate with the severity of the violation and must be determined by the executive board in accordance with the governing documents. If the violation does not pose an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the units' owners or residents of the common-interest community, the amount of the fine must be commensurate with the severity of the violation and must be determined by the executive board in accordance with the governing documents, but the amount of the fine must not exceed $100 for each violation or a total amount of $1,000, whichever is less. The limitations on the amount of the fine do not apply to any ~~[interest,]~~ charges or costs that may be collected by the association pursuant to this section if the fine becomes past due.

2. The executive board may not impose a fine pursuant to subsection 1 unless:

(a) Not less than 30 days before the violation, the person against whom the fine will be imposed had been provided with written notice of the applicable provisions of the governing documents that form the basis of the violation; and

(b) Within a reasonable time after the discovery of the violation, the person against whom the fine will be imposed has been provided with:

(1) Written notice specifying the details of the violation, the amount of the fine, and the date, time and location for a hearing on the violation; and

(2) A reasonable opportunity to contest the violation at the hearing.

3. The executive board must schedule the date, time and location for the hearing on the violation so that the person against whom the fine will be imposed is provided with a reasonable opportunity to prepare for the hearing and to be present at the hearing.

4. The executive board must hold a hearing before it may impose the fine, unless the person against whom the fine will be imposed:

(a) Pays the fine;

(b) Executes a written waiver of the right to the hearing; or

(c) Fails to appear at the hearing after being provided with proper notice of the hearing.

5. If a fine is imposed pursuant to subsection 1 and the violation is not cured within 14 days, or within any longer period that may be established by the executive board, the violation shall be deemed a continuing violation. Thereafter, the executive board may impose an additional fine for the violation for each 7-day period or portion thereof that the violation is not cured. Any additional fine may be imposed without notice and an opportunity to be heard.

6. If the governing documents so provide, the executive board may appoint a committee, with not less than three members, to conduct hearings on violations and to impose fines pursuant to this section. While acting on behalf of the executive board for those limited purposes, the

committee and its members are entitled to all privileges and immunities and are subject to all duties and requirements of the executive board and its members.

7. The provisions of this section establish the minimum procedural requirements that the executive board must follow before it may impose a fine. The provisions of this section do not preempt any provisions of the governing documents that provide greater procedural protections.

8. Any past due fine ~~[:~~

~~(a) Bears interest at the rate established by the association, not to exceed the legal rate per annum.~~

~~(b) May include any costs of collecting the past due fine at a rate established by the association. If the past due fine is for a violation that does not threaten the health, safety or welfare of the residents of the common-interest community, the rate established by the association for the costs of collecting the past due fine:~~

~~(1) May not exceed $20, if the outstanding balance is less than $200.~~

~~(2) May not exceed $50, if the outstanding balance is $200 or more, but is less than $500.~~

~~(3) May not exceed $100, if the outstanding balance is $500 or more, but is less than $1,000.~~

~~(4) May not exceed $250, if the outstanding balance is $1,000 or more, but is less than $5,000.~~

~~(5) May not exceed $500, if the outstanding balance is $5,000 or more.~~

~~(c) May:~~ *must not bear interest, but may* include any costs incurred by the association during a civil action to enforce the payment of the past due fine.

~~[9. As used in this section:~~

~~(a) "Costs of collecting" includes, without limitation, any collection fee, filing fee, recording fee, referral fee, fee for postage or delivery, and any other fee or cost that an association may reasonably charge to the unit's owner for the collection of a past due fine. The term does not include any costs incurred by an association during a civil action to enforce the payment of a past due fine.~~

~~(b) "Outstanding balance" means the amount of a past due fine that remains unpaid before any interest, charges for late payment or costs of collecting the past due fine are added.]~~

Sec. 5. (Deleted by amendment.)

Sec. 5.5. NRS 116.31036 is hereby amended to read as follows:

116.31036 1. Notwithstanding any provision of the declaration or bylaws to the contrary, any member of the executive board, other than a member appointed by the declarant, may be removed from the executive board, with or without cause, if at a removal election held pursuant to this section the number of votes cast in favor of removal constitutes:

(a) At least 35 percent of the total number of voting members of the association; and

(b) At least a majority of all votes cast in that removal election.

2. The removal of any member of the executive board must be conducted by secret written ballot unless the declaration of the association provides that voting rights may be exercised by delegates or representatives as set forth in NRS 116.31105. If the removal of a member of the executive board is conducted by secret written ballot:

(a) The secretary or other officer specified in the bylaws of the association shall cause a secret ballot and a return envelope to be sent, prepaid by United States mail, to the mailing address of each unit within the common-interest community or to any other mailing address designated in writing by the unit's owner.

(b) Each unit's owner must be provided with at least 15 days after the date the secret written ballot is mailed to the unit's owner to return the secret written ballot to the association.

(c) Only the secret written ballots that are returned to the association may be counted to determine the outcome.

(d) The secret written ballots must be opened and counted at a meeting of the association. A quorum is not required to be present when the secret written ballots are opened and counted at the meeting.

(e) The incumbent members of the executive board, including, without limitation, the member who is subject to the removal, may not possess, be given access to or participate in the opening or counting of the secret written ballots that are returned to the association before those secret written ballots have been opened and counted at a meeting of the association.

3. If a member of an executive board is named as a respondent or sued for liability for actions undertaken in his role as a member of the board, the association shall indemnify him for his losses or claims, and undertake all costs of defense, unless it is proven that he acted with willful or wanton misfeasance or with gross negligence. After such proof, the association is no longer liable for the cost of defense, and may recover costs already expended from the member of the executive board who so acted. Members of the executive board are not personally liable to the victims of crimes occurring on the property. Punitive damages may not be recovered against ~~[the]~~ *:*

(a) The association ~~[, but may be recovered from persons whose activity gave rise to the damages.]~~ *;*

(b) The members of the executive board for acts or omissions that occur in their capacity as members of the executive board; or

(c) The officers of the association for acts or omissions that occur in their capacity as officers of the association.

4. The provisions of this section do not prohibit the Commission from taking any disciplinary action against a member of an executive board pursuant to NRS 116.745 to 116.795, inclusive.

Sec. 6. (Deleted by amendment.)

Sec. 6.5. NRS 116.3108 is hereby amended to read as follows:

116.3108 1. A meeting of the units' owners must be held at least once each year. If the governing documents do not designate an annual meeting date of the units' owners, a meeting of the units' owners must be held 1 year after the date of the last meeting of the units' owners. If the units' owners have not held a meeting for 1 year, a meeting of the units' owners must be held on the following March 1.

2. Special meetings of the units' owners may be called by the president, by a majority of the executive board or by units' owners constituting at least 10 percent, or any lower percentage specified in the bylaws, of the total number of voting members of the association. The same number of units' owners may also call a removal election pursuant to NRS 116.31036. To call a special meeting or a removal election, the units' owners must submit a written petition which is signed by the required percentage of the total number of voting members of the association pursuant to this section and which is mailed, return receipt requested, or served by a process server to the executive board or the community manager for the association. If the petition calls for a special meeting, the executive board shall set the date for the special meeting so that the special meeting is held not less than 15 days or more than 60 days after the date on which the petition is received. If the petition calls for a removal election and:

(a) The voting rights of the units' owners will be exercised by delegates or representatives as set forth in NRS 116.31105, the executive board shall set the date for the removal election so that the removal election is held not less than 15 days or more than 60 days after the date on which the petition is received; or

(b) The voting rights of the units' owners will be exercised through the use of secret written ballots pursuant to NRS 116.31036, the secret written ballots for the removal election must be sent in the manner required by NRS 116.31036 not less than 15 days or more than 60 days after the date on which the petition is received, and the executive board shall set the date for the meeting to open and count the secret written ballots so that the meeting is held not more than 15 days after the deadline for returning the secret written ballots.

3. Not less than 15 days or more than 60 days in advance of any meeting of the units' owners, the secretary or other officer specified in the bylaws shall cause notice of the meeting to be hand-delivered, sent prepaid by United States mail to the mailing address of each unit or to any other mailing address designated in writing by the unit's owner or, if the association offers to send notice by electronic mail, sent by electronic mail at the request of the unit's owner to an electronic mail address designated in writing by the unit's owner. The notice of the meeting must state the time and place of the meeting and include a copy of the agenda for the meeting. The notice must include notification of the right of a unit's owner to:

(a) Have a copy of the minutes or a summary of the minutes of the meeting provided to the unit's owner upon request ~~[and, if required by the executive board, upon payment to the association of the cost of providing the copy to the unit's owner.]~~ *, in electronic format at no*

charge to the unit's owner or, if the association is unable to provide the copy or summary in electronic format, in paper format at a cost not to exceed 25 cents per page for the first 10 pages, and 10 cents per page thereafter.

(b) Speak to the association or executive board, unless the executive board is meeting in executive session.

4. The agenda for a meeting of the units' owners must consist of:

(a) A clear and complete statement of the topics scheduled to be considered during the meeting, including, without limitation, any proposed amendment to the declaration or bylaws, any fees or assessments to be imposed or increased by the association, any budgetary changes and any proposal to remove an officer of the association or member of the executive board.

(b) A list describing the items on which action may be taken and clearly denoting that action may be taken on those items. In an emergency, the units' owners may take action on an item which is not listed on the agenda as an item on which action may be taken.

(c) A period devoted to comments by units' owners and discussion of those comments. Except in emergencies, no action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken pursuant to paragraph (b).

5. If the association adopts a policy imposing fines for any violations of the governing documents of the association, the secretary or other officer specified in the bylaws shall prepare and cause to be hand-delivered or sent prepaid by United States mail to the mailing address of each unit or to any other mailing address designated in writing by the unit's owner, a schedule of the fines that may be imposed for those violations.

6. The secretary or other officer specified in the bylaws shall cause minutes to be recorded or otherwise taken at each meeting of the units' owners. Not more than 30 days after each such meeting, the secretary or other officer specified in the bylaws shall cause the minutes or a summary of the minutes of the meeting to be made available to the units' owners. ~~[A]~~ *Except as otherwise provided in this subsection, a* copy of the minutes or a summary of the minutes must be provided to any unit's owner upon request ~~[and, if required by the executive board, upon payment to the association of the cost of providing the copy to the unit's owner.]~~ *, in electronic format at no charge to the unit's owner or, if the association is unable to provide the copy or summary in electronic format, in paper format at a cost not to exceed 25 cents per page for the first 10 pages, and 10 cents per page thereafter.*

7. Except as otherwise provided in subsection 8, the minutes of each meeting of the units' owners must include:

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

(b) The substance of all matters proposed, discussed or decided at the meeting; and

(c) The substance of remarks made by any unit's owner at the meeting if he requests that the minutes reflect his remarks or, if he has prepared written remarks, a copy of his prepared remarks if he submits a copy for inclusion.

8. The executive board may establish reasonable limitations on materials, remarks or other information to be included in the minutes of a meeting of the units' owners.

9. The association shall maintain the minutes of each meeting of the units' owners until the common-interest community is terminated.

10. A unit's owner may record on audiotape or any other means of sound reproduction a meeting of the units' owners if the unit's owner, before recording the meeting, provides notice of his intent to record the meeting to the other units' owners who are in attendance at the meeting.

11. The units' owners may approve, at the annual meeting of the units' owners, the minutes of the prior annual meeting of the units' owners and the minutes of any prior special meetings of the units' owners. A quorum is not required to be present when the units' owners approve the minutes.

12. As used in this section, "emergency" means any occurrence or combination of occurrences that:

(a) Could not have been reasonably foreseen;

(b) Affects the health, welfare and safety of the units' owners or residents of the common-interest community;

(c) Requires the immediate attention of, and possible action by, the executive board; and

(d) Makes it impracticable to comply with the provisions of subsection 3 or 4.

Sec. 7. (Deleted by amendment.)

Sec. 7.5. NRS 116.31083 is hereby amended to read as follows:

116.31083 1. A meeting of the executive board must be held at least once every 90 days ~~[.]~~ *and must be held at a time other than during standard business hours at least twice annually.*

2. Except in an emergency or unless the bylaws of an association require a longer period of notice, the secretary or other officer specified in the bylaws of the association shall, not less than 10 days before the date of a meeting of the executive board, cause notice of the meeting to be given to the units' owners. Such notice must be:

(a) Sent prepaid by United States mail to the mailing address of each unit within the common-interest community or to any other mailing address designated in writing by the unit's owner;

(b) If the association offers to send notice by electronic mail, sent by electronic mail at the request of the unit's owner to an electronic mail address designated in writing by the unit's owner; or

(c) Published in a newsletter or other similar publication that is circulated to each unit's owner.

3. In an emergency, the secretary or other officer specified in the bylaws of the association shall, if practicable, cause notice of the meeting to be sent prepaid by United States mail to the mailing address of each unit within the common-interest community. If delivery of the notice in this manner is impracticable, the notice must be hand-delivered to each unit within the common-interest community or posted in a prominent place or places within the common elements of the association.

4. The notice of a meeting of the executive board must state the time and place of the meeting and include a copy of the agenda for the meeting or the date on which and the locations where copies of the agenda may be conveniently obtained by the units' owners. The notice must include notification of the right of a unit's owner to:

(a) Have a copy of the minutes or a summary of the minutes of the meeting provided to the unit's owner upon request ~~[and, if required by the executive board, upon payment to the association of the cost of providing the copy to the unit's owner.]~~ *, in electronic format at no charge to the unit's owner or, if the association is unable to provide the copy or summary in electronic format, in paper format at a cost not to exceed 25 cents per page for the first 10 pages, and 10 cents per page thereafter.*

(b) Speak to the association or executive board, unless the executive board is meeting in executive session.

5. The agenda of the meeting of the executive board must comply with the provisions of subsection 4 of NRS 116.3108. The period required to be devoted to comments by the units' owners and discussion of those comments must be scheduled for the beginning of each meeting. In an emergency, the executive board may take action on an item which is not listed on the agenda as an item on which action may be taken.

6. At least once every 90 days, unless the declaration or bylaws of the association impose more stringent standards, the executive board shall review, at a minimum, the following financial information at one of its meetings:

(a) A current year-to-date financial statement of the association;

(b) A current year-to-date schedule of revenues and expenses for the operating account and the reserve account, compared to the budget for those accounts;

(c) A current reconciliation of the operating account of the association;

(d) A current reconciliation of the reserve account of the association;

(e) The latest account statements prepared by the financial institutions in which the accounts of the association are maintained; and

(f) The current status of any civil action or claim submitted to arbitration or mediation in which the association is a party.

7. The secretary or other officer specified in the bylaws shall cause minutes to be recorded or otherwise taken at each meeting of the executive board. Not more than 30 days after each such meeting, the secretary or other officer specified in the bylaws shall cause the minutes or a summary of the minutes of the meetings to be made available to the units' owners. ~~[A]~~ *Except as*

otherwise provided in this subsection, a copy of the minutes or a summary of the minutes must be provided to any unit's owner upon request ~~[and, if required by the executive board, upon payment to the association of the cost of providing the copy to the unit's owner.]~~ *, in electronic format at no charge to the unit's owner or, if the association is unable to provide the copy or summary in electronic format, in paper format at a cost not to exceed 25 cents per page for the first 10 pages, and 10 cents per page thereafter.*

8. Except as otherwise provided in subsection 9 and NRS 116.31085, the minutes of each meeting of the executive board must include:

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

(b) Those members of the executive board who were present and those members who were absent at the meeting;

(c) The substance of all matters proposed, discussed or decided at the meeting;

(d) A record of each member's vote on any matter decided by vote at the meeting; and

(e) The substance of remarks made by any unit's owner who addresses the executive board at the meeting if he requests that the minutes reflect his remarks or, if he has prepared written remarks, a copy of his prepared remarks if he submits a copy for inclusion.

9. The executive board may establish reasonable limitations on materials, remarks or other information to be included in the minutes of its meetings.

10. The association shall maintain the minutes of each meeting of the executive board until the common-interest community is terminated.

11. A unit's owner may record on audiotape or any other means of sound reproduction a meeting of the executive board, unless the executive board is meeting in executive session, if the unit's owner, before recording the meeting, provides notice of his intent to record the meeting to the members of the executive board and the other units' owners who are in attendance at the meeting.

12. As used in this section, "emergency" means any occurrence or combination of occurrences that:

(a) Could not have been reasonably foreseen;

(b) Affects the health, welfare and safety of the units' owners or residents of the common-interest community;

(c) Requires the immediate attention of, and possible action by, the executive board; and

(d) Makes it impracticable to comply with the provisions of subsection 2 or 5.

Sec. 8. (Deleted by amendment.)

Sec. 9. NRS 116.3115 is hereby amended to read as follows:

116.3115 1. Until the association makes an assessment for common expenses, the declarant shall pay all common expenses. After an assessment has been made by the association, assessments must be made at least annually, based on a budget adopted at least annually by the association in accordance with the requirements set forth in NRS 116.31151. Unless the declaration imposes more stringent standards, the budget must include a budget for the daily operation of the association and a budget for the reserves required by paragraph (b) of subsection 2.

2. Except for assessments under subsections 4 to 7, inclusive:

(a) All common expenses, including the reserves, must be assessed against all the units in accordance with the allocations set forth in the declaration pursuant to subsections 1 and 2 of NRS 116.2107.

(b) The association shall establish adequate reserves, funded on a reasonable basis, for the repair, replacement and restoration of the major components of the common elements. The reserves may be used only for those purposes, including, without limitation, repairing, replacing and restoring roofs, roads and sidewalks, and must not be used for daily maintenance. The association may comply with the provisions of this paragraph through a funding plan that is designed to allocate the costs for the repair, replacement and restoration of the major components of the common elements over a period of years if the funding plan is designed in an actuarially sound manner which will ensure that sufficient money is available when the repair, replacement and restoration of the major components of the common elements are necessary.

3. Any ~~[past due]~~ assessment for common expenses or installment thereof *that is 60 days or more past due* bears interest at ~~[the rate established by the association not exceeding 18 percent~~

~~per year.]~~ *a rate equal to the prime rate at the largest bank in Nevada as ascertained by the Commissioner of Financial Institutions on January 1 or July 1, as the case may be, immediately preceding the date the assessment becomes past due, plus 2 percent. The rate must be adjusted accordingly on each January 1 and July 1 thereafter until the balance is satisfied.*

4. To the extent required by the declaration:

(a) Any common expense associated with the maintenance, repair, restoration or replacement of a limited common element must be assessed against the units to which that limited common element is assigned, equally, or in any other proportion the declaration provides;

(b) Any common expense or portion thereof benefiting fewer than all of the units must be assessed exclusively against the units benefited; and

(c) The costs of insurance must be assessed in proportion to risk and the costs of utilities must be assessed in proportion to usage.

5. Assessments to pay a judgment against the association may be made only against the units in the common-interest community at the time the judgment was entered, in proportion to their liabilities for common expenses.

6. If any common expense is caused by the misconduct of any unit's owner, the association may assess that expense exclusively against his unit.

7. The association of a common-interest community created before January 1, 1992, is not required to make an assessment against a vacant lot located within the community that is owned by the declarant.

8. If liabilities for common expenses are reallocated, assessments for common expenses and any installment thereof not yet due must be recalculated in accordance with the reallocated liabilities.

9. The association shall provide written notice to each unit's owner of a meeting at which an assessment for a capital improvement is to be considered or action is to be taken on such an assessment at least 21 calendar days before the date of the meeting.

Sec. 10. (Deleted by amendment.)

Sec. 10.5. *NRS 116.31151 is hereby amended to read as follows:*

116.31151 1. Except as otherwise provided in subsection 2 and unless the declaration of a common-interest community imposes more stringent standards, the executive board shall, not less than 30 days or more than 60 days before the beginning of the fiscal year of the association, prepare and distribute to each unit's owner a copy of:

(a) The budget for the daily operation of the association. The budget must include, without limitation, the estimated annual revenue and expenditures of the association and any contributions to be made to the reserve account of the association.

(b) The budget to provide adequate funding for the reserves required by paragraph (b) of subsection 2 of NRS 116.3115. The budget must include, without limitation:

(1) The current estimated replacement cost, estimated remaining life and estimated useful life of each major component of the common elements;

(2) As of the end of the fiscal year for which the budget is prepared, the current estimate of the amount of cash reserves that are necessary, and the current amount of accumulated cash reserves that are set aside, to repair, replace or restore the major components of the common elements;

(3) A statement as to whether the executive board has determined or anticipates that the levy of one or more special assessments will be necessary to repair, replace or restore any major component of the common elements or to provide adequate funding for the reserves designated for that purpose; and

(4) A general statement describing the procedures used for the estimation and accumulation of cash reserves pursuant to subparagraph (2), including, without limitation, the qualifications of the person responsible for the preparation of the study of the reserves required by NRS 116.31152.

2. In lieu of distributing copies of the budgets of the association required by subsection 1, the executive board may distribute to each unit's owner a summary of those budgets, accompanied by a written notice that:

(a) The budgets are available for review at the business office of the association or some other suitable location within the county where the common-interest community is situated or, if

it is situated in more than one county, within one of those counties ~~[.]~~ *but not to exceed 60 miles from the physical location of the common-interest community;* and

(b) Copies of the budgets will be provided upon request.

3. Within 60 days after adoption of any proposed budget for the common-interest community, the executive board shall provide a summary of the proposed budget to each unit's owner and shall set a date for a meeting of the units' owners to consider ratification of the proposed budget not less than 14 days or more than 30 days after the mailing of the summaries. Unless at that meeting a majority of all units' owners, or any larger vote specified in the declaration, reject the proposed budget, the proposed budget is ratified, whether or not a quorum is present. If the proposed budget is rejected, the periodic budget last ratified by the units' owners must be continued until such time as the units' owners ratify a subsequent budget proposed by the executive board.

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 12.2. NRS 116.31175 is hereby amended to read as follows:

116.31175 1. Except as otherwise provided in this subsection, the executive board of an association shall, upon the written request of a unit's owner, make available the books, records and other papers of the association for review *at the business office of the association or a designated business location not to exceed 60 miles from the physical location of the common-interest community and* during the regular working hours of the association, including, without limitation, all contracts to which the association is a party and all records filed with a court relating to a civil or criminal action to which the association is a party. The provisions of this subsection do not apply to:

(a) The personnel records of the employees of the association, except for those records relating to the number of hours worked and the salaries and benefits of those employees;

(b) The records of the association relating to another unit's owner, except for those records described in subsection 2; and

(c) A contract between the association and an attorney.

2. The executive board of an association shall maintain a general record concerning each violation of the governing documents, other than a violation involving a failure to pay an assessment, for which the executive board has imposed a fine, a construction penalty or any other sanction. The general record:

(a) Must contain a general description of the nature of the violation and the type of the sanction imposed. If the sanction imposed was a fine or construction penalty, the general record must specify the amount of the fine or construction penalty.

(b) Must not contain the name or address of the person against whom the sanction was imposed or any other personal information which may be used to identify the person or the location of the unit, if any, that is associated with the violation.

(c) Must be maintained in an organized and convenient filing system or data system that allows a unit's owner to search and review the general records concerning violations of the governing documents.

3. If the executive board refuses to allow a unit's owner to review the books, records or other papers of the association, the Ombudsman may:

(a) On behalf of the unit's owner and upon written request, review the books, records or other papers of the association during the regular working hours of the association; and

(b) If he is denied access to the books, records or other papers, request the Commission, or any member thereof acting on behalf of the Commission, to issue a subpoena for their production.

4. The books, records and other papers of an association must be maintained for at least 10 years. The provisions of this subsection do not apply to:

(a) The minutes of a meeting of the units' owners which must be maintained in accordance with NRS 116.3108; or

(b) The minutes of a meeting of the executive board which must be maintained in accordance with NRS 116.31083.

5. The executive board shall not require a unit's owner to pay an amount in excess of $10 per hour to review any books, records, contracts or other papers of the association pursuant to the provisions of this section.

Sec. 12.3. (Deleted by amendment.)

Sec. 12.5. *NRS 116.31183 is hereby amended to read as follows:*

116.31183 *1.* An executive board, a member of an executive board or an officer, employee or agent of an association shall not take, or direct or encourage another person to take, any retaliatory action against a unit's owner because the unit's owner has:

~~[1.]~~ *(a)* Complained in good faith about any alleged violation of any provision of this chapter or the governing documents of the association; or

~~[2.]~~ *(b)* Requested in good faith to review the books, records or other papers of the association.

2. In addition to any other remedy provided by law, upon a violation of this section, a unit's owner may bring a separate action to recover:

(a) Compensatory damages; and

(b) Attorney's fees and costs of bringing the separate action.

Sec. 12.7. (Deleted by amendment.)

Sec. 12.8. *NRS 116.31185 is hereby amended to read as follows:*

116.31185 1. Except as otherwise provided in subsection 2, a member of an executive board, an officer of an association or a community manager shall not solicit or accept any form of compensation, gratuity or other remuneration that:

(a) Would improperly influence or would appear to a reasonable person to improperly influence the decisions made by those persons; or

(b) Would result or would appear to a reasonable person to result in a conflict of interest for those persons.

2. Notwithstanding the provisions of subsection 1, a member of an executive board, an officer of an association, a community manager or any person working for a community manager shall not accept, directly or indirectly, any gifts, incentives, gratuities, rewards or other items of value from:

(a) An attorney, law firm or vendor, or any person working directly or indirectly for the attorney, law firm or vendor, which total more than the amount established by the Commission by regulation, not to exceed $100 per year per such attorney, law firm or vendor; or

(b) A declarant, an affiliate of a declarant or any person responsible for the construction of the applicable community or association which total more than the amount established by the Commission by regulation, not to exceed $100 per year per such declarant, affiliate or person.

3. An attorney, law firm or vendor, or any person working directly or indirectly for the attorney, law firm or vendor, shall not provide, directly or indirectly, any gifts, incentives, gratuities, rewards or other items of value to a member of the executive board, an officer of the association, the community manager or any person working for the community manager which total more than the amount established by the Commission by regulation, not to exceed $100 per year per such member, officer, community manager or person.

4. A declarant, an affiliate of a declarant or any person responsible for the construction of a community or association, shall not provide, directly or indirectly, any gifts, incentives, gratuities, rewards or other items of value to a member of the executive board, an officer of the association, the community manager or any person working for the community manager which total more than the amount established by the Commission by regulation, not to exceed $100 per year per such member, officer, community manager or person.

5. In addition to the limitations set forth in subsection 1, a community manager shall not solicit or accept any form of compensation, fee or other remuneration that is based, in whole or in part, on:

(a) The number or amount of fines imposed against or collected from units' owners or tenants or guests of units' owners pursuant to NRS 116.31031 for violations of the governing documents of the association; or

(b) Any percentage or proportion of those fines.

6. The provisions of this section do not prohibit a community manager from being paid compensation, a fee or other remuneration under the terms of a contract between the community manager and an association if:

(a) The scope of the respective rights, duties and obligations of the parties under the contract comply with the standards of practice for community managers *set forth as sections 19.5 and 19.6 of this act and any additional standards of practice* adopted by the Commission *by regulation* pursuant to NRS 116A.400;

(b) The compensation, fee or other remuneration is being paid to the community manager for providing management of the common-interest community; and

(c) The compensation, fee or other remuneration is not structured in a way that would violate the provisions of subsection 1 or 5.

Sec. 13. (Deleted by amendment.)

Sec. 13.5. (Deleted by amendment.)

Sec. 13.7. NRS 116.4103 is hereby amended to read as follows:

116.4103 1. Except as otherwise provided in NRS 116.41035, a public offering statement must set forth or fully and accurately disclose each of the following:

(a) The name and principal address of the declarant and of the common-interest community, and a statement that the common-interest community is either a condominium, cooperative or planned community.

(b) A general description of the common-interest community, including to the extent possible, the types, number and declarant's schedule of commencement and completion of construction of buildings, and amenities that the declarant anticipates including in the common-interest community.

(c) The estimated number of units in the common-interest community.

(d) Copies of the declaration, bylaws, and any rules or regulations of the association, but a plat or plan is not required.

(e) A current year-to-date financial statement, including the most recent audited or reviewed financial statement, and the projected budget for the association, either within or as an exhibit to the public offering statement, for 1 year after the date of the first conveyance to a purchaser, and thereafter the current budget of the association. The budget must include, without limitation:

(1) A statement of the amount included in the budget as reserves for repairs, replacement and restoration pursuant to NRS 116.3115; and

(2) The projected monthly assessment for common expenses for each type of unit, including the amount established as reserves pursuant to NRS 116.3115.

(f) A description of any services or subsidies being provided by the declarant or an affiliate of the declarant, not reflected in the budget.

(g) Any initial or special fee due from the purchaser at closing, together with a description of the purpose and method of calculating the fee.

(h) The terms and significant limitations of any warranties provided by the declarant, including statutory warranties and limitations on the enforcement thereof or on damages.

(i) A statement that unless the purchaser or his agent has personally inspected the unit, the purchaser may cancel, by written notice, his contract for purchase until midnight of the fifth calendar day following the date of execution of the contract, and the contract must contain a provision to that effect.

(j) A statement of any unsatisfied judgments or pending suits against the association, and the status of any pending suits material to the common-interest community of which a declarant has actual knowledge.

(k) Any current or expected fees or charges to be paid by units' owners for the use of the common elements and other facilities related to the common-interest community.

(l) *In addition to any other document, a statement describing all current and expected fees or charges for each unit, including, without limitation, association fees, fines, assessments, late charges or penalties, interest rates on delinquent assessments, additional costs for collecting past due fines and charges for opening or closing any file for each unit.*

(m) The information statement set forth in NRS 116.41095.

2. A declarant is not required to revise a public offering statement more than once each calendar quarter, if the following warning is given prominence in the statement: "THIS PUBLIC

OFFERING STATEMENT IS CURRENT AS OF (insert a specified date). RECENT DEVELOPMENTS REGARDING (here refer to particular provisions of NRS 116.4103 and 116.4105) MAY NOT BE REFLECTED IN THIS STATEMENT."

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 15.5. *NRS 116.4109 is hereby amended to read as follows:*

116.4109 1. Except in the case of a sale in which delivery of a public offering statement is required, or unless exempt under subsection 2 of NRS 116.4101, a unit's owner or his authorized agent shall, at the expense of the unit's owner, furnish to a purchaser a resale package containing all of the following:

(a) A copy of the declaration, other than any plats and plans, the bylaws, the rules or regulations of the association and the information statement required by NRS 116.41095;

(b) A statement setting forth the amount of the monthly assessment for common expenses and any unpaid assessment of any kind currently due from the selling unit's owner;

(c) A copy of the current operating budget of the association and current year-to-date financial statement for the association, which must include a summary of the reserves of the association required by NRS 116.31152 and which must include, without limitation, a summary of the information described in paragraphs (a) to (e), inclusive, of subsection 3 of NRS 116.31152;

(d) A statement of any unsatisfied judgments or pending legal actions against the association and the status of any pending legal actions relating to the common-interest community of which the unit's owner has actual knowledge; ~~[and]~~

(e) A statement of any transfer fees, transaction fees or any other fees associated with the resale of a unit ~~[.]~~ *; and*

(f) In addition to any other document, a statement describing all current and expected fees or charges for each unit, including, without limitation, association fees, fines, assessments, late charges or penalties, interest rates on delinquent assessments, additional costs for collecting past due fines and charges for opening or closing any file for each unit.

2. The purchaser may, by written notice, cancel the contract of purchase until midnight of the fifth calendar day following the date of receipt of the resale package described in subsection 1, and the contract for purchase must contain a provision to that effect. If the purchaser elects to cancel a contract pursuant to this subsection, he must hand deliver the notice of cancellation to the unit's owner or his authorized agent or mail the notice of cancellation by prepaid United States mail to the unit's owner or his authorized agent. Cancellation is without penalty, and all payments made by the purchaser before cancellation must be refunded promptly. If the purchaser has accepted a conveyance of the unit, the purchaser is not entitled to:

(a) Cancel the contract pursuant to this subsection; or

(b) Damages, rescission or other relief based solely on the ground that the unit's owner or his authorized agent failed to furnish the resale package, or any portion thereof, as required by this section.

3. Within 10 days after receipt of a written request by a unit's owner or his authorized agent, the association shall furnish all of the following to the unit's owner or his authorized agent for inclusion in the resale package:

(a) Copies of the documents required pursuant to paragraphs (a) and (c) of subsection 1; and

(b) A certificate containing the information necessary to enable the unit's owner to comply with paragraphs (b), (d) and (e) of subsection 1.

4. If the association furnishes the documents and certificate pursuant to subsection 3:

(a) The unit's owner or his authorized agent shall include the documents and certificate in the resale package provided to the purchaser, and neither the unit's owner nor his authorized agent is liable to the purchaser for any erroneous information provided by the association and included in the documents and certificate.

(b) The association may charge the unit's owner a reasonable fee to cover the cost of preparing the certificate furnished pursuant to subsection 3. Such a fee must be based on the actual cost the association incurs to fulfill the requirements of this section in preparing the certificate. The Commission shall adopt regulations establishing the maximum amount of the fee that an association may charge for preparing the certificate.

(c) The association may charge the unit's owner a reasonable fee, not to exceed 25 cents per page, to cover the cost of copying the other documents furnished pursuant to subsection 3.

(d) Except for the fees allowed pursuant to paragraphs (b) and (c), the association may not charge the unit's owner any other fees for preparing or furnishing the documents and certificate pursuant to subsection 3.

5. Neither a purchaser nor the purchaser's interest in a unit is liable for any unpaid assessment or fee greater than the amount set forth in the documents and certificate prepared by the association. If the association fails to furnish the documents and certificate within the 10 days allowed by this section, the seller is not liable for the delinquent assessment.

6. Upon the request of a unit's owner or his authorized agent, or upon the request of a purchaser to whom the unit's owner has provided a resale package pursuant to this section or his authorized agent, the association shall make the entire study of the reserves of the association which is required by NRS 116.31152 reasonably available for the unit's owner, purchaser or authorized agent to inspect, examine, photocopy and audit. The study must be made available at the business office of the association or some other suitable location within the county where the common-interest community is situated or, if it is situated in more than one county, within one of those counties.

Sec. 16. (Deleted by amendment.)

Sec. 16.5. NRS 116.4117 is hereby amended to read as follows:

116.4117 1. If a declarant or any other person subject to this chapter fails to comply with any of its provisions or any provision of the declaration or bylaws, any person or class of persons suffering actual damages from the failure to comply has a claim for appropriate relief.

2. Subject to the requirements set forth in NRS 38.310 and except as otherwise provided in NRS 116.3111, a civil action for damages caused by a failure or refusal to comply with any provision of this chapter or the governing documents of an association may be brought:

(a) By the association against:

(1) A declarant; or

(2) A unit's owner.

(b) By a unit's owner against:

(1) The association;

(2) A declarant; or

(3) Another unit's owner of the association.

3. ~~[Punitive]~~ *Except as otherwise provided in NRS 116.31036, punitive* damages may be awarded for a willful and material failure to comply with this chapter if the failure is established by clear and convincing evidence.

4. The court may award reasonable attorney's fees to the prevailing party.

5. The civil remedy provided by this section is in addition to, and not exclusive of, any other available remedy or penalty.

Sec. 17. (Deleted by amendment.)

Sec. 18. (Deleted by amendment.)

Sec. 18.05. (Deleted by amendment.)

Sec. 18.1. (Deleted by amendment.)

Sec. 18.2. (Deleted by amendment.)

Sec. 18.3. (Deleted by amendment.)

Sec. 18.4. (Deleted by amendment.)

Sec. 18.5. (Deleted by amendment.)

Sec. 18.6. (Deleted by amendment.)

Sec. 18.7. (Deleted by amendment.)

Sec. 18.8. (Deleted by amendment.)

Sec. 18.9. (Deleted by amendment.)

Sec. 19. (Deleted by amendment.)

Sec. 19.05. Chapter 116A of NRS is hereby amended by adding thereto the provisions set forth as sections 19.1 to 19.6, inclusive, of this act.

Sec. 19.1. "Client" means an association that has entered into a management agreement with a community manager.

Sec. 19.2. "Management agreement" means an agreement for the management of a common-interest community.

Sec. 19.3. Before entering into a management agreement, a community manager shall disclose in writing to the prospective client any material and relevant information which he knows, or by the exercise of reasonable care and diligence should know, relate to the performance of the management agreement, including any matters which may affect his ability to comply with the provisions of this chapter or chapter 116 or 116B of NRS. Such written disclosure must include, without limitation:

1. Whether he, or any member of his organization, expects to receive any direct or indirect compensation, gifts or profits from any person who will perform services for the client and, if so, the identity of the person and the nature of the services rendered.

2. Any affiliation with or financial interest in any person or business who furnishes any goods or services to the client.

3. Any pecuniary relationships with any unit's owner, member of the executive board or officer of the client.

Sec. 19.4. 1. Any management agreement must:

(a) Be in writing and signed by all parties;

(b) Be entered into between the client and the community manager or the employer of the community manager if the community manager is acting on behalf of a corporation, partnership, limited partnership, limited-liability partnership, limited-liability company or other entity;

(c) State the term of the management agreement;

(d) State the basic consideration for the services to be provided and the payment schedule;

(e) Include a complete schedule of all fees, costs, expenses and charges to be imposed by the community manager, whether direct or indirect, including, without limitation:

(1) The costs for any new client or start-up costs;

(2) The fees for special or nonroutine services, such as the mailing of collection letters, the recording of liens and foreclosing of property;

(3) Reimbursable expenses;

(4) The fees for the sale or resale of a unit or for setting up the account of a new member; and

(5) The portion of fees that are to be retained by the client and the portion to be retained by the community manager;

(f) State the identity and the legal status of the contracting parties;

(g) State any limitations on the liability of each contracting party;

(h) Include a statement of the scope of work of the community manager;

(i) State the spending limits of the community manager;

(j) Include provisions relating to the grounds and procedures for termination of the community manager;

(k) Identify the types and amounts of insurance coverage to be carried by each contracting party, including, without limitation:

(1) A requirement that the community manager or his employer shall maintain insurance covering liability for errors or omissions, professional liability or a surety bond to compensate for losses actionable pursuant to this chapter in an amount of $1,000,000 or more;

(2) An indication of which contracting party will maintain fidelity bond coverage; and

(3) A statement as to whether the client will maintain directors and officers liability coverage for the executive board;

(l) Include provisions for dispute resolution;

(m) Acknowledge that all records and books of the client are the property of the client, except any proprietary information and software belonging to the community manager;

(n) State the physical location, including the street address, of the records of the client, which must be within 60 miles from the physical location of the common-interest community;

(o) State the frequency and extent of regular inspections of the common-interest community; and

(p) State the extent, if any, of the authority of the community manager to sign checks on behalf of the client in an operating account.

2. In addition to any other requirements under this section, a management agreement may:

(a) Provide for mandatory binding arbitration; or

(b) Allow the provisions of the management agreement to apply month to month following the end of the term of the management agreement, but the management agreement may not contain an automatic renewal provision.

3. Not later than 10 days after the effective date of a management agreement, the community manager shall provide each member of the executive board evidence of the existence of the required insurance, including, without limitation:

(a) The names and addresses of all insurance companies;

(b) The total amount of coverage; and

(c) The amount of any deductible.

4. After signing a management agreement, the community manager shall provide a copy of the management agreement to each member of the executive board. Within 30 days after an election or appointment of a new member to the executive board, the community manager shall provide the new member with a copy of the management agreement.

5. Any changes to a management agreement must be initialed by the contracting parties. If there are any changes after the execution of a management agreement, those changes must be in writing and signed by the contracting parties.

6. Except as otherwise provided in the management agreement, upon the termination or assignment of a management agreement, the community manager shall, within 30 days after the termination or assignment, transfer possession of all books, records and other papers of the client to the succeeding community manager, or to the client if there is no succeeding community manager, regardless of any unpaid fees or charges to the community manager or management company.

7. Notwithstanding any provision in a management agreement to the contrary, a management agreement may be terminated by the client without penalty upon 30 days' notice following a violation by the community manager of any provision of this chapter or chapter 116 of NRS.

Sec. 19.5. In addition to any additional standards of practice for community managers adopted by the Commission by regulation pursuant to NRS 116A.400, a community manager shall:

1. Except as otherwise provided by specific statute, at all times:

(a) Act as a fiduciary in any client relationship; and

(b) Exercise ordinary and reasonable care in the performance of his duties.

2. Comply with all applicable:

(a) Federal, state and local laws, regulations and ordinances; and

(b) Lawful provisions of the governing documents of each client.

3. Keep informed of new developments in the management of a common-interest community through continuing education, including, without limitation, new developments in law, insurance coverage and accounting principles.

4. Advise a client to obtain advice from an independent expert relating to matters that are beyond the expertise of the community manager.

5. Under the direction of a client, uniformly enforce the provisions of the governing documents of the association.

6. At all times ensure that:

(a) The financial transactions of a client are current, accurate and properly documented; and

(b) There are established policies and procedures that are designed to provide reasonable assurances in the reliability of the financial reporting, including, without limitation:

(1) Proper maintenance of accounting records;

(2) Documentation of the authorization for any purchase orders, expenditures or disbursements;

(3) Verification of the integrity of the data used in business decisions;

(4) Facilitation of fraud detection and prevention; and

(5) Compliance with all applicable laws and regulations governing financial records.

7. Prepare or cause to be prepared interim and annual financial statements that will allow the Division, the executive board, the units' owners and the accountant or auditor to determine

whether the financial position of an association is fairly presented in accordance with all applicable laws and regulations.

8. Cause to be prepared, if required by the Division, a financial audit performed by an independent certified public accountant of the records of the community manager pertaining to the common-interest community, which must be made available to the Division.

9. Make the financial records of an association available for inspection by the Division in accordance with the applicable laws and regulations.

10. Cooperate with the Division in resolving complaints filed with the Division.

11. Upon written request, make the financial records of an association available to the units' owners electronically or during regular business hours required for inspection at a reasonably convenient location, which must be within 60 miles from the physical location of the common-interest community, and provide copies of such records in accordance with the applicable laws and regulations. As used in this subsection, "regular business hours" means Monday through Friday, 9 a.m. to 5 p.m., excluding legal holidays.

12. Maintain and invest association funds in a financial institution whose accounts are insured by the Federal Deposit Insurance Corporation, National Credit Union Share Insurance Fund, Securities Investor Protection Corporation, or a private insurer approved pursuant to NRS 678.755, or in government securities that are backed by the full faith and credit of the United States Government.

13. Except as required under collection agreements, maintain the various funds of the client in separate financial accounts in the name of the client and ensure that the association is authorized to have direct access to those accounts.

14. Provide notice to each unit's owner that the executive board is aware of all legal requirements pursuant to the applicable laws and regulations.

15. Maintain internal accounting controls, including, without limitation, segregation of incompatible accounting functions.

16. Ensure that the executive board develops and approves written investment policies and procedures.

17. Recommend in writing to each client that the client register with the Division, maintain its registration and file all papers with the Division and the Secretary of State as required by law.

18. Comply with the directions of a client, unless the directions conflict with the governing documents of the client or the applicable laws or regulations of this State.

19. Recommend in writing to each client that the client be in compliance with all applicable federal, state and local laws, regulations and ordinances and the governing documents of the client.

20. Obtain, when practicable, at least three qualified bids for any capital improvement project for the client.

21. Develop written collection policies, approved by the executive board, to comply with all applicable federal, state and local laws, regulations and ordinances relating to the collection of debt. The collection policies must require:

(a) That the executive board approve all write-offs of debt; and

(b) That the community manager provide timely updates and reports as necessary.

Sec. 19.6. In addition to the standards of practice for community managers set forth in section 19.5 of this act and any additional standards of practice adopted by the Commission by regulation pursuant to NRS 116A.400, a community manager shall not:

1. Except as otherwise required by law or court order, disclose confidential information relating to a client, which includes, without limitation, the business affairs and financial records of the client, unless the client agrees to the disclosure in writing.

2. Impede or otherwise interfere with an investigation of the Division by:

(a) Failing to comply with a request of the Division to provide documents;

(b) Supplying false or misleading information to an investigator, auditor or any other officer or agent of the Division; or

(c) Concealing any facts or documents relating to the business of a client.

3. Commingle money or other property of a client with the money or other property of another client, another association, the community manager or the employer of the community manager.

4. Use money or other property of a client for his own personal use.

5. Be a signer on a withdrawal from a reserve account of a client.

6. Except as otherwise permitted by the provisions of the court rules governing the legal profession, establish an attorney-client relationship with an attorney or law firm which represents a client that employs the community manager or with whom the community manager has a management agreement.

7. Provide or attempt to provide to a client a service concerning a type of property or service:

(a) That is outside his field of experience or competence without the assistance of a qualified authority unless the fact of his inexperience or incompetence is disclosed fully to the client and is not otherwise prohibited by law; or

(b) For which he is not properly licensed.

8. Intentionally apply a payment of an assessment from a unit's owner towards any fine, fee or other charge that is due.

9. Refuse to accept from a unit's owner payment of any assessment, fine, fee or other charge that is due because there is an outstanding payment due.

10. Collect any fees or other charges from a client not specified in the management agreement.

11. Accept any compensation, gift or any other item of material value as payment or consideration for a referral or in the furtherance or performance of his normal duties unless:

(a) Acceptance of the compensation, gift or other item of material value complies with the provisions of NRS 116.31185 or 116B.695 and all other applicable federal, state and local laws, regulations and ordinances; and

(b) Before acceptance of the compensation, gift or other item of material value, the community manager provides full disclosure to the client and the client consents, in writing, to the acceptance of the compensation, gift or other item of material value by the community manager.

Sec. 19.7. NRS 116A.010 is hereby amended to read as follows:

116A.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 116A.020 to 116A.130, inclusive, *and sections 19.1 and 19.2 of this act* have the meanings ascribed to them in those sections.

Sec. 19.8. NRS 116A.400 is hereby amended to read as follows:

116A.400 1. Except as otherwise provided in this section, a person shall not act as a community manager unless the person holds a certificate.

2. ~~[The]~~ *In addition to the standards of practice for community managers set forth in sections 19.5 and 19.6 of this act, the* Commission shall by regulation ~~[provide for the]~~ *adopt any additional* standards of practice for community managers who hold certificates ~~[.]~~ *that the Commission deems appropriate and necessary.*

3. The Division may investigate any community manager who holds a certificate to ensure that the community manager is complying with the provisions of this chapter and chapters 116 and 116B of NRS and ~~[the]~~ *any additional* standards of practice adopted by the Commission.

4. In addition to any other remedy or penalty, if the Commission or a hearing panel, after notice and hearing, finds that a community manager who holds a certificate has violated any provision of this chapter or chapter 116 or 116B of NRS or any of the *additional* standards of practice adopted by the Commission, the Commission or the hearing panel may take appropriate disciplinary action against the community manager.

5. In addition to any other remedy or penalty, the Commission may:

(a) Refuse to issue a certificate to a person who has failed to pay money which the person owes to the Commission or the Division.

(b) Suspend, revoke or refuse to renew the certificate of a person who has failed to pay money which the person owes to the Commission or the Division.

6. The provisions of this section do not apply to:

(a) A financial institution that is engaging in an activity permitted by law.

(b) An attorney who is licensed to practice in this State and who is acting in that capacity.

(c) A trustee with respect to the property of the trust.

(d) A receiver with respect to property subject to the receivership.

(e) A member of an executive board or an officer of an association who is acting solely within the scope of his duties as a member of the executive board or an officer of the association.

Sec. 19.9. NRS 116B.695 is hereby amended to read as follows:

116B.695 1. Except as otherwise provided in subsection 2, a member of an executive board, an officer of an association or a community manager shall not solicit or accept any form of compensation, gratuity or other remuneration that:

(a) Would improperly influence or would appear to a reasonable person to improperly influence the decisions made by those persons; or

(b) Would result or would appear to a reasonable person to result in a conflict of interest for those persons.

2. Notwithstanding the provisions of subsection 1, a member of an executive board, an officer of an association or a community manager shall not accept, directly or indirectly, any gifts, incentives, gratuities, rewards or other items of value from:

(a) An attorney, law firm or vendor, or any person working directly or indirectly for the attorney, law firm or vendor, which total more than the amount established by the Commission by regulation, not to exceed $100 per year per such attorney, law firm or vendor; or

(b) A declarant, an affiliate of a declarant or any person responsible for the construction of the applicable condominium hotel or association which total more than the amount established by the Commission by regulation, not to exceed $100 per year per such declarant, affiliate or person.

3. An attorney, law firm or vendor, or any person working directly or indirectly for the attorney, law firm or vendor, shall not provide, directly or indirectly, any gifts, incentives, gratuities, rewards or other items of value to a member of the executive board or an officer of the association, the community manager or any person working for the community manager which total more than the amount established by the Commission by regulation, not to exceed $100 per year per such member, officer, community manager or person.

4. A declarant, an affiliate of a declarant or any person responsible for the construction of a condominium hotel or association ~~,~~ shall not provide, directly or indirectly, any gifts, incentives, gratuities, rewards or other items of value to a member of the executive board or an officer of the association, the community manager or any person working for the community manager which total more than the amount established by the Commission by regulation, not to exceed $100 per year per such member, officer, community manager or person.

5. In addition to the limitations set forth in subsection 1, a community manager shall not solicit or accept any form of compensation, fee or other remuneration that is based, in whole or in part, on:

(a) The number or amount of fines imposed against or collected from units' owners or tenants or guests of units' owners pursuant to this chapter for violations of the governing documents of the association; or

(b) Any percentage or proportion of those fines.

6. The provisions of this section do not prohibit a community manager from being paid compensation, a fee or other remuneration under the terms of a contract between the community manager and an association if:

(a) The scope of the respective rights, duties and obligations of the parties under the contract comply with the standards of practice for community managers *set forth in sections 19.5 and 19.6 of this act and any additional standards of practice* adopted by the Commission *by regulation* pursuant to NRS 116A.400;

(b) The compensation, fee or other remuneration is being paid to the community manager for providing management of the association of the condominium hotel; and

(c) The compensation, fee or other remuneration is not structured in a way that would violate the provisions of subsection 1 or 5.

Sec. 20. (Deleted by amendment.)

Sec. 21. (Deleted by amendment.)

Sec. 21.3. NRS 444.065 is hereby amended to read as follows:

444.065 1. Except as otherwise provided in subsection 2, as used in NRS 444.065 to 444.120, inclusive, "public swimming pool" means any structure containing an artificial body of water that is intended to be used collectively by persons for swimming or bathing, regardless of whether a fee is charged for its use.

2. The term does not include any such structure at:

(a) A private residence if the structure is controlled by the owner or other authorized occupant of the residence and the use of the structure is limited to members of the family of the owner or authorized occupant of the residence or invited guests of the owner or authorized occupant of the residence.

(b) A family foster home as defined in NRS 424.013.

(c) A child care facility, as defined in NRS 432A.024, furnishing care to 12 children or less.

(d) Any other residence or facility as determined by the State Board of Health.

(e) Any location if the structure is a privately-owned pool used by members of a private club or invited guests of the members.

Sec. 21.7. Senate Bill No. 253 of this session is hereby amended by adding thereto a new section to read as follows:

Sec. 10. 1. This section and section 8 of this act become effective upon passage and approval.

2. Sections 1 to 7, inclusive, and 9 of this act become effective on October 1, 2009.

Sec. 22. *1.* This ~~[act becomes]~~ *section and sections 21.3 and 21.7 of this act become effective upon passage and approval.*

2. Section 1.7 of this act becomes effective upon passage and approval for the purpose of adopting regulations and on January 1, 2010, for all other purposes.

3. Sections 2.5 to 21, inclusive, of this act become effective on July 1, 2009.

DAVID R. PARKS	TICK SEGERBLOM
ALLISON COPENING	RUBEN J. KIHUEN
Senate Conference Committee	*Assembly Conference Committee*

Senator Parks moved that the Senate adopt the report of the Conference Committee concerning Assembly Bill No. 350.

Remarks by Senator Parks.

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

The conference committee agreed to recommend that Amendment No. 737 be concurred in. It further agreed that the bill be further amended as set forth in the conference committee Amendment No. 26. The changes made were to return many of the sections back to the bill that had been previously removed when the bill arrived in the Senate. Most of the changes dealt with the cost of collection copy charges by homeowners associations, establishing standards for management agreements by management agencies that operate the homeowners associations and standards of practices for community managers, as well as a revision relating to swimming pools.

Motion carried by a constitutional majority.

Senator Horsford moved that the Senate recess until 11 p.m.

Motion carried.

Senate in recess at 10:47 p.m.

SENATE IN SESSION

At 11:43 p.m.

President Krolicki presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Legislative Operations and Elections, to which was referred Assembly Bill No. 82, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOYCE WOODHOUSE, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, June 1, 2009

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Senate Bill No. 236.

Also, I have the honor to inform your honorable body that the Assembly amended, and on this day passed, as amended, Senate Bill No. 143, Amendment No. 999, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Assembly on this day adopted, as amended, Senate Concurrent Resolution No. 37, Amendment No. 1006, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Assembly on this day concurred in the Senate Amendment No. 990 to Assembly Bill No. 451.

Also, I have the honor to inform your honorable body that the Assembly on this day adopted the reports of the Conference Committees concerning Senate Bills Nos. 263, 269, 295; Assembly Bills Nos. 88, 385, 523.

DIANE M. KEETCH
Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

Senator Horsford moved that Senate Bill No. 85 be taken from the Second Reading File and placed on the Second Reading File on the next agenda.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 82.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 1014.

"SUMMARY—Makes various changes relating to elections. (BDR 24-417)"

"AN ACT relating to elections; making various changes relating to the administration and conduct of elections; providing penalties; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Section 1.5 of this bill sets forth requirements for and responsibilities of an organizer of a voter registration drive, including registering with the Secretary of State and attending training offered by the Secretary of State, and provides for penalties and the imposition of fines for violations.

Section 5 of this bill increases the deadline for filing written challenges of candidacy from 5 days to 10 days after the last day a person may withdraw his candidacy. (NRS 293.182)

Section 7 of this bill increases the maximum number of active and registered voters that election precincts may contain from 1,500 to 3,000 active and registered voters. (NRS 293.207)

Sections 8 and 15 of this bill provide that the creation of mailing precincts or absent ballot mailing precincts must be approved by the Secretary of State under certain circumstances. (NRS 293.213, 293.343)

Sections 1.9, 9, 11, 12, 14, 20 and 22 of this bill authorize the Secretary of State to establish a system for electors in the State to register to vote electronically. (NRS 293.1277, 293.250, 293.272, 293.2725, 293.506 and 293.517)

Section 10 of this bill provides that if two or more candidates in an election have the same given name and surname and one candidate is an incumbent, the word "Incumbent" must be written on the ballot next to name of the candidate who is the incumbent. (NRS 293.2565) Section 13 of this bill requires the posting at polling places on election day of information concerning the eligibility of a candidate, question or other matter to appear on the ballot as a result of judicial determination or by operation of law. (NRS 293.3025)

Section 16 of this bill authorizes the Secretary of State to assess a charge, not to exceed the cost of printing the applications, against a political party or other entity that requests more than 50 applications to register to vote by mail in any 12-month period. (NRS 293.443)

Existing law requires county clerks to report to the Secretary of State certain information regarding primary and general elections. The Secretary of State is required to report this information to the Legislature not later than 30 days before the start of a regular legislative session. Section 17.2 of this bill changes the deadline for that report to within 10 days before or after the first day of each regular legislative session. (NRS 293.4695)

Section 17.4 of this bill requires that recruitment offices of the United States Armed Forces serve as voter registration agencies. (NRS 293.504)

Section 18 of this bill prohibits a voter registration agency from knowingly employing a person whose duties will include the registration of voters if the person has been convicted of a felony involving theft, fraud or dishonesty. (NRS 293.5045)

Section 19 of this bill prohibits a county clerk from knowingly appointing to be a field registrar any person who has been convicted of a felony involving theft, fraud or dishonesty. (NRS 293.505)

Section 22.2 of this bill changes the date on which a person who registers to vote by mail is deemed to be registered to the earlier of the date on which the application is postmarked or received by the county clerk. (NRS 293.5235)

Section 23 of this bill amends the deadlines for the county clerk to transmit the number of registered voters in the county to the Secretary of State for the primary and general elections. (NRS 293.567)

Section 24 of this bill increases the penalty for intimidating voters from a gross misdemeanor to a category E felony. (NRS 293.710)

Section 25 of this bill increases the penalty for interfering with the conduct of an election from a gross misdemeanor to a category ~~[C]~~ *D* felony. (NRS 293.730)

Section 25.2 of this bill provides that polling information from a voter regarding whether the voter intends to vote for or against a particular political party, candidate or ballot question is not "electioneering." (NRS 293.740)

Section 26 of this bill increases the penalty for the removal or destruction of certain voting supplies and equipment from a gross misdemeanor to a category D felony. (NRS 293.750)

Section 27 of this bill provides that if a person tampers or interferes with, or attempts to tamper or interfere with, a mechanical voting system, mechanical voting device or any computer program used to count ballots, such an act is ~~[punishable as: (1) a category C felony if the act was committed with the intent to prevent the proper operation of that system, device or program; and (2)]~~ a category B felony, punishable by imprisonment in the state prison for a minimum term of 2 years and a maximum term of 20 years, if the act was committed with the intent to influence the outcome of an election. (NRS 293.755)

Section 28 of this bill makes certain unlawful acts relating to the registration of voters a category ~~[C]~~ *D* felony rather than a category E felony. (NRS 293.800)

~~[~~ ~~Section 29.3 of this bill requires certain persons to register with the Secretary of State before making an expenditure on behalf of a candidate or group of candidates which is not solicited or approved by the candidate or group.~~

~~Section 30 of this bill amends the definition of "committee for political action" to include a natural person. (NRS 294A.0055)~~

~~Sections 29.5, 29.7, 32.2-32.5, 33.1, 33.2, 34.2, 34.3, 35, 38.2, 40.5 and 41.5 of this bill provide that, except under certain circumstances, campaign contribution and expenditure reports related to candidates for state, county and district offices must be filed electronically with the Secretary of State. (NRS 294A.120, 294A.125, 294A.128, 294A.140, 294A.200, 294A.210, 294A.270, 294A.280, 294A.362, 294A.373, 294A.390)]~~

Sections 32, 36 and 36.5 of this bill prohibit: (1) a person from committing to make certain campaign contributions; and (2) a candidate from accepting a commitment to make certain campaign contributions. (NRS 294A.100, 294A.287, 294A.300)

Section 32.6 of this bill revises and clarifies the provisions governing the disposition of unspent campaign contributions with regard to: (1) candidates who withdraw or are defeated; and (2) public officers who do not seek reelection. Section 32.6 also allows unspent campaign contributions to be donated to any governmental entity or fund of this State or a political

subdivision of this State that is authorized to receive donations of money. (NRS 294A.160)

Sections 29.9, 29.11, 32.2-32.5, 33, 33.2, 34.2, 34.3 and 35 of this bill authorize campaign contribution or expenditure reports to be signed under an oath to God or penalty of perjury, but signing the report under an oath to God is subject to the same penalties as if the report was signed under penalty of perjury.

Sections 33 and 35 of this bill provide the acceptable methods for disposing of unspent campaign contributions or unspent money in a legal defense fund. (NRS 294A.200, 294A.286)

Section 34 of this bill requires committees for political action to file with the Secretary of State an updated form of registration on or before January 15 of each year. (NRS 294A.230)

~~[Existing law requires the Secretary of State to design a universal form for campaign contribution and expenditure reports. Section 40.5 of this bill requires the Secretary of State to design a form for each campaign contribution and expenditure report. (NRS 294A.373)~~

~~Sections 44.1-44.3 and 44.5-45.5 of this bill provide that, except under certain circumstances, appointed and elected public officers must file electronically statements of financial disclosure with the Secretary of State rather than the Nevada Commission on Ethics. (NRS 281A.290, 281A.600-281A.650)]~~

Section 46 repeals provisions governing the registration of and reporting of contributions and expenses by certain persons and groups relating to ballot questions. (NRS 294A.150, 294A.220, 294A.281-294A.284) *Sections 29.9 and 29.11 of this bill provide that certain persons, other than natural persons, and groups of persons must report certain campaign contributions and expenditures relating to ballot questions if the person or group receives or expends more than $1,000 to advocate the passage or defeat of ballot questions.*

Existing law authorizes the governing body of a city incorporated pursuant to general law to choose by ordinance whether to: (1) hold city elections on the statewide election cycle; or (2) hold a primary city election on the first Tuesday after the first Monday in April and hold a general city election on the first Tuesday after the first Monday in June of odd-numbered years. (NRS 293C.115, 293C.140, 293C.145, 293C.175) Sections 28.2-28.5 of this bill require that cities be on the statewide election cycle as of the year 2012. Sections 1.8, 1.85, 28.1 and 28.4-21-28.95 of this bill amend various other dates relating to city elections, such as the date for filing declarations of candidacy. Section 74 of this bill provides that officials of affected cities who are elected in 2009 will hold office until the city elections are held in 2012. The officials of such cities who are elected in 2011 will hold office until the city elections are held in 2014.

Certain cities that are created by charters hold general municipal elections in June of odd-numbered years. (Boulder City, Caliente, Elko,

Henderson, Las Vegas, North Las Vegas and Yerington) Sections 46-72 of this bill amend the charters of those cities to require that the cities hold primary and general city elections on the same dates as the statewide primary and general elections. The terms of office of officials of such cities who were elected in 2007 will be extended until the city elections are held in 2012.

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

Section 1. Chapter 293 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.1, 1.3 and 1.5 of this act.

Sec. 1.1. *"Organizer of voter registration" means any person who organizes a voter registration drive pursuant to section 1.5 of this act.*

Sec. 1.3. *"Voter registration drive" means distributing and collecting ~~[10]~~ 50 or more applications to register to vote pursuant to section 1.5 of this act.*

Sec. 1.5. *1. Before commencing a voter registration drive, the organizer of voter registration shall:*

(a) File a statement of intent to conduct voter registration with the Secretary of State in the form prescribed by the Secretary of State; and

(b) Complete a training course offered by the Secretary of State for organizers of voter registration.

2. An organizer of voter registration:

(a) Shall maintain in the State a registered agent who resides or is located in this State upon whom all legal process and any demand or notice authorized by law to be served upon it may be served. The organizer of voter registration shall include the contact information for the registered agent with the statement of intent filed pursuant to subsection 1.

(b) May register voters in this State.

(c) May employ persons to assist the organizer of voter registration in registering voters in the State. The organizer of voter registration shall not provide compensation to any person hired pursuant to this paragraph that is based on the number of completed applications to register to vote that the person submits.

(d) Shall not knowingly employ a person to register voters in this State if the person has been convicted of a felony involving theft, fraud or dishonesty.

3. Except as otherwise provided in this subsection, a completed application to register to vote that is collected pursuant to a voter registration drive must be:

(a) Delivered personally to the county clerk not later than 10 calendar days after the elector signs the application; or

(b) Mailed to the county clerk and postmarked not later than 10 calendar days after the elector signs the application.

➥ *Any completed application to register to vote that is signed by an elector 14 calendar days or less before the date for the close of registration set forth*

in NRS 293.560 and 293C.527 must be delivered or postmarked on the day on which the elector signs the application.

4. A person who registers voters in this State pursuant to a voter registration drive shall not:

(a) Seek to influence an applicant's political preference or party registration; or

(b) Make any statement or take any action to discourage an applicant from registering to vote.

➥ *A person who violates any of the provisions of this subsection is guilty of a category E felony and shall be punished as provided in NRS 193.130.*

5. The Secretary of State shall impose the following fines for each violation:

(a) If an organizer of voter registration does not complete the training course offered by the Secretary of State pursuant to subsection 1, a fine of not more than $1,000.

(b) If an organizer of voter registration does not file with the Secretary of State the contact information for its registered agent required pursuant to paragraph (a) of subsection 2, a fine of not more than $1,000.

(c) If an organizer of voter registration employs a person in violation of paragraph (d) of subsection 2, a fine of not more than $5,000 per person who is employed by the organizer of voter registration in violation of that paragraph.

(d) If an organizer of voter registration does not submit a completed application to register to vote within the applicable period set forth in subsection 3, a fine of not more than $50 for each business day that the application is late.

6. If the Secretary of State has imposed a fine against an organizer of voter registration pursuant to paragraph (d) of subsection 5 three times or more, the Secretary of State may impose an additional fine of not more than $1,000.

7. The Secretary of State may adopt regulations necessary to administer the provisions of this section.

Sec. 1.7. NRS 293.010 is hereby amended to read as follows:

293.010 As used in this title, unless the context otherwise requires, the words and terms defined in NRS 293.013 to 293.121, inclusive, *and sections 1.1 and 1.3 of this act* have the meanings ascribed to them in those sections.

Sec. 1.8. NRS 293.059 is hereby amended to read as follows:

293.059 "General city election" means an election held pursuant to NRS ~~[293C.115,]~~ 293C.140 or 293C.145. The term includes a general municipal election held pursuant to the provisions of a special charter of an incorporated city.

Sec. 1.85. NRS 293.079 is hereby amended to read as follows:

293.079 "Primary city election" means an election held pursuant to NRS ~~[293C.115 or]~~ 293C.175. The term includes a primary municipal

election held pursuant to the provisions of a special charter of an incorporated city.

Sec. 1.9. NRS 293.1277 is hereby amended to read as follows:

293.1277 1. If the Secretary of State finds that the total number of signatures submitted to all the county clerks is 100 percent or more of the number of registered voters needed to declare the petition sufficient, he shall immediately so notify the county clerks. Within 9 days, excluding Saturdays, Sundays and holidays, after notification, each of the county clerks shall determine the number of registered voters who have signed the documents submitted in his county.

2. If more than 500 names have been signed on the documents submitted to him, a county clerk shall examine the signatures by sampling them at random for verification. The random sample of signatures to be verified must be drawn in such a manner that every signature which has been submitted to the county clerk is given an equal opportunity to be included in the sample. The sample must include an examination of at least 500 or 5 percent of the signatures, whichever is greater.

3. In determining from the records of registration the number of registered voters who signed the documents, the county clerk may use the signatures contained in the file of applications to register to vote. If the county clerk uses that file, he shall ensure that every application in the file is examined, including any application in his possession which may not yet be entered into his records. [The] *Except as otherwise provided in this subsection, the* county clerk shall rely only on the appearance of the signature and the address and date included with each signature *in the file of applications to register to vote* in making his determination. *If the Secretary of State establishes pursuant to NRS 293.506 a system to allow persons to register electronically to vote in this State, the county clerk may rely on such other indicia as prescribed by the Secretary of State in making his determination.*

4. Except as otherwise provided in subsection 6, upon completing the examination, the county clerk shall immediately attach to the documents a certificate properly dated, showing the result of his examination and transmit the documents with the certificate to the Secretary of State. A copy of this certificate must be filed in the clerk's office. When the county clerk transmits the certificate to the Secretary of State, the county clerk shall notify the Secretary of State of the number of requests to remove a name received by the county clerk pursuant to NRS 295.055 or 306.015.

5. A person who submits a petition to the county clerk which is required to be verified pursuant to NRS 293.128, 293.165, 293.172, 293.200, 295.056, 298.109, 306.035 or 306.110 must be allowed to witness the verification of the signatures. A public officer who is the subject of a recall petition must also be allowed to witness the verification of the signatures on the petition.

6. For any petition containing signatures which are required to be verified pursuant to the provisions of NRS 293.165, 293.200, 306.035 or

306.110 for any county, district or municipal office within one county, the county clerk shall not transmit to the Secretary of State the documents containing the signatures of the registered voters.

7. The Secretary of State may by regulation establish further procedures for carrying out the provisions of this section.

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. NRS 293.182 is hereby amended to read as follows:

293.182 1. After a person files a declaration of candidacy or an acceptance of candidacy to be a candidate for an office, and not later than ~~[5]~~ *10 calendar* days after the last day the person may withdraw his candidacy pursuant to NRS 293.202, an elector may file with the filing officer for the office a written challenge of the person on the grounds that the person fails to meet any qualification required for the office pursuant to the Constitution or a statute of this State, including, without limitation, a requirement concerning age or residency. Before accepting the challenge from the elector, the filing officer shall notify the elector that if the challenge is found by a court to be frivolous, the elector may be required to pay the reasonable attorney's fees and court costs of the challenged person.

2. A challenge filed pursuant to subsection 1 must:

(a) Indicate each qualification the person fails to meet;

(b) Have attached all documentation and evidence supporting the challenge; and

(c) Be in the form of an affidavit, signed by the elector under penalty of perjury.

3. Upon receipt of a challenge pursuant to subsection 1:

(a) The Secretary of State shall immediately transmit the challenge to the Attorney General.

(b) A filing officer other than the Secretary of State shall immediately transmit the challenge to the district attorney.

4. If the Attorney General or district attorney determines that probable cause exists to support the challenge, the Attorney General or district attorney shall, not later than 5 working days after receiving the challenge, petition a court of competent jurisdiction to order the person to appear before the court. Upon receipt of such a petition, the court shall enter an order directing the person to appear before the court at a hearing, at a time and place to be fixed by the court in the order, to show cause why the challenge is not valid. A certified copy of the order must be served upon the person. The court shall give priority to such proceedings over all other matters pending with the court, except for criminal proceedings.

5. If, at the hearing, the court determines by a preponderance of the evidence that the challenge is valid or that the person otherwise fails to meet any qualification required for the office pursuant to the Constitution or a statute of this State, or if the person fails to appear at the hearing:

(a) The name of the person must not appear on any ballot for the election for the office for which he filed the declaration of candidacy or acceptance of candidacy; and

(b) The person is disqualified from entering upon the duties of the office for which he filed the declaration of candidacy or acceptance of candidacy.

6. If, at the hearing, the court determines that the challenge is frivolous, the court may order the elector who filed the challenge to pay the reasonable attorney's fees and court costs of the challenged person.

Sec. 6. (Deleted by amendment.)

Sec. 7. NRS 293.207 is hereby amended to read as follows:

293.207 1. Election precincts must be established on the basis of the number of registered voters therein, with a maximum of ~~[1,500]~~ *3,000* registered voters who are not designated inactive pursuant to NRS 293.530 per precinct in those precincts in which a mechanical voting system is used.

2. Except as otherwise provided in subsections 3 and 4, the county clerk may consolidate two or more contiguous election precincts into a single voting district to conduct a particular election as public convenience, necessity and economy may require.

3. If a county clerk proposes to consolidate two or more contiguous election precincts, in whole or in part, pursuant to subsection 2, the county clerk shall, at least 14 days before consolidating the precincts, cause notice of the proposed consolidation to be:

(a) Posted in the manner prescribed for a regular meeting of the board of county commissioners; and

(b) Mailed to each Assemblyman, State Senator, county commissioner and, if applicable, member of the governing body of a city who represents residents of a precinct affected by the consolidation.

4. A person may file a written objection to the proposed consolidation with the county clerk. The county clerk shall consider each written objection filed pursuant to this subsection before consolidating the precincts.

Sec. 8. NRS 293.213 is hereby amended to read as follows:

293.213 1. Whenever there were not more than 20 voters registered in a precinct for the last preceding general election, the county clerk may ~~[, with the approval of the Secretary of State,]~~ establish that precinct as a mailing precinct.

2. Except as otherwise provided in NRS 293.208, the county clerk in any county ~~[where]~~ *in which* an absent ballot central counting board is appointed may abolish two or more existing mailing precincts and combine those mailing precincts into absent ballot precincts. Those mailing precincts must be designated absent ballot mailing precincts.

3. In any county ~~[where]~~ *in which* an absent ballot central counting board is appointed, any established precinct which had less than 200 ballots cast at the last preceding general election, or any newly established precinct with

less than 200 registered voters, may be designated an absent ballot mailing precinct.

4. *If a county clerk wishes to establish a mailing precinct or an absent ballot mailing precinct that does not meet the requirements of subsection 1, 2 or 3, the county clerk must obtain approval from the Secretary of State before establishing the mailing precinct or absent ballot mailing precinct.*

5. The county clerk shall, at least 14 days before establishing or designating a precinct as a mailing precinct or absent ballot mailing precinct or before abolishing a mailing precinct pursuant to this section, cause notice of such action to be:

(a) Posted in the manner prescribed for a regular meeting of the board of county commissioners; and

(b) Mailed to each Assemblyman, State Senator, county commissioner and, if applicable, member of the governing body of a city who represents residents of a precinct affected by the action.

Sec. 9. NRS 293.250 is hereby amended to read as follows:

293.250 1. The Secretary of State shall, in a manner consistent with the election laws of this State, prescribe:

(a) The form of all ballots, absent ballots, diagrams, sample ballots, certificates, notices, declarations, applications to register to vote, lists, applications, registers, rosters, statements and abstracts required by the election laws of this State.

(b) The procedure to be followed ~~[when]~~ *:*

(1) If the Secretary of State establishes pursuant to NRS 293.506 a system to allow persons to register electronically to vote in this State.

(2) When a computer is used to ~~[register voters and to]~~ keep records of registration.

2. The Secretary of State shall prescribe with respect to the matter to be printed on every kind of ballot:

(a) The placement and listing of all offices, candidates and measures upon which voting is statewide, which must be uniform throughout the State.

(b) The listing of all other candidates required to file with him, and the order of listing all offices, candidates and measures upon which voting is not statewide, from which each county or city clerk shall prepare appropriate ballot forms for use in any election in his county.

3. The Secretary of State shall place the condensation of each proposed constitutional amendment or statewide measure near the spaces or devices for indicating the voter's choice.

4. The fiscal note for, explanation of, arguments for and against ~~[,]~~ and rebuttals to such arguments of each proposed constitutional amendment or statewide measure must be included on all sample ballots.

5. The condensations and explanations for constitutional amendments and statewide measures proposed by initiative or referendum must be prepared by the Secretary of State, upon consultation with the Attorney General. The arguments and rebuttals for or against constitutional

amendments and statewide measures proposed by initiative or referendum must be prepared in the manner set forth in NRS 293.252. The fiscal notes for constitutional amendments and statewide measures proposed by initiative or referendum must be prepared by the Secretary of State, upon consultation with the Fiscal Analysis Division of the Legislative Counsel Bureau. The condensations, explanations, arguments, rebuttals and fiscal notes must be in easily understood language and of reasonable length, and whenever feasible must be completed by August 1 of the year in which the general election is to be held.

6. The names of candidates for township and legislative or special district offices must be printed only on the ballots furnished to voters of that township or district.

7. A county clerk:

(a) May divide paper ballots into two sheets in a manner which provides a clear understanding and grouping of all measures and candidates.

(b) Shall prescribe the color or colors of the ballots and voting receipts used in any election which the clerk is required to conduct.

Sec. 10. NRS 293.2565 is hereby amended to read as follows:

293.2565 1. Except as otherwise provided in subsection 2, in any election regulated by this chapter, the name of a candidate printed on a ballot may be the given name and surname of the candidate or a contraction or familiar form of his given name followed by his surname. A nickname of not more than 10 letters may be incorporated into the name of a candidate. The nickname must be in quotation marks and appear immediately before the surname of the candidate. A nickname must not indicate any political, economic, social or religious view or affiliation and must not be the name of any person, living or dead, whose reputation is known on a statewide, nationwide or worldwide basis ~~[,]~~ or in any other manner deceive a voter regarding the person or principles for which he is voting.

2. ~~[Except as otherwise provided in subsection 3, in]~~ *In* any election regulated by this chapter, if two or more candidates have the same *given name and* surname ~~[or surnames so similar as to be likely to cause confusion]~~ and:

(a) None of the candidates is an incumbent, the middle names or middle initials, if any, of the candidates must be included in the names of the candidates *;* ~~[as printed on the ballot;]~~ or

(b) One of the candidates is an incumbent, the name of the incumbent must be listed first and ~~[must be printed in bold type.~~

~~3. Where a system of voting other than by paper ballot is used and the provisions of paragraph (b) of subsection 2 are applicable, the Secretary of State may distinguish a candidate who is an incumbent in a manner other than printing the name of the incumbent in bold type provided that the manner used clearly emphasizes the name of the incumbent in a manner similar to printing his name in bold type.]~~ *the word "Incumbent" must be written next to the name of the candidate who is the incumbent.*

Sec. 11. NRS 293.272 is hereby amended to read as follows:

293.272 1. Except as otherwise provided in subsection 2 and in NRS 293.2725 and 293.3083, a person who registered *electronically or by mail* to vote ~~[pursuant to the provisions of NRS 293.5235]~~ shall, for the first election in which he votes at which that registration is valid, vote in person unless he has previously voted in the county in which he is registered to vote.

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

(a) Is entitled to vote in the manner prescribed in NRS 293.343 to 293.355, inclusive;

(b) Is entitled to vote an absent ballot pursuant to federal law or NRS 293.316 or 293.3165;

(c) Is disabled;

(d) Submits or has previously submitted a written request for an absent ballot that is signed by the registered voter before a notary public or other person authorized to administer an oath; or

(e) Requests an absent ballot in person at the office of the county clerk.

Sec. 12. NRS 293.2725 is hereby amended to read as follows:

293.2725 1. Except as otherwise provided in subsection 2, in NRS 293.3081 and 293.3083 and in federal law, a person who registers *electronically or* by mail to vote in this State and who has not previously voted in an election for federal office in this State:

(a) May vote at a polling place only if the person presents to the election board officer at the polling place:

(1) A current and valid photo identification of the person; or

(2) A copy of a current utility bill, bank statement, paycheck ~~[,]~~ or document issued by a governmental entity, including a check which indicates the name and address of the person, but not including a voter registration card issued pursuant to NRS 293.517; and

(b) May vote by mail only if the person provides to the county or city clerk:

(1) A copy of a current and valid photo identification of the person; or

(2) A copy of a current utility bill, bank statement, paycheck ~~[,]~~ or document issued by a governmental entity, including a check which indicates the name and address of the person, but not including a voter registration card issued pursuant to NRS 293.517.

2. The provisions of this section do not apply to a person who:

(a) Registers to vote by mail and submits with his application to register to vote:

(1) A copy of a current and valid photo identification; or

(2) A copy of a current utility bill, bank statement, paycheck ~~[,]~~ or document issued by a governmental entity, including a check which indicates the name and address of the person, but not including a voter registration card issued pursuant to NRS 293.517;

(b) Registers to vote by mail and submits with his application to register to vote a driver's license number or at least the last four digits of his social

security number, if a state or local election official has matched that information with an existing identification record bearing the same number, name and date of birth as provided by the person in his application;

(c) Is entitled to vote an absent ballot pursuant to the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. §§ 1973ff et seq.;

(d) Is provided the right to vote otherwise than in person under the Voting Accessibility for the Elderly and Handicapped Act, 42 U.S.C. §§ 1973ee et seq.; or

(e) Is entitled to vote otherwise than in person under any other federal law.

Sec. 13. NRS 293.3025 is hereby amended to read as follows:

293.3025 The Secretary of State and each county and city clerk shall ensure that a copy of each of the following is posted in a conspicuous place at each polling place on election day:

1. A sample ballot;

2. Information concerning the date and hours of operation of the polling place;

3. Instructions for voting and casting a ballot, including a provisional ballot;

4. Instructions concerning the identification required for persons who registered by mail and are first-time voters for federal office in this State;

5. Information concerning the accessibility of polling places to persons with disabilities; ~~[and]~~

6. General information concerning federal and state laws which prohibit acts of fraud and misrepresentation ~~[.]~~ *; and*

7. Information concerning the eligibility of a candidate, a ballot question or any other matter appearing on the ballot as a result of judicial determination or by operation of law, if any.

Sec. 14. NRS 293.3083 is hereby amended to read as follows:

293.3083 A person may cast a ballot by mail to vote for a candidate for federal office, which must be treated as a provisional ballot by the county or city clerk if the person:

1. Applies *electronically or* by mail to register to vote and has not previously voted in an election for federal office in this State;

2. Fails to provide the identification required pursuant to paragraph (b) of subsection 1 of NRS 293.2725 to the county or city clerk at the time that he mails his ballot; and

3. Completes the written affirmation set forth in subsection 1 of NRS 293.3082.

Sec. 15. NRS 293.343 is hereby amended to read as follows:

293.343 1. A registered voter who resides in an election precinct in which there were not more than 200 voters registered for the last preceding general election, or in a precinct in which it appears to the satisfaction of the county clerk *and Secretary of State* that there are not more than 200 registered voters, may vote at any election regulated by this chapter in the manner provided in NRS 293.345 to 293.355, inclusive.

2. Whenever the county clerk has designated a precinct as a mailing precinct, registered voters residing in that precinct may vote at any election regulated by this chapter in the manner provided in NRS 293.345 to 293.355, inclusive.

3. In a county whose population is 100,000 or more, whenever a registered voter is entitled to vote in a mailing precinct or an absent ballot mailing precinct, the county clerk:

(a) Shall designate at least one polling place in the county as the polling place where such a voter may vote in person, pursuant to paragraph (b) of subsection 2 of NRS 293.353 or subsection 3 of NRS 293.353, on election day; and

(b) May designate certain polling places for early voting as the polling places where such a voter may vote in person, pursuant to paragraph (b) of subsection 2 of NRS 293.353 or subsection 3 of NRS 293.353, during the period for early voting, if it is impractical for the county clerk to provide at each polling place for early voting a ballot in every form required in the county.

4. In a county whose population is less than 100,000, whenever a registered voter is entitled to vote in a mailing precinct or an absent ballot mailing precinct, the county clerk:

(a) May designate one or more polling places in the county as the polling place where such a voter may vote in person, pursuant to paragraph (b) of subsection 2 of NRS 293.353 or subsection 3 of NRS 293.353, on election day; and

(b) May designate certain polling places for early voting as the polling places where such a voter may vote in person, pursuant to paragraph (b) of subsection 2 of NRS 293.353 or subsection 3 of NRS 293.353, during the period for early voting, if it is impractical for the county clerk to provide at each polling place for early voting a ballot in every form required in the county.

5. Polling places designated pursuant to subsection 3 or 4 may include, without limitation, polling places located as closely as practicable to the mailing precincts.

Sec. 16. NRS 293.443 is hereby amended to read as follows:

293.443 1. Except as otherwise provided in subsection 3, the expense of providing all ballots, forms and other supplies to be used at any election regulated by this chapter or chapter 293C of NRS and all expenses necessarily incurred in the preparation for, or the conduct of, any such election is a charge upon the municipality, county, district or State, as the case may be.

2. The county or city clerk may submit the printing of ballots for competitive bidding.

3. If a political party or other entity requests more than 50 applications to register to vote by mail in any 12-month period, the clerk *or the Secretary of State* may assess a charge, not to exceed the cost of printing the applications.

Sec. 17. NRS 293.4687 is hereby amended to read as follows:

293.4687 1. The Secretary of State shall maintain a website on the Internet for public information maintained, collected or compiled by the Secretary of State that relates to elections, which must include, without limitation:

(a) The Voters' Bill of Rights required to be posted on his Internet website pursuant to the provisions of NRS 293.2549;

(b) The abstract of votes required to be posted on a website pursuant to the provisions of NRS 293.388; and

(c) All reports on campaign contributions and expenditures submitted to the Secretary of State pursuant to the provisions of NRS 294A.120, 294A.125, 294A.140, ~~[294A.150,]~~ 294A.200, 294A.210, ~~[294A.220,]~~ 294A.270, 294A.280, ~~[294A.283,]~~ 294A.360 and 294A.362 *and sections 29.9 and 29.11 of this act* and all reports on contributions received by and expenditures made from a legal defense fund submitted to the Secretary of State pursuant to NRS 294A.286.

2. The abstract of votes required to be maintained on the website pursuant to paragraph (b) of subsection 1 must be maintained in such a format as to permit the searching of the abstract of votes for specific information.

3. If the information required to be maintained by the Secretary of State pursuant to subsection 1 may be obtained by the public from a website on the Internet maintained by a county clerk or city clerk, the Secretary of State may provide a hyperlink to that website to comply with the provisions of subsection 1 with regard to that information.

Sec. 17.2. NRS 293.4695 is hereby amended to read as follows:

293.4695 1. Each county clerk shall collect the following information regarding each primary and general election, on a form provided by the Secretary of State and made available at each polling place in the county, each polling place for early voting in the county, the office of the county clerk and any other location deemed appropriate by the Secretary of State:

(a) The number of ballots that have been discarded or for any reason not included in the final canvass of votes, along with an explanation for the exclusion of each such ballot from the final canvass of votes.

(b) A report on each malfunction of any mechanical voting system, including, without limitation:

(1) Any known reason for the malfunction;

(2) The length of time during which the mechanical voting system could not be used;

(3) Any remedy for the malfunction which was used at the time of the malfunction; and

(4) Any effect the malfunction had on the election process.

(c) A list of each polling place not open during the time prescribed pursuant to NRS 293.273 and an account explaining why each such polling place was not open during the time prescribed pursuant to NRS 293.273.

(d) A description of each challenge made to the eligibility of a voter pursuant to NRS 293.303 and the result of each such challenge.

(e) A description of each complaint regarding a ballot cast by mail or facsimile filed with the county clerk and the resolution, if any, of the complaint.

(f) The results of any audit of election procedures and practices conducted pursuant to regulations adopted by the Secretary of State pursuant to this chapter.

(g) The number of provisional ballots cast and the reason for the casting of each provisional ballot.

2. Each county clerk shall submit to the Secretary of State, on a form provided by the Secretary of State, the information collected pursuant to subsection 1 not more than 60 days after each primary and general election.

3. The Secretary of State may contact any political party and request information to assist in the investigation of any allegation of voter intimidation.

4. The Secretary of State shall establish and maintain an Internet website pursuant to which he shall solicit and collect voter comments regarding election processes.

5. The Secretary of State shall compile the information and comments collected pursuant to this section into a report that he shall submit to the Director of the Legislative Counsel Bureau for transmission to the Legislature ~~[not later than 30]~~ *within 10* days before *or after* the ~~[start]~~ *first day* of each regular session of the Legislature.

6. The Secretary of State may make the report required pursuant to subsection 5 available on an Internet website established and maintained by the Secretary of State.

Sec. 17.4. NRS 293.504 is hereby amended to read as follows:

293.504 1. The following offices shall serve as voter registration agencies:

(a) Such offices that provide public assistance as are designated by the Secretary of State;

(b) Each office that receives money from the State of Nevada to provide services to persons in this State who are disabled;

(c) The offices of the Department of Motor Vehicles;

(d) The offices of the city and county clerks;

(e) Such other county and municipal facilities as a county clerk or city clerk may designate pursuant to NRS 293.5035 or 293C.520, as applicable; ~~[and]~~

(f) *Recruitment offices of the United States Armed Forces; and*

(g) Such other offices as the Secretary of State deems appropriate.

2. Each voter registration agency shall:

(a) Post in a conspicuous place, in at least 12-point type, instructions for registering to vote;

(b) ~~[Make]~~ *Except as otherwise provided in subsection 3, distribute* applications to register to vote which may be returned by mail ~~[available to each person who applies for or receives]~~ *with each application for* services or assistance from the agency ~~[.]~~ *and with each application for recertification, renewal or a change of address related to such services or assistance.*

(c) Provide the same amount of assistance to an applicant in completing an application to register to vote as the agency provides to a person completing any other forms for the agency; and

(d) Accept completed applications to register to vote.

3. *A voter registration agency is not required to provide an application to register to vote pursuant to paragraph (b) of subsection 2 to a person who applies for or receives services or assistance from the agency if the person declines to register to vote and submits to the agency a written form that meets the requirements of 42 U.S.C. § 1973gg-5(6). No information related to the declination to register to vote may be used for any purpose other than voter registration.*

4. Except as otherwise provided in this subsection and NRS 293.524, any application to register to vote accepted by a voter registration agency must be transmitted to the county clerk not later than 10 days after the application is accepted. The applications must be forwarded daily during the 2 weeks immediately preceding the fifth Sunday preceding an election. The county clerk shall accept any application to register to vote which is obtained from a voter registration agency pursuant to this section and completed by the fifth Sunday preceding an election if he receives the application not later than 5 days after that date.

~~[4.]~~ *5.* The Secretary of State shall cooperate with the Secretary of Defense to develop and carry out procedures to enable persons in this State to apply to register to vote at recruitment offices of the United States Armed Forces.

Sec. 18. NRS 293.5045 is hereby amended to read as follows:

293.5045 1. A person who works in a voter registration agency shall not:

(a) Seek to influence an applicant's political preference or party registration;

(b) Display a political preference or party allegiance in a place where it can be seen by an applicant;

(c) Make any statement or take any action to discourage an applicant from registering to vote; or

(d) Make any statement or take any action which would lead the applicant to believe that a decision to register to vote has any effect on the availability of any services or benefits provided by the State or Federal Government.

2. A person who violates any of the provisions of ~~[this section]~~ *subsection 1* is guilty of a category E felony and shall be punished as provided in NRS 193.130.

3. A voter registration agency shall not knowingly employ a person whose duties will include the registration of voters if the person has been convicted of a felony involving theft, fraud or dishonesty. The Secretary of State may impose against a voter registration agency a fine of not more than $5,000 per person who is employed by the voter registration agency in violation of this subsection.

Sec. 19. NRS 293.505 is hereby amended to read as follows:

293.505 1. All justices of the peace, except those located in county seats, are ex officio field registrars to carry out the provisions of this chapter.

2. The county clerk shall appoint at least one registered voter to serve as a field registrar of voters who, except as otherwise provided in NRS 293.5055, shall register voters within the county for which he is appointed. Except as otherwise provided in subsection 1, a candidate for any office may not be appointed or serve as a field registrar. A field registrar serves at the pleasure of the county clerk and shall perform his duties as the county clerk may direct. *The county clerk shall not knowingly appoint any person to be a field registrar who has been convicted of a felony involving theft, fraud or dishonesty.*

3. A field registrar shall demand of any person who applies for registration all information required by the application to register to vote and shall administer all oaths required by this chapter.

4. When a field registrar has in his possession five or more completed applications to register to vote, he shall forward them to the county clerk, but in no case may he hold any number of them for more than 10 days.

5. Each field registrar shall forward to the county clerk all completed applications in his possession immediately after the fifth Sunday preceding an election. Within 5 days after the fifth Sunday preceding any general election or general city election, a field registrar shall return all unused applications in his possession to the county clerk. If all of the unused applications are not returned to the county clerk, the field registrar shall account for the unreturned applications.

6. Each field registrar shall submit to the county clerk a list of the serial numbers of the completed applications to register to vote and the names of the electors on those applications. The serial numbers must be listed in numerical order.

7. Each field registrar shall post notices sent to him by the county clerk for posting in accordance with the election laws of this State.

8. A field registrar, employee of a voter registration agency or person assisting a voter pursuant to subsection 13 of NRS 293.5235 shall not:

(a) Delegate any of his duties to another person; or

(b) Refuse to register a person on account of that person's political party affiliation.

9. A person shall not hold himself out to be or attempt to exercise the duties of a field registrar unless he has been so appointed.

10. A county clerk, field registrar, employee of a voter registration agency or person assisting a voter pursuant to subsection 13 of NRS 293.5235 shall not:

(a) Solicit a vote for or against a particular question or candidate;

(b) Speak to a voter on the subject of marking his ballot for or against a particular question or candidate; or

(c) Distribute any petition or other material concerning a candidate or question which will be on the ballot for the ensuing election,

➥ while he is registering an elector.

11. When the county clerk receives applications to register to vote from a field registrar, he shall issue a receipt to the field registrar. The receipt must include:

(a) The number of persons registered; and

(b) The political party of the persons registered.

12. A county clerk, field registrar, employee of a voter registration agency or person assisting a voter pursuant to subsection 13 of NRS 293.5235 shall not:

(a) Knowingly register a person who is not a qualified elector or a person who has filed a false or misleading application to register to vote; or

(b) Register a person who fails to provide satisfactory proof of identification and the address at which he actually resides.

13. A county clerk, field registrar, employee of a voter registration agency, person assisting a voter pursuant to subsection 13 of NRS 293.5235 or any other person providing a form for the application to register to vote to an elector for the purpose of registering to vote:

(a) If the person who assists an elector with completing the form for the application to register to vote retains the form, shall enter his name on the duplicate copy or receipt retained by the voter upon completion of the form; and

(b) Shall not alter, deface or destroy an application to register to vote that has been signed by an elector except to correct information contained in the application after receiving notice from the elector that a change in or addition to the information is required.

14. If a field registrar violates any of the provisions of this section, the county clerk shall immediately suspend the field registrar and notify the district attorney of the county in which the violation occurred.

15. A person who violates any of the provisions of subsection 8, 9, 10, 12 or 13 is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 20. NRS 293.506 is hereby amended to read as follows:

293.506 *1.* A county clerk may, with approval of the board of county commissioners, establish a system for using a computer to ~~[register voters and to]~~ keep records of registration. ~~[The county clerk may, for that purpose, issue to a voter a card, bearing the signature of the voter, attesting to his registration.]~~

2. The Secretary of State may establish a system to allow persons to submit applications electronically to register to vote and adopt any regulations necessary to carry out the provisions of this subsection.

Sec. 21. NRS 293.510 is hereby amended to read as follows:

293.510 1. In counties ~~[where]~~ *in which* computers are not used to register voters, ~~[the]~~ *a* county clerk shall:

(a) Segregate original applications to register to vote according to the precinct in which the registered voters reside and arrange the applications in each precinct or district in alphabetical order. The applications for each precinct or district must be kept in a separate binder which is marked with the number of the precinct or district. This binder constitutes the election board register.

(b) Arrange the duplicate applications of registration in alphabetical order for the entire county and keep them in binders or a suitable file which constitutes the registrar of voters' register.

2. In any county ~~[where]~~ *in which* a computer is used to register voters, ~~[the]~~ *a* county clerk shall:

(a) Arrange the original applications to register to vote for the entire county in a manner in which an original application may be quickly located. These original applications constitute the registrar of voters' register.

(b) Segregate the applications to register to vote in a computer file according to the precinct or district in which the registered voters reside ~~[,]~~ and for each precinct or district , have printed a computer listing which contains the applications to register to vote in alphabetical order. These listings of applications to register to vote must be placed in separate binders which are marked with the number of the precinct or district. These binders constitute the election board registers.

Sec. 22. NRS 293.517 is hereby amended to read as follows:

293.517 1. Any elector residing within the county may register ~~[:]~~ *to vote:*

(a) Except as otherwise provided in NRS 293.560 and 293C.527, by appearing before the county clerk, a field registrar , ~~[or]~~ a voter registration agency ~~[,]~~ *or a person who registers voters pursuant to a voter registration drive,* completing the application to register to vote, giving true and satisfactory answers to all questions relevant to his identity and right to vote ~~[,]~~ and providing proof of his residence and identity;

(b) By completing and mailing or personally delivering to the county clerk an application to register to vote pursuant to the provisions of NRS 293.5235;

(c) Pursuant to the provisions of NRS 293.501 or 293.524; ~~[or]~~

(d) At his residence with the assistance of a field registrar pursuant to NRS 293.5237 ~~[.]~~ *; or*

(e) By submitting an application electronically to register to vote, if the Secretary of State has established a system pursuant to NRS 293.506 to allow persons to submit applications electronically to register to vote.

➥ The county clerk shall require a person to submit official identification as proof of residence and identity, such as a driver's license or other official document, before registering him. If the applicant registers to vote pursuant to this subsection and fails to provide proof of his residence and identity, the applicant must provide proof of his residence and identity before casting a ballot in person or by mail or after casting a provisional ballot pursuant to NRS 293.3081 or 293.3083. For the purposes of this subsection, a voter registration card issued pursuant to subsection 6 does not provide proof of the residence or identity of a person.

2. The application to register to vote must be signed and verified under penalty of perjury by the elector registering.

3. Each elector who is or has been married must be registered under his own given or first name ~~[,]~~ and not under the given or first name or initials of his spouse.

4. An elector who is registered and changes his name must complete a new application to register to vote. He may obtain a new application:

(a) At the office of the county clerk or field registrar;

(b) By submitting an application to register to vote pursuant to the provisions of NRS 293.5235;

(c) By submitting a written statement to the county clerk requesting the county clerk to mail an application to register to vote; ~~[or]~~

(d) At any voter registration agency ~~[.]~~ *; or*

(e) By submitting an application electronically to register to vote, if the Secretary of State has established a system pursuant to NRS 293.506 to allow persons to submit applications electronically to register to vote.

➥ If the elector fails to register under his new name, he may be challenged pursuant to the provisions of NRS 293.303 or 293C.292 and may be required to furnish proof of identity and subsequent change of name.

5. Except as otherwise provided in subsection 7, an elector who registers to vote pursuant to paragraph (a) of subsection 1 shall be deemed to be registered upon the completion of his application to register to vote.

6. After the county clerk determines that the application to register to vote of a person is complete and that the person is eligible to vote pursuant to NRS 293.485, he shall issue a voter registration card to the voter which contains:

(a) The name, address, political affiliation and precinct number of the voter;

(b) The date of issuance; and

(c) The signature of the county clerk.

7. If an elector submits an application to register to vote or an affidavit described in paragraph (c) of subsection 1 of NRS 293.507 that contains any handwritten additions, erasures or interlineations, the county clerk may object to the application to register to vote if he believes that because of such handwritten additions, erasures or interlineations, the application to register to vote of the elector is incomplete or that the elector is not eligible to vote

pursuant to NRS 293.485. If the county clerk objects pursuant to this subsection, he shall immediately notify the elector and the district attorney of the county. Not later than 5 business days after the district attorney receives such notification, the district attorney shall advise the county clerk as to whether:

(a) The application to register to vote of the elector is complete and the elector is eligible to vote pursuant to NRS 293.485; and

(b) The county clerk should proceed to process the application to register to vote.

➥ If the district attorney advises the county clerk to process the application to register to vote, the county clerk shall immediately issue a voter registration card to the applicant pursuant to subsection 6.

Sec. 22.2. NRS 293.5235 is hereby amended to read as follows:

293.5235 1. Except as otherwise provided in NRS 293.502, a person may register to vote by mailing an application to register to vote to the county clerk of the county in which he resides. The county clerk shall, upon request, mail an application to register to vote to an applicant. The county clerk shall make the applications available at various public places in the county. An application to register to vote may be used to correct information in the registrar of voters' register.

2. An application to register to vote which is mailed to an applicant by the county clerk or made available to the public at various locations or voter registration agencies in the county may be returned to the county clerk by mail or in person. For the purposes of this section, an application which is personally delivered to the county clerk shall be deemed to have been returned by mail.

3. The applicant must complete the application, including, without limitation, checking the boxes described in paragraphs (b) and (c) of subsection 10 and signing the application.

4. The county clerk shall, upon receipt of an application, determine whether the application is complete.

5. If he determines that the application is complete, he shall, within 10 days after he receives the application, mail to the applicant:

(a) A notice informing him that he is registered to vote and a voter registration card as required by subsection 6 of NRS 293.517; or

(b) A notice informing him that the registrar of voters' register has been corrected to reflect any changes indicated on the application.

6. Except as otherwise provided in subsection 5 of NRS 293.518, if the county clerk determines that the application is not complete, he shall, as soon as possible, mail a notice to the applicant informing him that additional information is required to complete the application. If the applicant provides the information requested by the county clerk within 15 days after the county clerk mails the notice, the county clerk shall, within 10 days after he receives the information, mail to the applicant:

(a) A notice informing him that he is registered to vote and a voter registration card as required by subsection 6 of NRS 293.517; or

(b) A notice informing him that the registrar of voters' register has been corrected to reflect any changes indicated on the application.

➥ If the applicant does not provide the additional information within the prescribed period, the application is void.

7. The applicant shall be deemed to be registered or to have corrected the information in the register ~~[:~~

~~(a) If the application is received by the county clerk or postmarked not more than 3 working days after the applicant completed the application, on the date the applicant completed the application; or~~

~~(b) If the application is received by the county clerk or postmarked more than 3 working days after the applicant completed the application,]~~ on the *earlier of the* date *on which* the application is *postmarked or* received by the county clerk.

8. If the applicant fails to check the box described in paragraph (b) of subsection 10, the application shall not be considered invalid and the county clerk shall provide a means for the applicant to correct the omission at the time the applicant appears to vote in person at his assigned polling place.

9. The Secretary of State shall prescribe the form for an application to register to vote by mail which must be used to register to vote by mail in this State.

10. The application to register to vote by mail must include:

(a) A notice in at least 10-point type which states:

NOTICE: You are urged to return your application to register to vote to the County Clerk in person or by mail. If you choose to give your completed application to another person to return to the County Clerk on your behalf, and the person fails to deliver the application to the County Clerk, you will not be registered to vote. Please retain the duplicate copy or receipt from your application to register to vote.

(b) The question, "Are you a citizen of the United States?" and boxes for the applicant to check to indicate whether or not the applicant is a citizen of the United States.

(c) The question, "Will you be at least 18 years of age on or before election day?" and boxes for the applicant to check to indicate whether or not the applicant will be at least 18 years of age or older on election day.

(d) A statement instructing the applicant not to complete the application if the applicant checked "no" in response to the question set forth in paragraph (b) or (c).

(e) A statement informing the applicant that if the application is submitted by mail and the applicant is registering to vote for the first time, the applicant must submit the information set forth in paragraph (a) of subsection 2 of NRS 293.2725 to avoid the requirements of subsection 1 of NRS 293.2725 upon voting for the first time.

11. Except as otherwise provided in subsection 5 of NRS 293.518, the county clerk shall not register a person to vote pursuant to this section unless that person has provided all of the information required by the application.

12. The county clerk shall mail, by postcard, the notices required pursuant to subsections 5 and 6. If the postcard is returned to the county clerk by the United States Postal Service because the address is fictitious or the person does not live at that address, the county clerk shall attempt to determine whether the person's current residence is other than that indicated on his application to register to vote in the manner set forth in NRS 293.530.

13. A person who, by mail, registers to vote pursuant to this section may be assisted in completing the application to register to vote by any other person. The application must include the mailing address and signature of the person who assisted the applicant. The failure to provide the information required by this subsection will not result in the application being deemed incomplete.

14. An application to register to vote must be made available to all persons, regardless of political party affiliation.

15. An application must not be altered or otherwise defaced after the applicant has completed and signed it. An application must be mailed or delivered in person to the office of the county clerk within 10 days after it is completed.

16. A person who willfully violates any of the provisions of subsection 13, 14 or 15 is guilty of a category E felony and shall be punished as provided in NRS 193.130.

17. The Secretary of State shall adopt regulations to carry out the provisions of this section.

Sec. 23. NRS 293.567 is hereby amended to read as follows:

293.567 After the close of registration for each primary election but not later than the ~~[second Friday next]~~ *Friday* preceding the primary election and after the close of registration for each general election but not later than the ~~[second Friday next]~~ *Friday* preceding the general election, the county clerk shall ascertain by precinct and district the number of registered voters in the county and their political affiliation, if any, and shall transmit that information to the Secretary of State.

Sec. 24. NRS 293.710 is hereby amended to read as follows:

293.710 1. It is unlawful for any person, in connection with any election or petition ~~[,]~~ *or the registration of voters*, whether acting himself or through another person in his behalf, to:

(a) Use or threaten to use any force, *intimidation,* coercion, violence, restraint or undue influence;

(b) Inflict or threaten to inflict any physical or mental injury, damage, harm or loss upon the person or property of another;

(c) Expose or publish or threaten to expose or publish any fact concerning another in order to induce or compel such other to vote or refrain from voting for any candidate or any question;

(d) Impede or prevent, by abduction, duress or fraudulent contrivance, the free exercise of the franchise by any voter, or thereby to compel, induce or prevail upon any elector to give or refrain from giving his vote; or

(e) Discharge or change the place of employment of any employee with the intent to impede or prevent the free exercise of the franchise by such employee.

2. ~~[Unless a greater penalty is provided by law, any violation]~~ *A person who violates a provision* of this section is ~~[a gross misdemeanor.]~~ *guilty of a category E felony and shall be punished as provided in NRS 193.130.*

Sec. 25. NRS 293.730 is hereby amended to read as follows:

293.730 1. A person shall not:

(a) Remain in or outside of any polling place so as to interfere with the conduct of the election.

(b) Except an election board officer, receive from any voter a ballot prepared by the voter.

(c) Remove a ballot from any polling place before the closing of the polls.

(d) Apply for or receive a ballot at any election precinct or district other than the one at which he is entitled to vote.

(e) Show his ballot to any person, after voting, so as to reveal any of the names voted for.

(f) Inside a polling place, ask another person for whom he intends to vote.

(g) Except an election board officer, deliver a ballot to a voter.

(h) Except an election board officer in the course of his official duties, inside a polling place, ask another person his name, address or political affiliation.

2. A voter shall not:

(a) Receive a ballot from any person other than an election board officer.

(b) Deliver to an election board or to any member thereof any ballot other than the one received.

(c) Place any mark upon his ballot by which it may afterward be identified as the one voted by him.

3. Any person who violates any provision of this section is guilty of a ~~[gross misdemeanor.]~~ *category ~~[C]~~ D felony and shall be punished as provided in NRS 193.130.*

Sec. 25.2. NRS 293.740 is hereby amended to read as follows:

293.740 1. Except as otherwise provided in subsection 2, it is unlawful inside a polling place or within 100 feet from the entrance to the building or other structure in which a polling place is located:

(a) For any person to solicit a vote or speak to a voter on the subject of marking his ballot.

(b) For any person, including an election board officer, to do any electioneering on election day.

➥ The county clerk or registrar of voters shall ensure that, at the outer limits of the area within which electioneering is prohibited, notices are

continuously posted on which are printed in large letters "Distance Marker: No electioneering between this point and the entrance to the polling place."

2. The provisions of subsection 1 do not apply to the conduct of a person in a private residence or on commercial or residential property that is within 100 feet from the entrance to a building or other structure in which a polling place is located. The provisions of subsection 1 are not intended to prohibit a person from voting solely because he is wearing a prohibited political insigne and is reasonably unable to remove the insigne or cover it. In such a case, the election board officer shall take such action as is necessary to allow the voter to vote as expediently as possible and then assist the voter in exiting the polling place as soon as is possible.

3. Any person who violates any provision of this section is guilty of a gross misdemeanor.

4. As used in this section, "electioneering" means campaigning for or against a candidate, ballot question or political party by:

(a) Posting signs relating to the support of or opposition to a candidate, ballot question or political party;

(b) Distributing literature relating to the support of or opposition to a candidate, ballot question or political party;

(c) Using loudspeakers to broadcast information relating to the support of or opposition to a candidate, ballot question or political party;

(d) Buying, selling, wearing or displaying any badge, button or other insigne which is designed or tends to aid or promote the success or defeat of any political party or a candidate or ballot question to be voted upon at that election; *or*

(e) ~~[Polling or otherwise soliciting from a voter information as to whether the voter intends to vote or has voted for or against a particular political party, candidate or ballot question; or~~

~~(f)]~~ Soliciting signatures to any kind of petition.

Sec. 26. NRS 293.750 is hereby amended to read as follows:

293.750 Any person who, during an election, removes or destroys any of the supplies or equipment placed in the booths or compartments ~~[,]~~ or removes or defaces the cards of instruction posted as prescribed by this chapter ~~[,]~~ is guilty of a ~~[gross misdemeanor.]~~ *category D felony and shall be punished as provided in NRS 193.130.*

Sec. 27. NRS 293.755 is hereby amended to read as follows:

293.755 1. A person who tampers or interferes with, or attempts to tamper or interfere with , a mechanical voting system, mechanical voting device or any computer program used to count ballots with the intent to prevent the proper operation of that device, system or program is guilty of a category D ~~*[C]*~~ felony and shall be punished as provided in NRS 193.130.

2. *A person who tampers or interferes with, or attempts to tamper or interfere with, a mechanical voting system, mechanical voting device or any computer program used to count ballots with the intent to influence the outcome of an election is guilty of a category B felony and shall be punished*

by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years.

3. The county or city clerk shall report any alleged violation of this section to the district attorney who shall cause appropriate proceedings to be instituted and prosecuted in a court of competent jurisdiction without delay.

Sec. 28. NRS 293.800 is hereby amended to read as follows:

293.800 1. A person who, for himself or another person, willfully gives a false answer or answers to questions propounded to him by the registrar or field registrar of voters relating to the information called for by the application to register to vote, or who willfully falsifies his application in any particular, or who violates any of the provisions of the election laws of this State ~~[,]~~ or knowingly encourages another person to violate those laws is guilty of a category E felony and shall be punished as provided in NRS 193.130.

2. A public officer or other person, upon whom any duty is imposed by this title, who willfully neglects his duty ~~[,]~~ or willfully performs it in such a way as to hinder the objects and purposes of the election laws of this State, except where another penalty is provided, is guilty of a category E felony and shall be punished as provided in NRS 193.130.

3. If the person is a public officer, his office is forfeited upon conviction of any offense provided for in subsection 2.

4. A person who causes or endeavors to cause his name to be registered, knowing that he is not an elector or will not be an elector on or before the day of the next ensuing election in the precinct or district in which he causes or endeavors to cause the registration to be made, and any other person who induces, aids or abets the person in the commission of either of the acts is guilty of a category E felony and shall be punished as provided in NRS 193.130.

5. A field registrar or other person who ~~[:]~~ *provides to an elector an application to register to vote and:*

(a) Knowingly falsifies an application ~~[to register to vote]~~ or knowingly causes an application to be falsified; ~~[or]~~

(b) Knowingly provides money or other compensation to another for a falsified application ~~[to register to vote,]~~ *; or*

(c) Intentionally fails to submit to the county clerk a completed application on account of the elector's political party affiliation,

➥ is guilty of a category ~~[E]~~ ~~*[C]*~~ *D* felony and shall be punished as provided in NRS 193.130.

Sec. 28.1. NRS 293B.354 is hereby amended to read as follows:

293B.354 1. The county clerk shall, not later than June 15 of each year in which a general election is held, submit to the Secretary of State for his approval a written plan for the accommodation of members of the general public who observe the delivery, counting, handling and processing of ballots at a polling place, receiving center or central counting place.

2. The city clerk shall, not later than ~~[January 1]~~ *April 15* of each year in which a general city election is held, submit to the Secretary of State for his approval a written plan for the accommodation of members of the general public who observe the delivery, counting, handling and processing of the ballots at a polling place, receiving center or central counting place.

3. Each plan must include:

(a) The location of the central counting place and of each polling place and receiving center;

(b) A procedure for the establishment of areas within each polling place and receiving center and the central counting place from which members of the general public may observe the activities set forth in subsections 1 and 2;

(c) The requirements concerning the conduct of the members of the general public who observe the activities set forth in subsections 1 and 2; and

(d) Any other provisions relating to the accommodation of members of the general public who observe the activities set forth in subsections 1 and 2 which the county or city clerk considers appropriate.

Sec. 28.2. NRS 293C.115 is hereby amended to read as follows:

293C.115 ~~[1.]~~ The governing body of a city incorporated pursuant to general law ~~[may]~~ *shall* by ordinance provide for a primary city election and a general city election on ~~[:~~

~~(a) The dates set forth for primary elections and general elections pursuant to the provisions of chapter 293 of NRS; or~~

~~(b) The]~~ *the* dates set forth for primary city elections and general city elections pursuant to the provisions of this chapter.

~~[2. If a governing body of a city adopts an ordinance pursuant to paragraph (a) of subsection 1, the dates set forth in NRS 293.12755, in subsections 2 to 5, inclusive, of NRS 293.165, and in NRS 293.175, 293.177, 293.345 and 293.368 apply for purposes of conducting the primary city elections and general city elections of the city.~~

~~3. If a governing body of a city adopts an ordinance pursuant to subsection 1:~~

~~(a) The term of office of any elected city official may not be shortened as a result of the ordinance; and~~

~~(b) Each elected city official holds office until the end of his term and until his successor has been elected and qualified.]~~

Sec. 28.3. NRS 293C.140 is hereby amended to read as follows:

293C.140 1. ~~[Except as otherwise provided in NRS 293C.115, a]~~ *A* general city election must be held in each city of population categories one and two on the first Tuesday after the first Monday in ~~[June]~~ *November* of the first ~~[odd-numbered]~~ *even-numbered* year after incorporation, and ~~[on the same day every]~~ *at each successive interval of* 2 years *,* ~~[thereafter as determined by law, ordinance or resolution,]~~ at which time there must be elected the elective city officers, the offices of which are required next to be filled by election. All candidates, except as otherwise provided in

NRS 266.220, at the general city election must be voted upon by the electors of the city at large.

2. ~~[Unless the terms of office of city councilmen are extended by an ordinance adopted pursuant to NRS 293C.115, the]~~ *The* terms of office of city councilmen are 4 years, which terms must be staggered. The councilmen elected to office immediately after incorporation shall decide, by lot, among themselves which of their offices expire at the next general city election, and thereafter the terms of office must be 4 years . ~~[unless the terms are extended by an ordinance adopted pursuant to NRS 293C.115.]~~

Sec. 28.4. NRS 293C.145 is hereby amended to read as follows:

293C.145 1. ~~[Except as otherwise provided in NRS 293C.115, a]~~ *A* general city election must be held in each city of population category three on the first Tuesday after the first Monday in ~~[June]~~ *November* of the first ~~[odd-numbered]~~ *even-numbered* year after incorporation, and ~~[on the same day every]~~ *at each successive interval of* 2 years thereafter . ~~[, as determined by ordinance.]~~

2. There must be one mayor and three or five councilmen, as the city council shall provide ~~[,]~~ by ordinance, for each city of population category three. ~~[Unless the terms of office of the mayor and the councilmen are extended by an ordinance adopted pursuant to NRS 293C.115, the]~~ *The* terms of office of the mayor and the councilmen are 4 years, which terms must be staggered. The mayor and councilmen elected to office immediately after incorporation shall decide, by lot, among themselves which two of their offices expire at the next general city election, and thereafter the terms of office must be 4 years . ~~[unless the terms are extended by an ordinance adopted pursuant to NRS 293C.115.]~~ If a city council thereafter increases the number of councilmen, it shall, by lot, stagger the initial terms of the additional members.

3. ~~[Except as otherwise provided in NRS 293C.115, a]~~ *A* candidate for any office to be voted for at the general city election must file a declaration of candidacy with the city clerk not ~~[less than 60 days nor more than 70 days before the day of the general city election.]~~ *earlier than the first Monday in March preceding the general election and not later than 5 p.m. on the second Friday after the first Monday in March.* The city clerk shall charge and collect from the candidate and the candidate must pay to the city clerk, at the time of filing the declaration of candidacy, a filing fee in an amount fixed by the city council by ordinance or resolution.

4. Candidates for mayor must be voted upon by the electors of the city at large. Candidates for councilmen must be voted upon by the electors of their respective wards to represent the wards in which they reside or by the electors of the city at large in accordance with the provisions of chapter 266 of NRS.

Sec. 28.5. NRS 293C.175 is hereby amended to read as follows:

293C.175 1. ~~[Except as otherwise provided in NRS 293C.115, a]~~ *A* primary city election must be held in each city of population category one,

and in each city of population category two that has so provided by ordinance, on the ~~[first]~~ *second* Tuesday ~~[after the first Monday]~~ in ~~[April]~~ *June* of every year in which a general city election is to be held, at which time there must be nominated candidates for offices to be voted for at the next general city election.

2. ~~[Except as otherwise provided in NRS 293C.115, a]~~ *A* candidate for any office to be voted for at the primary city election must file a declaration of candidacy with the city clerk not ~~[less than 60 days nor more than 70 days before the date of the primary city election.]~~ *earlier than the first Monday in March preceding the general election and not later than 5 p.m. on the second Friday after the first Monday in March.* The city clerk shall charge and collect from the candidate and the candidate must pay to the city clerk, at the time of filing the declaration of candidacy, a filing fee in an amount fixed by the governing body of the city by ordinance or resolution. The filing fees collected by the city clerk must be deposited to the credit of the general fund of the city.

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

4. If, in a primary city election held in a city of population category one or two, one candidate receives more than a majority of votes cast in that election for the office for which he is a candidate, his name alone must be placed on the ballot for the general city election. If, in the primary city election, no candidate receives a majority of votes cast in that election for the office for which he is a candidate, the names of the two candidates receiving the highest number of votes must be placed on the ballot for the general city election.

Sec. 28.6. NRS 293C.185 is hereby amended to read as follows:

293C.185 1. Except as otherwise provided in NRS ~~[293C.115 and]~~ 293C.190, a name may not be printed on a ballot to be used at a primary city election ~~[,]~~ unless the person named has filed a declaration of candidacy or an acceptance of candidacy and has paid the fee established by the governing body of the city not earlier than ~~[70 days before the primary city election and not later than 5 p.m. on the 60th day before the primary city election.]~~ *the first Monday in March preceding the general election and not later than 5 p.m. on the second Friday after the first Monday in March.*

2. A declaration of candidacy required to be filed by this section must be in substantially the following form:

DECLARATION OF CANDIDACY OF .... FOR THE
OFFICE OF .....
State of Nevada
City of .....

For the purpose of having my name placed on the official ballot as a candidate for the office of ....., I, ..., the undersigned do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at ....., in the City or Town of ....., County of ....., State of Nevada;

that my actual, as opposed to constructive, residence in the city, township or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is ....., and the address at which I receive mail, if different than my residence, is .....; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored by a court of competent jurisdiction; that if nominated as a candidate at the ensuing election I will accept the nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; and my name will appear on all ballots as designated in this declaration.

(Designation of name)

(Signature of candidate for office)
Subscribed and sworn to before me
this ... day of the month of ... of the year ...

Notary Public or other person authorized to administer an oath

3. The address of a candidate that must be included in the declaration or acceptance of candidacy pursuant to subsection 2 must be the street address of the residence where he actually, as opposed to constructively, resides in accordance with NRS 281.050, if one has been assigned. The declaration or acceptance of candidacy must not be accepted for filing if:

(a) The candidate's address is listed as a post office box unless a street address has not been assigned to his residence; or

(b) The candidate does not present to the filing officer:

(1) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate and the candidate's residential address; or

(2) A current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the candidate's name and residential address, but not including a voter registration card issued pursuant to NRS 293.517.

4. The filing officer shall retain a copy of the proof of identity and residency provided by the candidate pursuant to paragraph (b) of subsection 3. Such a copy:

(a) May not be withheld from the public; and

(b) Must not contain the social security number or driver's license or identification card number of the candidate.

5. By filing the declaration or acceptance of candidacy, the candidate shall be deemed to have appointed the city clerk as his agent for service of process for the purposes of a proceeding pursuant to NRS 293C.186. Service of such process must first be attempted at the appropriate address as specified by the candidate in the declaration or acceptance of candidacy. If the candidate cannot be served at that address, service must be made by personally delivering to and leaving with the city clerk duplicate copies of the process. The city clerk shall immediately send, by registered or certified mail, one of the copies to the candidate at his specified address, unless the candidate has designated in writing to the city clerk a different address for that purpose, in which case the city clerk shall mail the copy to the last address so designated.

6. If the city clerk receives credible evidence indicating that a candidate has been convicted of a felony and has not had his civil rights restored by a court of competent jurisdiction, the city clerk:

(a) May conduct an investigation to determine whether the candidate has been convicted of a felony and, if so, whether he has had his civil rights restored by a court of competent jurisdiction; and

(b) Shall transmit the credible evidence and the findings from such investigation to the city attorney.

7. The receipt of information by the city attorney pursuant to subsection 6 must be treated as a challenge of a candidate pursuant to subsections 4 and 5 of NRS 293C.186. If the ballots are printed before a court of competent jurisdiction makes a determination that a candidate has been convicted of a felony and has not had his civil rights restored by a court of competent jurisdiction, the city clerk must post a notice at each polling place where the candidate's name will appear on the ballot informing the voters that the candidate is disqualified from entering upon the duties of the office for which the candidate filed the declaration of candidacy or acceptance of candidacy.

Sec. 28.7. NRS 293C.190 is hereby amended to read as follows:

293C.190 1. ~~[Except as otherwise provided in NRS 293C.115, a]~~ *A* vacancy occurring in a nomination for a city office after the close of filing and on or before 5 p.m. of the ~~[first]~~ *second* Tuesday ~~[after the first Monday in March in a year in which a general city election is held]~~ *in April* must be filled by filing a nominating petition that is signed by at least 1 percent of the persons who are registered to vote and who voted for that office at the last preceding general city election. ~~[Except as otherwise provided in NRS 293C.115, the]~~ *The* petition must be filed not earlier than the ~~[third]~~ *first* Tuesday in ~~[February]~~ *March* and not later than the ~~[third]~~ *fourth* Tuesday ~~[after the third Monday]~~ in ~~[March.]~~ *April.* A candidate nominated pursuant to the provisions of this subsection may be elected only at a general city election, and his name must not appear on the ballot for a primary city election.

2. ~~[Except as otherwise provided in NRS 293C.115, a]~~ *A* vacancy occurring in a nomination for a city office after 5 p.m. of the ~~[first]~~ *second*

Tuesday ~~[after the first Monday in March]~~ *in April* and on or before 5 p.m. of the ~~[second]~~ *first* Tuesday after the ~~[second Monday in April]~~ *primary city election* must be filled by the person who received the next highest vote for the nomination in the primary city election.

3. ~~[Except to place a candidate nominated pursuant to subsection 1 on the ballot and except as otherwise provided in NRS 293C.115, no]~~ *No* change may be made on the ballot for the general city election after 5 p.m. ~~[of]~~ *on* the ~~[second]~~ *first* Tuesday after the ~~[second Monday in April of the year in which the general]~~ *primary* city election *.* ~~[is held.]~~ If a nominee dies after that time and date, his name must remain on the ballot for the general city election and, if elected, a vacancy exists.

4. ~~[Except as otherwise provided in NRS 293C.115, all]~~ *All* designations provided for in this section must be filed on or before 5 p.m. on the ~~[second]~~ *first* Tuesday after the ~~[second Monday in April of the year in which the general]~~ *primary* city election *.* ~~[is held.]~~ The filing fee must be paid and an acceptance of the designation must be filed on or before 5 p.m. on that date.

Sec. 28.8. NRS 293C.291 is hereby amended to read as follows:

293C.291 If a candidate whose name appears on the ballot at a primary city election or general city election dies after the applicable date set forth in

~~1.~~ NRS 293C.370 ~~[; or~~

~~2. NRS 293.368, if the governing body of the city has adopted an ordinance pursuant to paragraph (a) of subsection 1 of NRS 293C.115,~~

~~"]~~ but before the time of the closing of the polls on the day of the election, the city clerk shall post a notice of the candidate's death at each polling place where the candidate's name will appear on the ballot for the primary city election or general city election.

Sec. 28.9. NRS 293C.345 is hereby amended to read as follows:

293C.345 ~~[Except as otherwise provided in NRS 293C.115, the]~~ *The* city clerk shall mail to each registered voter in each mailing precinct and in each absent ballot mailing precinct, before 5 p.m. on the third Thursday in ~~[March]~~ *May* and before 5 p.m. on the fourth Tuesday in ~~[May]~~ *October* of any year in which a general city election is held, an official mailing ballot to be voted by him at the election.

Sec. 28.95. NRS 293C.370 is hereby amended to read as follows:

293C.370 ~~[Except as otherwise provided in NRS 293C.115:]~~

1. Whenever a candidate whose name appears upon the ballot at a primary city election dies after 5 p.m. of the ~~[first]~~ *second* Tuesday ~~[after the first Monday]~~ in ~~[March,]~~ *April,* his name must remain on the ballot and the votes cast for the deceased candidate must be counted in determining the nomination for the office for which the decedent was a candidate.

2. If the deceased candidate on the ballot at the primary city election receives the number of votes required to receive the nomination to the office for which he was a candidate, the nomination is filled as provided in subsection 2 of NRS 293C.190.

3. Whenever a candidate whose name appears upon the ballot at a general city election dies after 5 p.m. of the ~~[second]~~ *first* Tuesday after the ~~[second Monday in April,]~~ *primary city election*, the votes cast for the deceased candidate must be counted in determining the results of the election for the office for which the decedent was a candidate.

4. If the deceased candidate on the ballot at the general election receives the majority of the votes cast for the office, he shall be deemed elected and the office to which he was elected shall be deemed vacant at the beginning of the term for which he was elected. The vacancy created must be filled in the same manner as if the candidate had died after taking office for that term.

Sec. 29. NRS 293C.715 is hereby amended to read as follows:

293C.715 1. If a city clerk maintains a website on the Internet for information relating to *candidates and* elections, the website must contain public information maintained, collected or compiled by the city clerk that relates to elections, which must include, without limitation:

(a) The locations of polling places for casting a ballot on election day in such a form that a registered voter may search the list to determine the location of the polling place at which the registered voter is required to cast a ballot; ~~[and]~~

(b) The abstract of votes required to be posted on a website pursuant to the provisions of NRS 293C.387 ~~[.]~~ *; and*

(c) The reports that the city clerk receives pursuant to chapter 294A of NRS from candidates for city office.

2. The abstract of votes required to be maintained on the website pursuant to paragraph (b) of subsection 1 must be maintained in such a format as to permit the searching of the abstract of votes for specific information.

3. If the information required to be maintained by a city clerk pursuant to subsection 1 may be obtained by the public from a website on the Internet maintained by the Secretary of State, a county clerk or another city clerk, the city clerk may provide a hyperlink to that website to comply with the provisions of subsection 1 with regard to that information.

Sec. 29.2. Chapter 294A of NRS is hereby amended by adding thereto the provisions set forth as sections ~~[29.3, 29.5 and 29.7]~~ *29.9 and 29.11* of this act.

Sec. 29.3. ~~[*1. Every person who is not under the direction or control of a candidate for office at a primary election, primary city election, general election or general city election, of a group of such candidates, or of any person involved in the campaign of that candidate or group and who intends to make an expenditure in excess of $100 on behalf of the candidate or group which is not solicited or approved by the candidate or group shall register with the Secretary of State before making any such expenditure.*~~

~~*2. The Secretary of State may adopt any regulations necessary to carry out the provisions of this section.*~~] *(Deleted by amendment.)*

Sec. 29.5. ~~[1. A candidate that is required to file a report described in subsection 1 of NRS 294A.373 is not required to file the report electronically if the candidate:~~

~~(a) Did not receive or expend money in excess of $10,000 in the previous calendar year; and~~

~~(b) Has on file with the Secretary of State an affidavit stating that:~~

~~(1) The candidate does not own or have the ability to access the technology necessary to file electronically the report described in subsection 1 of NRS 294A.373; and~~

~~(2) The candidate does not have the financial ability to purchase or acquire access to the technology necessary to file electronically the report described in subsection 1 of NRS 294A.373.~~

~~2. To excuse the electronic filing of the report, the affidavit described in subsection 1 must be:~~

~~(a) In the form prescribed by the Secretary of State and signed under penalty of perjury.~~

~~(b) Filed within 10 days after the person becomes a candidate pursuant to NRS 294A.005.~~

~~3. A candidate that is excused from filing the report electronically may file the report by transmitting the forms by regular mail, certified mail, facsimile machine or personal delivery. A report transmitted pursuant to this subsection shall be deemed to be filed on the date that it was received by the Secretary of State.]~~ *(Deleted by amendment.)*

Sec. 29.7. ~~[1. A person, committee, political party, group or business entity that is required to file a report described in subsection 1 of NRS 294A.373 is excused from filing the report electronically if the person, committee, political party, group or business entity:~~

~~(a) Did not receive or expend money in excess of $10,000 in the previous calendar year; and~~

~~(b) Has on file with the Secretary of State an affidavit stating that:~~

~~(1) The person, committee, political party, group or business entity does not own or have the ability to access the technology necessary to file electronically the report described in subsection 1 of NRS 294A.373; and~~

~~(2) The person, committee, political party, group or business entity does not have the financial ability to purchase or acquire access to the technology necessary to file electronically the report described in subsection 1 of NRS 294A.373.~~

~~2. To excuse the electronic filing of the report, the affidavit described in subsection 1 must be:~~

~~(a) In the form prescribed by the Secretary of State and signed under penalty of perjury.~~

~~(b) Filed:~~

~~(1) At least 10 days before any report described in subsection 1 of NRS 294A.373 is required to be filed by the person, committee, political party, group or business entity.~~

~~*(2) Not earlier than January 1 and not later than January 15 of each year, regardless of whether or not the person, committee, political party, group or business entity was required to file any report described in subsection 1 of NRS 294A.373 in the previous year.*~~

~~*3. A person, committee, political party, group or business entity that has properly filed the affidavit pursuant to this section may file the relevant report with the Secretary of State by transmitting the forms by regular mail, certified mail, facsimile machine or personal delivery. A report transmitted pursuant to this subsection shall be deemed to be filed on the date that it was received by the Secretary of State.]*~~ *(Deleted by amendment.)*

Sec. 29.9. *1. Every person or group of persons who advocates the passage or defeat of a question or group of questions on the ballot at a primary election, primary city election, general election or general city election and who receives or expends money in an amount in excess of $1,000 to advocate the passage or defeat of such question or group of questions shall, not later than January 15 of each year that the provisions of this subsection apply to the person or group of persons, for the period from January 1 of the previous year through December 31 of the previous year, report each campaign contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The provisions of this subsection apply to the person or group of persons for each year in which a general election or general city election is held for each question for which the person or group of persons advocates the passage or defeat.*

2. Every person or group of persons described in subsection 1 shall, if the general election or general city election on which the ballot question or group of questions appears is held on or after January 1 and before the July 1 immediately following that January 1, not later than:

(a) Seven days before the primary election or primary city election, for the period from the January 1 immediately preceding the primary election or primary city election through 12 days before the primary election or primary city election;

(b) Seven days before the general election or general city election, for the period from 11 days before the primary election or primary city election through 12 days before the general election or general city election; and

(c) July 15 of the year of the general election or general city election, for the period from 11 days before the general election or general city election through June 30 of that year,

➥ *report each campaign contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group of persons under an oath to God or penalty of perjury. A person who signs the*

report under an oath to God is subject to the same penalties as if the person had signed the report under penalty of perjury.

3. Every person or group of persons described in subsection 1 shall, if the general election or general city election on which the ballot question or group of questions appears is held on or after July 1 and before the January 1 immediately following that July 1, not later than:

(a) Seven days before the primary election or primary city election, for the period from the January 1 immediately preceding the primary election or primary city election through 12 days before the primary election or primary city election; and

(b) Seven days before the general election or general city election, for the period from 11 days before the primary election or primary city election through 12 days before the general election or general city election,

➥ *report each campaign contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group of persons under an oath to God or penalty of perjury. A person who signs the report under an oath to God is subject to the same penalties as if the person had signed the report under penalty of perjury.*

4. The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution in excess of $100 and contributions which a contributor has made cumulatively in excess of $100 since the beginning of the current reporting period.

5. Except as otherwise provided in subsection 6, every person or group of persons who advocates the passage or defeat of a question or group of questions on the ballot at a special election and who receives or expends money in an amount in excess of $1,000 to advocate the passage or defeat of such question or group of questions shall, not later than:

(a) Seven days before the special election, for the period from the date that the question qualified for the ballot through 12 days before the special election; and

(b) Thirty days after the special election, for the remaining period through the special election,

➥ *report each campaign contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group of persons under an oath to God or penalty of perjury. A person who signs the report under an oath to God is subject to the same penalties as if the person had signed the report under penalty of perjury.*

6. Every person or group of persons who advocates the passage or defeat of a question or group of questions on a ballot at a special election to determine whether a public officer will be recalled and who receives or expends money in an amount in excess of $1,000 to advocate the passage or defeat of such questions or group of questions shall report each campaign contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the group of persons under an oath to God or penalty of perjury, 30 days after:

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or

(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 5 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

➥ A person who signs the report under an oath to God is subject to the same penalties as if the person had signed the report under penalty of perjury.

7. The reports required pursuant to this section must be filed with:

(a) If the question is submitted to the voters of one county, the county clerk of that county;

(b) If the question is submitted to the voters of one city, the city clerk of that city; or

(c) If the question is submitted to the voters of more than one county or city, the Secretary of State.

8. A person may mail or transmit his report to the appropriate officer by regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the officer:

(a) On the date that it was mailed if it was sent by certified mail; or

(b) On the date that it was received by the officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

9. If the person or group of persons is advocating passage or defeat of a group of questions, the reports must be itemized by question.

10. Each county clerk or city clerk who receives a report pursuant to this section shall file a copy of the report with the Secretary of State within 10 working days after he receives the report.

11. As used in this section, "person" does not include a natural person.

Sec. 29.11. 1. Every person or group of persons who advocates the passage or defeat of a question or group of questions on the ballot at a primary election, primary city election, general election or general city election and who receives or expends money in an amount in excess of $1,000 to advocate the passage or defeat of such question or group of questions shall, not later than January 15 of each year that the provisions of

this subsection apply to the person or group of persons, for the period from January 1 of the previous year through December 31 of the previous year, report each expenditure made during the period to advocate the passage or defeat of a question or group of questions in excess of $100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group of persons under an oath to God or penalty of perjury. A person who signs the report under an oath to God is subject to the same penalties as if the person had signed the report under penalty of perjury. The provisions of this subsection apply to the person or group of persons each year in which a general election or general city election is held for each question for which the person or group of persons advocates the passage or defeat.

2. Every person or group of persons described in subsection 1 shall, if the general election or general city election on which the ballot question or group of questions appears is held on or after January 1 and before the July 1 immediately following that January 1, not later than:

(a) Seven days before the primary election or primary city election, for the period from the January 1 immediately preceding the primary election or primary city election through 12 days before the primary election or primary city election;

(b) Seven days before the general election or general city election, for the period from 11 days before the primary election or primary city election through 12 days before the general election or general city election; and

(c) July 15 of the year of the general election or general city election, for the period from 11 days before the general election or general city election through June 30 of that year,

➥ report each expenditure made during the period to advocate the passage or defeat of a question or group of questions in excess of $100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group of persons under an oath to God or penalty of perjury. A person who signs the report under an oath to God is subject to the same penalties as if the person had signed the report under penalty of perjury.

3. Every person or group of persons described in subsection 1 shall, if the general election or general city election on which the ballot question or group of questions appears is held on or after July 1 and before the January 1 immediately following that July 1, not later than:

(a) Seven days before the primary election or primary city election, for the period from the January 1 immediately preceding the primary election or primary city election through 12 days before the primary election or primary city election; and

(b) Seven days before the general election or general city election, for the period from 11 days before the primary election or primary city election through 12 days before the general election or general city election,

➥ report each expenditure made during the period to advocate the passage or defeat of the question or group of questions in excess of $100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group of persons under an oath to God or penalty of perjury. A person who signs the report under an oath to God is subject to the same penalties as if the person had signed the report under penalty of perjury.

4. Except as otherwise provided in subsection 5, every person or group of persons who advocates the passage or defeat of a question or group of questions on the ballot at special election and who receives or expends money in an amount in excess of $1,000 to advocate the passage or defeat of such question or group of questions shall, not later than:

(a) Seven days before the special election, for the period from the date that the question qualified for the ballot through 12 days before the special election; and

(b) Thirty days after the special election, for the remaining period through the special election,

➥ report each expenditure made during the period to advocate the passage or defeat of the question or group of questions in excess of $100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group of persons under an oath to God or penalty of perjury. A person who signs the report under an oath to God is subject to the same penalties as if the person had signed the report under penalty of perjury.

5. Every person or group of persons who advocates the passage or defeat of a question or group of questions on the ballot at a special election to determine whether a public officer will be recalled and who receives or expends money in an amount in excess of $1,000 to advocate the passage or defeat of such question or group of questions shall report each expenditure made during the period to advocate the passage or defeat of the question or group of questions in excess of $100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the group of persons under an oath to God or penalty of perjury, 30 days after:

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or

(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 5 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

➥ A person who signs the report under an oath to God is subject to the same penalties as if the person had signed the report under penalty of perjury.

6. Expenditures made within the State or made elsewhere but for use within the State, including expenditures made outside the State for printing,

television and radio broadcasting or other production of the media, must be included in the report.

7. The reports must be filed with:

(a) If the question is submitted to the voters of one county, the county clerk of that county;

(b) If the question is submitted to the voters of one city, the city clerk of that city; or

(c) If the question is submitted to the voters of more than one county or city, the Secretary of State.

8. If an expenditure is made on behalf of a group of questions, the reports must be itemized by question. A person may mail or transmit his report to the appropriate filing officer by regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the filing officer:

(a) On the date that it was mailed if it was sent by certified mail; or

(b) On the date that it was received by the filing officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

9. Each county clerk or city clerk who receives a report pursuant to this section shall file a copy of the report with the Secretary of State within 10 working days after he receives the report.

10. Every person or group of persons described in subsection 1 shall file a report required by this section even if the person or group of persons receives no contributions.

11. As used in this section, "person" does not include a natural person.

Sec. 30. ~~[NRS 294A.0055 is hereby amended to read as follows:~~

~~294A.0055 1. "Committee for political action" means any *individual natural person or* group of natural persons or entities that solicits or receives contributions from any other person, group or entity and:~~

~~(a) Makes or intends to make contributions to candidates or other persons; or~~

~~(b) Makes or intends to make expenditures,~~

~~→ designed to affect the outcome of any primary, general or special election or question on the ballot.~~

~~2. "Committee for political action" does not include:~~

~~(a) An organization made up of legislative members of a political party whose primary purpose is to provide support for their political efforts.~~

~~(b) An entity solely because it provides goods or services to a candidate or committee in the regular course of its business at the same price that would be provided to the general public.~~

~~(c) [An individual natural person.~~

~~(d)] An individual, corporation or other business organization who has filed articles of incorporation or other documentation of organization with the Secretary of State pursuant to title 7 of NRS.~~

~~[(e)] *(d)* A labor union.~~

~~[(f)] *(e)* A personal campaign committee or the personal representative of a candidate who receives contributions or makes expenditures that are reported as campaign contributions or expenditures by the candidate.~~

~~[(g)] *(f)* A committee for the recall of a public officer.]~~ *(Deleted by amendment.)*

Sec. 31. (Deleted by amendment.)

Sec. 32. NRS 294A.100 is hereby amended to read as follows:

294A.100 1. A person shall not make *or commit to make* a contribution or contributions to a candidate for any office, except a federal office, in an amount which exceeds $5,000 for the primary election or primary city election, regardless of the number of candidates for the office, and $5,000 for the general election or general city election, regardless of the number of candidates for the office . ~~[, during the period:~~

~~(a) Beginning from 30 days before the regular session of the Legislature immediately following the last election for the office and ending 30 days before the regular session of the Legislature immediately following the next election for the office, if that office is a state, district, county or township office; or~~

~~(b) Beginning from 30 days after the last election for the office and ending 30 days before the next general city election for the office, if that office is a city office.]~~

2. A candidate shall not accept a contribution *or commitment to make a contribution* made in violation of subsection 1.

3. A person who willfully violates any provision of this section is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 32.2. NRS 294A.120 is hereby amended to read as follows:

294A.120 1. Every candidate for state, district, county or township office at a primary or general election shall, not later than January 15 of each year, for the period from January 1 of the previous year through December 31 of the previous year, report each campaign contribution in excess of $100 he received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The provisions of this subsection apply to the candidate beginning the year of the general election for that office through the year immediately preceding the next general election for that office.

2. Every candidate for state, district, county or township office at a primary or general election shall, if the general election for the office for which he is a candidate is held on or after January 1 and before the July 1 immediately following that January 1, not later than:

(a) Seven days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through 12 days before the primary election;

(b) Seven days before the general election for that office, for the period from 11 days before the primary election through 12 days before the general election; and

(c) July 15 of the year of the general election for that office, for the period from 11 days before the general election through June 30 of that year,

➥ report each campaign contribution in excess of $100 he receives during the period and contributions received during the period from a contributor which cumulatively exceed $100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under *an oath to God or* penalty of perjury. *A candidate who signs the report under an oath to God is subject to the same penalties as if the person had signed the report under penalty of perjury.*

3. Every candidate for state, district, county or township office at a primary or general election shall, if the general election for the office for which he is a candidate is held on or after July 1 and before the January 1 immediately following that July 1, not later than:

(a) Seven days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through 12 days before the primary election; and

(b) Seven days before the general election for that office, for the period from 11 days before the primary election through 12 days before the general election,

➥ report each campaign contribution in excess of $100 he received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under *an oath to God or* penalty of perjury. *A candidate who signs the report under an oath to God is subject to the same penalties as if the person had signed the report under penalty of perjury.*

4. Except as otherwise provided in subsection 5, every candidate for a district office at a special election shall, not later than:

(a) Seven days before the special election, for the period from his nomination through 12 days before the special election; and

(b) Thirty days after the special election, for the remaining period through the special election,

➥ report each campaign contribution in excess of $100 he received during the period and contributions received during the reporting period from a contributor which cumulatively exceed $100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under *an oath to God or* penalty of perjury. *A candidate who signs the report under an oath to God is subject to the same penalties as if the person had signed the report under penalty of perjury.*

5. Every candidate for state, district, county, municipal or township office at a special election to determine whether a public officer will be recalled shall list each of the campaign contributions that he receives on the

form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the candidate under *an oath to God or* penalty of perjury, 30 days after:

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or

(b) A district court determines that the petition for recall is legally insufficient pursuant to subsection 5 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

➥ A candidate who signs the report under an oath to God is subject to the same penalties as if the person had signed the report under penalty of perjury.

6. Reports of campaign contributions must be ~~[:~~

~~*(a) If the candidate is a candidate for city office,]*~~ filed with the officer with whom the candidate filed the declaration of candidacy or acceptance of candidacy. A ~~*[city clerk]*~~ candidate may mail or transmit ~~*[by transmitting]*~~ the report to that officer ~~*[the city clerk]*~~ by regular mail, certified mail, facsimile machine ~~*[,]*~~ or electronic means ~~*[for personal delivery.*~~

~~*(b) Except as otherwise provided in section 29.5 of this act, if the candidate is a candidate for state, district or county office, filed electronically with the Secretary of State.*~~

~~*7.]*~~ A report shall be deemed to be filed with the officer:

(a) On the date that it was mailed if it was sent by certified mail; or

(b) On ~~*[on]*~~ the date that it was received by the officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

7. Every county clerk who receives from candidates for legislative or judicial office, including, without limitation, the office of justice of the peace or municipal judge, reports of campaign contributions pursuant to this section shall file a copy of each report with the Secretary of State within 10 working days after he receives the report. ~~*[Secretary of State or city clerk, as the case may be.]*~~

8. The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution in excess of $100 and contributions which a contributor has made cumulatively in excess of that amount since the beginning of the current reporting period.

Sec. 32.3. NRS 294A.125 is hereby amended to read as follows:

294A.125 1. In addition to complying with the requirements set forth in NRS 294A.120, 294A.200 and 294A.360, a candidate who receives contributions in any year before the year in which the general election or general city election in which the candidate intends to seek election to public office is held shall, for:

(a) The year in which he receives contributions in excess of $10,000, list each of the contributions that he receives and the expenditures in excess of $100 made in that year.

(b) Each year after the year in which he received contributions in excess of $10,000, until the year of the general election or general city election in which the candidate intends to seek election to public office is held, list each of the contributions that he received and the expenditures in excess of $100 made in that year.

2. The reports required by subsection 1 must be submitted on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under *an oath to God or* penalty of perjury. *A person who signs the report under an oath to God is subject to the same penalties as if the person had signed the report under penalty of perjury.*

3. The name and address of the contributor and the date on which the contribution was received must be included on the list for each contribution in excess of $100 and contributions that a contributor has made cumulatively in excess of that amount.

4. The report must be ~~*[:]*~~ filed:

(a) With the officer with whom the candidate will file the declaration of candidacy or acceptance of candidacy for the public office the candidate intends to seek. A ~~*[If the candidate is a candidate for city office, filed with the city clerk]*~~ candidate may mail or transmit ~~*[by transmitting]*~~ the report to that officer ~~*[the city clerk]*~~ by regular mail, certified mail, facsimile machine ~~*[,]*~~ or electronic means. ~~*[or personal delivery.*~~

~~*(b) Except as otherwise provided in section 29.5 of this act, if the candidate is a candidate for state, district or county office, filed electronically with the Secretary of State.*~~

~~*5.]*~~ A report shall be deemed to be filed with the officer:

(1) On the date it was mailed if it was sent by certified mail.

(2) On ~~*[on]*~~ the date it was received by the officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

(b) On or before January 15 of the year immediately after the year for which the report is made.

5. A county clerk who receives from a candidate for legislative or judicial office, including, without limitation, the office of justice of the peace or municipal judge, a report of contributions and expenditures pursuant to subsection 4 shall file a copy of the report with the Secretary of State within 10 working days after he receives the report. ~~*[Secretary of State or city clerk, as the case may be.]*~~

Sec. 32.4. NRS 294A.128 is hereby amended to read as follows:

294A.128 1. In addition to complying with the requirements set forth in NRS 294A.120, 294A.200 and 294A.360, a candidate who receives a loan which is guaranteed by a third party, forgiveness of a loan previously made

to the candidate or a written commitment for a contribution shall, for the period covered by the report filed pursuant to NRS 294A.120, 294A.200 or 294A.360, report:

(a) If a loan received by the candidate was guaranteed by a third party, the amount of the loan and the name and address of each person who guaranteed the loan;

(b) If a loan received by the candidate was forgiven by the person who made the loan, the amount that was forgiven and the name and address of the person who forgave the loan; and

(c) If the candidate received a written commitment for a contribution, the amount committed to be contributed and the name and address of the person who made the written commitment.

2. The reports required by subsection 1 must be submitted on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under *an oath to God or* penalty of perjury. *A person who signs the report under an oath to God is subject to the same penalties as if the person had signed the report under penalty of perjury.*

3. The reports required by subsection 1 must be filed in the same manner and at the same time as the report filed pursuant to NRS 294A.120, 294A.200 or 294A.360.

4. A county clerk who receives from a candidate for legislative or judicial office, including, without limitation, the office of justice of the peace or municipal judge, a report pursuant to subsection 1 shall file a copy of the report with the Secretary of State within 10 working days after he receives the report.

Sec. 32.5. NRS 294A.140 is hereby amended to read as follows:

294A.140 1. Every person who is not under the direction or control of a candidate for office at a primary election, primary city election, general election or general city election, of a group of such candidates or of any person involved in the campaign of that candidate or group who makes an expenditure on behalf of the candidate or group which is not solicited or approved by the candidate or group ~~[,]~~ and every committee for political action, political party, committee sponsored by a political party and business entity which makes an expenditure on behalf of such a candidate or group of candidates ~~*[and every person or group of persons who advocates the passage or defeat of a question or group of questions on the ballot at a primary election, primary city election, general election or general city election,]*~~ shall, not later than January 15 of each year that the provisions of this subsection apply to the person, ~~*[group of persons,]*~~ committee, political party or business entity, for the period from January 1 of the previous year through December 31 of the previous year, report each campaign contribution in excess of $100 he or it received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The provisions of this subsection apply to the person, ~~*[group of persons,]*~~

committee, political party or business entity beginning the year of the general election or general city election for that office through the year immediately preceding the next general election or general city election for that office. ~~[for, as pertains to persons who advocate the passage or defeat of a question or group of questions on a ballot, each year in which a general election or general city election is held for each question for which the person or group of persons advocates passage or defeat.]~~

2. Every person, ~~[group of persons,]~~ committee, political party or business entity described in subsection 1 which makes an expenditure on behalf of the candidate for office at a primary election, primary city election, general election or general city election or on behalf of a group of such candidates ~~[and every person or group of persons who advocates the passage or defeat of a question or group of questions on the ballot at a primary election, primary city election, general election or general city election]~~ shall, if the general election or general city election for the office for which the candidate or a candidate in the group of candidates seeks election ~~[or on which the ballot question or group of questions appears]~~ is held on or after January 1 and before the July 1 immediately following that January 1, not later than:

(a) Seven days before the primary election or primary city election ~~[,]~~ for that office, for the period from the January 1 immediately preceding the primary election or primary city election through 12 days before the primary election or primary city election;

(b) Seven days before the general election or general city election ~~[,]~~ for that office, for the period from 11 days before the primary election or primary city election through 12 days before the general election or general city election; and

(c) July 15 of the year of the general election or general city election ~~[,]~~ for that office, for the period from 11 days before the general election or general city election through June 30 of that year,

➥ report each campaign contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the ~~[group of persons,]~~ committee, political party or business entity under *an oath to God or* penalty of perjury. *A person who signs the report under an oath to God is subject to the same penalties as if the person had signed the report under penalty of perjury.*

3. The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution in excess of $100 and contributions which a contributor has made cumulatively in excess of $100 since the beginning of the current reporting period.

4. Every person, committee, political party or business entity described in subsection 1 which makes an expenditure on behalf of a candidate for office at a primary election, primary city election, general election or general city election or on behalf of a group of such candidates ~~*[and every person or group of persons who advocates the passage or defeat of a question or group of questions on the ballot at a primary election, primary city election, general election or general city election,]*~~ shall, if the general election or general city election for the office for which the candidate or a candidate in the group of candidates seeks election ~~*[or on which the ballot question or group of questions appears]*~~ is held on or after July 1 and before the January 1 immediately following that July 1, not later than:

(a) Seven days before the primary election or primary city election ~~*[,]*~~ for that office, for the period from the January 1 immediately preceding the primary election or primary city election through 12 days before the primary election or primary city election; and

(b) Seven days before the general election or general city election ~~*[,]*~~ for that office, for the period from 11 days before the primary election or primary city election through 12 days before the general election or general city election,

➥ report each campaign contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the ~~*[group of persons,]*~~ committee, political party or business entity under *an oath to God or* penalty of perjury. *A person who signs the report under an oath to God is subject to the same penalties as if the person had signed the report under penalty of perjury.*

5. Except as otherwise provided in subsection 6, every person, committee, political party or business entity described in subsection 1 which makes an expenditure on behalf of a candidate for office at a special election or on behalf of a group of such candidates shall, not later than:

(a) Seven days before the special election for the office for which the candidate or a candidate in the group of candidates seeks election, for the period from the nomination of the candidate through 12 days before the special election; and

(b) Thirty days after the special election, for the remaining period through the special election,

➥ report each campaign contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee, political party or business entity under *an oath to God or* penalty of perjury.

A person who signs the report under an oath to God is subject to the same penalties as if the person had signed the report under penalty of perjury.

6. Every person, committee, political party or business entity described in subsection 1 which makes an expenditure on behalf of a candidate for office at a special election to determine whether a public officer will be recalled or on behalf of a group of candidates for offices at such special elections shall report each contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the committee, political party or business entity under *an oath to God or* penalty of perjury, 30 days after:

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or

(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 5 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

➥ *A person who signs the report under an oath to God is subject to the same penalties as if the person had signed the report under penalty of perjury.*

7. The reports of contributions required pursuant to this section must be ~~*[:]*~~ filed with:

(a) If the candidate is elected from one county, the county clerk of that county;

(b) If the candidate is elected from one city, ~~*[a candidate for city office or if the question or group of questions is submitted to the voters of one city, filed with]*~~ the city clerk of that city ; or

(c) If ~~*[by transmitting the report to the city clerk by regular mail, certified mail, facsimile machine, electronic means or personal delivery.*~~

~~*(b) Except as otherwise provided in section 29.7 of this act, if]*~~ the candidate is elected from more than one county or city, ~~*[a candidate for state, district or county office or if the question or group of questions is submitted to more than one city or to one or more counties, filed electronically with]*~~ the Secretary of State.

8. A person or entity may file the report with the appropriate officer by regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the officer:

(a) On the date that it was mailed if it was sent by certified mail; or

(b) On ~~*[on]*~~ the date that it was received by the officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

9. Each county clerk or city clerk who receives a report pursuant to this section shall file a copy of the report with the Secretary of State within 10 working days after he receives the report.

10. ~~*[Secretary of State or city clerk, as the case may be.*~~

~~9.]~~ Every person, ~~[group of persons,]~~ committee, political party or business entity described in subsection 1 shall file a report required by this section even if he or it receives no contributions.

Sec. 32.6. NRS 294A.160 is hereby amended to read as follows:

294A.160 1. It is unlawful for a candidate to spend money received as a campaign contribution for his personal use.

2. Every candidate for a state, district, county, city or township office at a primary, general, primary city, general city or special election who is elected to that office and *who* received contributions that were not spent or committed for expenditure before the primary, general, primary city, general city or special election shall:

(a) Return the unspent money to contributors ~~[,]~~;

(b) Use the money in his next election or for the payment of other expenses related to public office or his campaign, regardless of whether he is a candidate for a different office in his next election ~~[,]~~;

(c) Contribute the money to:

(1) The campaigns of other candidates for public office or for the payment of debts related to their campaigns ~~[,]~~;

(2) A political party ~~[,]~~;

(3) A person or group of persons advocating the passage or defeat of a question or group of questions on the ballot ~~[; or]~~;

(4) Any combination of persons or groups set forth in subparagraphs (1), (2) and (3) ~~[,]~~;

(d) Donate the money to any tax-exempt nonprofit entity ~~[; or]~~;

(e) *Donate the money to any governmental entity or fund of this State or a political subdivision of this State that is authorized to receive donations of money. A candidate who donates money pursuant to this paragraph may request that the money be used for a specific purpose.*

(f) Dispose of the money in any combination of the methods provided in paragraphs (a) to ~~[(d),]~~ *(e),* inclusive.

3. Every candidate for a state, district, county, city or township office at a primary, general, primary city, general city or special election who *withdraws or* is ~~[not elected to]~~ *defeated for* that office and *who* received contributions that were not spent or committed for expenditure before the primary, general, primary city, general city or special election shall, not later than the 15th day of the second month after ~~[his defeat,]~~ *the election:*

(a) Return the unspent money to contributors ~~[,]~~;

(b) Contribute the money to:

(1) The campaigns of other candidates for public office or for the payment of debts related to their campaigns ~~[,]~~;

(2) A political party ~~[,]~~;

(3) A person or group of persons advocating the passage or defeat of a question or group of questions on the ballot ~~[; or]~~ *, except that the contribution to any one such person or group must not exceed $10,000.*

(4) Any combination of persons or groups set forth in subparagraphs (1), (2) and (3) . ~~[,]~~

(c) Donate the money to any tax-exempt nonprofit entity . ~~[; or]~~

(d) *Donate the money to any governmental entity or fund of this State or a political subdivision of this State that is authorized to receive donations of money. A candidate who donates money pursuant to this paragraph may request that the money be used for a specific purpose.*

(e) Dispose of the money in any combination of the methods provided in paragraphs (a) ~~[, (b) and (c).]~~ *to (d), inclusive.*

4. Every candidate for a state, district, county, city or township office who *withdraws or* is defeated *for that office* at a primary or primary city election and *who* received a contribution from a person in excess of $5,000 shall, not later than the 15th day of the second month after ~~[his defeat,]~~ *the election,* return any money in excess of $5,000 to the contributor.

5. Every public officer who:

(a) Holds a state, district, county, city or township office;

(b) Does not run for reelection *to that office* and is not a candidate for any other office; and

(c) Has contributions that are not spent or committed for expenditure remaining from a previous election,

➥ shall, not later than the 15th day of the second month after the expiration of his term of office, dispose of those contributions in the manner provided in subsection 3 ~~[.]~~ *, except that the public officer may retain those contributions for use in a future campaign for any office provided that, after the expiration of his term of office, he files annual reports of campaign contributions and expenses pursuant to NRS 294A.120 and 294A.200 in the same manner as a candidate.*

6. In addition to the methods for disposing the unspent money set forth in subsections 2, 3 and 4, a Legislator may donate not more than $500 of that money to the Nevada Silver Haired Legislative Forum created pursuant to NRS 427A.320.

7. Any contributions received before a candidate for a state, district, county, city or township office at a primary, general, primary city, general city or special election dies that were not spent or committed for expenditure before the death of the candidate must be disposed of in the manner provided in subsection 3.

8. The court shall, in addition to any penalty which may be imposed pursuant to NRS 294A.420, order the candidate or public officer to dispose of any remaining contributions in the manner provided in this section.

9. As used in this section, "contributions" include any interest and other income earned thereon.

Sec. 33. NRS 294A.200 is hereby amended to read as follows:

294A.200 1. Every candidate for state, district, county or township office at a primary or general election shall, not later than January 15 of each year, for the period from January 1 of the previous year through

December 31 of the previous year, report each of the campaign expenses in excess of $100 that he incurs and each amount in excess of $100 that he disposes of pursuant to NRS 294A.160 *or subsection 4 of NRS 294A.286* during the period on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the candidate under *an oath to God or* penalty of perjury. *A person who signs the report under an oath to God is subject to the same penalties as if the person had signed the report under penalty of perjury.* The provisions of this subsection apply to the candidate:

(a) Beginning the year of the general election for that office through the year immediately preceding the next general election for that office; and

(b) Each year immediately succeeding a calendar year during which the candidate disposes of contributions pursuant to NRS 294A.160 ~~[.]~~ *or 294A.286.*

2. Every candidate for state, district, county or township office at a primary or general election shall, if the general election for the office for which he is a candidate is held on or after January 1 and before the July 1 immediately following that January 1, not later than:

(a) Seven days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through 12 days before the primary election;

(b) Seven days before the general election for that office, for the period from 11 days before the primary election through 12 days before the general election; and

(c) July 15 of the year of the general election for that office, for the period from 11 days before the general election through June 30 of that year,

➥ report each of the campaign expenses in excess of $100 that he incurs during the period on the form designed and provided by the Secretary of State pursuant *to* NRS 294A.373. Each form must be signed by the candidate under *an oath to God or* penalty of perjury. *A person who signs the report under an oath to God is subject to the same penalties as if the person had signed the report under penalty of perjury.*

3. Every candidate for state, district, county or township office at a primary or general election shall, if the general election for the office for which he is a candidate is held on or after July 1 and before the January 1 immediately following that July 1, not later than:

(a) Seven days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through 12 days before the primary election; and

(b) Seven days before the general election for that office, for the period from 11 days before the primary election through 12 days before the general election,

➥ report each of the campaign expenses in excess of $100 that he incurs during the period on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the candidate

under *an oath to God or* penalty of perjury. *A person who signs the report under an oath to God is subject to the same penalties as if the person had signed the report under penalty of perjury.*

4. Except as otherwise provided in subsection 5, every candidate for a district office at a special election shall, not later than:

(a) Seven days before the special election, for the period from his nomination through 12 days before the special election; and

(b) Thirty days after the special election, for the remaining period through the special election,

➥ report each of the campaign expenses in excess of $100 that he incurs during the period on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under *an oath to God or* penalty of perjury. *A person who signs the report under an oath to God is subject to the same penalties as if the person had signed the report under penalty of perjury.*

5. Every candidate for state, district, county, municipal or township office at a special election to determine whether a public officer will be recalled shall report each of the campaign expenses in excess of $100 that he incurs on the form designed and provided by the Secretary of State pursuant *to* NRS 294A.373 and signed by the candidate under *an oath to God or* penalty of perjury, 30 days after:

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or

(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 5 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

➥ *A person who signs the report under an oath to God is subject to the same penalties as if the person had signed the report under penalty of perjury.*

6. Reports of campaign expenses must be filed with the officer with whom the candidate filed the declaration of candidacy or acceptance of candidacy. A candidate may mail or transmit the report to that officer by regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the officer:

(a) On the date that it was mailed if it was sent by certified mail; or

(b) On the date that it was received by the officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means ~~[,]~~ or delivered personally.

7. County clerks who receive from candidates for legislative or judicial office, including, without limitation, the office of justice of the peace or municipal judge, reports of campaign expenses pursuant to this section shall file a copy of each report with the Secretary of State within 10 working days after ~~[he receives]~~ receipt of the report.

Sec. 33.1. ~~[NRS 294A.200 is hereby amended to read as follows:~~

~~294A.200 1. Every candidate for state, district, county or township office at a primary or general election shall, not later than January 15 of each year, for the period from January 1 of the previous year through December 31 of the previous year, report each of the campaign expenses in excess of $100 that he incurs and each amount in excess of $100 that he disposes of pursuant to NRS 294A.160 or subsection 4 of NRS 294A.286 during the period on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the candidate under penalty of perjury. The provisions of this subsection apply to the candidate:~~

~~(a) Beginning the year of the general election for that office through the year immediately preceding the next general election for that office; and~~

~~(b) Each year immediately succeeding a calendar year during which the candidate disposes of contributions pursuant to NRS 294A.160 or 294A.286.~~

~~2. Every candidate for state, district, county or township office at a primary or general election shall, if the general election for the office for which he is a candidate is held on or after January 1 and before the July 1 immediately following that January 1, not later than:~~

~~(a) Seven days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through 12 days before the primary election;~~

~~(b) Seven days before the general election for that office, for the period from 11 days before the primary election through 12 days before the general election; and~~

~~(c) July 15 of the year of the general election for that office, for the period from 11 days before the general election through June 30 of that year,~~

~~→ report each of the campaign expenses in excess of $100 that he incurs during the period on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under penalty of perjury.~~

~~3. Every candidate for state, district, county or township office at a primary or general election shall, if the general election for the office for which he is a candidate is held on or after July 1 and before the January 1 immediately following that July 1, not later than:~~

~~(a) Seven days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through 12 days before the primary election; and~~

~~(b) Seven days before the general election for that office, for the period from 11 days before the primary election through 12 days before the general election,~~

~~→ report each of the campaign expenses in excess of $100 that he incurs during the period on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the candidate under penalty of perjury.~~

~~4. Except as otherwise provided in subsection 5, every candidate for a district office at a special election shall, not later than:~~

~~(a) Seven days before the special election, for the period from his nomination through 12 days before the special election; and~~

~~(b) Thirty days after the special election, for the remaining period through the special election,~~

~~→ report each of the campaign expenses in excess of $100 that he incurs during the period on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under penalty of perjury.~~

~~5. Every candidate for state, district, county, municipal or township office at a special election to determine whether a public officer will be recalled shall report each of the campaign expenses in excess of $100 that he incurs on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the candidate under penalty of perjury, 30 days after:~~

~~(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or~~

~~(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 5 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.~~

~~6. Reports of campaign expenses must be :~~

~~*(a) If the candidate is a candidate for city office,* filed with the [officer with whom the candidate filed the declaration of candidacy or acceptance of candidacy.] *city clerk* [A candidate may mail or transmit] *by transmitting* the report to [that officer] *the city clerk* by regular mail, certified mail, facsimile machine , [or] electronic means [.] *or personal delivery.*~~

~~*(b) Except as otherwise provided in section 29.5 of this act, if the candidate is a candidate for state, county or district office, filed electronically with the Secretary of State.*~~

~~*7.* A report shall be deemed to be filed [with the officer:~~

~~(a) On the date that it was mailed if it was sent by certified mail; or~~

~~(b) On] *on* the date that it was received by the [officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means or delivered personally.~~

~~7. County clerks who receive from candidates for legislative or judicial office, including, without limitation, the office of justice of the peace or municipal judge, reports of campaign expenses pursuant to this section shall file a copy of each report with the] Secretary of State [within 10 working days after receipt of the report.] *or city clerk, as the case may be.]* *(Deleted by amendment.)*~~

Sec. 33.2. NRS 294A.210 is hereby amended to read as follows:

294A.210 1. Every person who is not under the direction or control of a candidate for an office at a primary election, primary city election, general

election or general city election, of a group of such candidates or of any person involved in the campaign of that candidate or group who makes an expenditure on behalf of the candidate or group which is not solicited or approved by the candidate or group ~~[,]~~ and every committee for political action, political party, committee sponsored by a political party or business entity which makes an expenditure on behalf of such a candidate or group of candidates ~~*[and every person or group of persons who advocates the passage or defeat of a question or group of questions on the ballot at a primary election, primary city election, general election or general city election]*~~ shall, not later than January 15 of each year that the provisions of this subsection apply to the person, ~~*[group of persons,]*~~ committee, political party or business entity, for the period from January 1 of the previous year through December 31 of the previous year, report each expenditure made during the period on behalf of the candidate, the group of candidates ~~*[,]*~~ or a candidate in the group of candidates ~~*[or to advocate the passage or defeat of a question or group of questions]*~~ in excess of $100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the ~~*[group of persons,]*~~ committee, political party or business entity under *an oath to God or* penalty of perjury. *A person who signs the report under an oath to God is subject to the same penalties as if the person had signed the report under penalty of perjury.* The provisions of this subsection apply to the person, ~~*[group of persons,]*~~ committee, political party or business entity beginning the year of the general election or general city election for that office through the year immediately preceding the next general election or general city election for that office. ~~*[or, as pertains to persons who advocate the passage or defeat of a question or group of questions on a ballot, each year in which a general election or general city election is held for each question for which the person or group of persons advocates passage or defeat.]*~~

2. Every person, ~~*[group of persons,]*~~ committee, political party or business entity described in subsection 1 which makes an expenditure on behalf of a candidate for office at a primary election, primary city election, general election or general city election or a group of such candidates ~~*[and every person or group of persons who advocates the passage or defeat of a question or group of questions on the ballot at a primary election, primary city election, general election or general city election]*~~ shall, if the general election or general city election for the office for which the candidate or a candidate in the group of candidates seeks election ~~*[or on which the ballot question or group of questions appears]*~~ is held on or after January 1 and before the July 1 immediately following that January 1, not later than:

(a) Seven days before the primary election or primary city election ~~*[,]*~~ for that office, for the period from the January 1 immediately preceding the primary election or primary city election through 12 days before the primary election or primary city election;

(b) Seven days before the general election or general city election ~~[,]~~ for that office, for the period from 11 days before the primary election or primary city election through 12 days before the general election or general city election; and

(c) July 15 of the year of the general election or general city election ~~[,]~~ for that office, for the period from 11 days before the general election or general city election through the June 30 of that year,

➥ report each expenditure made during the period on behalf of the candidate, the group of candidates ~~[,]~~ or a candidate in the group of candidates ~~*[or to advocate the passage or defeat of a question or group of questions]*~~ in excess of $100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the ~~*[group of persons,]*~~ committee, political party or business entity under *an oath to God or* penalty of perjury. *A person who signs the report under an oath to God is subject to the same penalties as if the person had signed the report under penalty of perjury.*

3. Every person, committee, political party or business entity described in subsection 1 which makes an expenditure on behalf of a candidate for office at a primary election, primary city election, general election or general city election or on behalf of a group of such candidates ~~*[and every person or group of persons who advocates the passage or defeat of a question or group of questions on the ballot at a primary election, primary city election, general election or general city election]*~~ shall, if the general election or general city election for the office for which the candidate or a candidate in the group of candidates seeks election ~~*[or on which the ballot question or group of questions appears]*~~ is held on or after July 1 and before the January 1 immediately following that July 1, not later than:

(a) Seven days before the primary election or primary city election ~~[,]~~ for that office, for the period from the January 1 immediately preceding the primary election or primary city election through 12 days before the primary election or primary city election; and

(b) Seven days before the general election or general city election ~~[,]~~ for that office, for the period from 11 days before the primary election or primary city election through 12 days before the general election or general city election,

➥ report each expenditure made during the period on behalf of the candidate, the group of candidates ~~[,]~~ or a candidate in the group of candidates ~~*[or to advocate the passage or defeat of the question or group of questions]*~~ in excess of $100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the ~~*[group,]*~~ committee, political party or business entity under *an oath to God or* penalty of perjury. *A person who signs the report under an oath to God is subject to the same penalties as if the person had signed the report under penalty of perjury.*

4. Except as otherwise provided in subsection 5, every person, committee, political party or business entity described in subsection 1 which makes an expenditure on behalf of a candidate for office at a special election or on behalf of a group of such candidates shall, not later than:

(a) Seven days before the special election for the office for which the candidate or a candidate in the group of candidates seeks election, for the period from the nomination of the candidate through 12 days before the special election; and

(b) Thirty days after the special election, for the remaining period through the special election,

➥ report each expenditure made during the period on behalf of the candidate, the group of candidates ~~[,]~~ or a candidate in the group of candidates in excess of $100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee, political party or business entity under *an oath to God or* penalty of perjury. *A person who signs the report under an oath to God is subject to the same penalties as if the person had signed the report under penalty of perjury.*

5. Every person, committee, political party or business entity described in subsection 1 which makes an expenditure on behalf of a candidate for office at a special election to determine whether a public officer will be recalled or on behalf of a group of such candidates shall list each expenditure made on behalf of the candidate, the group of candidates or a candidate in the group of candidates in excess of $100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the committee, political party or business entity under *an oath to God or* penalty of perjury, 30 days after:

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or

(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 5 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

➥ *A person who signs the report under an oath to God is subject to the same penalties as if the person had signed the report under penalty of perjury.*

6. Expenditures made within the State or made elsewhere but for use within the State, including expenditures made outside the State for printing, television and radio broadcasting or other production of the media, must be included in the report.

7. The reports must be ~~[:]~~ filed with:

(a) If the candidate is elected from one county, the county clerk of that county;

(b) If the candidate is elected from one city, ~~[a candidate for city office or if the question or group of questions is submitted to the voters of one city, filed with]~~ the city clerk of that city ; or ~~[by transmitting the report to the city~~

~~*clerk by regular mail, certified mail, facsimile machine, electronic means or personal delivery.]*~~

(c) ~~*[(b)]*~~ If ~~*[Except as otherwise provided in section 29.7 of this act, if]*~~ the candidate is elected from more than one county or city, ~~*[a candidate for state, district or county office or if the question or group of questions is submitted to more than one city or to one or more counties, filed electronically with]*~~ the Secretary of State.

8. If an expenditure is made on behalf of a group of candidates, the reports must be itemized by the candidate. A person may mail or transmit his report to the appropriate officer by regular mail, certified mail, facsimile machine or electronic means.

~~*[9.]*~~ A report shall be deemed to be filed with the officer:

(a) On the date that it was mailed if it was sent by certified mail; or

(b) On ~~*[on]*~~ the date that it was received by the officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

9. Each county clerk or city clerk who receives a report pursuant to this section shall file a copy of the report with the Secretary of State within 10 working days after he receives the report. ~~*[Secretary of State or city clerk, as the case may be.]*~~

10. Every person, ~~*[group of persons,]*~~ committee, political party or business entity described in subsection 1 shall file a report required by this section even if he or it receives no contributions.

Sec. 34. NRS 294A.230 is hereby amended to read as follows:

294A.230 1. Each committee for political action shall, before it engages in any activity in this State, register with the Secretary of State on forms supplied by him.

2. The form must require:

(a) The name of the committee;

(b) The purpose for which it was organized;

(c) The names, addresses and telephone numbers of its officers;

(d) If the committee for political action is affiliated with any other organizations, the name, address and telephone number of each organization;

(e) The name, address and telephone number of its registered agent; and

(f) Any other information deemed necessary by the Secretary of State.

3. A committee for political action shall file with the Secretary of State ~~[an]~~ *:*

(a) An amended form for registration within 30 days after any change in the information contained in the form for registration.

(b) A form for registration on or before January 15 of each year, regardless of whether there is a change in the information contained in the most recent form for registration filed by the committee for political action with the Secretary of State.

4. The Secretary of State shall include on his Internet website the information required pursuant to subsection 2.

Sec. 34.2. NRS 294A.270 is hereby amended to read as follows:

294A.270 1. Except as otherwise provided in subsection 3, each committee for the recall of a public officer shall, not later than:

(a) Seven days before the special election to recall a public officer, for the period from the filing of the notice of intent to circulate the petition for recall through 12 days before the special election; and

(b) Thirty days after the election, for the remaining period through the election,

➥ report each contribution received or made by the committee in excess of $100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by a representative of the committee under *an oath to God or* penalty of perjury. *A person who signs the report under an oath to God is subject to the same penalties as if the person had signed the report under penalty of perjury.*

2. If a petition for the purpose of recalling a public officer is not filed before the expiration of the notice of intent, the committee for the recall of a public officer shall, not later than 30 days after the expiration of the notice of intent, report each contribution received by the committee, and each contribution made by the committee in excess of $100.

3. If a court does not order a special election for the recall of the public officer, the committee for the recall of a public officer shall, not later than 30 days after the court determines that an election will not be held, for the period from the filing of the notice of intent to circulate the petition for recall through the day the court determines that an election will not be held, report each contribution received by the committee, and each contribution made by the committee in excess of $100.

4. Each ~~*[Except as otherwise provided in section 29.7 of this act, each]*~~ report of contributions must be filed ~~*[electronically]*~~ with the Secretary of State. The committee may mail or transmit the report by regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the Secretary of State:

(a) On the date that it was mailed if it was sent by certified mail; or

(b) On ~~*[on]*~~ the date that it was received by the Secretary of State ~~*[.]*~~ if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

5. The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution, whether from or to a natural person, association or corporation, in excess of $100 and contributions which a contributor or the committee has made cumulatively in excess of that amount since the beginning of the current reporting period.

Sec. 34.3. NRS 294A.280 is hereby amended to read as follows:

294A.280 1. Except as otherwise provided in subsection 3, each committee for the recall of a public officer shall, not later than:

(a) Seven days before the special election to recall a public officer, for the period from the filing of the notice of intent to circulate the petition for recall through 12 days before the special election; and

(b) Thirty days after the election, for the remaining period through the election,

➥ report each expenditure made by the committee in excess of $100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by a representative of the committee under *an oath to God or* penalty of perjury. *A person who signs the report under an oath to God is subject to the same penalties as if the person had signed the report under penalty of perjury.*

2. If a petition for the purpose of recalling a public officer is not filed before the expiration of the notice of intent, the committee for the recall of a public officer shall, not later than 30 days after the expiration of the notice of intent, report each expenditure made by the committee in excess of $100.

3. If a court does not order a special election for the recall of the public officer, the committee for the recall of a public officer shall, not later than 30 days after the court determines that an election will not be held, for the period from the filing of the notice of intent to circulate the petition for recall through the day the court determines that an election will not be held, report each expenditure made by the committee in excess of $100.

4. Each ~~*[Except as otherwise provided in section 29.7 of this act, each]*~~ report of expenditures must be filed ~~*[electronically]*~~ with the Secretary of State. The committee may mail or transmit the report to the Secretary of State by regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the Secretary of State:

(a) On the date that it was mailed if it was sent by certified mail; or

(b) On ~~*[on]*~~ the date that it was received by the Secretary of State ~~*[.]*~~ if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

Sec. 35. NRS 294A.286 is hereby amended to read as follows:

294A.286 1. A person who administers a legal defense fund shall:

(a) Within 5 days after the creation of the legal defense fund, notify the Secretary of State of the creation of the fund on a form provided by the Secretary of State; and

(b) For the same period covered by the report filed pursuant to NRS 294A.120, 294A.200 or 294A.360, report any contribution received by or expenditure made from the legal defense fund.

2. The reports required by paragraph (b) of subsection 1 must be submitted on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the administrator of the legal defense fund under *an oath to God or* penalty of perjury. *A person who signs the report under an oath to God is subject to the same penalties as if the person had signed the report under penalty of perjury.*

3. The reports required by paragraph (b) of subsection 1 must be filed in the same manner and at the same time as the report filed pursuant to NRS 294A.120, 294A.200 or 294A.360.

4. Not later than the 15th day of the second month after the conclusion of all civil, criminal or administrative claims or proceedings for which a candidate or public officer established a legal defense fund, the candidate or public officer shall:

(a) Return the unspent money to contributors;

(b) Donate the money to any tax-exempt nonprofit entity; or

(c) Dispose of the money in any combination of the methods provided in paragraphs (a) and (b).

Sec. 36. NRS 294A.287 is hereby amended to read as follows:

294A.287 1. A person shall not make a contribution or contributions to the legal defense fund of a candidate or public officer in an amount which exceeds $10,000 . ~~[during the applicable period prescribed in NRS 294A.100 pertaining to the office the candidate is seeking or that the public officer holds.]~~

2. A candidate or public officer shall not accept a contribution to his legal defense fund that is made in violation of subsection 1.

3. A person who willfully violates any provision of this section is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 36.5. NRS 294A.300 is hereby amended to read as follows:

294A.300 1. It is unlawful for a member of the Legislature, the Lieutenant Governor, the Lieutenant Governor-Elect, the Governor or the Governor-Elect to solicit or accept any monetary contribution, or solicit or accept a commitment to make such a contribution for any political purpose during the period beginning:

(a) Thirty days before a regular session of the Legislature and ending 30 days after the final adjournment of a regular session of the Legislature;

(b) Fifteen days before a special session of the Legislature is set to commence and ending 15 days after the final adjournment of a special session of the Legislature, if the Governor sets a specific date for the commencement of the special session that is more than 15 days after the Governor issues the proclamation calling for the special session; or

(c) The day after the Governor issues a proclamation calling for a special session of the Legislature and ending 15 days after the final adjournment of a special session of the Legislature if the Governor sets a specific date for the commencement of the special session that is 15 or fewer days after the Governor issues the proclamation calling for the special session.

2. *A person shall not make or commit to make a contribution or commitment prohibited by subsection 1.*

3. This section does not prohibit the payment of a salary or other compensation or income to a member of the Legislature, the Lieutenant Governor or the Governor during a session of the Legislature if it is made for

services provided as a part of his regular employment or is additional income to which he is entitled.

~~[3.]~~ *4.* As used in this section, "political purpose" includes, without limitation, the establishment of, or the addition of money to, a legal defense fund.

Sec. 37. ~~[NRS 294A.347 is hereby amended to read as follows:~~

~~294A.347 1. A statement which:~~

~~(a) Is published within 60 days before a general election, general city election or special election or 30 days before a primary election or primary city election;~~

~~(b) Expressly advocates the election or defeat of a clearly identified candidate for a state or local office; and~~

~~(c) Is published by a person who receives compensation from the candidate, an opponent of the candidate [,] or a [person, party, committee or business entity required to report expenditures pursuant to NRS 294A.210,] *committee for political action,*~~

~~→ must contain a disclosure of the fact that the person receives compensation pursuant to paragraph (c) and the name of the person [, party, committee or business entity] *or committee for political action* providing that compensation.~~

~~2. A statement which:~~

~~(a) Is published by a candidate within 60 days before a general election, general city election or special election or 30 days before a primary election or primary city election; and~~

~~(b) Contains the name of the candidate,~~

~~→ shall be deemed to comply with the provisions of this section.~~

~~3. As used in this section, "publish" means the act of:~~

~~(a) Printing, posting, broadcasting, mailing or otherwise disseminating; or~~

~~(b) Causing to be printed, posted, broadcasted, mailed or otherwise disseminated.]~~ *(Deleted by amendment.)*

Sec. 38. NRS 294A.360 is hereby amended to read as follows:

294A.360 1. Every candidate for city office at a primary city election or general city election shall file the reports in the manner required by NRS 294A.120, 294A.128 and 294A.200 for other offices not later than January 15 of each year, for the period from January 1 of the previous year through December 31 of the previous year. The provisions of this subsection apply to the candidate:

(a) Beginning the year of the general city election for that office through the year immediately preceding the next general city election for that office; and

(b) Each year immediately succeeding a calendar year during which the candidate disposes of contributions pursuant to NRS 294A.160 ~~[.]~~ *or subsection 4 of NRS 294A.286.*

2. Every candidate for city office at a primary city election or general city election, if the general city election for the office for which he is a

candidate is held on or after January 1 and before the July 1 immediately following that January 1, shall file the reports in the manner required by NRS 294A.120, 294A.128 and 294A.200 for other offices not later than:

(a) Seven days before the primary city election for that office, for the period from the January 1 immediately preceding the primary city election through 12 days before the primary city election;

(b) Seven days before the general city election for that office, for the period from 11 days before the primary city election through 12 days before the general city election; and

(c) July 15 of the year of the general city election for that office, for the period from 11 days before the general city election through the June 30 of that year.

3. Every candidate for city office at a primary city election or general city election, if the general city election for the office for which he is a candidate is held on or after July 1 and before the January 1 immediately following that July 1, shall file the reports in the manner required by NRS 294A.120, 294A.128 and 294A.200 for other offices not later than:

(a) Seven days before the primary city election for that office, for the period from the January 1 immediately preceding the primary city election through 12 days before the primary city election; and

(b) Seven days before the general city election for that office, for the period from 11 days before the primary city election through 12 days before the general city election.

4. Except as otherwise provided in subsection 5, every candidate for city office at a special election shall so file those reports:

(a) Seven days before the special election, for the period from his nomination through 12 days before the special election; and

(b) Thirty days after the special election, for the remaining period through the special election.

5. Every candidate for city office at a special election to determine whether a public officer will be recalled shall so file those reports 30 days after:

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or

(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 5 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

Sec. 38.2. ~~[NRS 294A.362 is hereby amended to read as follows:~~

~~294A.362 1. In addition to reporting information pursuant to NRS 294A.120, 294A.125, 294A.128, 294A.200 and 294A.360, each candidate who is required to file a report of campaign contributions and expenses pursuant to NRS 294A.120, 294A.125, 294A.128, 294A.200 or 294A.360 shall report on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 goods and services provided in kind for~~

~~which money would otherwise have been paid. The candidate shall list on the form each such campaign contribution in excess of $100 that he receives during the reporting period, each such campaign contribution from a contributor received during the reporting period which cumulatively exceeds $100, and each such expense in excess of $100 he incurs during the reporting period.~~

~~2. The Secretary of State and each city clerk shall not require a candidate to list the campaign contributions and expenses described in this section on any form other than the form designed and provided by the Secretary of State pursuant to NRS 294A.373.~~

~~*3. The report of campaign contributions and expenses described in this section must be filed in the same manner and at the same time as the candidate files the reports required pursuant to NRS 294A.120, 294A.125, 294A.128, 294A.200 and 294A.360.]* *(Deleted by amendment.)*~~

Sec. 39. NRS 294A.365 is hereby amended to read as follows:

294A.365 1. Each report of expenditures required pursuant to NRS 294A.210 ~~[, 294A.220,]~~ *and* 294A.280 ~~[and 294A.283]~~ *and section 29.11 of this act* must consist of a list of each expenditure in excess of $100 ~~[or $1,000, as is appropriate,]~~ that was made during the periods for reporting. Each report of expenses required pursuant to NRS 294A.125 and 294A.200 must consist of a list of each expense in excess of $100 that was incurred during the periods for reporting. The list in each report must state the category and amount of the expense or expenditure and the date on which the expense was incurred or the expenditure was made.

2. The categories of expense or expenditure for use on the report of expenses or expenditures are:

(a) Office expenses;

(b) Expenses related to volunteers;

(c) Expenses related to travel;

(d) Expenses related to advertising;

(e) Expenses related to paid staff;

(f) Expenses related to consultants;

(g) Expenses related to polling;

(h) Expenses related to special events;

(i) Except as otherwise provided in NRS 294A.362, goods and services provided in kind for which money would otherwise have been paid; and

(j) Other miscellaneous expenses.

3. Each report of expenses or expenditures described in subsection 1 must list the disposition of any unspent campaign contributions using the categories set forth in subsection 2 of NRS 294A.160 ~~[.]~~ *or subsection 4 of NRS 294A.286.*

Sec. 40. NRS 294A.373 is hereby amended to read as follows:

294A.373 1. The Secretary of State shall design a single form to be used for all reports of campaign contributions and expenses or expenditures that are required to be filed pursuant to NRS 294A.120, 294A.125,

294A.128, 294A.140, ~~[294A.150,]~~ 294A.200, 294A.210, ~~[294A.220,]~~ 294A.270, 294A.280, ~~[294A.283,]~~ 294A.360 and 294A.362 *and sections 29.9 and 29.11 of this act* and reports of contributions received by and expenditures made from a legal defense fund that are required to be filed pursuant to NRS 294A.286.

2. The form designed by the Secretary of State pursuant to this section must only request information specifically required by statute.

3. Upon request, the Secretary of State shall provide a copy of the form designed pursuant to this section to each person, committee, political party, group and business entity that is required to file a report described in subsection 1.

4. The Secretary of State must obtain the advice and consent of the Legislative Commission before providing a copy of a form designed or revised by the Secretary of State pursuant to this section to a person, committee, political party, group or business entity that is required to use the form.

Sec. 40.5. ~~[NRS 294A.373 is hereby amended to read as follows:~~

~~294A.373 1. The Secretary of State shall design [a single form] *forms* to be used for all reports of campaign contributions and expenses or expenditures that are required to be filed pursuant to NRS 294A.120, 294A.125, 294A.128, 294A.140, 294A.200, 294A.210, 294A.270, 294A.280, 294A.360 and 294A.362 and reports of contributions received by and expenditures made from a legal defense fund that are required to be filed pursuant to NRS 294A.286.~~

~~2. The [form] *forms* designed by the Secretary of State pursuant to this section must only request information specifically required by statute.~~

~~3. [Upon request, the] *The* Secretary of State shall provide [a] *to each person, committee, political party, group and business entity that is required to file a report described in subsection 1:*~~

~~*(a) If the person, committee, political party, group or business entity is required to submit the report to a city clerk, a* copy of the form ; [designed pursuant to this section to each person, committee, political party, group and business entity that is required to file a report described in subsection 1.]~~

~~*(b) If the person, committee, political party, group or business entity is required to submit the report electronically to the Secretary of State, access through a secure website to the form; or*~~

~~*(c) If the person, committee, political party, group or business entity is required to submit the report electronically to the Secretary of State and has submitted an affidavit to the Secretary of State pursuant to section 29.5 or 29.7 of this act, a copy of the form.*~~

~~*4. If a person, committee, political party, group or business entity is required to submit electronically a report described in subsection 1, the form must be signed electronically under penalty of perjury.*~~

~~*5.* The Secretary of State must obtain the advice and consent of the Legislative Commission before providing a copy of *, or access to,* a form

~~designed or revised by the Secretary of State pursuant to this section to a person, committee, political party, group or business entity .~~ [~~that is required to use the form.~~]

~~*6. The Secretary of State may adopt any regulations necessary to carry out of the provisions of this section.*~~ *(Deleted by amendment.)*

Sec. 41. NRS 294A.390 is hereby amended to read as follows:

294A.390 The officer from whom a candidate or entity requests a form for:

1. A declaration of candidacy;
2. An acceptance of candidacy;
3. The registration of a committee for political action pursuant to NRS 294A.230, a committee for the recall of a public officer pursuant to NRS 294A.250 or a business entity that wishes to engage in certain political activity pursuant to NRS 294A.377;
4. The reporting of the creation of a legal defense fund pursuant to NRS 294A.286; or
5. The reporting of campaign contributions, expenses or expenditures pursuant to NRS 294A.120, 294A.128, 294A.140, [~~294A.150,~~] 294A.200, 294A.210, [~~294A.220,~~] 294A.270, 294A.280 [~~, 294A.283~~] or 294A.360 *or section 29.9 or 29.11 of this act* and the reporting of contributions received by and expenditures made from a legal defense fund pursuant to NRS 294A.286,

➥ shall furnish the candidate *or entity* with the necessary forms for reporting and copies of the regulations adopted by the Secretary of State pursuant to this chapter. An explanation of the applicable provisions of NRS 294A.100, 294A.120, 294A.128, 294A.140, [~~294A.150,~~] 294A.200, 294A.210, [~~294A.220,~~] 294A.270, 294A.280 [~~, 294A.283~~] or 294A.360 *or section 29.9 or 29.11 of this act* relating to the making, accepting or reporting of campaign contributions, expenses or expenditures and the penalties for a violation of those provisions as set forth in NRS 294A.100 or 294A.420, and an explanation of NRS 294A.286 and 294A.287 relating to the accepting or reporting of contributions received by and expenditures made from a legal defense fund and the penalties for a violation of those provisions as set forth in NRS 294A.287 and 294A.420, must be developed by the Secretary of State and provided upon request. The candidate or entity shall acknowledge receipt of the material.

Sec. 41.5. [~~NRS 294A.390 is hereby amended to read as follows:~~

~~294A.390 The officer from whom a candidate or entity requests a form for:~~

~~1. A declaration of candidacy;~~

~~2. An acceptance of candidacy; or~~

~~3. The registration of a committee for political action pursuant to NRS 294A.230, a committee for the recall of a public officer pursuant to NRS 294A.250 or a business entity that wishes to engage in certain political activity pursuant to NRS 294A.377 ,~~ [~~;~~

~~4. The reporting of the creation of a legal defense fund pursuant to NRS 294A.286; or~~

~~5. The reporting of campaign contributions, expenses or expenditures pursuant to NRS 294A.120, 294A.128, 294A.140, 294A.200, 294A.210, 294A.270, 294A.280 or 294A.360 and the reporting of contributions received by and expenditures made from a legal defense fund pursuant to NRS 294A.286,]~~

~~• shall furnish the candidate *or entity* with [the necessary forms for reporting and copies of the regulations adopted by the Secretary of State pursuant to this chapter. An] *an* explanation of the applicable provisions of NRS 294A.100, 294A.120, 294A.128, 294A.140, 294A.200, 294A.210, 294A.270, 294A.280 or 294A.360 relating to the making, accepting or reporting of campaign contributions, expenses or expenditures and the penalties for a violation of those provisions as set forth in NRS 294A.100 or 294A.420, and an explanation of NRS 294A.286 and 294A.287 relating to the accepting or reporting of contributions received by and expenditures made from a legal defense fund and the penalties for a violation of those provisions as set forth in NRS 294A.287 and 294A.420, must be developed by the Secretary of State and provided upon request. The candidate or entity shall acknowledge receipt of the material.]~~ *(Deleted by amendment.)*

Sec. 42. NRS 294A.400 is hereby amended to read as follows:

294A.400 The Secretary of State shall, within 30 days after receipt of the reports required by NRS 294A.120, 294A.125, 294A.128, 294A.140, ~~[294A.150,]~~ 294A.200, 294A.210, ~~[294A.220,]~~ 294A.270, 294A.280 ~~[,~~ ~~294A.283]~~ and 294A.286, *and sections 29.9 and 29.11 of this act*, prepare and make available for public inspection a compilation of:

1. The total campaign contributions, the contributions which are in excess of $100 and the total campaign expenses of each of the candidates from whom reports of those contributions and expenses are required.

2. The total amount of loans to a candidate guaranteed by a third party, the total amount of loans made to a candidate that have been forgiven and the total amount of written commitments for contributions received by a candidate.

3. The contributions made to a committee for the recall of a public officer in excess of $100.

4. The expenditures exceeding $100 made by a:

(a) Person on behalf of a candidate other than himself.

(b) Group of persons or business entity advocating the election or defeat of a candidate.

(c) *Person or group of persons who advocates the passage or defeat of a question or group of questions on a ballot ~~[.]~~ and who is subject to the requirements of section 29.9 or 29.11 of this act.*

(d) Committee for the recall of a public officer.

5. The contributions in excess of $100 made to:

(a) A person who is not under the direction or control of a candidate or group of candidates or of any person involved in the campaign of the candidate or group who makes an expenditure on behalf of the candidate or group which is not solicited or approved by the candidate or group.

(b) A committee for political action, political party, committee sponsored by a political party or business entity which makes an expenditure on behalf of a candidate or group of candidates.

(c) A person or group of persons who advocates the passage or defeat of a question or group of questions on a ballot ~~[.]~~ *and who is subject to the requirements of section 29.9 or 29.11 of this act.*

6. ~~[The contributions in excess of $1,000 made to and the expenditures exceeding $1,000 made by a:~~

~~(a) Person or group of persons organized formally or informally, including a business entity who advocates the passage or defeat of a question or group of questions on the ballot and who receives or expends money in an amount in excess of $10,000 for such advocacy, except as otherwise provided in paragraph (b).~~

~~(b) Person or group of persons organized formally or informally, including a business entity, who advocates the passage or defeat of a constitutional amendment or statewide measure proposed by an initiative or referendum, including, without limitation, the initiation or circulation thereof, and who receives or expends money in an amount in excess of $10,000 for such advocacy.~~

~~7.]~~ The total contributions received by and expenditures made from a legal defense fund.

Sec. 43. NRS 294A.420 is hereby amended to read as follows:

294A.420 1. If the Secretary of State receives information that a person *, group* or entity that is subject to the provisions of NRS 294A.120, 294A.128, 294A.140, ~~[294A.150,]~~ 294A.200, 294A.210, ~~[294A.220,]~~ 294A.230, *294A.250,* 294A.270, 294A.280, ~~[294A.283,]~~ 294A.286, *294A.350,* 294A.360 or 294A.377 *or section 29.9 or 29.11 of this act* has not filed a report or form for registration pursuant to the applicable provisions of those sections, the Secretary of State may, after giving notice to that person*, group* or entity, cause the appropriate proceedings to be instituted in the First Judicial District Court.

2. Except as otherwise provided in this section, a person*, group* or entity that violates an applicable provision of NRS 294A.112, 294A.120, 294A.128, 294A.130, 294A.140, ~~[294A.150,]~~ 294A.160, 294A.200, 294A.210, ~~[294A.220,]~~ 294A.230, *294A.250,* 294A.270, 294A.280, ~~[294A.283,]~~ 294A.286, 294A.300, 294A.310, *294A.350,* 294A.360 or 294A.377 *or section 29.9 or 29.11 of this act* is subject to a civil penalty of not more than $5,000 for each violation and payment of court costs and attorney's fees. The civil penalty must be recovered in a civil action brought in the name of the State of Nevada by the Secretary of State in the First

Judicial District Court and deposited by the Secretary of State for credit to the State General Fund in the bank designated by the State Treasurer.

3. If a civil penalty is imposed because a person *, group* or entity has reported its contributions, expenses or expenditures after the date the report is due, except as otherwise provided in this subsection, the amount of the civil penalty is:

(a) If the report is not more than 7 days late, $25 for each day the report is late.

(b) If the report is more than 7 days late but not more than 15 days late, $50 for each day the report is late.

(c) If the report is more than 15 days late, $100 for each day the report is late.

➥ A civil penalty imposed pursuant to this subsection against a public officer who by law is not entitled to receive compensation for his office or a candidate for such an office must not exceed a total of $100 if the public officer or candidate received no contributions and made no expenditures during the relevant reporting periods.

4. For good cause shown, the Secretary of State may waive a civil penalty that would otherwise be imposed pursuant to this section. If the Secretary of State waives a civil penalty pursuant to this subsection, the Secretary of State shall:

(a) Create a record which sets forth that the civil penalty has been waived and describes the circumstances that constitute the good cause shown; and

(b) Ensure that the record created pursuant to paragraph (a) is available for review by the general public.

Sec. 44. NRS 306.040 is hereby amended to read as follows:

306.040 1. Upon determining that the number of signatures on a petition to recall is sufficient pursuant to NRS 293.1276 to 293.1279, inclusive, the Secretary of State shall notify the county clerk, the officer with whom the petition is to be filed pursuant to subsection 4 of NRS 306.015 and the public officer who is the subject of the petition.

2. After the verification of signatures is complete ~~[,]~~ but not later than the date a complaint is filed pursuant to subsection 5 or the date the call for a special election is issued, whichever is earlier, a person who signs a petition to recall may request the Secretary of State to strike his name from the petition. If the person demonstrates good cause therefor and the number of such requests received by the Secretary of State could affect the sufficiency of the petition, the Secretary of State shall strike the name of the person from the petition.

3. Not sooner than 10 days ~~[nor]~~ *or* more than 20 days after the Secretary of State completes the notification required by subsection 1, if a complaint is not filed pursuant to subsection 5, the officer with whom the petition is filed shall issue a call for a special election in the jurisdiction in which the public officer who is the subject of the petition was elected to determine whether the people will recall him.

4. The call for a special election pursuant to subsection 3 or 6 must include, without limitation:

(a) The last day on which a person may register to vote to qualify to vote in the special election; ~~[and]~~

(b) The last day on which a petition to nominate other candidates for the office may be filed ~~[.]~~ *; and*

(c) Whether any person is entitled to vote in the special election pursuant to 293.343 to 293.355, inclusive.

5. The legal sufficiency of the petition may be challenged by filing a complaint in district court not later than 5 days, Saturdays, Sundays and holidays excluded, after the Secretary of State completes the notification required by subsection 1. All affidavits and documents in support of the challenge must be filed with the complaint. The court shall set the matter for hearing not later than 30 days after the complaint is filed and shall give priority to such a complaint over all other matters pending with the court, except for criminal proceedings.

6. Upon the conclusion of the hearing, if the court determines that the petition is sufficient, it shall order the officer with whom the petition is filed to issue a call for a special election in the jurisdiction in which the public officer who is the subject of the petition was elected to determine whether the people will recall him. If the court determines that the petition is not sufficient, it shall order the officer with whom the petition is filed to cease any further proceedings regarding the petition.

Sec. 44.05. *NRS 266.405 is hereby amended to read as follows:*

266.405 1. In addition to the mayor and city council, there must be in each city of population category one or two a city clerk, a city treasurer ~~[,]~~ or , if those offices are combined pursuant to subsection 4, a city clerk and treasurer, a municipal judge and a city attorney. The offices of city clerk, city treasurer, municipal judge and city attorney may be either elective or appointive offices, as provided by city ordinance. Except as otherwise provided in this subsection , ~~[and unless the terms of those elected officers are extended by an ordinance adopted pursuant to NRS 293C.115,]~~ the elected officers shall hold their respective offices for 4 years and until their successors are elected and qualified. The cities of population category three may by ordinance provide that the mayor and city councilmen must be elected and shall hold office for 2 years . ~~[unless the terms of office of the mayor and city councilmen are extended by an ordinance adopted pursuant to NRS 293C.115.]~~

2. In each city of population category one or two ~~[,]~~ in which the officers are appointed pursuant to ordinance, the mayor, with the advice and consent of the city council, shall appoint all of the officers.

3. In cities of population category three, the mayor, with the advice and consent of the city council, may appoint any officers as may be deemed expedient.

4. The city council may provide by ordinance for the office of city clerk and the office of city treasurer to be combined into the office of city clerk and treasurer.

Sec. 44.07. *NRS 267.110 is hereby amended to read as follows:*

267.110 1. Any city having adopted a charter pursuant to the provisions of NRS 267.010 to 267.140, inclusive, has pursuant to the charter:

(a) All of the powers enumerated in the general laws of the State for the incorporation of cities.

(b) Such other powers necessary and not in conflict with the Constitution and laws of the State of Nevada to carry out the commission form of government.

2. The charter, when submitted, must:

(a) Fix the number of commissioners, their terms of office and their duties and compensation.

(b) Provide for all necessary appointive and elective officers for the form of government therein provided, and fix their salaries and emoluments, duties and powers.

(c) Fix, in accordance with the provisions of NRS 293C.140 and 293C.175 or with the provisions of NRS 293C.145, ~~[or with the provisions of paragraph (a) of subsection 1 of NRS 293C.115,]~~ the time for the first and subsequent elections for all elective officers. After the first election and the qualification of the officers who were elected, the old officers and all boards or offices and their emoluments must be abolished.

Sec. 44.1. ~~[Chapter 281A of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. A candidate or public officer who is required to file a statement of financial disclosure with the Secretary of State pursuant to NRS 281A.600 or 281A.610 is not required to file the statement electronically if the candidate or public officer has on file with the Secretary of State an affidavit stating that:*~~

~~*(a) The candidate or public officer does not own or have the ability to access the technology necessary to file electronically the statement of financial disclosure; and*~~

~~*(b) The candidate or public officer does not have the financial ability to purchase or acquire access to the technology necessary to file electronically the statement of financial disclosure.*~~

~~*2. To excuse the electronic filing of the report, the affidavit described in subsection 1 must be:*~~

~~*(a) In the form prescribed by the Secretary of State and signed under penalty of perjury.*~~

~~*(b) Except as otherwise provided in subsection 4, filed not less than 45 days before the statement is required to be filed.*~~

~~*3. A candidate or public officer that is excused from filing the statement electronically may file the statement by transmitting the statement by regular mail, certified mail, facsimile machine or personal delivery. A report*~~

~~*transmitted in one of these manners shall be deemed to be filed on the date that it was received by the Secretary of State.*~~

~~*4. To excuse the electronic filing of a report concerning a person who is appointed to fill the unexpired term of an elected or appointed public officer, the affidavit described in subsection 1 must be filed within 15 days after his appointment.*~~] *(Deleted by amendment.)*

Sec. 44.15. ~~[NRS 281A.240 is hereby amended to read as follows:~~

~~281A.240 1. In addition to any other duties imposed upon him, the Executive Director shall:~~

~~(a) Maintain complete and accurate records of all transactions and proceedings of the Commission.~~

~~(b) Receive requests for opinions pursuant to NRS 281A.440.~~

~~(c) Gather information and conduct investigations regarding requests for opinions received by the Commission and submit recommendations to the panel appointed pursuant to NRS 281A.220 regarding whether there is just and sufficient cause to render an opinion in response to a particular request.~~

~~(d) Recommend to the Commission any regulations or legislation that he considers desirable or necessary to improve the operation of the Commission and maintain high standards of ethical conduct in government.~~

~~(e) Upon the request of any public officer or the employer of a public employee, conduct training on the requirements of this chapter, the rules and regulations adopted by the Commission and previous opinions of the Commission. In any such training, the Executive Director shall emphasize that he is not a member of the Commission and that only the Commission may issue opinions concerning the application of the statutory ethical standards to any given set of facts and circumstances. The Commission may charge a reasonable fee to cover the costs of training provided by the Executive Director pursuant to this subsection.~~

~~(f) Perform such other duties, not inconsistent with law, as may be required by the Commission.~~

~~2. The Executive Director shall, within the limits of legislative appropriation, employ such persons as are necessary to carry out any of his duties relating to:~~

~~(a) The administration of the affairs of the Commission; *and*~~

~~(b) [The review of statements of financial disclosure; and~~

~~(c)] The investigation of matters under the jurisdiction of the Commission.~~] *(Deleted by amendment.)*

Sec. 44.2. ~~[NRS 281A.290 is hereby amended to read as follows:~~

~~281A.290 The Commission shall:~~

~~1. Adopt procedural regulations:~~

~~(a) To facilitate the receipt of inquiries by the Commission;~~

~~(b) For the filing of a request for an opinion with the Commission;~~

~~(c) For the withdrawal of a request for an opinion by the person who filed the request; and~~

~~(d) To facilitate the prompt rendition of opinions by the Commission.~~

~~2. Prescribe, by regulation, [forms for the submission of statements of financial disclosure and procedures for the submission of statements of financial disclosure filed pursuant to NRS 281A.600 and] forms and procedures for the submission of statements of acknowledgment filed by public officers pursuant to NRS 281A.500, maintain files of such statements and make the statements available for public inspection.~~

~~3. Cause the making of such investigations as are reasonable and necessary for the rendition of its opinions pursuant to this chapter.~~

~~4. [Except as otherwise provided in NRS 281A.600, inform] *Inform* the Attorney General or district attorney of all cases of noncompliance with the requirements of this chapter.~~

~~5. Recommend to the Legislature such further legislation as the Commission considers desirable or necessary to promote and maintain high standards of ethical conduct in government.~~

~~6. Publish a manual for the use of public officers and employees that contains:~~

~~(a) Hypothetical opinions which are abstracted from opinions rendered pursuant to subsection 1 of NRS 281A.440, for the future guidance of all persons concerned with ethical standards in government;~~

~~(b) Abstracts of selected opinions rendered pursuant to subsection 2 of NRS 281A.440; and~~

~~(c) An abstract of the requirements of this chapter.~~

~~The Legislative Counsel shall prepare annotations to this chapter for inclusion in the Nevada Revised Statutes based on the abstracts and published opinions of the Commission.]~~ *(Deleted by amendment.)*

Sec. 44.3. ~~[NRS 281A.470 is hereby amended to read as follows:~~

~~281A.470 1. Any department, board, commission or other agency of the State or the governing body of a county or an incorporated city may establish a specialized or local ethics committee to complement the functions of the Commission. A specialized or local ethics committee may:~~

~~(a) Establish a code of ethical standards suitable for the particular ethical problems encountered in its sphere of activity. The standards may not be less restrictive than the statutory ethical standards.~~

~~(b) Render an opinion upon the request of any public officer or employee of its own organization or level seeking an interpretation of its ethical standards on questions directly related to the propriety of his own future official conduct or refer the request to the Commission. Any public officer or employee subject to the jurisdiction of the committee shall direct his inquiry to that committee instead of the Commission.~~

~~(c) Require the filing of statements of financial disclosure by public officers on forms prescribed by the committee or the city clerk if the form has been:~~

~~(1) Submitted, at least 60 days before its anticipated distribution, to the [Commission] *Secretary of State* for review; and~~

~~(2) Upon review, approved by the [Commission.] *Secretary of State.*~~

~~2. A specialized or local ethics committee shall not attempt to interpret or render an opinion regarding the statutory ethical standards.~~

~~3. Each request for an opinion submitted to a specialized or local ethics committee, each hearing held to obtain information on which to base an opinion, all deliberations relating to an opinion, each opinion rendered by a committee and any motion relating to the opinion are confidential unless:~~

~~(a) The public officer or employee acts in contravention of the opinion; or~~

~~(b) The requester discloses the content of the opinion.~~] *(Deleted by amendment.)*

Sec. 44.4. (Deleted by amendment.)

Sec. 44.5. ~~[NRS 281A.600 is hereby amended to read as follows:~~

~~281A.600 1. Except as otherwise provided in~~ [subsection 2,] *subsections 2 and 3 and section 44.1 of this act*, ~~if a public officer who was appointed to the office for which he is serving is entitled to receive annual compensation of $6,000 or more for serving in that office, he shall file~~ *electronically* ~~with the~~ [Commission] ~~*Secretary of State* a statement of financial disclosure, as follows:~~

~~(a) A public officer appointed to fill the unexpired term of an elected or appointed public officer shall file a statement of financial disclosure within 30 days after his appointment.~~

~~(b) Each public officer appointed to fill an office shall file a statement of financial disclosure on or before January 15 of each year of the term, including the year the term expires.~~

~~➡~~ ~~The statement must disclose the required information for the full calendar year immediately preceding the date of filing.~~

~~2. If a person is serving in a public office for which he is required to file a statement pursuant to subsection 1, he may use the statement he files for that initial office to satisfy the requirements of subsection 1 for every other public office to which he is appointed and in which he is also serving.~~

~~3. A judicial officer who is appointed to fill the unexpired term of a predecessor or to fill a newly created judgeship shall file a statement of financial disclosure pursuant to the requirements of Canon 4I of the Nevada Code of Judicial Conduct. Such a statement of financial disclosure must include, without limitation, all information required to be included in a statement of financial disclosure pursuant to NRS 281A.620.~~

~~4. [The Commission shall provide written notification to the Secretary of State of the public officers who failed to file the statements of financial disclosure required by subsection 1 or who failed to file those statements in a timely manner. The notice must be sent within 30 days after the deadlines set forth in subsection 1 and must include:~~

~~(a) The name of each public officer who failed to file his statement of financial disclosure within the period before the notice is sent;~~

~~(b) The name of each public officer who filed his statement of financial disclosure after the deadlines set forth in subsection 1 but within the period before the notice is sent;~~

~~(c) For the first notice sent after the public officer filed his statement of financial disclosure, the name of each public officer who filed his statement of financial disclosure after the deadlines set forth in subsection 1 but within the period before the notice is sent; and~~

~~(d) For each public officer listed in paragraph (c), the date on which the statement of financial disclosure was due and the date on which the public officer filed the statement.~~

~~5. In addition to the notice provided pursuant to subsection 4, the Commission shall notify the Secretary of State of each public officer who files a statement of financial disclosure more than 30 days after the deadlines set forth in subsection 1. The notice must include the information described in paragraphs (c) and (d) of subsection 4.~~

~~6.] A statement of financial disclosure shall be deemed to be filed [with the Commission:~~

~~(a) On the date that it was mailed if it was sent by certified mail; or~~

~~(b) On] on the date that it was received by the [Commission if the statement was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.] Secretary of State.~~

~~*5. Except as otherwise provided in section 44.1 of this act, the Secretary of State shall provide access through a secure website to the statement of financial disclosure to each person who is required to file the statement with the Secretary of State pursuant to this section. The Secretary of State may adopt any regulations necessary to carry out the provisions of this section.]*~~ *(Deleted by amendment.)*

Sec. 45. ~~[NRS 281A.610 is hereby amended to read as follows:~~

~~281A.610 1. Except as otherwise provided in [subsection 2,] *subsections 2 and 4 and section 44.1 of this act*, each candidate for public office who will be entitled to receive annual compensation of $6,000 or more for serving in the office that he is seeking and, except as otherwise provided in subsection 3, each public officer who was elected to the office for which he is serving shall file *electronically* with the Secretary of State a statement of financial disclosure, as follows:~~

~~(a) A candidate for nomination, election or reelection to public office shall file a statement of financial disclosure no later than the 10th day after the last day to qualify as a candidate for the office. The statement must disclose the required information for the full calendar year immediately preceding the date of filing and for the period between January 1 of the year in which the election for the office will be held and the last day to qualify as a candidate for the office. The filing of a statement of financial disclosure for a portion of a calendar year pursuant to this paragraph does not relieve the candidate of the requirement of filing a statement of financial disclosure for the full calendar year pursuant to paragraph (b) in the immediately succeeding year, if he is elected to the office.~~

~~(b) Each public officer shall file a statement of financial disclosure on or before January 15 of each year of the term, including the year the term~~

~~expires. The statement must disclose the required information for the full calendar year immediately preceding the date of filing.~~

~~2. Except as otherwise provided in this subsection, if a candidate for public office is serving in a public office for which he is required to file a statement pursuant to paragraph (b) of subsection 1 or subsection 1 of NRS 281A.600, he need not file the statement required by subsection 1 for the full calendar year for which he previously filed a statement. The provisions of this subsection do not relieve the candidate of the requirement pursuant to paragraph (a) of subsection 1 to file a statement of financial disclosure for the period between January 1 of the year in which the election for the office will be held and the last day to qualify as a candidate for the office.~~

~~3. A person elected pursuant to NRS 548.285 to the office of supervisor of a conservation district is not required to file a statement of financial disclosure relative to that office pursuant to subsection 1.~~

~~4. A candidate for judicial office or a judicial officer shall file a statement of financial disclosure pursuant to the requirements of Canon 4I of the Nevada Code of Judicial Conduct. Such a statement of financial disclosure must include, without limitation, all information required to be included in a statement of financial disclosure pursuant to NRS 281A.620.~~

~~5. A statement of financial disclosure shall be deemed to be filed [with the Secretary of State:~~

~~(a) On the date that it was mailed if it was sent by certified mail; or~~

~~(b) On] on the date that it was received by the Secretary of State . [if the statement was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.~~

~~6. The statement of financial disclosure filed pursuant to this section must be filed on the form prescribed by the Commission pursuant to NRS 281A.290.~~

~~7. The]~~

~~*6. Except as otherwise provided in section 44.1 of this act, the* Secretary of State shall [prescribe, by regulation, procedures for the submission of statements of financial disclosure filed pursuant to this section, maintain files of such statements and make the statements available for public inspection.] *provide access through a secure website to the statement of financial disclosure to each person who is required to file the statement with the Secretary of State pursuant to this section. The Secretary of State may adopt any regulations necessary to carry out the provisions of this section.]* *(Deleted by amendment.)*

Sec. 45.2. ~~[NRS 281A.620 is hereby amended to read as follows:~~

~~281A.620 1. Statements of financial disclosure, as approved pursuant to NRS 281A.470 or in such *electronic* form as the [Commission] *Secretary of State* otherwise prescribes, must contain the following information concerning the candidate for public office or public officer:~~

~~(a) His length of residence in the State of Nevada and the district in which he is registered to vote.~~

~~(b) Each source of his income, or that of any member of his household who is 18 years of age or older. No listing of individual clients, customers or patients is required, but if that is the case, a general source such as "professional services" must be disclosed.~~

~~(c) A list of the specific location and particular use of real estate, other than a personal residence:~~

~~(1) In which he or a member of his household has a legal or beneficial interest;~~

~~(2) Whose fair market value is $2,500 or more; and~~

~~(3) That is located in this State or an adjacent state.~~

~~(d) The name of each creditor to whom he or a member of his household owes $5,000 or more, except for:~~

~~(1) A debt secured by a mortgage or deed of trust of real property which is not required to be listed pursuant to paragraph (c); and~~

~~(2) A debt for which a security interest in a motor vehicle for personal use was retained by the seller.~~

~~(e) If the candidate for public office or public officer has received gifts in excess of an aggregate value of $200 from a donor during the preceding taxable year, a list of all such gifts, including the identity of the donor and value of each gift, except:~~

~~(1) A gift received from a person who is related to the candidate for public office or public officer within the third degree of consanguinity or affinity.~~

~~(2) Ceremonial gifts received for a birthday, wedding, anniversary, holiday or other ceremonial occasion if the donor does not have a substantial interest in the legislative, administrative or political action of the candidate for public office or public officer.~~

~~(f) A list of each business entity with which he or a member of his household is involved as a trustee, beneficiary of a trust, director, officer, owner in whole or in part, limited or general partner, or holder of a class of stock or security representing 1 percent or more of the total outstanding stock or securities issued by the business entity.~~

~~(g) A list of all public offices presently held by him for which this statement of financial disclosure is required.~~

~~2. The~~ [Commission shall distribute or cause to be distributed the forms required for such a statement to each candidate for public office and public officer who is required to file one. The Commission is not responsible for the costs of producing or distributing a form for filing statements of financial disclosure which is prescribed pursuant to subsection 1 of NRS 281A.470.] ~~*Secretary of State may adopt any regulations necessary to carry out the provisions of this section.*~~

~~3. As used in this section:~~

~~(a) "Business entity" means an organization or enterprise operated for economic gain, including a proprietorship, partnership, firm, business, trust, joint venture, syndicate, corporation or association.~~

~~(b) "Household" includes:~~

~~(1) The spouse of a candidate for public office or public officer;~~

~~(2) A person who does not live in the same home or dwelling, but who is dependent on and receiving substantial support from the candidate for public office or public officer; and~~

~~(3) A person who lived in the home or dwelling of the candidate for public office or public officer for 6 months or more in the year immediately preceding the year in which the candidate for public office or public officer files the statement of financial disclosure.]~~ *(Deleted by amendment.)*

Sec. 45.3. NRS 281A.630 is hereby amended to read as follows:

281A.630 1. Except as otherwise provided in subsection 2, statements of financial disclosure required by the provisions of NRS 281A.600, 281A.610 and 281A.620 must be retained by the ~~[Commission or]~~ Secretary of State for 6 years after the date of filing.

2. For public officers who serve more than one term in either the same public office or more than one public office, the period prescribed in subsection 1 begins on the date of the filing of the last statement of financial disclosure for the last public office held.

Sec. 45.4. ~~[NRS 281A.640 is hereby amended to read as follows:~~

~~281A.640 1. A list of each public officer who is required to file a statement of financial disclosure must be submitted electronically to the [Commission and to the] Secretary of State, in a form prescribed by the [Commission,] *Secretary of State*, on or before December 1 of each year by:~~

~~(a) Each county clerk for all public officers of the county and other local governments within the county other than cities;~~

~~(b) Each city clerk for all public officers of the city;~~

~~(c) The Director of the Legislative Counsel Bureau for all public officers of the Legislative Branch; and~~

~~(d) The Chief of the Budget Division of the Department of Administration for all public officers of the Executive Branch.~~

~~2. [The Secretary of State, each] *Each* county clerk, or the registrar of voters of the county if one was appointed pursuant to NRS 244.164, and each city clerk shall submit electronically to the [Commission,] *Secretary of State*, and each county clerk, or the registrar of voters of the county if one was appointed pursuant to NRS 244.164, and each city clerk shall submit electronically to the Secretary of State, in a form prescribed by the [Commission,] *Secretary of State*, a list of each candidate for public office who filed a declaration of candidacy or acceptance of candidacy with that officer within 10 days after the last day to qualify as a candidate for the applicable office.]~~ *(Deleted by amendment.)*

Sec. 45.5. ~~[NRS 281A.650 is hereby amended to read as follows:~~

~~281A.650 The Secretary of State and each county clerk, or the registrar of voters of the county if one was appointed pursuant to NRS 244.164, or city clerk who receives from a candidate for public office a declaration of candidacy, acceptance of candidacy or certificate of candidacy shall give to the candidate :~~

~~*1. If the candidate is a candidate for judicial office*, the form prescribed by the [Commission] *Administrative Office of the Courts* for the making of a statement of financial disclosure [,] ;~~

~~*2. If the candidate is not a candidate for judicial office and is required to file electronically the statement of financial disclosure, access to the electronic form prescribed by the Secretary of State; or*~~

~~*3. If the candidate is not a candidate for judicial office, is required to submit the statement of financial disclosure electronically and has submitted an affidavit to the Secretary of State pursuant to section 44.1 of this act, the form prescribed by the Secretary of State*,~~

~~" accompanied by instructions on how to complete the form [, where it must be filed] and the time by which it must be filed.] *(Deleted by amendment.)*~~

Sec. 46. *Section 4 of the charter of Boulder City is hereby amended to read as follows:*

Section 4. Number; selection *;* ~~[and term;]~~ recall.

1. The City Council shall have four Councilmen and a Mayor elected from the City at large in the manner provided in Article IX *.* ~~[, for terms of four years and until their successors have been elected and have taken office as provided in section 16, subject to recall as provided in section 111.5.]~~ No Councilman shall represent any particular constituency or district of the City, and each Councilman shall represent the entire City. (Amd. 2; 6-4-1991; Add. 17; Amd. 1; 11-5-1996)

2. (Repealed by Amd. 1; 6-4-1991)

3. The Councilmen and the Mayor are subject to recall as provided in section 111.5.

Sec. 47. *Section 96 of the charter of Boulder City is hereby amended to read as follows:*

Section 96. Conduct of city elections.

1. All city elections must be nonpartisan in character and must be conducted in accordance with the provisions of the general election laws of the State of Nevada and any ordinance regulations as adopted by the City Council which are consistent with law and this Charter. (1959 Charter)

2. ~~[All]~~ *The Mayor and two Council members elected at the general city election held on the Tuesday after the first Monday in June 2007 shall continue in office until the election, and qualification thereafter, of their successors pursuant to subsection 4.*

3. On the first Tuesday after the first Monday in June 2009, there must be elected by the qualified voters of the City, at a general

election to be held for that purpose, two Council members, both of whom hold office until their successors have been elected and qualified pursuant to subsection 5.

4. On the first Tuesday after the first Monday in November 2012, and at each successive interval of 4 years, there must be elected by the qualified voters of the City, at a general city election to be held for that purpose, a Mayor and two Council members, all of whom hold office for a period of 4 years and until their successors have been elected and qualified.

5. On the first Tuesday after the first Monday in November 2014, and at each successive interval of 4 years, there must be elected by the qualified voters of the City, at a general election to be held for that purpose, two Council members, both of whom hold office for a period of 4 years until their successors have been elected and qualified.

6. Except as otherwise provided in subsections 2 and 3, all full terms of office in the City Council are ~~[four]~~ *4* years, and Council members must be elected at large without regard to precinct residency. ~~[Two full-term Council members and the Mayor are to be elected in each year immediately preceding a federal presidential election, and two full-term Council members are to be elected in each year immediately following a federal presidential election.]~~ In each election, the candidates receiving the greatest number of votes must be declared elected to the vacant full-term positions. (Add. 17; Amd. 1; 11-5 1996)

(a) In the event one or more ~~[two-year]~~ *2-year* term positions on the Council will be available at the time of a municipal election as provided in section 12, candidates must file specifically for such position(s). Candidates receiving the greatest respective number of votes must be declared elected to the respective available ~~[two-year]~~ *2-year* positions. (Add. 15; Amd. 2; 6-4-1991)

~~[3.]~~ *7.* A city primary election must be held on the ~~[first Tuesday after the first Monday in April of each odd-numbered year and a city general election must be held on the first Tuesday after the first Monday in June of each odd-numbered year.]~~ *date fixed by the election laws of this State for statewide elections.*

(a) A primary election must not be held if no more than double the number of Council members to be elected file as candidates. A primary election must not be held for the office of Mayor if no more than two candidates file for that position. The primary election must be held for the purpose of eliminating candidates in excess of a figure double the number of Council members to be elected. (Add. 17; Amd. 1; 11-5-1996)

(b) If, in the primary city election, a candidate receives votes equal to a majority of voters casting ballots in that election, he shall be considered elected to one of the vacancies and his name shall not be

placed on the ballot for the general city election. (Add. 10; Amd. 7; 6-2-1981)

(c) In each primary and general election, voters ~~[shall be]~~ *are* entitled to cast ballots for candidates in a number equal to the number of seats to be filled in the city elections. (Add. 11; Amd. 5; 6-7-1983)

~~[4.]~~ *8.* The conduct of all municipal elections ~~[shall]~~ *must* be under the control of the City Council, which shall adopt by ordinance all regulations which it considers desirable and consistent with law and this Charter. Nothing in this Charter shall be construed as to deny or abridge the power of the City Council to provide for supplemental regulations for the prevention of fraud in such elections and for the recount of ballots in cases of doubt or fraud. (Add. 24; Amd. 1; 6-3-2003)

Sec. 48. The Charter of the City of Caliente, being chapter 31, Statutes of Nevada 1971, at page 55, is hereby amended by adding thereto a new section to be designated section 5.120, immediately following section 5.110, to read as follows:

Sec. 5.120 Continuation of certain officers.

The two Councilmen elected at the general election held on the first Tuesday after the first Monday in June 2007 shall continue in office until the election, and qualification thereafter, of their successors pursuant to subsection 2 of section 5.010.

Sec. 49. Section 2.010 of the Charter of the City of Caliente, being chapter 31, Statutes of Nevada 1971, as last amended by chapter 98, Statutes of Nevada 1977, at page 202, is hereby amended to read as follows:

Sec. 2.010 City Council: Qualifications; election; term of office; salary.

1. The legislative power of the City is vested in a City Council consisting of five Councilmen, including the Mayor.

2. The Mayor and each Councilman ~~[shall]~~ *must* be:

(a) Bona fide residents of the City for at least 2 years immediately prior to their election.

(b) Qualified electors within the City.

3. All Councilmen, including the Mayor, ~~[shall]~~ *must* be voted upon by the registered voters of the City at large and shall serve for terms of 4 years except as *otherwise* provided in ~~[subsection 3 of section]~~ *sections* 5.010 ~~[.]~~ *and 5.120.*

4. The Mayor and Councilmen shall receive a salary in an amount fixed by the City Council. Such salary ~~[shall]~~ *must* not be increased or diminished during the term of the recipient.

Sec. 50. Section 5.010 of the Charter of the City of Caliente, being chapter 31, Statutes of Nevada 1971, as amended by chapter 71, Statutes of Nevada 1975, at page 82, is hereby amended to read as follows:

Sec. 5.010 ~~[Municipal]~~ *General municipal* elections.

1. On the ~~[1st Tuesday after the 1st Monday in June 1973, there shall be elected by the qualified voters of the City, at a general election to be held for that purpose, a Mayor and one Councilman, who shall hold office for a period of 4 years and until their successors have been elected and qualified.]~~ *first Tuesday after the first Monday in June 2009, there must be elected by the qualified voters of the City, at a general election to be held for that purpose, a Mayor and two Councilmen who shall hold office until their successors have been elected and qualified pursuant to subsection 3.*

2. On the ~~[1st]~~ *first* Tuesday after the ~~[1st]~~ *first* Monday in ~~[June 1975,]~~ *November 2012,* and at each successive interval of 4 years ~~[thereafter,]~~ there ~~[shall]~~ *must* be elected by the qualified voters of the City at a general election to be held for that purpose two Councilmen ~~[,]~~ who shall hold office for a period of 4 years and until their successors have been elected and qualified.

3. ~~[On the 1st Tuesday after the 1st Monday in June 1975, there shall be elected by the qualified voters of the City at a general election to be held for that purpose one Councilman, who shall hold office for a period of 2 years and until his successor has been elected and qualified.~~

~~4.]~~ On the ~~[1st]~~ *first* Tuesday after the ~~[1st]~~ *first* Monday in ~~[June 1977,]~~ *November 2014,* and at each successive interval of 4 years, there ~~[shall]~~ *must* be elected by the qualified voters of the City, at a general election to be held for that purpose, a Mayor and two Councilmen ~~[,]~~ who shall hold office for a period of 4 years and until their successors have been elected and qualified.

Sec. 51. The Charter of the City of Elko, being chapter 276, Statutes of Nevada 1971, at page 474, is hereby amended by adding thereto a new section to be designated section 5.110, immediately following section 5.100, to read as follows:

Sec. 5.110 Continuation of certain officers.

The Mayor and two members of the City Council elected at the general election held on the first Tuesday after the first Monday in June 2007 shall continue in office until the election, and qualification thereafter, of their successors pursuant to subsection 2 of section 5.010.

Sec. 52. Section 2.010 of the Charter of the City of Elko, being chapter 276, Statutes of Nevada 1971, as last amended by chapter 51, Statutes of Nevada 2001, at page 449, is hereby amended to read as follows:

Sec. 2.010 City Council: Qualifications; election; term of office; salary.

1. The legislative power of the City is vested in a City Council consisting of four members and the Mayor.

2. The members of the City Council must be:

(a) Bona fide residents of the City for at least 2 years before their election.

(b) Qualified electors within the City.

3. All members of the City Council must be voted upon by the registered voters of the City at large and *, except as otherwise provided in sections 5.010 and 5.110,* shall serve for terms of 4 years.

4. The members of the City Council must receive a salary in an amount fixed by the City Council.

Sec. 53. Section 5.010 of the Charter of the City of Elko, being chapter 276, Statutes of Nevada 1971, as amended by chapter 51, Statutes of Nevada 2001, at page 463, is hereby amended to read as follows:

Sec. 5.010 ~~[Municipal]~~ *General municipal* elections.

1. ~~[On the first Tuesday after the first Monday in June 1975, and at each successive interval of 4 years, there must be elected by the qualified voters of the City, at a general election to be held for that purpose, a Mayor and two members of the City Council, who shall hold office for a period of 4 years and until their successors have been elected and qualified.~~

~~2.]~~ On the first Tuesday after the first Monday in June ~~[1973, and at each successive interval of 4 years thereafter,]~~ *2009,* there must be elected by the qualified voters of the City, at a general election to be held for that purpose, two members of the City Council ~~[,]~~ who shall hold office ~~[for a period of 4 years and]~~ until their successors have been elected and qualified ~~[.]~~ *pursuant to subsection 3.*

2. On the first Tuesday after the first Monday in November 2012, and at each successive interval of 4 years, there must be elected by the qualified voters of the City, at a general election to be held for that purpose, a Mayor and two members of the City Council who shall hold office for a period of 4 years and until their successors have been elected and qualified.

3. On the first Tuesday after the first Monday in November 2014, and at each successive interval of 4 years, there must be elected by the qualified voters of the City, at a general election to be held for that purpose, two members of the City Council who shall hold office for a period of 4 years and until their successors have been elected and qualified.

Sec. 54. The Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, at page 402, is hereby amended by adding thereto a new section to be designated as section 5.120, immediately following section 5.110, to read as follows:

Sec. 5.120 Continuation of certain officers.

1. The three Councilmen elected at the general election held on the first Tuesday after the first Monday in June 2007 shall continue in office until the election, and qualification thereafter, of their successors pursuant to subsection 2 of section 5.020.

2. The Municipal Judge for Department 1 elected at the general election held on the first Tuesday after the first Monday in June 2007 shall continue in office until the election, and qualification thereafter, of his successor pursuant to subsection 5 of section 5.020.

3. The Municipal Judge for Department 3 elected at the general election held on the first Tuesday after the first Monday in June 2007 shall continue in office until the election, and qualification thereafter, of his successor pursuant to subsection 3 of section 5.020.

Sec. 55. Section 2.010 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 596, Statutes of Nevada 1995, at page 2206, is hereby amended to read as follows:

Sec. 2.010 City Council: Qualifications; election; term of office; salary.

1. The legislative power of the City is vested in a City Council consisting of four Councilmen and the Mayor.

2. The Mayor must be:

(a) A bona fide resident of the territory which is established by the boundaries of the City for the 12 months immediately preceding the last day for filing a declaration of candidacy for the office.

(b) A qualified elector within the City.

3. Each Councilman must be:

(a) A bona fide resident of the territory which is established by the boundaries of the City for the 12 months immediately preceding the last day for filing a declaration of candidacy for the office.

(b) A qualified elector within the ward which he represents.

(c) A resident of the ward which he represents for at least 30 days immediately preceding the last day for filing a declaration of candidacy for the office, except that changes in ward boundaries pursuant to the provisions of section 1.040 do not affect the right of any elected Councilman to continue in office for the term for which he was elected.

4. All Councilmen, including the Mayor, must be voted upon by the registered voters of the City at large and *, except as otherwise provided in sections 5.020 and 5.120,* shall serve for terms of 4 years.

5. The Mayor and Councilmen are entitled to receive a salary in an amount fixed by the City Council. The City Council shall not adopt an ordinance which increases or decreases the salary of the Mayor or the Councilmen during the term for which they have been elected or appointed.

Sec. 56. Section 4.015 of the Charter of the City of Henderson, being chapter 231, Statutes of Nevada 1991, as last amended by chapter 209, Statutes of Nevada 2001, at page 970, is hereby amended to read as follows:

Sec. 4.015 Municipal Court.

1. There is a Municipal Court of the City which consists of at least one department. Each department must be presided over by a Municipal Judge and has such power and jurisdiction as is prescribed in, and is, in all respects which are not inconsistent with this Charter, governed by, the provisions of chapters 5 and 266 of NRS which relate to municipal courts.

2. The City Council may from time to time establish additional departments of the Municipal Court and shall appoint an additional Municipal Judge for each.

3. At the first municipal primary or general election which follows the appointment of an additional Municipal Judge to a newly created department of the Municipal Court, the successor to that Municipal Judge must be elected for a term of not more than 5 years, as determined by the City Council, in order that, as nearly as practicable, one-third of the number of Municipal Judges be elected every 2 years.

4. ~~[Each]~~ *Except as otherwise provided in subsection 3, each* Municipal Judge must be voted upon by the registered voters of the City at large ~~[.]~~ *and, except as otherwise provided in sections 5.020 and 5.120, shall serve for terms of 6 years.*

5. The respective departments of the Municipal Court must be numbered 1 through the appropriate Arabic number, as additional departments are approved by the City Council. A Municipal Judge must be elected for each department by number.

6. The Senior Municipal Judge is selected by a majority of the sitting judges for a term of 2 years. If no Municipal Judge receives a majority of the votes, the Senior Municipal Judge is the Municipal Judge who has continuously served as a Municipal Judge for the longest period.

Sec. 57. Section 5.010 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 637, Statutes of Nevada 1999, at page 3565, is hereby amended to read as follows:

Sec. 5.010 Primary election.

1. A primary election must be held on the ~~[Tuesday after the first Monday in April of each odd-numbered year,]~~ *date fixed by the election laws of this State for statewide elections,* at which time there must be nominated candidates for offices to be voted for at the next general ~~[municipal]~~ election.

2. A candidate for any office to be voted for at any primary ~~[municipal]~~ election must file a declaration of candidacy as provided by the election laws of this State.

3. All candidates for elective office must be voted upon by the registered voters of the City at large.

4. If in the primary election no candidate receives a majority of votes cast in that election for the office for which he is a candidate, the names of the two candidates receiving the highest number of votes must be placed on the ballot for the general election. If in the primary election, regardless of the number of candidates for an office, one candidate receives a majority of votes cast in that election for the office for which he is a candidate, he must be declared elected and no general election need be held for that office.

Sec. 58. *Section 5.020 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 209, Statutes of Nevada 2001, at page 971, is hereby amended to read as follows:*

Sec. 5.020 General municipal election.

1. ~~[A general election must be held in the City on the first Tuesday after the first Monday in June of each odd-numbered year and on the same day every 2 years thereafter, at which time the registered voters of the City shall elect city officers to fill the available elective positions.~~

~~2. All candidates for the office of Mayor, Councilman and Municipal Judge must be voted upon by the registered voters of the City at large. The term of office for members of the City Council and the Mayor is 4 years. Except as otherwise provided in subsection 3 of section 4.015 of this Charter, the term of office for a Municipal Judge is 6 years.~~

~~3.]~~ *On the first Tuesday after the first Monday in June 2009, there must be elected by the qualified voters of the City, at a general election to be held for that purpose, a:*

(a) Mayor and Councilman who shall hold office until their successors have been elected and qualified pursuant to subsection 4.

(b) Municipal Judge for Department 2 who shall hold office until his successor has been elected and qualified pursuant to subsection 6.

2. On the first Tuesday after the first Monday in November 2012, and at each successive interval of 4 years, there must be elected by the qualified voters of the City, at a general election to be held for that purpose, three Councilmen who shall hold office for a period of 4 years and until their successors have been elected and qualified.

3. On the first Tuesday after the first Monday in November 2014, and at each successive interval of 6 years, there must be elected by the qualified voters of the City, at a general election to be held for that purpose, a Municipal Judge for Department 3 who shall hold office for a period of 6 years until his successor has been elected and qualified.

4. On the first Tuesday after the first Monday in November 2014, and at each successive interval of 4 years, there must be elected by the qualified voters of the City, at a general election to be held for that

purpose, a Mayor and Councilman who shall hold office for a period of 4 years until their successors have been elected and qualified.

5. On the first Tuesday after the first Monday in November 2014, and at each successive interval of 6 years, there must be elected by the qualified voters of the City, at a general election to be held for that purpose, a Municipal Judge for Department 1 who shall hold office for a period of 6 years until his successor has been elected and qualified.

6. On the *first* Tuesday after the first Monday in ~~[June 2001]~~ *November 2016,* and ~~[every]~~ *at each successive interval of* 6 years *,* ~~[thereafter,]~~ there must be elected by the qualified voters of the City, at a general ~~[municipal]~~ election to be held for that purpose, a Municipal Judge for Department ~~[1]~~ *2* who will hold office until his successor has been elected and qualified.

~~[4. On the Tuesday after the first Monday in June 2003 and every 6 years thereafter, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Municipal Judge for Department 2 who will hold office until his successor has been elected and qualified.~~

~~5. On the Tuesday after the first Monday in June 2005 and every 6 years thereafter, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Municipal Judge for Department 3 who will hold office until his successor has been elected and qualified.]~~

Sec. 59. The Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, at page 1391, is hereby amended by adding thereto a new section to be designated as section 5.140, immediately following section 5.130, to read as follows:

Sec. 5.140 Continuation of certain officers.

1. The Mayor and Councilmen from odd-numbered wards elected at the general election held on the Tuesday after the first Monday in June 2007 shall continue in office until the election, and qualification thereafter, of their successors pursuant to subsection 2 of section 5.020.

2. The Municipal Judges for Departments 2, 3 and 5 elected at the general election held on the Tuesday after the first Monday in June 2005 shall continue in office until the election, and qualification thereafter, of their successors pursuant to subsection 3 of section 5.020.

Sec. 60. Section 1.140 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as last amended by chapter 6, Statutes of Nevada 2001, at page 10, is hereby amended to read as follows:

Sec. 1.140 Elective offices.

1. The elective officers of the City consist of:

(a) A Mayor.

(b) One Councilman from each ward.

(c) Municipal Judges.

2. ~~[The]~~ *Except as otherwise provided in sections 5.020 and 5.140, the* terms of office of the Mayor and Councilmen are 4 years.

3. Except as otherwise provided in subsection 3 of section 4.010 ~~[of this Charter,]~~ *and sections 5.020 and 5.140,* the term of office of a Municipal Judge is 6 years.

Sec. 61. Section 1.160 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as last amended by chapter 338, Statutes of Nevada 2007, at page 1533, is hereby amended to read as follows:

Sec. 1.160 Elective offices: Vacancies. Except as otherwise provided in NRS 268.325:

1. A vacancy in the office of Mayor, Councilman or Municipal Judge must be filled by the majority vote of the entire City Council within 30 days after the occurrence of that vacancy. A person may be selected to fill a prospective vacancy before the vacancy occurs. In such a case, each member of the Council, except any member whose term of office expires before the occurrence of the vacancy, may participate in any action taken by the Council pursuant to this section. The appointee must have the same qualifications as are required of the elective official, including, without limitation, any applicable residency requirement.

2. No appointment extends beyond the first regular meeting of the City Council that follows the next general municipal election, at that election the office must be filled for the remainder of the unexpired term, or beyond the first regular meeting of the City Council after the Tuesday after the first Monday in the next succeeding ~~[June]~~ *November* in an ~~[odd-numbered]~~ *even-numbered* year, if no general municipal election is held in that year.

Sec. 62. Section 4.020 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as last amended by chapter 338, Statutes of Nevada 2007, at page 1536, is hereby amended to read as follows:

Sec. 4.020 Municipal Court: Qualifications of Municipal Judges; salary; Master Judge; departments; Alternate Judges.

1. Each Municipal Judge shall devote his full time to the duties of his office and must be:

(a) A duly licensed member, in good standing, of the State Bar of Nevada, but this qualification does not apply to any Municipal Judge who is an incumbent when this Charter becomes effective as long as he continues to serve as such in uninterrupted terms.

(b) A qualified elector who has resided within the territory which is established by the boundaries of the City for a period of not less than

30 days immediately before the last day for filing a declaration of candidacy for the department for which he is a candidate.

(c) Voted upon by the registered voters of the City at large.

2. The salary of the Municipal Judges must be fixed by ordinance and be uniform for all departments of the Municipal Court. The salary may be increased during the terms for which the Judges are elected or appointed.

3. The Municipal Judges of the six departments shall elect a Master Judge from among their number. The Master Judge shall hold office for a term of 2 years commencing on July 1 of each ~~[odd-numbered year.]~~ *year of a general municipal election.* If a vacancy occurs in the position of Master Judge, the Municipal Judges shall elect a replacement for the remainder of the unexpired term. If two or more Municipal Judges receive an equal number of votes for the position of Master Judge, the candidates who have received the tie votes shall resolve the tie vote by the drawing of lots. The Master Judge:

(a) Shall establish and enforce administrative regulations for governing the affairs of the Municipal Court.

(b) Is responsible for setting trial dates and other matters which pertain to the Court calendar.

(c) Shall perform such other Court administrative duties as may be required by the City Council.

4. Alternate Judges in sufficient numbers may be appointed annually by the Mayor, each of whom:

(a) Must be a duly licensed member, in good standing, of the State Bar of Nevada and have such other qualifications as are prescribed by ordinance.

(b) Has all of the powers and jurisdiction of a Municipal Judge while he is acting as such.

(c) Is entitled to such compensation as may be fixed by the City Council.

5. Any Municipal Judge, other than an Alternate Judge, automatically forfeits his office if he ceases to be a resident of the City.

Sec. 63. Section 5.010 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as last amended by chapter 637, Statutes of Nevada 1999, at page 3565, is hereby amended to read as follows:

Sec. 5.010 Primary municipal elections.

1. ~~[On the Tuesday after the first Monday in April 2001, and at each successive interval of 4 years, a]~~ *A* primary ~~[municipal]~~ election must be held in the City ~~[at which time candidates for half of the offices of Councilman and for Municipal Judge, Department 2, must be nominated.~~

~~2. On the Tuesday after the first Monday in April 2003, and at each successive interval of 4 years, a primary municipal election must be held in the City at which time candidates for Mayor, for the other half of the offices of Councilman and for Municipal Judge, Department 1, must be nominated.~~

~~3.~~] *on the date fixed by the election laws of this State for statewide elections.*

2. In the primary election:

(a) The candidates for Councilman who are to be nominated ~~[as provided in subsections 1 and 2]~~ must be nominated and voted for separately according to the respective wards. ~~[The candidates from each even-numbered ward must be nominated as provided in subsection 1, and the candidates from each odd-numbered ward must be nominated as provided in subsection 2.~~

~~4.~~] *(b)* If the City Council has established an additional department or departments of the Municipal Court pursuant to section 4.010 of this Charter ~~[,]~~ and, as a result, more than one office of Municipal Judge is to be filled at any election, the candidates for those offices must be nominated and voted upon separately according to the respective departments.

~~[5.]~~ *3.* Each candidate for ~~[the municipal offices which are provided for in subsections 1, 2 and 4]~~ *municipal office* must file a declaration of candidacy with the City Clerk. All filing fees collected by the City Clerk must be paid into the City Treasury.

~~[6.]~~ *4.* If, in the primary election, regardless of the number of candidates for an office, one candidate receives a majority of votes which are cast in that election for the office for which he is a candidate, he must be declared elected for the term which commences on the day of the first regular meeting of the City Council next succeeding the meeting at which the canvass of the returns is made, and no general election need be held for that office. If, in the primary election, no candidate receives a majority of votes which are cast in that election for the office for which he is a candidate, the names of the two candidates who receive the highest number of votes must be placed on the ballot for the general election.

Sec. 64. Section 5.020 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, at page 1415, is hereby amended to read as follows:

Sec. 5.020 General municipal election.

1. ~~[A]~~ *On the first Tuesday after the first Monday in June 2009, there must be elected, at a* general ~~[municipal]~~ election ~~[must be]~~ held in the City ~~[on the Tuesday after the 1st Monday in June of each odd-numbered year and on the same day every 2 years thereafter, at which time there must be elected those officers whose offices are required to be filled by election in that year.]~~ *for that purpose:*

(a) The Councilmen from even-numbered wards who shall hold office until their successors have been elected and qualified pursuant to subsection 4.

(b) The Municipal Judges for Departments 1, 4 and 6 who shall hold office until their successors have been elected and qualified pursuant to subsection 5.

2. *On the first Tuesday after the first Monday in November 2012, and at each successive interval of 4 years, there must be elected, at a general election to be held for that purpose, the Mayor and Councilmen from odd-numbered wards who shall hold office for a period of 4 years and until their successors have been elected and qualified.*

3. On the first Tuesday after the first Monday in November 2012, and at each successive interval of 6 years, there must be elected, at a general election to be held for that purpose, Municipal Judges for Departments 2, 3 and 5 who shall hold office for a period of 6 years and until their successors have been elected and qualified.

4. On the first Tuesday after the first Monday in November 2014, and at each successive interval of 4 years, there must be elected, at a general election to be held for that purpose, the Councilmen from even-numbered wards who shall hold office for a period of 4 years and until their successors have been elected and qualified.

5. On the first Tuesday after the first Monday in November 2016, and at each successive interval of 6 years, there must be elected, at a general election to be held for that purpose, Municipal Judges for Departments 1, 4 and 6 who shall hold office for a period of 6 years and until their successors have been elected and qualified.

6. All candidates for elective office, except the office of Councilman, must be voted upon by the registered voters of the City at large.

Sec. 65. The Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, at page 1210, is hereby amended by adding thereto a new section to be designated as section 5.100, immediately following section 5.090, to read as follows:

Sec. 5.100 Continuation of certain officers.

1. The Municipal Judge for Department 1 elected at the general election held on the Tuesday after the first Monday in June 2005 shall continue in office until the election, and qualification thereafter, of his successor pursuant to subsection 3 of section 5.010.

2. The two Councilmen elected at the general election held on the Tuesday after the first Monday in June 2007 shall continue in office until the election, and qualification thereafter, of their successors pursuant to subsection 2 of section 5.010.

Sec. 66. Section 2.010 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 499,

Statutes of Nevada 2005, at page 2691, is hereby amended to read as follows:

Sec. 2.010 City Council: Qualifications; election; term of office; salary.

1. The legislative power of the City is vested in a City Council consisting of four Councilmen and a Mayor.

2. The Mayor must be:

(a) A bona fide resident of the City for at least 6 months immediately preceding his election.

(b) A qualified elector within the City.

3. Each Councilman:

(a) Must be a qualified elector who has resided in the ward which he represents for at least 30 days immediately preceding the last day for filing a declaration of candidacy for his office.

(b) Must continue to live in the ward he represents, except that changes in ward boundaries made pursuant to section 1.045 of this Charter will not affect the right of any elected Councilman to continue in office for the term for which he was elected.

4. At the time of filing, if so required by an ordinance duly enacted, candidates for the office of Mayor and Councilman shall produce evidence in satisfaction of any or all of the qualifications provided in subsection 2 or 3, whichever is applicable.

5. Each Councilman must be voted upon only by the registered voters of the ward that he seeks to represent, and *except as otherwise provided in sections 5.010 and 5.100,* his term of office is 4 years.

6. The Mayor must be voted upon by the registered voters of the City at large, and *except as otherwise provided in section 5.010,* his term of office is 4 years.

7. The Mayor and Councilmen are entitled to receive a salary in an amount fixed by the City Council.

Sec. 67. Section 4.005 of the Charter of the City of North Las Vegas, being chapter 215, Statutes of Nevada 1997, as amended by chapter 73, Statutes of Nevada 2003, at page 484, is hereby amended to read as follows:

Sec. 4.005 Municipal Court.

1. There is a Municipal Court of the City which consists of at least one department. Each department must be presided over by a Municipal Judge and has such power and jurisdiction as is prescribed in, and is, in all respects which are not inconsistent with this Charter, governed by the provisions of chapters 5 and 266 of NRS which relate to municipal courts.

2. The City Council may, from time to time, by ordinance, establish additional departments of the Municipal Court and shall appoint an additional Municipal Judge for each additional department.

3. At the first municipal primary or municipal general election that follows the appointment of an additional Municipal Judge to a

newly created department of the Municipal Court, the successor to that Municipal Judge must be elected for an initial term of not more than 6 years, as determined by the City Council, in order that, as nearly as practicable, one-third of the number of Municipal Judges be elected every 2 years.

4. Except as otherwise provided by the ordinance establishing an additional department, each Municipal Judge must be voted upon by the registered voters of the City at large and *, except as otherwise provided in sections 5.010 and 5.100,* holds office for a period of 6 years and until his successor has been elected and qualified.

5. The respective departments of the Municipal Court must be numbered 1 through the appropriate Arabic numeral, as additional departments are approved by the City Council. A Municipal Judge must be elected for each department by number.

Sec. 68. Section 5.010 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 499, Statutes of Nevada 2005, at page 2691, is hereby amended to read as follows:

Sec. 5.010 General municipal elections.

1. On the Tuesday after the first Monday in June ~~[1977, and at each successive interval of 4 years thereafter,]~~ *2009,* there must be elected, at a general election to be held for that purpose, a *:*

(a) Mayor and two Councilmen ~~[,]~~ who shall hold office ~~[for a period of 4 years and]~~ until their successors have been elected and qualified ~~[.]~~ *pursuant to subsection 4.*

(b) Municipal Judge for Department 2 who shall hold office until his successor has been elected and qualified pursuant to subsection 5.

2. On the *first* Tuesday after the first Monday in ~~[June 1975,]~~ *November 2012,* and at each successive interval of 4 years *,* ~~[thereafter,]~~ there must be elected, at a general election to be held for that purpose, two Councilmen ~~[,]~~ who shall hold office for a period of 4 years and until their successors have been elected and qualified.

3. *On the first Tuesday after the first Monday in November 2012, and at each successive interval of 6 years, there must be elected, at a general election to be held for that purpose, a Municipal Judge for Department 1 who shall hold office for a period of 6 years and until his successor has been elected and qualified.*

4. On the first Tuesday after the first Monday in November 2014, and at each successive interval of 4 years, there must be elected, at a general election to be held for that purpose, a Mayor and two Councilmen who shall hold office until their successors have been elected and qualified.

5. On the first Tuesday after the first Monday in November 2016, and at each successive interval of 6 years, there must be elected, at a general election to be held for that purpose, a Municipal Judge for

Department 2 who shall hold office for a period of 6 years and until his successor has been elected and qualified.

6. In such a general election:

(a) A candidate for the office of City Councilman must be elected only by the registered voters of the ward that he seeks to represent.

(b) Candidates for all other elective offices must be elected by the registered voters of the City at large.

Sec. 69. Section 5.020 of the Charter of the City of North Las Vegas, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 499, Statutes of Nevada 2005, at page 2692, is hereby amended to read as follows:

Sec. 5.020 Primary municipal elections; declaration of candidacy.

1. The City Council shall provide by ordinance for candidates for elective office to declare their candidacy and file the necessary documents. The seats for City Councilmen must be designated by the numbers one through four, which numbers must correspond with the wards the candidates for City Councilmen will seek to represent. A candidate for the office of City Councilman shall include in his declaration of candidacy the number of the ward which he seeks to represent. Each candidate for City Council must be designated as a candidate for the City Council seat that corresponds with the ward that he seeks to represent.

2. If for any general municipal election there are three or more candidates for the offices of Mayor or Municipal Judge, or for a particular City Council seat, a primary election for any such office must be held on the ~~[Tuesday following the first Monday in April preceding the general election.]~~ *date fixed by the election laws of this State for statewide elections.* In the primary election:

(a) A candidate for the office of City Councilman must be voted upon only by the registered voters of the ward that he seeks to represent.

(b) Candidates for all other elective offices must be voted upon by the registered voters of the City at large.

3. Except as otherwise provided in subsection 4, after the primary election, the names of the two candidates for Mayor, Municipal Judge and each City Council seat who receive the highest number of votes must be placed on the ballot for the general election.

4. If one of the candidates for Mayor, Municipal Judge or a City Council seat receives a majority of the total votes cast for that office in the primary election, he shall be declared elected to office and his name must not appear on the ballot for the general election.

Sec. 70. The Charter of Yerington, being chapter 465, Statutes of Nevada 1971, at page 901, is hereby amended by adding thereto a new section to be designated as section 5.110, immediately following section 5.100, to read as follows:

Sec. 5.110 Continuation of certain officers.

The Mayor and two Councilmen elected at the general election held on the first Tuesday after the first Monday in June 2007 shall continue in office until the election, and qualification thereafter, of their successors pursuant to subsection 2 of section 5.010.

Sec. 71. Section 2.010 of the Charter of the City of Yerington, being chapter 465, Statutes of Nevada 1971, as last amended by chapter 98, Statutes of Nevada 1977, at page 213, is hereby amended to read as follows:

Sec. 2.010 City Council: Qualifications; election; term of office; salary.

1. The legislative power of the City is vested in a City Council consisting of four Councilmen.

2. The Councilmen ~~[shall]~~ *must* be:

(a) Bona fide residents of the City for at least 6 months immediately preceding their election.

(b) Qualified electors in the City.

3. All Councilmen ~~[shall]~~ *must* be voted upon by the registered voters of the City at large and *, except as otherwise provided in sections 5.010 and 5.110,* shall serve for terms of 4 years.

4. The Councilmen shall receive a salary in an amount fixed by the City Council.

Sec. 72. Section 5.010 of the Charter of the City of Yerington, being chapter 465, Statutes of Nevada 1971, at page 912, is hereby amended to read as follows:

Sec. 5.010 ~~[Municipal]~~ *General municipal* elections.

1. ~~[On the 1st Tuesday after the 1st Monday in June 1975, and at each successive interval of 4 years, there shall be elected by the qualified voters of the City at a general election to be held for that purpose a Mayor and two Councilmen, who shall hold office for a period of 4 years and until their successors have been elected and qualified.~~

~~2.~~] On the ~~[1st]~~ *first* Tuesday after the ~~[1st]~~ *first* Monday in June ~~[1977, and at each successive interval of 4 years thereafter,]~~ *2009*, there ~~[shall]~~ *must* be elected by the qualified voters of the City at a general election to be held for that purpose two Councilmen ~~[,]~~ who shall hold office ~~[for a period of 4 years and]~~ until their successors have been elected and qualified ~~[.]~~ *pursuant to subsection 3.*

2. On the first Tuesday after the first Monday in November 2012, and at each successive interval of 4 years, there must be elected by the qualified voters of the City, at a general election to be held for that purpose, a Mayor and two Councilmen who shall hold office for a period of 4 years and until their successors have been elected and qualified.

3. On the first Tuesday after the first Monday in November 2014, and at each successive interval of 4 years, there must be elected by the

qualified voters of the City, at a general election to be held for that purpose, two Councilmen who shall hold office for a period of 4 years and until their successors have been elected and qualified.

~~[Sec. 46.]~~ *Sec. 73.* NRS 294A.150, 294A.220, 294A.281, 294A.282, 294A.283 and 294A.284 are hereby repealed.

Sec. 74. Notwithstanding any other provision of law to the contrary, if a city incorporated pursuant to general law holds a general city election in:

1. June 2009, the elective city officers who are elected at such general city election shall continue in office until the election, and qualification thereafter, of their successors in the general city election to be held on the first Tuesday after the first Monday in November 2012.

2. June 2011, the elective city officers who are elected at such general city election shall continue in office until the election, and qualification thereafter, of their successors in the general city election to be held on the first Tuesday after the first Monday in November 2014.

Sec. 75. Notwithstanding any other provision of law to the contrary, if any elective city officer of a city that has its election cycle affected by this act has a term of office which expires in 2011 or 2013 and which is not otherwise extended or shortened pursuant to the provisions of this act, the person or entity designated by law to fill vacancies that occur on the city council of the city shall appoint the incumbent elective city officer to serve as city councilman, mayor, municipal judge or other elective city officer, as applicable, in that office until his successor is elected and qualified at the general election in 2012 or 2014, as applicable, if that person is willing to serve in that capacity. If the person is not willing to serve in that capacity, the position must be filled in the same manner as if a vacancy occurred in the position.

~~[Sec. 47.]~~ *Sec. 76.* ~~[1.]~~ This ~~[section and sections 1 to 29.3, inclusive, 30, 31, 32, 33, 34, 35 to 38, inclusive, 39, 40, 41, 42, 43, 44 and 46 of this]~~ act ~~[become]~~ *becomes* effective on July 1, 2009.

~~[2. Sections 29.5, 29.7, 32.2 to 32.5, inclusive, 33.1, 33.2, 34.2, 34.3, 38.2, 40.5, 41.5 and 44.1 to 45.5, inclusive, of this act become effective on January 16, 2011.]~~

LEADLINES OF REPEALED SECTIONS

294A.150 Person or group of persons, including business entities, advocating passage or defeat of question on ballot who receives or expends money in excess of $10,000 to report contributions received; period covered; form; filing.

294A.220 Person or group of persons, including business entities, advocating passage or defeat of question on ballot who receives or expends money in excess of $10,000 to report expenditures; deadline; period covered; form; filing.

294A.281 Registration.

294A.282 Registered agent.

294A.283 Reporting of contributions and expenditures; period covered; deadline; form; filing.

294A.284 Reporting of certain information concerning compensation of persons to circulate petitions.

Senator Woodhouse moved the adoption of the amendment.

Remarks by Senator Woodhouse.

Senator Woodhouse requested that her remarks be entered in the Journal.

Amendment No. 1014 makes several significant changes to the second reprint of Assembly Bill No. 82. Specifically, the amendment deletes all requirements in the bill for electronic filing and expenditure reporting in multiple sections of the bill, thereby restoring filing and expenditure requirements to the process that is currently in place.

The proposed amendment also deletes Section 29.3, the independent expenditure requirement that would have established a reporting requirement for certain individuals who intend to make unsolicited expenditures related to an election.

This amendment also revises Section 1.3 to raise from 10 to 50, the number of voter registration applications needed to be defined as a "voter registration drive."

It also separates ballot access groups from the certain provisions of the measure affecting candidate campaign contribution and expenditure reports. Instead, after reaching a $1,000 threshold, such groups must report contributions and expenditures that exceed $100. Deadlines and processes for these reports are similar to those set for candidates.

This amendment also revises and clarifies the provisions that govern how candidates who withdraw or are defeated must dispose of their unspent campaign contributions.

A cap of $10,000 is set for donations of unspent contributions to ballot advocacy groups. Additionally, another acceptable disposition of unspent contributions is authorized to include donations to the State Distributive School Account or to a county school district fund.

This bill is also revised to shift local elections for all charter cities and all cities incorporated under general law to the statewide election cycle, beginning with the 2012 elections. Applicable filing dates and other election-related deadlines are shifted accordingly. Officials of affected cities incorporated under general law who are elected in 2009 will hold office until the city elections are held in 2012. The officials of such cities who are elected in 2011 will hold office until the city elections of 2014. The terms of office for officials of affected charter cities who were elected in 2007 will be extended until the city elections are held in 2012.

Criminal penalties for crimes surrounding election procedures are revised as follows: the penalty for interfering with the conduct of an election is reduced from a category C in the bill to a category D felony; and the penalty for persons who tamper with mechanical voting systems, voting devices, or related computer programs with intent to prevent the proper operation of that device, is reduced from a category C to a category D felony.

Finally, in all places where campaign-reporting requirements require an affirmation "under penalty of perjury," the amendment provides for an optional religious oath such as "so help me God," under the same penalty of perjury.

Amendment adopted.

The following amendment was proposed by Senators Cegavske and Hardy:

Amendment No. 1017.

"SUMMARY—Makes various changes relating to elections. (BDR 24-417)"

"AN ACT relating to elections; making various changes relating to the administration and conduct of elections; providing penalties; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Section 1.5 of this bill sets forth requirements for and responsibilities of an organizer of a voter registration drive, including registering with the

Secretary of State and attending training offered by the Secretary of State, and provides for penalties and the imposition of fines for violations.

Section 5 of this bill increases the deadline for filing written challenges of candidacy from 5 days to 10 days after the last day a person may withdraw his candidacy. (NRS 293.182)

Section 7 of this bill increases the maximum number of active and registered voters that election precincts may contain from 1,500 to 3,000 active and registered voters. (NRS 293.207)

Sections 8 and 15 of this bill provide that the creation of mailing precincts or absent ballot mailing precincts must be approved by the Secretary of State under certain circumstances. (NRS 293.213, 293.343)

Sections 1.9, 9, 11, 12, 14, 20 and 22 of this bill authorize the Secretary of State to establish a system for electors in the State to register to vote electronically. (NRS 293.1277, 293.250, 293.272, 293.2725, 293.506 and 293.517) *Section 20 further provides that if the Secretary of State establishes such a system, an application to register to vote that is submitted electronically must not be accepted unless the application includes the number indicated on the applicant's current and valid driver's license or identification card issued by the Department of Motor Vehicles. (NRS 293.506)*

Section 10 of this bill provides that if two or more candidates in an election have the same given name and surname and one candidate is an incumbent, the word "Incumbent" must be written on the ballot next to name of the candidate who is the incumbent. (NRS 293.2565) Section 13 of this bill requires the posting at polling places on election day of information concerning the eligibility of a candidate, question or other matter to appear on the ballot as a result of judicial determination or by operation of law. (NRS 293.3025)

Section 16 of this bill authorizes the Secretary of State to assess a charge, not to exceed the cost of printing the applications, against a political party or other entity that requests more than 50 applications to register to vote by mail in any 12-month period. (NRS 293.443)

Existing law requires county clerks to report to the Secretary of State certain information regarding primary and general elections. The Secretary of State is required to report this information to the Legislature not later than 30 days before the start of a regular legislative session. Section 17.2 of this bill changes the deadline for that report to within 10 days before or after the first day of each regular legislative session. (NRS 293.4695)

Section 17.4 of this bill requires that recruitment offices of the United States Armed Forces serve as voter registration agencies. (NRS 293.504)

Section 18 of this bill prohibits a voter registration agency from knowingly employing a person whose duties will include the registration of voters if the person has been convicted of a felony involving theft, fraud or dishonesty. (NRS 293.5045)

Section 19 of this bill prohibits a county clerk from knowingly appointing to be a field registrar any person who has been convicted of a felony involving theft, fraud or dishonesty. (NRS 293.505)

Section 22.2 of this bill changes the date on which a person who registers to vote by mail is deemed to be registered to the earlier of the date on which the application is postmarked or received by the county clerk. (NRS 293.5235)

Section 23 of this bill amends the deadlines for the county clerk to transmit the number of registered voters in the county to the Secretary of State for the primary and general elections. (NRS 293.567)

Section 24 of this bill increases the penalty for intimidating voters from a gross misdemeanor to a category E felony. (NRS 293.710)

Section 25 of this bill increases the penalty for interfering with the conduct of an election from a gross misdemeanor to a category C felony. (NRS 293.730)

Section 25.2 of this bill provides that polling information from a voter regarding whether the voter intends to vote for or against a particular political party, candidate or ballot question is not "electioneering." (NRS 293.740)

Section 26 of this bill increases the penalty for the removal or destruction of certain voting supplies and equipment from a gross misdemeanor to a category D felony. (NRS 293.750)

Section 27 of this bill provides that if a person tampers or interferes with, or attempts to tamper or interfere with, a mechanical voting system, mechanical voting device or any computer program used to count ballots, such an act is punishable as: (1) a category C felony if the act was committed with the intent to prevent the proper operation of that system, device or program; and (2) a category B felony, punishable by imprisonment in the state prison for a minimum term of 2 years and a maximum term of 20 years, if the act was committed with the intent to influence the outcome of an election. (NRS 293.755)

Section 28 of this bill makes certain unlawful acts relating to the registration of voters a category C felony rather than a category E felony. (NRS 293.800)

Section 29.3 of this bill requires certain persons to register with the Secretary of State before making an expenditure on behalf of a candidate or group of candidates which is not solicited or approved by the candidate or group.

Section 30 of this bill amends the definition of "committee for political action" to include a natural person. (NRS 294A.0055)

Sections 29.5, 29.7, 32.2-32.5, 33.1, 33.2, 34.2, 34.3, 35, 38.2, 40.5 and 41.5 of this bill provide that, except under certain circumstances, campaign contribution and expenditure reports related to candidates for state, county and district offices must be filed electronically with the Secretary of State. (NRS 294A.120, 294A.125, 294A.128, 294A.140, 294A.200, 294A.210, 294A.270, 294A.280, 294A.362, 294A.373, 294A.390)

Sections 32, 36 and 36.5 of this bill prohibit: (1) a person from committing to make certain campaign contributions; and (2) a candidate from accepting a commitment to make certain campaign contributions. (NRS 294A.100, 294A.287, 294A.300)

Sections 33 and 35 of this bill provide the acceptable methods for disposing of unspent campaign contributions or unspent money in a legal defense fund. (NRS 294A.200, 294A.286)

Section 34 of this bill requires committees for political action to file with the Secretary of State an updated form of registration on or before January 15 of each year. (NRS 294A.230)

Existing law requires the Secretary of State to design a universal form for campaign contribution and expenditure reports. Section 40.5 of this bill requires the Secretary of State to design a form for each campaign contribution and expenditure report. (NRS 294A.373)

Sections 44.1-44.3 and 44.5-45.5 of this bill provide that, except under certain circumstances, appointed and elected public officers must file electronically statements of financial disclosure with the Secretary of State rather than the Nevada Commission on Ethics. (NRS 281A.290, 281A.600-281A.650)

Section 46 repeals provisions governing the registration of and reporting of contributions and expenses by certain persons and groups relating to ballot questions. (NRS 294A.150, 294A.220, 294A.281-294A.284)

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

Section 1. Chapter 293 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.1, 1.3 and 1.5 of this act.

Sec. 1.1. *"Organizer of voter registration" means any person who organizes a voter registration drive pursuant to section 1.5 of this act.*

Sec. 1.3. *"Voter registration drive" means distributing and collecting 10 or more applications to register to vote pursuant to section 1.5 of this act.*

Sec. 1.5. *1. Before commencing a voter registration drive, the organizer of voter registration shall:*

(a) File a statement of intent to conduct voter registration with the Secretary of State in the form prescribed by the Secretary of State; and

(b) Complete a training course offered by the Secretary of State for organizers of voter registration.

2. An organizer of voter registration:

(a) Shall maintain in the State a registered agent who resides or is located in this State upon whom all legal process and any demand or notice authorized by law to be served upon it may be served. The organizer of voter registration shall include the contact information for the registered agent with the statement of intent filed pursuant to subsection 1.

(b) May register voters in this State.

(c) May employ persons to assist the organizer of voter registration in registering voters in the State. The organizer of voter registration shall not

provide compensation to any person hired pursuant to this paragraph that is based on the number of completed applications to register to vote that the person submits.

(d) Shall not knowingly employ a person to register voters in this State if the person has been convicted of a felony involving theft, fraud or dishonesty.

3. Except as otherwise provided in this subsection, a completed application to register to vote that is collected pursuant to a voter registration drive must be:

(a) Delivered personally to the county clerk not later than 10 calendar days after the elector signs the application; or

(b) Mailed to the county clerk and postmarked not later than 10 calendar days after the elector signs the application.

➥ *Any completed application to register to vote that is signed by an elector 14 calendar days or less before the date for the close of registration set forth in NRS 293.560 and 293C.527 must be delivered or postmarked on the day on which the elector signs the application.*

4. A person who registers voters in this State pursuant to a voter registration drive shall not:

(a) Seek to influence an applicant's political preference or party registration; or

(b) Make any statement or take any action to discourage an applicant from registering to vote.

➥ *A person who violates any of the provisions of this subsection is guilty of a category E felony and shall be punished as provided in NRS 193.130.*

5. The Secretary of State shall impose the following fines for each violation:

(a) If an organizer of voter registration does not complete the training course offered by the Secretary of State pursuant to subsection 1, a fine of not more than $1,000.

(b) If an organizer of voter registration does not file with the Secretary of State the contact information for its registered agent required pursuant to paragraph (a) of subsection 2, a fine of not more than $1,000.

(c) If an organizer of voter registration employs a person in violation of paragraph (d) of subsection 2, a fine of not more than $5,000 per person who is employed by the organizer of voter registration in violation of that paragraph.

(d) If an organizer of voter registration does not submit a completed application to register to vote within the applicable period set forth in subsection 3, a fine of not more than $50 for each business day that the application is late.

6. If the Secretary of State has imposed a fine against an organizer of voter registration pursuant to paragraph (d) of subsection 5 three times or more, the Secretary of State may impose an additional fine of not more than $1,000.

7. The Secretary of State may adopt regulations necessary to administer the provisions of this section.

Sec. 1.7. NRS 293.010 is hereby amended to read as follows:

293.010 As used in this title, unless the context otherwise requires, the words and terms defined in NRS 293.013 to 293.121, inclusive, *and sections 1.1 and 1.3 of this act* have the meanings ascribed to them in those sections.

Sec. 1.9. NRS 293.1277 is hereby amended to read as follows:

293.1277 1. If the Secretary of State finds that the total number of signatures submitted to all the county clerks is 100 percent or more of the number of registered voters needed to declare the petition sufficient, he shall immediately so notify the county clerks. Within 9 days, excluding Saturdays, Sundays and holidays, after notification, each of the county clerks shall determine the number of registered voters who have signed the documents submitted in his county.

2. If more than 500 names have been signed on the documents submitted to him, a county clerk shall examine the signatures by sampling them at random for verification. The random sample of signatures to be verified must be drawn in such a manner that every signature which has been submitted to the county clerk is given an equal opportunity to be included in the sample. The sample must include an examination of at least 500 or 5 percent of the signatures, whichever is greater.

3. In determining from the records of registration the number of registered voters who signed the documents, the county clerk may use the signatures contained in the file of applications to register to vote. If the county clerk uses that file, he shall ensure that every application in the file is examined, including any application in his possession which may not yet be entered into his records. [The] *Except as otherwise provided in this subsection, the* county clerk shall rely only on the appearance of the signature and the address and date included with each signature *in the file of applications to register to vote* in making his determination. *If the Secretary of State establishes pursuant to NRS 293.506 a system to allow persons to register electronically to vote in this State, the county clerk may rely on such other indicia as prescribed by the Secretary of State in making his determination.*

4. Except as otherwise provided in subsection 6, upon completing the examination, the county clerk shall immediately attach to the documents a certificate properly dated, showing the result of his examination and transmit the documents with the certificate to the Secretary of State. A copy of this certificate must be filed in the clerk's office. When the county clerk transmits the certificate to the Secretary of State, the county clerk shall notify the Secretary of State of the number of requests to remove a name received by the county clerk pursuant to NRS 295.055 or 306.015.

5. A person who submits a petition to the county clerk which is required to be verified pursuant to NRS 293.128, 293.165, 293.172, 293.200, 295.056, 298.109, 306.035 or 306.110 must be allowed to witness the verification of

the signatures. A public officer who is the subject of a recall petition must also be allowed to witness the verification of the signatures on the petition.

6. For any petition containing signatures which are required to be verified pursuant to the provisions of NRS 293.165, 293.200, 306.035 or 306.110 for any county, district or municipal office within one county, the county clerk shall not transmit to the Secretary of State the documents containing the signatures of the registered voters.

7. The Secretary of State may by regulation establish further procedures for carrying out the provisions of this section.

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. NRS 293.182 is hereby amended to read as follows:

293.182 1. After a person files a declaration of candidacy or an acceptance of candidacy to be a candidate for an office, and not later than ~~[5]~~ *10 calendar* days after the last day the person may withdraw his candidacy pursuant to NRS 293.202, an elector may file with the filing officer for the office a written challenge of the person on the grounds that the person fails to meet any qualification required for the office pursuant to the Constitution or a statute of this State, including, without limitation, a requirement concerning age or residency. Before accepting the challenge from the elector, the filing officer shall notify the elector that if the challenge is found by a court to be frivolous, the elector may be required to pay the reasonable attorney's fees and court costs of the challenged person.

2. A challenge filed pursuant to subsection 1 must:

(a) Indicate each qualification the person fails to meet;

(b) Have attached all documentation and evidence supporting the challenge; and

(c) Be in the form of an affidavit, signed by the elector under penalty of perjury.

3. Upon receipt of a challenge pursuant to subsection 1:

(a) The Secretary of State shall immediately transmit the challenge to the Attorney General.

(b) A filing officer other than the Secretary of State shall immediately transmit the challenge to the district attorney.

4. If the Attorney General or district attorney determines that probable cause exists to support the challenge, the Attorney General or district attorney shall, not later than 5 working days after receiving the challenge, petition a court of competent jurisdiction to order the person to appear before the court. Upon receipt of such a petition, the court shall enter an order directing the person to appear before the court at a hearing, at a time and place to be fixed by the court in the order, to show cause why the challenge is not valid. A certified copy of the order must be served upon the person. The court shall give priority to such proceedings over all other matters pending with the court, except for criminal proceedings.

5. If, at the hearing, the court determines by a preponderance of the evidence that the challenge is valid or that the person otherwise fails to meet any qualification required for the office pursuant to the Constitution or a statute of this State, or if the person fails to appear at the hearing:

(a) The name of the person must not appear on any ballot for the election for the office for which he filed the declaration of candidacy or acceptance of candidacy; and

(b) The person is disqualified from entering upon the duties of the office for which he filed the declaration of candidacy or acceptance of candidacy.

6. If, at the hearing, the court determines that the challenge is frivolous, the court may order the elector who filed the challenge to pay the reasonable attorney's fees and court costs of the challenged person.

Sec. 6. (Deleted by amendment.)

Sec. 7. NRS 293.207 is hereby amended to read as follows:

293.207 1. Election precincts must be established on the basis of the number of registered voters therein, with a maximum of ~~[1,500]~~ *3,000* registered voters who are not designated inactive pursuant to NRS 293.530 per precinct in those precincts in which a mechanical voting system is used.

2. Except as otherwise provided in subsections 3 and 4, the county clerk may consolidate two or more contiguous election precincts into a single voting district to conduct a particular election as public convenience, necessity and economy may require.

3. If a county clerk proposes to consolidate two or more contiguous election precincts, in whole or in part, pursuant to subsection 2, the county clerk shall, at least 14 days before consolidating the precincts, cause notice of the proposed consolidation to be:

(a) Posted in the manner prescribed for a regular meeting of the board of county commissioners; and

(b) Mailed to each Assemblyman, State Senator, county commissioner and, if applicable, member of the governing body of a city who represents residents of a precinct affected by the consolidation.

4. A person may file a written objection to the proposed consolidation with the county clerk. The county clerk shall consider each written objection filed pursuant to this subsection before consolidating the precincts.

Sec. 8. NRS 293.213 is hereby amended to read as follows:

293.213 1. Whenever there were not more than 20 voters registered in a precinct for the last preceding general election, the county clerk may ~~[, with the approval of the Secretary of State,]~~ establish that precinct as a mailing precinct.

2. Except as otherwise provided in NRS 293.208, the county clerk in any county ~~[where]~~ *in which* an absent ballot central counting board is appointed may abolish two or more existing mailing precincts and combine those mailing precincts into absent ballot precincts. Those mailing precincts must be designated absent ballot mailing precincts.

3. In any county ~~[where]~~ *in which* an absent ballot central counting board is appointed, any established precinct which had less than 200 ballots cast at the last preceding general election, or any newly established precinct with less than 200 registered voters, may be designated an absent ballot mailing precinct.

4. *If a county clerk wishes to establish a mailing precinct or an absent ballot mailing precinct that does not meet the requirements of subsection 1, 2 or 3, the county clerk must obtain approval from the Secretary of State before establishing the mailing precinct or absent ballot mailing precinct.*

5. The county clerk shall, at least 14 days before establishing or designating a precinct as a mailing precinct or absent ballot mailing precinct or before abolishing a mailing precinct pursuant to this section, cause notice of such action to be:

(a) Posted in the manner prescribed for a regular meeting of the board of county commissioners; and

(b) Mailed to each Assemblyman, State Senator, county commissioner and, if applicable, member of the governing body of a city who represents residents of a precinct affected by the action.

Sec. 9. NRS 293.250 is hereby amended to read as follows:

293.250 1. The Secretary of State shall, in a manner consistent with the election laws of this State, prescribe:

(a) The form of all ballots, absent ballots, diagrams, sample ballots, certificates, notices, declarations, applications to register to vote, lists, applications, registers, rosters, statements and abstracts required by the election laws of this State.

(b) The procedure to be followed ~~[when]~~ *:*

(1) If the Secretary of State establishes pursuant to NRS 293.506 a system to allow persons to register electronically to vote in this State.

(2) When a computer is used to ~~[register voters and to]~~ keep records of registration.

2. The Secretary of State shall prescribe with respect to the matter to be printed on every kind of ballot:

(a) The placement and listing of all offices, candidates and measures upon which voting is statewide, which must be uniform throughout the State.

(b) The listing of all other candidates required to file with him, and the order of listing all offices, candidates and measures upon which voting is not statewide, from which each county or city clerk shall prepare appropriate ballot forms for use in any election in his county.

3. The Secretary of State shall place the condensation of each proposed constitutional amendment or statewide measure near the spaces or devices for indicating the voter's choice.

4. The fiscal note for, explanation of, arguments for and against ~~[,]~~ and rebuttals to such arguments of each proposed constitutional amendment or statewide measure must be included on all sample ballots.

5. The condensations and explanations for constitutional amendments and statewide measures proposed by initiative or referendum must be prepared by the Secretary of State, upon consultation with the Attorney General. The arguments and rebuttals for or against constitutional amendments and statewide measures proposed by initiative or referendum must be prepared in the manner set forth in NRS 293.252. The fiscal notes for constitutional amendments and statewide measures proposed by initiative or referendum must be prepared by the Secretary of State, upon consultation with the Fiscal Analysis Division of the Legislative Counsel Bureau. The condensations, explanations, arguments, rebuttals and fiscal notes must be in easily understood language and of reasonable length, and whenever feasible must be completed by August 1 of the year in which the general election is to be held.

6. The names of candidates for township and legislative or special district offices must be printed only on the ballots furnished to voters of that township or district.

7. A county clerk:

(a) May divide paper ballots into two sheets in a manner which provides a clear understanding and grouping of all measures and candidates.

(b) Shall prescribe the color or colors of the ballots and voting receipts used in any election which the clerk is required to conduct.

Sec. 10. NRS 293.2565 is hereby amended to read as follows:

293.2565 1. Except as otherwise provided in subsection 2, in any election regulated by this chapter, the name of a candidate printed on a ballot may be the given name and surname of the candidate or a contraction or familiar form of his given name followed by his surname. A nickname of not more than 10 letters may be incorporated into the name of a candidate. The nickname must be in quotation marks and appear immediately before the surname of the candidate. A nickname must not indicate any political, economic, social or religious view or affiliation and must not be the name of any person, living or dead, whose reputation is known on a statewide, nationwide or worldwide basis ~~[,]~~ or in any other manner deceive a voter regarding the person or principles for which he is voting.

2. ~~[Except as otherwise provided in subsection 3, in]~~ *In* any election regulated by this chapter, if two or more candidates have the same *given name and* surname ~~[or surnames so similar as to be likely to cause confusion]~~ and:

(a) None of the candidates is an incumbent, the middle names or middle initials, if any, of the candidates must be included in the names of the candidates *;* ~~[as printed on the ballot;]~~ or

(b) One of the candidates is an incumbent, the name of the incumbent must be listed first and ~~[must be printed in bold type.~~

~~3. Where a system of voting other than by paper ballot is used and the provisions of paragraph (b) of subsection 2 are applicable, the Secretary of State may distinguish a candidate who is an incumbent in a manner other~~

~~than printing the name of the incumbent in bold type provided that the manner used clearly emphasizes the name of the incumbent in a manner similar to printing his name in bold type.]~~ *the word "Incumbent" must be written next to the name of the candidate who is the incumbent.*

Sec. 11. NRS 293.272 is hereby amended to read as follows:

293.272 1. Except as otherwise provided in subsection 2 and in NRS 293.2725 and 293.3083, a person who registered *electronically or by mail* to vote ~~[pursuant to the provisions of NRS 293.5235]~~ shall, for the first election in which he votes at which that registration is valid, vote in person unless he has previously voted in the county in which he is registered to vote.

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

(a) Is entitled to vote in the manner prescribed in NRS 293.343 to 293.355, inclusive;

(b) Is entitled to vote an absent ballot pursuant to federal law or NRS 293.316 or 293.3165;

(c) Is disabled;

(d) Submits or has previously submitted a written request for an absent ballot that is signed by the registered voter before a notary public or other person authorized to administer an oath; or

(e) Requests an absent ballot in person at the office of the county clerk.

Sec. 12. NRS 293.2725 is hereby amended to read as follows:

293.2725 1. Except as otherwise provided in subsection 2, in NRS 293.3081 and 293.3083 and in federal law, a person who registers *electronically or* by mail to vote in this State and who has not previously voted in an election for federal office in this State:

(a) May vote at a polling place only if the person presents to the election board officer at the polling place:

(1) A current and valid photo identification of the person; or

(2) A copy of a current utility bill, bank statement, paycheck ~~[,]~~ or document issued by a governmental entity, including a check which indicates the name and address of the person, but not including a voter registration card issued pursuant to NRS 293.517; and

(b) May vote by mail only if the person provides to the county or city clerk:

(1) A copy of a current and valid photo identification of the person; or

(2) A copy of a current utility bill, bank statement, paycheck ~~[,]~~ or document issued by a governmental entity, including a check which indicates the name and address of the person, but not including a voter registration card issued pursuant to NRS 293.517.

2. The provisions of this section do not apply to a person who:

(a) Registers to vote by mail and submits with his application to register to vote:

(1) A copy of a current and valid photo identification; or

(2) A copy of a current utility bill, bank statement, paycheck ~~[,]~~ or document issued by a governmental entity, including a check which indicates

the name and address of the person, but not including a voter registration card issued pursuant to NRS 293.517;

(b) Registers to vote by mail and submits with his application to register to vote a driver's license number or at least the last four digits of his social security number, if a state or local election official has matched that information with an existing identification record bearing the same number, name and date of birth as provided by the person in his application;

(c) Is entitled to vote an absent ballot pursuant to the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. §§ 1973ff et seq.;

(d) Is provided the right to vote otherwise than in person under the Voting Accessibility for the Elderly and Handicapped Act, 42 U.S.C. §§ 1973ee et seq.; or

(e) Is entitled to vote otherwise than in person under any other federal law.

Sec. 13. NRS 293.3025 is hereby amended to read as follows:

293.3025 The Secretary of State and each county and city clerk shall ensure that a copy of each of the following is posted in a conspicuous place at each polling place on election day:

1. A sample ballot;

2. Information concerning the date and hours of operation of the polling place;

3. Instructions for voting and casting a ballot, including a provisional ballot;

4. Instructions concerning the identification required for persons who registered by mail and are first-time voters for federal office in this State;

5. Information concerning the accessibility of polling places to persons with disabilities; ~~[and]~~

6. General information concerning federal and state laws which prohibit acts of fraud and misrepresentation ~~[.]~~ *; and*

7. Information concerning the eligibility of a candidate, a ballot question or any other matter appearing on the ballot as a result of judicial determination or by operation of law, if any.

Sec. 14. NRS 293.3083 is hereby amended to read as follows:

293.3083 A person may cast a ballot by mail to vote for a candidate for federal office, which must be treated as a provisional ballot by the county or city clerk if the person:

1. Applies *electronically or* by mail to register to vote and has not previously voted in an election for federal office in this State;

2. Fails to provide the identification required pursuant to paragraph (b) of subsection 1 of NRS 293.2725 to the county or city clerk at the time that he mails his ballot; and

3. Completes the written affirmation set forth in subsection 1 of NRS 293.3082.

Sec. 15. NRS 293.343 is hereby amended to read as follows:

293.343 1. A registered voter who resides in an election precinct in which there were not more than 200 voters registered for the last preceding

general election, or in a precinct in which it appears to the satisfaction of the county clerk *and Secretary of State* that there are not more than 200 registered voters, may vote at any election regulated by this chapter in the manner provided in NRS 293.345 to 293.355, inclusive.

2. Whenever the county clerk has designated a precinct as a mailing precinct, registered voters residing in that precinct may vote at any election regulated by this chapter in the manner provided in NRS 293.345 to 293.355, inclusive.

3. In a county whose population is 100,000 or more, whenever a registered voter is entitled to vote in a mailing precinct or an absent ballot mailing precinct, the county clerk:

(a) Shall designate at least one polling place in the county as the polling place where such a voter may vote in person, pursuant to paragraph (b) of subsection 2 of NRS 293.353 or subsection 3 of NRS 293.353, on election day; and

(b) May designate certain polling places for early voting as the polling places where such a voter may vote in person, pursuant to paragraph (b) of subsection 2 of NRS 293.353 or subsection 3 of NRS 293.353, during the period for early voting, if it is impractical for the county clerk to provide at each polling place for early voting a ballot in every form required in the county.

4. In a county whose population is less than 100,000, whenever a registered voter is entitled to vote in a mailing precinct or an absent ballot mailing precinct, the county clerk:

(a) May designate one or more polling places in the county as the polling place where such a voter may vote in person, pursuant to paragraph (b) of subsection 2 of NRS 293.353 or subsection 3 of NRS 293.353, on election day; and

(b) May designate certain polling places for early voting as the polling places where such a voter may vote in person, pursuant to paragraph (b) of subsection 2 of NRS 293.353 or subsection 3 of NRS 293.353, during the period for early voting, if it is impractical for the county clerk to provide at each polling place for early voting a ballot in every form required in the county.

5. Polling places designated pursuant to subsection 3 or 4 may include, without limitation, polling places located as closely as practicable to the mailing precincts.

Sec. 16. NRS 293.443 is hereby amended to read as follows:

293.443 1. Except as otherwise provided in subsection 3, the expense of providing all ballots, forms and other supplies to be used at any election regulated by this chapter or chapter 293C of NRS and all expenses necessarily incurred in the preparation for, or the conduct of, any such election is a charge upon the municipality, county, district or State, as the case may be.

2. The county or city clerk may submit the printing of ballots for competitive bidding.

3. If a political party or other entity requests more than 50 applications to register to vote by mail in any 12-month period, the clerk *or the Secretary of State* may assess a charge, not to exceed the cost of printing the applications.

Sec. 17. NRS 293.4687 is hereby amended to read as follows:

293.4687 1. The Secretary of State shall maintain a website on the Internet for public information maintained, collected or compiled by the Secretary of State that relates to elections, which must include, without limitation:

(a) The Voters' Bill of Rights required to be posted on his Internet website pursuant to the provisions of NRS 293.2549;

(b) The abstract of votes required to be posted on a website pursuant to the provisions of NRS 293.388; and

(c) All reports on campaign contributions and expenditures submitted to the Secretary of State pursuant to the provisions of NRS 294A.120, 294A.125, 294A.140, ~~[294A.150,]~~ 294A.200, 294A.210, ~~[294A.220,]~~ 294A.270, 294A.280, ~~[294A.283,]~~ 294A.360 and 294A.362 and all reports on contributions received by and expenditures made from a legal defense fund submitted to the Secretary of State pursuant to NRS 294A.286.

2. The abstract of votes required to be maintained on the website pursuant to paragraph (b) of subsection 1 must be maintained in such a format as to permit the searching of the abstract of votes for specific information.

3. If the information required to be maintained by the Secretary of State pursuant to subsection 1 may be obtained by the public from a website on the Internet maintained by a county clerk or city clerk, the Secretary of State may provide a hyperlink to that website to comply with the provisions of subsection 1 with regard to that information.

Sec. 17.2. NRS 293.4695 is hereby amended to read as follows:

293.4695 1. Each county clerk shall collect the following information regarding each primary and general election, on a form provided by the Secretary of State and made available at each polling place in the county, each polling place for early voting in the county, the office of the county clerk and any other location deemed appropriate by the Secretary of State:

(a) The number of ballots that have been discarded or for any reason not included in the final canvass of votes, along with an explanation for the exclusion of each such ballot from the final canvass of votes.

(b) A report on each malfunction of any mechanical voting system, including, without limitation:

(1) Any known reason for the malfunction;

(2) The length of time during which the mechanical voting system could not be used;

(3) Any remedy for the malfunction which was used at the time of the malfunction; and

(4) Any effect the malfunction had on the election process.

(c) A list of each polling place not open during the time prescribed pursuant to NRS 293.273 and an account explaining why each such polling place was not open during the time prescribed pursuant to NRS 293.273.

(d) A description of each challenge made to the eligibility of a voter pursuant to NRS 293.303 and the result of each such challenge.

(e) A description of each complaint regarding a ballot cast by mail or facsimile filed with the county clerk and the resolution, if any, of the complaint.

(f) The results of any audit of election procedures and practices conducted pursuant to regulations adopted by the Secretary of State pursuant to this chapter.

(g) The number of provisional ballots cast and the reason for the casting of each provisional ballot.

2. Each county clerk shall submit to the Secretary of State, on a form provided by the Secretary of State, the information collected pursuant to subsection 1 not more than 60 days after each primary and general election.

3. The Secretary of State may contact any political party and request information to assist in the investigation of any allegation of voter intimidation.

4. The Secretary of State shall establish and maintain an Internet website pursuant to which he shall solicit and collect voter comments regarding election processes.

5. The Secretary of State shall compile the information and comments collected pursuant to this section into a report that he shall submit to the Director of the Legislative Counsel Bureau for transmission to the Legislature ~~[not later than 30]~~ *within 10* days before *or after* the ~~[start]~~ *first day* of each regular session of the Legislature.

6. The Secretary of State may make the report required pursuant to subsection 5 available on an Internet website established and maintained by the Secretary of State.

Sec. 17.4. NRS 293.504 is hereby amended to read as follows:

293.504 1. The following offices shall serve as voter registration agencies:

(a) Such offices that provide public assistance as are designated by the Secretary of State;

(b) Each office that receives money from the State of Nevada to provide services to persons in this State who are disabled;

(c) The offices of the Department of Motor Vehicles;

(d) The offices of the city and county clerks;

(e) Such other county and municipal facilities as a county clerk or city clerk may designate pursuant to NRS 293.5035 or 293C.520, as applicable; ~~[and]~~

(f) *Recruitment offices of the United States Armed Forces; and*

(g) Such other offices as the Secretary of State deems appropriate.

2. Each voter registration agency shall:

(a) Post in a conspicuous place, in at least 12-point type, instructions for registering to vote;

(b) ~~[Make]~~ *Except as otherwise provided in subsection 3, distribute* applications to register to vote which may be returned by mail ~~[available to each person who applies for or receives]~~ *with each application for* services or assistance from the agency ~~[,]~~ *and with each application for recertification, renewal or a change of address related to such services or assistance.*

(c) Provide the same amount of assistance to an applicant in completing an application to register to vote as the agency provides to a person completing any other forms for the agency; and

(d) Accept completed applications to register to vote.

3. *A voter registration agency is not required to provide an application to register to vote pursuant to paragraph (b) of subsection 2 to a person who applies for or receives services or assistance from the agency if the person declines to register to vote and submits to the agency a written form that meets the requirements of 42 U.S.C. § 1973gg-5(6). No information related to the declination to register to vote may be used for any purpose other than voter registration.*

4. Except as otherwise provided in this subsection and NRS 293.524, any application to register to vote accepted by a voter registration agency must be transmitted to the county clerk not later than 10 days after the application is accepted. The applications must be forwarded daily during the 2 weeks immediately preceding the fifth Sunday preceding an election. The county clerk shall accept any application to register to vote which is obtained from a voter registration agency pursuant to this section and completed by the fifth Sunday preceding an election if he receives the application not later than 5 days after that date.

~~[4.]~~ *5.* The Secretary of State shall cooperate with the Secretary of Defense to develop and carry out procedures to enable persons in this State to apply to register to vote at recruitment offices of the United States Armed Forces.

Sec. 18. NRS 293.5045 is hereby amended to read as follows:

293.5045 1. A person who works in a voter registration agency shall not:

(a) Seek to influence an applicant's political preference or party registration;

(b) Display a political preference or party allegiance in a place where it can be seen by an applicant;

(c) Make any statement or take any action to discourage an applicant from registering to vote; or

(d) Make any statement or take any action which would lead the applicant to believe that a decision to register to vote has any effect on the availability of any services or benefits provided by the State or Federal Government.

2. A person who violates any of the provisions of ~~[this section]~~ *subsection 1* is guilty of a category E felony and shall be punished as provided in NRS 193.130.

3. A voter registration agency shall not knowingly employ a person whose duties will include the registration of voters if the person has been convicted of a felony involving theft, fraud or dishonesty. The Secretary of State may impose against a voter registration agency a fine of not more than $5,000 per person who is employed by the voter registration agency in violation of this subsection.

Sec. 19. NRS 293.505 is hereby amended to read as follows:

293.505 1. All justices of the peace, except those located in county seats, are ex officio field registrars to carry out the provisions of this chapter.

2. The county clerk shall appoint at least one registered voter to serve as a field registrar of voters who, except as otherwise provided in NRS 293.5055, shall register voters within the county for which he is appointed. Except as otherwise provided in subsection 1, a candidate for any office may not be appointed or serve as a field registrar. A field registrar serves at the pleasure of the county clerk and shall perform his duties as the county clerk may direct. *The county clerk shall not knowingly appoint any person to be a field registrar who has been convicted of a felony involving theft, fraud or dishonesty.*

3. A field registrar shall demand of any person who applies for registration all information required by the application to register to vote and shall administer all oaths required by this chapter.

4. When a field registrar has in his possession five or more completed applications to register to vote, he shall forward them to the county clerk, but in no case may he hold any number of them for more than 10 days.

5. Each field registrar shall forward to the county clerk all completed applications in his possession immediately after the fifth Sunday preceding an election. Within 5 days after the fifth Sunday preceding any general election or general city election, a field registrar shall return all unused applications in his possession to the county clerk. If all of the unused applications are not returned to the county clerk, the field registrar shall account for the unreturned applications.

6. Each field registrar shall submit to the county clerk a list of the serial numbers of the completed applications to register to vote and the names of the electors on those applications. The serial numbers must be listed in numerical order.

7. Each field registrar shall post notices sent to him by the county clerk for posting in accordance with the election laws of this State.

8. A field registrar, employee of a voter registration agency or person assisting a voter pursuant to subsection 13 of NRS 293.5235 shall not:

(a) Delegate any of his duties to another person; or

(b) Refuse to register a person on account of that person's political party affiliation.

9. A person shall not hold himself out to be or attempt to exercise the duties of a field registrar unless he has been so appointed.

10. A county clerk, field registrar, employee of a voter registration agency or person assisting a voter pursuant to subsection 13 of NRS 293.5235 shall not:

(a) Solicit a vote for or against a particular question or candidate;

(b) Speak to a voter on the subject of marking his ballot for or against a particular question or candidate; or

(c) Distribute any petition or other material concerning a candidate or question which will be on the ballot for the ensuing election,

➥ while he is registering an elector.

11. When the county clerk receives applications to register to vote from a field registrar, he shall issue a receipt to the field registrar. The receipt must include:

(a) The number of persons registered; and

(b) The political party of the persons registered.

12. A county clerk, field registrar, employee of a voter registration agency or person assisting a voter pursuant to subsection 13 of NRS 293.5235 shall not:

(a) Knowingly register a person who is not a qualified elector or a person who has filed a false or misleading application to register to vote; or

(b) Register a person who fails to provide satisfactory proof of identification and the address at which he actually resides.

13. A county clerk, field registrar, employee of a voter registration agency, person assisting a voter pursuant to subsection 13 of NRS 293.5235 or any other person providing a form for the application to register to vote to an elector for the purpose of registering to vote:

(a) If the person who assists an elector with completing the form for the application to register to vote retains the form, shall enter his name on the duplicate copy or receipt retained by the voter upon completion of the form; and

(b) Shall not alter, deface or destroy an application to register to vote that has been signed by an elector except to correct information contained in the application after receiving notice from the elector that a change in or addition to the information is required.

14. If a field registrar violates any of the provisions of this section, the county clerk shall immediately suspend the field registrar and notify the district attorney of the county in which the violation occurred.

15. A person who violates any of the provisions of subsection 8, 9, 10, 12 or 13 is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 20. NRS 293.506 is hereby amended to read as follows:

293.506 *1.* A county clerk may, with approval of the board of county commissioners, establish a system for using a computer to ~~[register voters and to]~~ keep records of registration. ~~[The county clerk may, for that purpose,~~

~~issue to a voter a card, bearing the signature of the voter, attesting to his registration.]~~

2. The Secretary of State may establish a system to allow persons to submit applications electronically to register to vote and may adopt any regulations necessary to carry out the provisions of this subsection. If the Secretary of State establishes such a system, an application to register to vote that is submitted electronically must not be accepted unless the application includes, without limitation, the number indicated on the applicant's current and valid driver's license or identification card issued by the Department of Motor Vehicles.

Sec. 21. NRS 293.510 is hereby amended to read as follows:

293.510 1. In counties ~~[where]~~ *in which* computers are not used to register voters, ~~[the]~~ *a* county clerk shall:

(a) Segregate original applications to register to vote according to the precinct in which the registered voters reside and arrange the applications in each precinct or district in alphabetical order. The applications for each precinct or district must be kept in a separate binder which is marked with the number of the precinct or district. This binder constitutes the election board register.

(b) Arrange the duplicate applications of registration in alphabetical order for the entire county and keep them in binders or a suitable file which constitutes the registrar of voters' register.

2. In any county ~~[where]~~ *in which* a computer is used to register voters, ~~[the]~~ *a* county clerk shall:

(a) Arrange the original applications to register to vote for the entire county in a manner in which an original application may be quickly located. These original applications constitute the registrar of voters' register.

(b) Segregate the applications to register to vote in a computer file according to the precinct or district in which the registered voters reside ~~[,]~~ and for each precinct or district , have printed a computer listing which contains the applications to register to vote in alphabetical order. These listings of applications to register to vote must be placed in separate binders which are marked with the number of the precinct or district. These binders constitute the election board registers.

Sec. 22. NRS 293.517 is hereby amended to read as follows:

293.517 1. Any elector residing within the county may register ~~[:]~~ *to vote:*

(a) Except as otherwise provided in NRS 293.560 and 293C.527, by appearing before the county clerk, a field registrar , ~~[or]~~ a voter registration agency ~~[,]~~ *or a person who registers voters pursuant to a voter registration drive,* completing the application to register to vote, giving true and satisfactory answers to all questions relevant to his identity and right to vote ~~[,]~~ and providing proof of his residence and identity;

(b) By completing and mailing or personally delivering to the county clerk an application to register to vote pursuant to the provisions of NRS 293.5235;

(c) Pursuant to the provisions of NRS 293.501 or 293.524; ~~[or]~~

(d) At his residence with the assistance of a field registrar pursuant to NRS 293.5237 ~~[.]~~ *; or*

(e) By submitting an application electronically to register to vote, if the Secretary of State has established a system pursuant to NRS 293.506 to allow persons to submit applications electronically to register to vote.

➥ The county clerk shall require a person to submit official identification as proof of residence and identity, such as a driver's license or other official document, before registering him. If the applicant registers to vote pursuant to this subsection and fails to provide proof of his residence and identity, the applicant must provide proof of his residence and identity before casting a ballot in person or by mail or after casting a provisional ballot pursuant to NRS 293.3081 or 293.3083. For the purposes of this subsection, a voter registration card issued pursuant to subsection 6 does not provide proof of the residence or identity of a person.

2. The application to register to vote must be signed and verified under penalty of perjury by the elector registering.

3. Each elector who is or has been married must be registered under his own given or first name ~~[,]~~ and not under the given or first name or initials of his spouse.

4. An elector who is registered and changes his name must complete a new application to register to vote. He may obtain a new application:

(a) At the office of the county clerk or field registrar;

(b) By submitting an application to register to vote pursuant to the provisions of NRS 293.5235;

(c) By submitting a written statement to the county clerk requesting the county clerk to mail an application to register to vote; ~~[or]~~

(d) At any voter registration agency ~~[.]~~ *; or*

(e) By submitting an application electronically to register to vote, if the Secretary of State has established a system pursuant to NRS 293.506 to allow persons to submit applications electronically to register to vote.

➥ If the elector fails to register under his new name, he may be challenged pursuant to the provisions of NRS 293.303 or 293C.292 and may be required to furnish proof of identity and subsequent change of name.

5. Except as otherwise provided in subsection 7, an elector who registers to vote pursuant to paragraph (a) of subsection 1 shall be deemed to be registered upon the completion of his application to register to vote.

6. After the county clerk determines that the application to register to vote of a person is complete and that the person is eligible to vote pursuant to NRS 293.485, he shall issue a voter registration card to the voter which contains:

(a) The name, address, political affiliation and precinct number of the voter;

(b) The date of issuance; and

(c) The signature of the county clerk.

7. If an elector submits an application to register to vote or an affidavit described in paragraph (c) of subsection 1 of NRS 293.507 that contains any handwritten additions, erasures or interlineations, the county clerk may object to the application to register to vote if he believes that because of such handwritten additions, erasures or interlineations, the application to register to vote of the elector is incomplete or that the elector is not eligible to vote pursuant to NRS 293.485. If the county clerk objects pursuant to this subsection, he shall immediately notify the elector and the district attorney of the county. Not later than 5 business days after the district attorney receives such notification, the district attorney shall advise the county clerk as to whether:

(a) The application to register to vote of the elector is complete and the elector is eligible to vote pursuant to NRS 293.485; and

(b) The county clerk should proceed to process the application to register to vote.

➥ If the district attorney advises the county clerk to process the application to register to vote, the county clerk shall immediately issue a voter registration card to the applicant pursuant to subsection 6.

Sec. 22.2. NRS 293.5235 is hereby amended to read as follows:

293.5235 1. Except as otherwise provided in NRS 293.502, a person may register to vote by mailing an application to register to vote to the county clerk of the county in which he resides. The county clerk shall, upon request, mail an application to register to vote to an applicant. The county clerk shall make the applications available at various public places in the county. An application to register to vote may be used to correct information in the registrar of voters' register.

2. An application to register to vote which is mailed to an applicant by the county clerk or made available to the public at various locations or voter registration agencies in the county may be returned to the county clerk by mail or in person. For the purposes of this section, an application which is personally delivered to the county clerk shall be deemed to have been returned by mail.

3. The applicant must complete the application, including, without limitation, checking the boxes described in paragraphs (b) and (c) of subsection 10 and signing the application.

4. The county clerk shall, upon receipt of an application, determine whether the application is complete.

5. If he determines that the application is complete, he shall, within 10 days after he receives the application, mail to the applicant:

(a) A notice informing him that he is registered to vote and a voter registration card as required by subsection 6 of NRS 293.517; or

(b) A notice informing him that the registrar of voters' register has been corrected to reflect any changes indicated on the application.

6. Except as otherwise provided in subsection 5 of NRS 293.518, if the county clerk determines that the application is not complete, he shall, as soon

as possible, mail a notice to the applicant informing him that additional information is required to complete the application. If the applicant provides the information requested by the county clerk within 15 days after the county clerk mails the notice, the county clerk shall, within 10 days after he receives the information, mail to the applicant:

(a) A notice informing him that he is registered to vote and a voter registration card as required by subsection 6 of NRS 293.517; or

(b) A notice informing him that the registrar of voters' register has been corrected to reflect any changes indicated on the application.

➥ If the applicant does not provide the additional information within the prescribed period, the application is void.

7. The applicant shall be deemed to be registered or to have corrected the information in the register ~~[:~~

~~(a) If the application is received by the county clerk or postmarked not more than 3 working days after the applicant completed the application, on the date the applicant completed the application; or~~

~~(b) If the application is received by the county clerk or postmarked more than 3 working days after the applicant completed the application,]~~ on the *earlier of the* date *on which* the application is *postmarked or* received by the county clerk.

8. If the applicant fails to check the box described in paragraph (b) of subsection 10, the application shall not be considered invalid and the county clerk shall provide a means for the applicant to correct the omission at the time the applicant appears to vote in person at his assigned polling place.

9. The Secretary of State shall prescribe the form for an application to register to vote by mail which must be used to register to vote by mail in this State.

10. The application to register to vote by mail must include:

(a) A notice in at least 10-point type which states:

> NOTICE: You are urged to return your application to register to vote to the County Clerk in person or by mail. If you choose to give your completed application to another person to return to the County Clerk on your behalf, and the person fails to deliver the application to the County Clerk, you will not be registered to vote. Please retain the duplicate copy or receipt from your application to register to vote.

(b) The question, "Are you a citizen of the United States?" and boxes for the applicant to check to indicate whether or not the applicant is a citizen of the United States.

(c) The question, "Will you be at least 18 years of age on or before election day?" and boxes for the applicant to check to indicate whether or not the applicant will be at least 18 years of age or older on election day.

(d) A statement instructing the applicant not to complete the application if the applicant checked "no" in response to the question set forth in paragraph (b) or (c).

(e) A statement informing the applicant that if the application is submitted by mail and the applicant is registering to vote for the first time, the applicant must submit the information set forth in paragraph (a) of subsection 2 of NRS 293.2725 to avoid the requirements of subsection 1 of NRS 293.2725 upon voting for the first time.

11. Except as otherwise provided in subsection 5 of NRS 293.518, the county clerk shall not register a person to vote pursuant to this section unless that person has provided all of the information required by the application.

12. The county clerk shall mail, by postcard, the notices required pursuant to subsections 5 and 6. If the postcard is returned to the county clerk by the United States Postal Service because the address is fictitious or the person does not live at that address, the county clerk shall attempt to determine whether the person's current residence is other than that indicated on his application to register to vote in the manner set forth in NRS 293.530.

13. A person who, by mail, registers to vote pursuant to this section may be assisted in completing the application to register to vote by any other person. The application must include the mailing address and signature of the person who assisted the applicant. The failure to provide the information required by this subsection will not result in the application being deemed incomplete.

14. An application to register to vote must be made available to all persons, regardless of political party affiliation.

15. An application must not be altered or otherwise defaced after the applicant has completed and signed it. An application must be mailed or delivered in person to the office of the county clerk within 10 days after it is completed.

16. A person who willfully violates any of the provisions of subsection 13, 14 or 15 is guilty of a category E felony and shall be punished as provided in NRS 193.130.

17. The Secretary of State shall adopt regulations to carry out the provisions of this section.

Sec. 23. NRS 293.567 is hereby amended to read as follows:

293.567 After the close of registration for each primary election but not later than the ~~[second Friday next]~~ *Friday* preceding the primary election and after the close of registration for each general election but not later than the ~~[second Friday next]~~ *Friday* preceding the general election, the county clerk shall ascertain by precinct and district the number of registered voters in the county and their political affiliation, if any, and shall transmit that information to the Secretary of State.

Sec. 24. NRS 293.710 is hereby amended to read as follows:

293.710 1. It is unlawful for any person, in connection with any election or petition ~~[,]~~ *or the registration of voters*, whether acting himself or through another person in his behalf, to:

(a) Use or threaten to use any force, *intimidation,* coercion, violence, restraint or undue influence;

(b) Inflict or threaten to inflict any physical or mental injury, damage, harm or loss upon the person or property of another;

(c) Expose or publish or threaten to expose or publish any fact concerning another in order to induce or compel such other to vote or refrain from voting for any candidate or any question;

(d) Impede or prevent, by abduction, duress or fraudulent contrivance, the free exercise of the franchise by any voter, or thereby to compel, induce or prevail upon any elector to give or refrain from giving his vote; or

(e) Discharge or change the place of employment of any employee with the intent to impede or prevent the free exercise of the franchise by such employee.

2. ~~[Unless a greater penalty is provided by law, any violation]~~ *A person who violates a provision* of this section is ~~[a gross misdemeanor.]~~ *guilty of a category E felony and shall be punished as provided in NRS 193.130.*

Sec. 25. NRS 293.730 is hereby amended to read as follows:

293.730 1. A person shall not:

(a) Remain in or outside of any polling place so as to interfere with the conduct of the election.

(b) Except an election board officer, receive from any voter a ballot prepared by the voter.

(c) Remove a ballot from any polling place before the closing of the polls.

(d) Apply for or receive a ballot at any election precinct or district other than the one at which he is entitled to vote.

(e) Show his ballot to any person, after voting, so as to reveal any of the names voted for.

(f) Inside a polling place, ask another person for whom he intends to vote.

(g) Except an election board officer, deliver a ballot to a voter.

(h) Except an election board officer in the course of his official duties, inside a polling place, ask another person his name, address or political affiliation.

2. A voter shall not:

(a) Receive a ballot from any person other than an election board officer.

(b) Deliver to an election board or to any member thereof any ballot other than the one received.

(c) Place any mark upon his ballot by which it may afterward be identified as the one voted by him.

3. Any person who violates any provision of this section is guilty of a ~~[gross misdemeanor.]~~ *category C felony and shall be punished as provided in NRS 193.130.*

Sec. 25.2. NRS 293.740 is hereby amended to read as follows:

293.740 1. Except as otherwise provided in subsection 2, it is unlawful inside a polling place or within 100 feet from the entrance to the building or other structure in which a polling place is located:

(a) For any person to solicit a vote or speak to a voter on the subject of marking his ballot.

(b) For any person, including an election board officer, to do any electioneering on election day.

➥ The county clerk or registrar of voters shall ensure that, at the outer limits of the area within which electioneering is prohibited, notices are continuously posted on which are printed in large letters "Distance Marker: No electioneering between this point and the entrance to the polling place."

2. The provisions of subsection 1 do not apply to the conduct of a person in a private residence or on commercial or residential property that is within 100 feet from the entrance to a building or other structure in which a polling place is located. The provisions of subsection 1 are not intended to prohibit a person from voting solely because he is wearing a prohibited political insigne and is reasonably unable to remove the insigne or cover it. In such a case, the election board officer shall take such action as is necessary to allow the voter to vote as expediently as possible and then assist the voter in exiting the polling place as soon as is possible.

3. Any person who violates any provision of this section is guilty of a gross misdemeanor.

4. As used in this section, "electioneering" means campaigning for or against a candidate, ballot question or political party by:

(a) Posting signs relating to the support of or opposition to a candidate, ballot question or political party;

(b) Distributing literature relating to the support of or opposition to a candidate, ballot question or political party;

(c) Using loudspeakers to broadcast information relating to the support of or opposition to a candidate, ballot question or political party;

(d) Buying, selling, wearing or displaying any badge, button or other insigne which is designed or tends to aid or promote the success or defeat of any political party or a candidate or ballot question to be voted upon at that election; *or*

(e) ~~[Polling or otherwise soliciting from a voter information as to whether the voter intends to vote or has voted for or against a particular political party, candidate or ballot question; or~~

~~(f)]~~ Soliciting signatures to any kind of petition.

Sec. 26. NRS 293.750 is hereby amended to read as follows:

293.750 Any person who, during an election, removes or destroys any of the supplies or equipment placed in the booths or compartments ~~[,]~~ or removes or defaces the cards of instruction posted as prescribed by this chapter ~~[,]~~ is guilty of a ~~[gross misdemeanor.]~~ *category D felony and shall be punished as provided in NRS 193.130.*

Sec. 27. NRS 293.755 is hereby amended to read as follows:

293.755 1. A person who tampers or interferes with, or attempts to tamper or interfere with , a mechanical voting system, mechanical voting device or any computer program used to count ballots with the intent to prevent the proper operation of that device, system or program is guilty of a category ~~[D]~~ *C* felony and shall be punished as provided in NRS 193.130.

2. *A person who tampers or interferes with, or attempts to tamper or interfere with, a mechanical voting system, mechanical voting device or any computer program used to count ballots with the intent to influence the outcome of an election is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years.*

3. The county or city clerk shall report any alleged violation of this section to the district attorney who shall cause appropriate proceedings to be instituted and prosecuted in a court of competent jurisdiction without delay.

Sec. 28. NRS 293.800 is hereby amended to read as follows:

293.800 1. A person who, for himself or another person, willfully gives a false answer or answers to questions propounded to him by the registrar or field registrar of voters relating to the information called for by the application to register to vote, or who willfully falsifies his application in any particular, or who violates any of the provisions of the election laws of this State ~~[,]~~ or knowingly encourages another person to violate those laws is guilty of a category E felony and shall be punished as provided in NRS 193.130.

2. A public officer or other person, upon whom any duty is imposed by this title, who willfully neglects his duty ~~[,]~~ or willfully performs it in such a way as to hinder the objects and purposes of the election laws of this State, except where another penalty is provided, is guilty of a category E felony and shall be punished as provided in NRS 193.130.

3. If the person is a public officer, his office is forfeited upon conviction of any offense provided for in subsection 2.

4. A person who causes or endeavors to cause his name to be registered, knowing that he is not an elector or will not be an elector on or before the day of the next ensuing election in the precinct or district in which he causes or endeavors to cause the registration to be made, and any other person who induces, aids or abets the person in the commission of either of the acts is guilty of a category E felony and shall be punished as provided in NRS 193.130.

5. A field registrar or other person who ~~[:]~~ *provides to an elector an application to register to vote and:*

(a) Knowingly falsifies an application ~~[to register to vote]~~ or knowingly causes an application to be falsified; ~~[or]~~

(b) Knowingly provides money or other compensation to another for a falsified application ~~[to register to vote,]~~ *; or*

(c) Intentionally fails to submit to the county clerk a completed application on account of the elector's political party affiliation,

➥ is guilty of a category ~~[E]~~ *C* felony and shall be punished as provided in NRS 193.130.

Sec. 29. NRS 293C.715 is hereby amended to read as follows:

293C.715 1. If a city clerk maintains a website on the Internet for information relating to *candidates and* elections, the website must contain

public information maintained, collected or compiled by the city clerk that relates to elections, which must include, without limitation:

(a) The locations of polling places for casting a ballot on election day in such a form that a registered voter may search the list to determine the location of the polling place at which the registered voter is required to cast a ballot; ~~[and]~~

(b) The abstract of votes required to be posted on a website pursuant to the provisions of NRS 293C.387 ~~[.]~~ *; and*

(c) The reports that the city clerk receives pursuant to chapter 294A of NRS from candidates for city office.

2. The abstract of votes required to be maintained on the website pursuant to paragraph (b) of subsection 1 must be maintained in such a format as to permit the searching of the abstract of votes for specific information.

3. If the information required to be maintained by a city clerk pursuant to subsection 1 may be obtained by the public from a website on the Internet maintained by the Secretary of State, a county clerk or another city clerk, the city clerk may provide a hyperlink to that website to comply with the provisions of subsection 1 with regard to that information.

Sec. 29.2. Chapter 294A of NRS is hereby amended by adding thereto the provisions set forth as sections 29.3 , ~~[and]~~ 29.5 *and 29.7* of this act.

Sec. 29.3. *1. Every person who is not under the direction or control of a candidate for office at a primary election, primary city election, general election or general city election, of a group of such candidates, or of any person involved in the campaign of that candidate or group and who intends to make an expenditure in excess of $100 on behalf of the candidate or group which is not solicited or approved by the candidate or group shall register with the Secretary of State before making any such expenditure.*

2. The Secretary of State may adopt any regulations necessary to carry out the provisions of this section.

Sec. 29.5. *1. A candidate that is required to file a report described in subsection 1 of NRS 294A.373 is not required to file the report electronically if the candidate:*

(a) Did not receive or expend money in excess of $10,000 in the previous calendar year; and

(b) Has on file with the Secretary of State an affidavit stating that:

(1) The candidate does not own or have the ability to access the technology necessary to file electronically the report described in subsection 1 of NRS 294A.373; and

(2) The candidate does not have the financial ability to purchase or acquire access to the technology necessary to file electronically the report described in subsection 1 of NRS 294A.373.

2. To excuse the electronic filing of the report, the affidavit described in subsection 1 must be:

(a) In the form prescribed by the Secretary of State and signed under penalty of perjury.

(b) Filed within 10 days after the person becomes a candidate pursuant to NRS 294A.005.

3. A candidate that is excused from filing the report electronically may file the report by transmitting the forms by regular mail, certified mail, facsimile machine or personal delivery. A report transmitted pursuant to this subsection shall be deemed to be filed on the date that it was received by the Secretary of State.

Sec. 29.7. *1. A person, committee, political party, group or business entity that is required to file a report described in subsection 1 of NRS 294A.373 is excused from filing the report electronically if the person, committee, political party, group or business entity:*

(a) Did not receive or expend money in excess of $10,000 in the previous calendar year; and

(b) Has on file with the Secretary of State an affidavit stating that:

(1) The person, committee, political party, group or business entity does not own or have the ability to access the technology necessary to file electronically the report described in subsection 1 of NRS 294A.373; and

(2) The person, committee, political party, group or business entity does not have the financial ability to purchase or acquire access to the technology necessary to file electronically the report described in subsection 1 of NRS 294A.373.

2. To excuse the electronic filing of the report, the affidavit described in subsection 1 must be:

(a) In the form prescribed by the Secretary of State and signed under penalty of perjury.

(b) Filed:

(1) At least 10 days before any report described in subsection 1 of NRS 294A.373 is required to be filed by the person, committee, political party, group or business entity.

(2) Not earlier than January 1 and not later than January 15 of each year, regardless of whether or not the person, committee, political party, group or business entity was required to file any report described in subsection 1 of NRS 294A.373 in the previous year.

3. A person, committee, political party, group or business entity that has properly filed the affidavit pursuant to this section may file the relevant report with the Secretary of State by transmitting the forms by regular mail, certified mail, facsimile machine or personal delivery. A report transmitted pursuant to this subsection shall be deemed to be filed on the date that it was received by the Secretary of State.

Sec. 30. NRS 294A.0055 is hereby amended to read as follows:

294A.0055 1. "Committee for political action" means any *individual natural person or* group of natural persons or entities that solicits or receives contributions from any other person, group or entity and:

(a) Makes or intends to make contributions to candidates or other persons; or

(b) Makes or intends to make expenditures,

➥ designed to affect the outcome of any primary, general or special election or question on the ballot.

2. "Committee for political action" does not include:

(a) An organization made up of legislative members of a political party whose primary purpose is to provide support for their political efforts.

(b) An entity solely because it provides goods or services to a candidate or committee in the regular course of its business at the same price that would be provided to the general public.

(c) ~~[An individual natural person.~~

~~(d)]~~ An individual corporation or other business organization who has filed articles of incorporation or other documentation of organization with the Secretary of State pursuant to title 7 of NRS.

~~[(e)]~~ *(d)* A labor union.

~~[(f)]~~ *(e)* A personal campaign committee or the personal representative of a candidate who receives contributions or makes expenditures that are reported as campaign contributions or expenditures by the candidate.

~~[(g)]~~ *(f)* A committee for the recall of a public officer.

Sec. 31. (Deleted by amendment.)

Sec. 32. NRS 294A.100 is hereby amended to read as follows:

294A.100 1. A person shall not make *or commit to make* a contribution or contributions to a candidate for any office, except a federal office, in an amount which exceeds $5,000 for the primary election or primary city election, regardless of the number of candidates for the office, and $5,000 for the general election or general city election, regardless of the number of candidates for the office . ~~[, during the period:~~

~~(a) Beginning from 30 days before the regular session of the Legislature immediately following the last election for the office and ending 30 days before the regular session of the Legislature immediately following the next election for the office, if that office is a state, district, county or township office; or~~

~~(b) Beginning from 30 days after the last election for the office and ending 30 days before the next general city election for the office, if that office is a city office.]~~

2. A candidate shall not accept a contribution *or commitment to make a contribution* made in violation of subsection 1.

3. A person who willfully violates any provision of this section is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 32.2. NRS 294A.120 is hereby amended to read as follows:

294A.120 1. Every candidate for state, district, county or township office at a primary or general election shall, not later than January 15 of each year, for the period from January 1 of the previous year through December 31 of the previous year, report each campaign contribution in

excess of $100 he received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The provisions of this subsection apply to the candidate beginning the year of the general election for that office through the year immediately preceding the next general election for that office.

2. Every candidate for state, district, county or township office at a primary or general election shall, if the general election for the office for which he is a candidate is held on or after January 1 and before the July 1 immediately following that January 1, not later than:

(a) Seven days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through 12 days before the primary election;

(b) Seven days before the general election for that office, for the period from 11 days before the primary election through 12 days before the general election; and

(c) July 15 of the year of the general election for that office, for the period from 11 days before the general election through June 30 of that year,

➥ report each campaign contribution in excess of $100 he receives during the period and contributions received during the period from a contributor which cumulatively exceed $100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under penalty of perjury.

3. Every candidate for state, district, county or township office at a primary or general election shall, if the general election for the office for which he is a candidate is held on or after July 1 and before the January 1 immediately following that July 1, not later than:

(a) Seven days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through 12 days before the primary election; and

(b) Seven days before the general election for that office, for the period from 11 days before the primary election through 12 days before the general election,

➥ report each campaign contribution in excess of $100 he received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under penalty of perjury.

4. Except as otherwise provided in subsection 5, every candidate for a district office at a special election shall, not later than:

(a) Seven days before the special election, for the period from his nomination through 12 days before the special election; and

(b) Thirty days after the special election, for the remaining period through the special election,

➥ report each campaign contribution in excess of $100 he received during the period and contributions received during the reporting period from a

contributor which cumulatively exceed $100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under penalty of perjury.

5. Every candidate for state, district, county, municipal or township office at a special election to determine whether a public officer will be recalled shall list each of the campaign contributions that he receives on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the candidate under penalty of perjury, 30 days after:

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or

(b) A district court determines that the petition for recall is legally insufficient pursuant to subsection 5 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

6. Reports of campaign contributions must be ~~[.]~~ *:*

(a) If the candidate is a candidate for city office, filed with the ~~[officer with whom the candidate filed the declaration of candidacy or acceptance of candidacy. A]~~ *city clerk* ~~[candidate may mail or transmit]~~ *by transmitting* the report to ~~[that officer]~~ *the city clerk* by regular mail, certified mail, facsimile machine , ~~[or]~~ electronic means ~~[.]~~ *or personal delivery.*

(b) Except as otherwise provided in section 29.5 of this act, if the candidate is a candidate for state, district or county office, filed electronically with the Secretary of State.

7. A report shall be deemed to be filed ~~[with the officer:~~

~~(a) On the date that it was mailed if it was sent by certified mail; or~~

~~(b) On]~~ *on* the date that it was received by the ~~[officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.~~

~~7. Every county clerk who receives from candidates for legislative or judicial office, including, without limitation, the office of justice of the peace or municipal judge, reports of campaign contributions pursuant to this section shall file a copy of each report with the Secretary of State within 10 working days after he receives the report.]~~ *Secretary of State or city clerk, as the case may be.*

8. The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution in excess of $100 and contributions which a contributor has made cumulatively in excess of that amount since the beginning of the current reporting period.

Sec. 32.3. NRS 294A.125 is hereby amended to read as follows:

294A.125 1. In addition to complying with the requirements set forth in NRS 294A.120, 294A.200 and 294A.360, a candidate who receives contributions in any year before the year in which the general election or

general city election in which the candidate intends to seek election to public office is held shall, for:

(a) The year in which he receives contributions in excess of $10,000, list each of the contributions that he receives and the expenditures in excess of $100 made in that year.

(b) Each year after the year in which he received contributions in excess of $10,000, until the year of the general election or general city election in which the candidate intends to seek election to public office is held, list each of the contributions that he received and the expenditures in excess of $100 made in that year.

2. The reports required by subsection 1 must be submitted on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under penalty of perjury.

3. The name and address of the contributor and the date on which the contribution was received must be included on the list for each contribution in excess of $100 and contributions that a contributor has made cumulatively in excess of that amount.

4. The report must be *:* ~~[filed:]~~

(a) ~~[With the officer with whom the candidate will file the declaration of candidacy or acceptance of candidacy for the public office the candidate intends to seek. A]~~ *If the candidate is a candidate for city office, filed with the city clerk* ~~[candidate may mail or transmit]~~ *by transmitting* the report to ~~[that officer]~~ *the city clerk* by regular mail, certified mail, facsimile machine , ~~[or]~~ electronic means ~~[.]~~ *or personal delivery.*

(b) Except as otherwise provided in section 29.5 of this act, if the candidate is a candidate for state, district or county office, filed electronically with the Secretary of State.

5. A report shall be deemed to be filed ~~[with the officer:~~

~~(1) On the date it was mailed if it was sent by certified mail.~~

~~(2) On]~~ *on* the date it was received by the ~~[officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.~~

~~(b) On or before January 15 of the year immediately after the year for which the report is made.~~

~~5. A county clerk who receives from a candidate for legislative or judicial office, including, without limitation, the office of justice of the peace or municipal judge, a report of contributions and expenditures pursuant to subsection 4 shall file a copy of the report with the Secretary of State within 10 working days after he receives the report.]~~ *Secretary of State or city clerk, as the case may be.*

Sec. 32.4. NRS 294A.128 is hereby amended to read as follows:

294A.128 1. In addition to complying with the requirements set forth in NRS 294A.120, 294A.200 and 294A.360, a candidate who receives a loan which is guaranteed by a third party, forgiveness of a loan previously made to the candidate or a written commitment for a contribution shall, for the

period covered by the report filed pursuant to NRS 294A.120, 294A.200 or 294A.360, report:

(a) If a loan received by the candidate was guaranteed by a third party, the amount of the loan and the name and address of each person who guaranteed the loan;

(b) If a loan received by the candidate was forgiven by the person who made the loan, the amount that was forgiven and the name and address of the person who forgave the loan; and

(c) If the candidate received a written commitment for a contribution, the amount committed to be contributed and the name and address of the person who made the written commitment.

2. The reports required by subsection 1 must be submitted on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under penalty of perjury.

3. The reports required by subsection 1 must be filed in the same manner and at the same time as the report filed pursuant to NRS 294A.120, 294A.200 or 294A.360.

~~[4. A county clerk who receives from a candidate for legislative or judicial office, including, without limitation, the office of justice of the peace or municipal judge, a report pursuant to subsection 1 shall file a copy of the report with the Secretary of State within 10 working days after he receives the report.]~~

Sec. 32.5. NRS 294A.140 is hereby amended to read as follows:

294A.140 1. Every person who is not under the direction or control of a candidate for office at a primary election, primary city election, general election or general city election, of a group of such candidates or of any person involved in the campaign of that candidate or group who makes an expenditure on behalf of the candidate or group which is not solicited or approved by the candidate or group ~~[,]~~ and every committee for political action, political party, committee sponsored by a political party and business entity which makes an expenditure on behalf of such a candidate or group of candidates *and every person or group of persons who advocates the passage or defeat of a question or group of questions on the ballot at a primary election, primary city election, general election or general city election* shall, not later than January 15 of each year that the provisions of this subsection apply to the person, *group of persons,* committee, political party or business entity, for the period from January 1 of the previous year through December 31 of the previous year, report each campaign contribution in excess of $100 he or it received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The provisions of this subsection apply to the person, *group of persons,* committee, political party or business entity beginning the year of the general election or general city election for that office through the year immediately preceding the next general election or general city election for that office ~~[.]~~ *or, as pertains to persons who advocate the passage or defeat of a question*

or group of questions on a ballot, each year in which a general election or general city election is held for each question for which the person or group of persons advocates passage or defeat.

2. Every person, *group of persons,* committee, political party or business entity described in subsection 1 which makes an expenditure on behalf of the candidate for office at a primary election, primary city election, general election or general city election or on behalf of a group of such candidates *and every person or group of persons who advocates the passage or defeat of a question or group of questions on the ballot at a primary election, primary city election, general election or general city election* shall, if the general election or general city election for the office for which the candidate or a candidate in the group of candidates seeks election *or on which the ballot question or group of questions appears* is held on or after January 1 and before the July 1 immediately following that January 1, not later than:

(a) Seven days before the primary election or primary city election , ~~[for that office,]~~ for the period from the January 1 immediately preceding the primary election or primary city election through 12 days before the primary election or primary city election;

(b) Seven days before the general election or general city election , ~~[for that office,]~~ for the period from 11 days before the primary election or primary city election through 12 days before the general election or general city election; and

(c) July 15 of the year of the general election or general city election , ~~[for that office,]~~ for the period from 11 days before the general election or general city election through June 30 of that year,

➥ report each campaign contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the *group of persons,* committee, political party or business entity under penalty of perjury.

3. The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution in excess of $100 and contributions which a contributor has made cumulatively in excess of $100 since the beginning of the current reporting period.

4. Every person, committee, political party or business entity described in subsection 1 which makes an expenditure on behalf of a candidate for office at a primary election, primary city election, general election or general city election or on behalf of a group of such candidates *and every person or group of persons who advocates the passage or defeat of a question or group of questions on the ballot at a primary election, primary city election, general election or general city election* shall, if the general election or general city election for the office for which the candidate or a candidate in

the group of candidates seeks election *or on which the ballot question or group of questions appears* is held on or after July 1 and before the January 1 immediately following that July 1, not later than:

(a) Seven days before the primary election or primary city election , ~~[for that office,]~~ for the period from the January 1 immediately preceding the primary election or primary city election through 12 days before the primary election or primary city election; and

(b) Seven days before the general election or general city election , ~~[for that office,]~~ for the period from 11 days before the primary election or primary city election through 12 days before the general election or general city election,

➥ report each campaign contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the *group of persons,* committee, political party or business entity under penalty of perjury.

5. Except as otherwise provided in subsection 6, every person, committee, political party or business entity described in subsection 1 which makes an expenditure on behalf of a candidate for office at a special election or on behalf of a group of such candidates shall, not later than:

(a) Seven days before the special election for the office for which the candidate or a candidate in the group of candidates seeks election, for the period from the nomination of the candidate through 12 days before the special election; and

(b) Thirty days after the special election, for the remaining period through the special election,

➥ report each campaign contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee, political party or business entity under penalty of perjury.

6. Every person, committee, political party or business entity described in subsection 1 which makes an expenditure on behalf of a candidate for office at a special election to determine whether a public officer will be recalled or on behalf of a group of candidates for offices at such special elections shall report each contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the committee, political party or business entity under penalty of perjury, 30 days after:

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or

(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 5 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

7. The reports of contributions required pursuant to this section must be *:* ~~[filed with:]~~

(a) ~~[If the candidate is elected from one county, the county clerk of that county;~~

~~(b)]~~ If the candidate is ~~[elected from one city,]~~ *a candidate for city office or if the question or group of questions is submitted to the voters of one city, filed with* the city clerk ~~[.]~~ of that city ~~[; or~~

~~(c) If]~~ *by transmitting the report to the city clerk by regular mail, certified mail, facsimile machine, electronic means or personal delivery.*

(b) Except as otherwise provided in section 29.7 of this act, if the candidate is ~~[elected from more than one county or city,]~~ *a candidate for state, district or county office or if the question or group of questions is submitted to more than one city or to one or more counties, filed electronically with* the Secretary of State.

8. ~~[A person or entity may file the report with the appropriate officer by regular mail, certified mail, facsimile machine or electronic means.]~~ A report shall be deemed to be filed ~~[with the officer:~~

~~(a) On the date that it was mailed if it was sent by certified mail; or~~

~~(b) On]~~ *on* the date that it was received by the ~~[officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.~~

~~9. Each county clerk or city clerk who receives a report pursuant to this section shall file a copy of the report with the Secretary of State within 10 working days after he receives the report.~~

~~10.]~~ *Secretary of State or city clerk, as the case may be.*

9. Every person, *group of persons,* committee, political party or business entity described in subsection 1 shall file a report required by this section even if he or it receives no contributions.

Sec. 33. NRS 294A.200 is hereby amended to read as follows:

294A.200 1. Every candidate for state, district, county or township office at a primary or general election shall, not later than January 15 of each year, for the period from January 1 of the previous year through December 31 of the previous year, report each of the campaign expenses in excess of $100 that he incurs and each amount in excess of $100 that he disposes of pursuant to NRS 294A.160 *or subsection 4 of NRS 294A.286* during the period on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the candidate under penalty of perjury. The provisions of this subsection apply to the candidate:

(a) Beginning the year of the general election for that office through the year immediately preceding the next general election for that office; and

(b) Each year immediately succeeding a calendar year during which the candidate disposes of contributions pursuant to NRS 294A.160 ~~[.]~~ *or 294A.286.*

2. Every candidate for state, district, county or township office at a primary or general election shall, if the general election for the office for which he is a candidate is held on or after January 1 and before the July 1 immediately following that January 1, not later than:

(a) Seven days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through 12 days before the primary election;

(b) Seven days before the general election for that office, for the period from 11 days before the primary election through 12 days before the general election; and

(c) July 15 of the year of the general election for that office, for the period from 11 days before the general election through June 30 of that year,

➥ report each of the campaign expenses in excess of $100 that he incurs during the period on the form designed and provided by the Secretary of State pursuant *to* NRS 294A.373. Each form must be signed by the candidate under penalty of perjury.

3. Every candidate for state, district, county or township office at a primary or general election shall, if the general election for the office for which he is a candidate is held on or after July 1 and before the January 1 immediately following that July 1, not later than:

(a) Seven days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through 12 days before the primary election; and

(b) Seven days before the general election for that office, for the period from 11 days before the primary election through 12 days before the general election,

➥ report each of the campaign expenses in excess of $100 that he incurs during the period on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the candidate under penalty of perjury.

4. Except as otherwise provided in subsection 5, every candidate for a district office at a special election shall, not later than:

(a) Seven days before the special election, for the period from his nomination through 12 days before the special election; and

(b) Thirty days after the special election, for the remaining period through the special election,

➥ report each of the campaign expenses in excess of $100 that he incurs during the period on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under penalty of perjury.

5. Every candidate for state, district, county, municipal or township office at a special election to determine whether a public officer will be recalled shall report each of the campaign expenses in excess of $100 that he incurs on the form designed and provided by the Secretary of State pursuant *to* NRS 294A.373 and signed by the candidate under penalty of perjury, 30 days after:

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or

(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 5 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

6. Reports of campaign expenses must be filed with the officer with whom the candidate filed the declaration of candidacy or acceptance of candidacy. A candidate may mail or transmit the report to that officer by regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the officer:

(a) On the date that it was mailed if it was sent by certified mail; or

(b) On the date that it was received by the officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means ~~[,]~~ or delivered personally.

7. County clerks who receive from candidates for legislative or judicial office, including, without limitation, the office of justice of the peace or municipal judge, reports of campaign expenses pursuant to this section shall file a copy of each report with the Secretary of State within 10 working days after ~~[he receives]~~ receipt of the report.

Sec. 33.1. NRS 294A.200 is hereby amended to read as follows:

294A.200 1. Every candidate for state, district, county or township office at a primary or general election shall, not later than January 15 of each year, for the period from January 1 of the previous year through December 31 of the previous year, report each of the campaign expenses in excess of $100 that he incurs and each amount in excess of $100 that he disposes of pursuant to NRS 294A.160 or subsection 4 of NRS 294A.286 during the period on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the candidate under penalty of perjury. The provisions of this subsection apply to the candidate:

(a) Beginning the year of the general election for that office through the year immediately preceding the next general election for that office; and

(b) Each year immediately succeeding a calendar year during which the candidate disposes of contributions pursuant to NRS 294A.160 or 294A.286.

2. Every candidate for state, district, county or township office at a primary or general election shall, if the general election for the office for which he is a candidate is held on or after January 1 and before the July 1 immediately following that January 1, not later than:

(a) Seven days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through 12 days before the primary election;

(b) Seven days before the general election for that office, for the period from 11 days before the primary election through 12 days before the general election; and

(c) July 15 of the year of the general election for that office, for the period from 11 days before the general election through June 30 of that year,

➥ report each of the campaign expenses in excess of $100 that he incurs during the period on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under penalty of perjury.

3. Every candidate for state, district, county or township office at a primary or general election shall, if the general election for the office for which he is a candidate is held on or after July 1 and before the January 1 immediately following that July 1, not later than:

(a) Seven days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through 12 days before the primary election; and

(b) Seven days before the general election for that office, for the period from 11 days before the primary election through 12 days before the general election,

➥ report each of the campaign expenses in excess of $100 that he incurs during the period on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the candidate under penalty of perjury.

4. Except as otherwise provided in subsection 5, every candidate for a district office at a special election shall, not later than:

(a) Seven days before the special election, for the period from his nomination through 12 days before the special election; and

(b) Thirty days after the special election, for the remaining period through the special election,

➥ report each of the campaign expenses in excess of $100 that he incurs during the period on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under penalty of perjury.

5. Every candidate for state, district, county, municipal or township office at a special election to determine whether a public officer will be recalled shall report each of the campaign expenses in excess of $100 that he incurs on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the candidate under penalty of perjury, 30 days after:

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or

(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 5 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

6. Reports of campaign expenses must be *:*

(a) If the candidate is a candidate for city office, filed with the ~~[officer with whom the candidate filed the declaration of candidacy or acceptance of candidacy.]~~ *city clerk* ~~[A candidate may mail or transmit]~~ *by transmitting* the report to ~~[that officer]~~ *the city clerk* by regular mail, certified mail, facsimile machine , ~~[or]~~ electronic means ~~[.]~~ *or personal delivery.*

(b) Except as otherwise provided in section 29.5 of this act, if the candidate is a candidate for state, county or district office, filed electronically with the Secretary of State.

7. A report shall be deemed to be filed ~~[with the officer:~~

~~(a) On the date that it was mailed if it was sent by certified mail; or~~

~~(b) On]~~ *on* the date that it was received by the ~~[officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means or delivered personally.~~

~~7. County clerks who receive from candidates for legislative or judicial office, including, without limitation, the office of justice of the peace or municipal judge, reports of campaign expenses pursuant to this section shall file a copy of each report with the]~~ Secretary of State ~~[within 10 working days after receipt of the report.]~~ *or city clerk, as the case may be.*

Sec. 33.2. NRS 294A.210 is hereby amended to read as follows:

294A.210 1. Every person who is not under the direction or control of a candidate for an office at a primary election, primary city election, general election or general city election, of a group of such candidates or of any person involved in the campaign of that candidate or group who makes an expenditure on behalf of the candidate or group which is not solicited or approved by the candidate or group ~~[,]~~ and every committee for political action, political party, committee sponsored by a political party or business entity which makes an expenditure on behalf of such a candidate or group of candidates *and every person or group of persons who advocates the passage or defeat of a question or group of questions on the ballot at a primary election, primary city election, general election or general city election* shall, not later than January 15 of each year that the provisions of this subsection apply to the person, *group of persons,* committee, political party or business entity, for the period from January 1 of the previous year through December 31 of the previous year, report each expenditure made during the period on behalf of the candidate, the group of candidates , ~~[or]~~ a candidate in the group of candidates *or to advocate the passage or defeat of a question or group of questions* in excess of $100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the *group of persons,* committee, political party or business entity under penalty of perjury. The provisions of this

subsection apply to the person, *group of persons,* committee, political party or business entity beginning the year of the general election or general city election for that office through the year immediately preceding the next general election or general city election for that office ~~[.]~~ *or, as pertains to persons who advocate the passage or defeat of a question or group of questions on a ballot, each year in which a general election or general city election is held for each question for which the person or group of persons advocates passage or defeat.*

2. Every person, *group of persons,* committee, political party or business entity described in subsection 1 which makes an expenditure on behalf of a candidate for office at a primary election, primary city election, general election or general city election or a group of such candidates *and every person or group of persons who advocates the passage or defeat of a question or group of questions on the ballot at a primary election, primary city election, general election or general city election* shall, if the general election or general city election for the office for which the candidate or a candidate in the group of candidates seeks election *or on which the ballot question or group of questions appears* is held on or after January 1 and before the July 1 immediately following that January 1, not later than:

(a) Seven days before the primary election or primary city election , ~~[for that office,]~~ for the period from the January 1 immediately preceding the primary election or primary city election through 12 days before the primary election or primary city election;

(b) Seven days before the general election or general city election , ~~[for that office,]~~ for the period from 11 days before the primary election or primary city election through 12 days before the general election or general city election; and

(c) July 15 of the year of the general election or general city election , ~~[for that office,]~~ for the period from 11 days before the general election or general city election through the June 30 of that year,

➥ report each expenditure made during the period on behalf of the candidate, the group of candidates , ~~[or]~~ a candidate in the group of candidates *or to advocate the passage or defeat of a question or group of questions* in excess of $100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the *group of persons,* committee, political party or business entity under penalty of perjury.

3. Every person, committee, political party or business entity described in subsection 1 which makes an expenditure on behalf of a candidate for office at a primary election, primary city election, general election or general city election or on behalf of a group of such candidates *and every person or group of persons who advocates the passage or defeat of a question or group of questions on the ballot at a primary election, primary city election, general election or general city election* shall, if the general election or general city election for the office for which the candidate or a candidate in

the group of candidates seeks election *or on which the ballot question or group of questions appears* is held on or after July 1 and before the January 1 immediately following that July 1, not later than:

(a) Seven days before the primary election or primary city election , ~~[for that office,]~~ for the period from the January 1 immediately preceding the primary election or primary city election through 12 days before the primary election or primary city election; and

(b) Seven days before the general election or general city election , ~~[for that office,]~~ for the period from 11 days before the primary election or primary city election through 12 days before the general election or general city election,

➥ report each expenditure made during the period on behalf of the candidate, the group of candidates , ~~[or]~~ a candidate in the group of candidates *or to advocate the passage or defeat of the question or group of questions* in excess of $100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the *group,* committee, political party or business entity under penalty of perjury.

4. Except as otherwise provided in subsection 5, every person, committee, political party or business entity described in subsection 1 which makes an expenditure on behalf of a candidate for office at a special election or on behalf of a group of such candidates shall, not later than:

(a) Seven days before the special election for the office for which the candidate or a candidate in the group of candidates seeks election, for the period from the nomination of the candidate through 12 days before the special election; and

(b) Thirty days after the special election, for the remaining period through the special election,

➥ report each expenditure made during the period on behalf of the candidate, the group of candidates , ~~[or]~~ a candidate in the group of candidates in excess of $100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee, political party or business entity under penalty of perjury.

5. Every person, committee, political party or business entity described in subsection 1 which makes an expenditure on behalf of a candidate for office at a special election to determine whether a public officer will be recalled or on behalf of a group of such candidates shall list each expenditure made on behalf of the candidate, the group of candidates or a candidate in the group of candidates in excess of $100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the committee, political party or business entity under penalty of perjury, 30 days after:

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or

(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 5 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

6. Expenditures made within the State or made elsewhere but for use within the State, including expenditures made outside the State for printing, television and radio broadcasting or other production of the media, must be included in the report.

7. The reports must be *:* ~~[filed with:]~~

(a) ~~[If the candidate is elected from one county, the county clerk of that county;~~

~~(b)]~~ If the candidate is ~~[elected from one city,]~~ *a candidate for city office or if the question or group of questions is submitted to the voters of one city, filed with* the city clerk of that city ~~[; or]~~ *by transmitting the report to the city clerk by regular mail, certified mail, facsimile machine, electronic means or personal delivery.*

~~[(c)]~~ *(b)* ~~[If]~~ *Except as otherwise provided in section 29.7 of this act, if* the candidate is ~~[elected from more than one county or city,]~~ *a candidate for state, district or county office or if the question or group of questions is submitted to more than one city or to one or more counties, filed electronically with* the Secretary of State.

8. If an expenditure is made on behalf of a group of candidates, the reports must be itemized by the candidate. ~~[A person may mail or transmit his report to the appropriate officer by regular mail, certified mail, facsimile machine or electronic means.]~~

9. A report shall be deemed to be filed ~~[with the officer:~~

~~(a) On the date that it was mailed if it was sent by certified mail; or~~

~~(b) On]~~ *on* the date that it was received by the ~~[officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.~~

~~9. Each county clerk or city clerk who receives a report pursuant to this section shall file a copy of the report with the Secretary of State within 10 working days after he receives the report.]~~ *Secretary of State or city clerk, as the case may be.*

10. Every person, *group of persons,* committee, political party or business entity described in subsection 1 shall file a report required by this section even if he or it receives no contributions.

Sec. 34. NRS 294A.230 is hereby amended to read as follows:

294A.230 1. Each committee for political action shall, before it engages in any activity in this State, register with the Secretary of State on forms supplied by him.

2. The form must require:

(a) The name of the committee;

(b) The purpose for which it was organized;

(c) The names, addresses and telephone numbers of its officers;

(d) If the committee for political action is affiliated with any other organizations, the name, address and telephone number of each organization;

(e) The name, address and telephone number of its registered agent; and

(f) Any other information deemed necessary by the Secretary of State.

3. A committee for political action shall file with the Secretary of State ~~[an]~~ *:*

(a) An amended form for registration within 30 days after any change in the information contained in the form for registration.

(b) A form for registration on or before January 15 of each year, regardless of whether there is a change in the information contained in the most recent form for registration filed by the committee for political action with the Secretary of State.

4. The Secretary of State shall include on his Internet website the information required pursuant to subsection 2.

Sec. 34.2. NRS 294A.270 is hereby amended to read as follows:

294A.270 1. Except as otherwise provided in subsection 3, each committee for the recall of a public officer shall, not later than:

(a) Seven days before the special election to recall a public officer, for the period from the filing of the notice of intent to circulate the petition for recall through 12 days before the special election; and

(b) Thirty days after the election, for the remaining period through the election,

➥ report each contribution received or made by the committee in excess of $100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by a representative of the committee under penalty of perjury.

2. If a petition for the purpose of recalling a public officer is not filed before the expiration of the notice of intent, the committee for the recall of a public officer shall, not later than 30 days after the expiration of the notice of intent, report each contribution received by the committee, and each contribution made by the committee in excess of $100.

3. If a court does not order a special election for the recall of the public officer, the committee for the recall of a public officer shall, not later than 30 days after the court determines that an election will not be held, for the period from the filing of the notice of intent to circulate the petition for recall through the day the court determines that an election will not be held, report each contribution received by the committee, and each contribution made by the committee in excess of $100.

4. ~~[Each]~~ *Except as otherwise provided in section 29.7 of this act, each* report of contributions must be filed *electronically* with the Secretary of State. ~~[The committee may mail or transmit the report by regular mail, certified mail, facsimile machine or electronic means.]~~ A report shall be deemed to be filed ~~[with the Secretary of State:~~

~~(a) On the date that it was mailed if it was sent by certified mail; or~~

~~(b) On~~ *on* the date that it was received by the Secretary of State . ~~[if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.]~~

5. The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution, whether from or to a natural person, association or corporation, in excess of $100 and contributions which a contributor or the committee has made cumulatively in excess of that amount since the beginning of the current reporting period.

Sec. 34.3. NRS 294A.280 is hereby amended to read as follows:

294A.280 1. Except as otherwise provided in subsection 3, each committee for the recall of a public officer shall, not later than:

(a) Seven days before the special election to recall a public officer, for the period from the filing of the notice of intent to circulate the petition for recall through 12 days before the special election; and

(b) Thirty days after the election, for the remaining period through the election,

➥ report each expenditure made by the committee in excess of $100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by a representative of the committee under penalty of perjury.

2. If a petition for the purpose of recalling a public officer is not filed before the expiration of the notice of intent, the committee for the recall of a public officer shall, not later than 30 days after the expiration of the notice of intent, report each expenditure made by the committee in excess of $100.

3. If a court does not order a special election for the recall of the public officer, the committee for the recall of a public officer shall, not later than 30 days after the court determines that an election will not be held, for the period from the filing of the notice of intent to circulate the petition for recall through the day the court determines that an election will not be held, report each expenditure made by the committee in excess of $100.

4. ~~[Each]~~ *Except as otherwise provided in section 29.7 of this act, each* report of expenditures must be filed *electronically* with the Secretary of State. ~~[The committee may mail or transmit the report to the Secretary of State by regular mail, certified mail, facsimile machine or electronic means.]~~ A report shall be deemed to be filed ~~[with the Secretary of State:~~

~~(a) On the date that it was mailed if it was sent by certified mail; or~~

~~(b) On~~ *on* the date that it was received by the Secretary of State . ~~[if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.]~~

Sec. 35. NRS 294A.286 is hereby amended to read as follows:

294A.286 1. A person who administers a legal defense fund shall:

(a) Within 5 days after the creation of the legal defense fund, notify the Secretary of State of the creation of the fund on a form provided by the Secretary of State; and

(b) For the same period covered by the report filed pursuant to NRS 294A.120, 294A.200 or 294A.360, report any contribution received by or expenditure made from the legal defense fund.

2. The reports required by paragraph (b) of subsection 1 must be submitted on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the administrator of the legal defense fund under penalty of perjury.

3. The reports required by paragraph (b) of subsection 1 must be filed in the same manner and at the same time as the report filed pursuant to NRS 294A.120, 294A.200 or 294A.360.

4. Not later than the 15th day of the second month after the conclusion of all civil, criminal or administrative claims or proceedings for which a candidate or public officer established a legal defense fund, the candidate or public officer shall:

(a) Return the unspent money to contributors;

(b) Donate the money to any tax-exempt nonprofit entity; or

(c) Dispose of the money in any combination of the methods provided in paragraphs (a) and (b).

Sec. 36. NRS 294A.287 is hereby amended to read as follows:

294A.287 1. A person shall not make a contribution or contributions to the legal defense fund of a candidate or public officer in an amount which exceeds $10,000 . ~~[during the applicable period prescribed in NRS 294A.100 pertaining to the office the candidate is seeking or that the public officer holds.]~~

2. A candidate or public officer shall not accept a contribution to his legal defense fund that is made in violation of subsection 1.

3. A person who willfully violates any provision of this section is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 36.5. NRS 294A.300 is hereby amended to read as follows:

294A.300 1. It is unlawful for a member of the Legislature, the Lieutenant Governor, the Lieutenant Governor-Elect, the Governor or the Governor-Elect to solicit or accept any monetary contribution, or solicit or accept a commitment to make such a contribution for any political purpose during the period beginning:

(a) Thirty days before a regular session of the Legislature and ending 30 days after the final adjournment of a regular session of the Legislature;

(b) Fifteen days before a special session of the Legislature is set to commence and ending 15 days after the final adjournment of a special session of the Legislature, if the Governor sets a specific date for the commencement of the special session that is more than 15 days after the Governor issues the proclamation calling for the special session; or

(c) The day after the Governor issues a proclamation calling for a special session of the Legislature and ending 15 days after the final adjournment of a special session of the Legislature if the Governor sets a specific date for the

commencement of the special session that is 15 or fewer days after the Governor issues the proclamation calling for the special session.

2. *A person shall not make or commit to make a contribution or commitment prohibited by subsection 1.*

3. This section does not prohibit the payment of a salary or other compensation or income to a member of the Legislature, the Lieutenant Governor or the Governor during a session of the Legislature if it is made for services provided as a part of his regular employment or is additional income to which he is entitled.

~~[3.]~~ *4.* As used in this section, "political purpose" includes, without limitation, the establishment of, or the addition of money to, a legal defense fund.

Sec. 37. NRS 294A.347 is hereby amended to read as follows:

294A.347 1. A statement which:

(a) Is published within 60 days before a general election, general city election or special election or 30 days before a primary election or primary city election;

(b) Expressly advocates the election or defeat of a clearly identified candidate for a state or local office; and

(c) Is published by a person who receives compensation from the candidate, an opponent of the candidate ~~[,]~~ or a ~~[person, party, committee or business entity required to report expenditures pursuant to NRS 294A.210,]~~ *committee for political action,*

➥ must contain a disclosure of the fact that the person receives compensation pursuant to paragraph (c) and the name of the person ~~[, party, committee or business entity]~~ *or committee for political action* providing that compensation.

2. A statement which:

(a) Is published by a candidate within 60 days before a general election, general city election or special election or 30 days before a primary election or primary city election; and

(b) Contains the name of the candidate,

➥ shall be deemed to comply with the provisions of this section.

3. As used in this section, "publish" means the act of:

(a) Printing, posting, broadcasting, mailing or otherwise disseminating; or

(b) Causing to be printed, posted, broadcasted, mailed or otherwise disseminated.

Sec. 38. NRS 294A.360 is hereby amended to read as follows:

294A.360 1. Every candidate for city office at a primary city election or general city election shall file the reports in the manner required by NRS 294A.120, 294A.128 and 294A.200 for other offices not later than January 15 of each year, for the period from January 1 of the previous year through December 31 of the previous year. The provisions of this subsection apply to the candidate:

(a) Beginning the year of the general city election for that office through the year immediately preceding the next general city election for that office; and

(b) Each year immediately succeeding a calendar year during which the candidate disposes of contributions pursuant to NRS 294A.160 ~~[.]~~ *or subsection 4 of NRS 294A.286.*

2. Every candidate for city office at a primary city election or general city election, if the general city election for the office for which he is a candidate is held on or after January 1 and before the July 1 immediately following that January 1, shall file the reports in the manner required by NRS 294A.120, 294A.128 and 294A.200 for other offices not later than:

(a) Seven days before the primary city election for that office, for the period from the January 1 immediately preceding the primary city election through 12 days before the primary city election;

(b) Seven days before the general city election for that office, for the period from 11 days before the primary city election through 12 days before the general city election; and

(c) July 15 of the year of the general city election for that office, for the period from 11 days before the general city election through the June 30 of that year.

3. Every candidate for city office at a primary city election or general city election, if the general city election for the office for which he is a candidate is held on or after July 1 and before the January 1 immediately following that July 1, shall file the reports in the manner required by NRS 294A.120, 294A.128 and 294A.200 for other offices not later than:

(a) Seven days before the primary city election for that office, for the period from the January 1 immediately preceding the primary city election through 12 days before the primary city election; and

(b) Seven days before the general city election for that office, for the period from 11 days before the primary city election through 12 days before the general city election.

4. Except as otherwise provided in subsection 5, every candidate for city office at a special election shall so file those reports:

(a) Seven days before the special election, for the period from his nomination through 12 days before the special election; and

(b) Thirty days after the special election, for the remaining period through the special election.

5. Every candidate for city office at a special election to determine whether a public officer will be recalled shall so file those reports 30 days after:

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or

(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 5 of

NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

Sec. 38.2. NRS 294A.362 is hereby amended to read as follows:

294A.362 1. In addition to reporting information pursuant to NRS 294A.120, 294A.125, 294A.128, 294A.200 and 294A.360, each candidate who is required to file a report of campaign contributions and expenses pursuant to NRS 294A.120, 294A.125, 294A.128, 294A.200 or 294A.360 shall report on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 goods and services provided in kind for which money would otherwise have been paid. The candidate shall list on the form each such campaign contribution in excess of $100 that he receives during the reporting period, each such campaign contribution from a contributor received during the reporting period which cumulatively exceeds $100, and each such expense in excess of $100 he incurs during the reporting period.

2. The Secretary of State and each city clerk shall not require a candidate to list the campaign contributions and expenses described in this section on any form other than the form designed and provided by the Secretary of State pursuant to NRS 294A.373.

3. The report of campaign contributions and expenses described in this section must be filed in the same manner and at the same time as the candidate files the reports required pursuant to NRS 294A.120, 294A.125, 294A.128, 294A.200 and 294A.360.

Sec. 39. NRS 294A.365 is hereby amended to read as follows:

294A.365 1. Each report of expenditures required pursuant to NRS 294A.210 ~~[, 294A.220,]~~ *and* 294A.280 ~~[and 294A.283]~~ must consist of a list of each expenditure in excess of $100 or $1,000, as is appropriate, that was made during the periods for reporting. Each report of expenses required pursuant to NRS 294A.125 and 294A.200 must consist of a list of each expense in excess of $100 that was incurred during the periods for reporting. The list in each report must state the category and amount of the expense or expenditure and the date on which the expense was incurred or the expenditure was made.

2. The categories of expense or expenditure for use on the report of expenses or expenditures are:

(a) Office expenses;

(b) Expenses related to volunteers;

(c) Expenses related to travel;

(d) Expenses related to advertising;

(e) Expenses related to paid staff;

(f) Expenses related to consultants;

(g) Expenses related to polling;

(h) Expenses related to special events;

(i) Except as otherwise provided in NRS 294A.362, goods and services provided in kind for which money would otherwise have been paid; and

(j) Other miscellaneous expenses.

3. Each report of expenses or expenditures described in subsection 1 must list the disposition of any unspent campaign contributions using the categories set forth in subsection 2 of NRS 294A.160 ~~[.]~~ *or subsection 4 of NRS 294A.286.*

Sec. 40. NRS 294A.373 is hereby amended to read as follows:

294A.373 1. The Secretary of State shall design a single form to be used for all reports of campaign contributions and expenses or expenditures that are required to be filed pursuant to NRS 294A.120, 294A.125, 294A.128, 294A.140, ~~[294A.150,]~~ 294A.200, 294A.210, ~~[294A.220,]~~ 294A.270, 294A.280, ~~[294A.283,]~~ 294A.360 and 294A.362 and reports of contributions received by and expenditures made from a legal defense fund that are required to be filed pursuant to NRS 294A.286.

2. The form designed by the Secretary of State pursuant to this section must only request information specifically required by statute.

3. Upon request, the Secretary of State shall provide a copy of the form designed pursuant to this section to each person, committee, political party, group and business entity that is required to file a report described in subsection 1.

4. The Secretary of State must obtain the advice and consent of the Legislative Commission before providing a copy of a form designed or revised by the Secretary of State pursuant to this section to a person, committee, political party, group or business entity that is required to use the form.

Sec. 40.5. NRS 294A.373 is hereby amended to read as follows:

294A.373 1. The Secretary of State shall design ~~[a single form]~~ *forms* to be used for all reports of campaign contributions and expenses or expenditures that are required to be filed pursuant to NRS 294A.120, 294A.125, 294A.128, 294A.140, 294A.200, 294A.210, 294A.270, 294A.280, 294A.360 and 294A.362 and reports of contributions received by and expenditures made from a legal defense fund that are required to be filed pursuant to NRS 294A.286.

2. The ~~[form]~~ *forms* designed by the Secretary of State pursuant to this section must only request information specifically required by statute.

3. ~~[Upon request, the]~~ *The* Secretary of State shall provide ~~[a]~~ *to each person, committee, political party, group and business entity that is required to file a report described in subsection 1:*

(a) If the person, committee, political party, group or business entity is required to submit the report to a city clerk, a copy of the form *;* ~~[designed pursuant to this section to each person, committee, political party, group and business entity that is required to file a report described in subsection 1.]~~

(b) If the person, committee, political party, group or business entity is required to submit the report electronically to the Secretary of State, access through a secure website to the form; or

(c) If the person, committee, political party, group or business entity is required to submit the report electronically to the Secretary of State and has submitted an affidavit to the Secretary of State pursuant to section 29.5 or 29.7 of this act, a copy of the form.

4. *If a person, committee, political party, group or business entity is required to submit electronically a report described in subsection 1, the form must be signed electronically under penalty of perjury.*

5. The Secretary of State must obtain the advice and consent of the Legislative Commission before providing a copy of *, or access to,* a form designed or revised by the Secretary of State pursuant to this section to a person, committee, political party, group or business entity . ~~[that is required to use the form.]~~

6. The Secretary of State may adopt any regulations necessary to carry out of the provisions of this section.

Sec. 41. NRS 294A.390 is hereby amended to read as follows:

294A.390 The officer from whom a candidate or entity requests a form for:

1. A declaration of candidacy;
2. An acceptance of candidacy;
3. The registration of a committee for political action pursuant to NRS 294A.230, a committee for the recall of a public officer pursuant to NRS 294A.250 or a business entity that wishes to engage in certain political activity pursuant to NRS 294A.377;
4. The reporting of the creation of a legal defense fund pursuant to NRS 294A.286; or
5. The reporting of campaign contributions, expenses or expenditures pursuant to NRS 294A.120, 294A.128, 294A.140, ~~[294A.150,]~~ 294A.200, 294A.210, ~~[294A.220,]~~ 294A.270, 294A.280 ~~[, 294A.283]~~ or 294A.360 and the reporting of contributions received by and expenditures made from a legal defense fund pursuant to NRS 294A.286,

➥ shall furnish the candidate with the necessary forms for reporting and copies of the regulations adopted by the Secretary of State pursuant to this chapter. An explanation of the applicable provisions of NRS 294A.100, 294A.120, 294A.128, 294A.140, ~~[294A.150,]~~ 294A.200, 294A.210, ~~[294A.220,]~~ 294A.270, 294A.280 ~~[, 294A.283]~~ or 294A.360 relating to the making, accepting or reporting of campaign contributions, expenses or expenditures and the penalties for a violation of those provisions as set forth in NRS 294A.100 or 294A.420, and an explanation of NRS 294A.286 and 294A.287 relating to the accepting or reporting of contributions received by and expenditures made from a legal defense fund and the penalties for a violation of those provisions as set forth in NRS 294A.287 and 294A.420, must be developed by the Secretary of State and provided upon request. The candidate or entity shall acknowledge receipt of the material.

Sec. 41.5. NRS 294A.390 is hereby amended to read as follows:

294A.390 The officer from whom a candidate or entity requests a form for:

1. A declaration of candidacy;

2. An acceptance of candidacy; *or*

3. The registration of a committee for political action pursuant to NRS 294A.230, a committee for the recall of a public officer pursuant to NRS 294A.250 or a business entity that wishes to engage in certain political activity pursuant to NRS 294A.377 , ~~[~~;

~~4. The reporting of the creation of a legal defense fund pursuant to NRS 294A.286; or~~

~~5. The reporting of campaign contributions, expenses or expenditures pursuant to NRS 294A.120, 294A.128, 294A.140, 294A.200, 294A.210, 294A.270, 294A.280 or 294A.360 and the reporting of contributions received by and expenditures made from a legal defense fund pursuant to NRS 294A.286,]~~

➥ shall furnish the candidate *or entity* with ~~[the necessary forms for reporting and copies of the regulations adopted by the Secretary of State pursuant to this chapter. An]~~ *an* explanation of the applicable provisions of NRS 294A.100, 294A.120, 294A.128, 294A.140, 294A.200, 294A.210, 294A.270, 294A.280 or 294A.360 relating to the making, accepting or reporting of campaign contributions, expenses or expenditures and the penalties for a violation of those provisions as set forth in NRS 294A.100 or 294A.420, and an explanation of NRS 294A.286 and 294A.287 relating to the accepting or reporting of contributions received by and expenditures made from a legal defense fund and the penalties for a violation of those provisions as set forth in NRS 294A.287 and 294A.420, must be developed by the Secretary of State and provided upon request. The candidate or entity shall acknowledge receipt of the material.

Sec. 42. NRS 294A.400 is hereby amended to read as follows:

294A.400 The Secretary of State shall, within 30 days after receipt of the reports required by NRS 294A.120, 294A.125, 294A.128, 294A.140, ~~[294A.150,]~~ 294A.200, 294A.210, ~~[294A.220,]~~ 294A.270, 294A.280 ~~[, 294A.283]~~ and 294A.286, prepare and make available for public inspection a compilation of:

1. The total campaign contributions, the contributions which are in excess of $100 and the total campaign expenses of each of the candidates from whom reports of those contributions and expenses are required.

2. The total amount of loans to a candidate guaranteed by a third party, the total amount of loans made to a candidate that have been forgiven and the total amount of written commitments for contributions received by a candidate.

3. The contributions made to a committee for the recall of a public officer in excess of $100.

4. The expenditures exceeding $100 made by a:

(a) Person on behalf of a candidate other than himself.

(b) Group of persons or business entity advocating the election or defeat of a candidate.

(c) *Person or group of persons who advocates the passage or defeat of a question or group of questions on a ballot.*

(d) Committee for the recall of a public officer.

5. The contributions in excess of $100 made to:

(a) A person who is not under the direction or control of a candidate or group of candidates or of any person involved in the campaign of the candidate or group who makes an expenditure on behalf of the candidate or group which is not solicited or approved by the candidate or group.

(b) A committee for political action, political party, committee sponsored by a political party or business entity which makes an expenditure on behalf of a candidate or group of candidates.

(c) A person or group of persons who advocates the passage or defeat of a question or group of questions on a ballot.

6. ~~[The contributions in excess of $1,000 made to and the expenditures exceeding $1,000 made by a:~~

~~(a) Person or group of persons organized formally or informally, including a business entity who advocates the passage or defeat of a question or group of questions on the ballot and who receives or expends money in an amount in excess of $10,000 for such advocacy, except as otherwise provided in paragraph (b).~~

~~(b) Person or group of persons organized formally or informally, including a business entity, who advocates the passage or defeat of a constitutional amendment or statewide measure proposed by an initiative or referendum, including, without limitation, the initiation or circulation thereof, and who receives or expends money in an amount in excess of $10,000 for such advocacy.~~

~~7.]~~ The total contributions received by and expenditures made from a legal defense fund.

Sec. 43. NRS 294A.420 is hereby amended to read as follows:

294A.420 1. If the Secretary of State receives information that a person or entity that is subject to the provisions of NRS 294A.120, 294A.128, 294A.140, ~~[294A.150,]~~ 294A.200, 294A.210, ~~[294A.220,]~~ 294A.230, *294A.250*, 294A.270, 294A.280, ~~[294A.283,]~~ 294A.286, *294A.350*, 294A.360 or 294A.377 has not filed a report or form for registration pursuant to the applicable provisions of those sections, the Secretary of State may, after giving notice to that person or entity, cause the appropriate proceedings to be instituted in the First Judicial District Court.

2. Except as otherwise provided in this section, a person or entity that violates an applicable provision of NRS 294A.112, 294A.120, 294A.128, 294A.130, 294A.140, ~~[294A.150,]~~ 294A.160, 294A.200, 294A.210, ~~[294A.220,]~~ 294A.230, *294A.250*, 294A.270, 294A.280, ~~[294A.283,]~~ 294A.286, 294A.300, 294A.310, *294A.350*, 294A.360 or 294A.377 is subject to a civil penalty of not more than $5,000 for each violation and payment of

court costs and attorney's fees. The civil penalty must be recovered in a civil action brought in the name of the State of Nevada by the Secretary of State in the First Judicial District Court and deposited by the Secretary of State for credit to the State General Fund in the bank designated by the State Treasurer.

3. If a civil penalty is imposed because a person or entity has reported its contributions, expenses or expenditures after the date the report is due, except as otherwise provided in this subsection, the amount of the civil penalty is:

(a) If the report is not more than 7 days late, $25 for each day the report is late.

(b) If the report is more than 7 days late but not more than 15 days late, $50 for each day the report is late.

(c) If the report is more than 15 days late, $100 for each day the report is late.

➥ A civil penalty imposed pursuant to this subsection against a public officer who by law is not entitled to receive compensation for his office or a candidate for such an office must not exceed a total of $100 if the public officer or candidate received no contributions and made no expenditures during the relevant reporting periods.

4. For good cause shown, the Secretary of State may waive a civil penalty that would otherwise be imposed pursuant to this section. If the Secretary of State waives a civil penalty pursuant to this subsection, the Secretary of State shall:

(a) Create a record which sets forth that the civil penalty has been waived and describes the circumstances that constitute the good cause shown; and

(b) Ensure that the record created pursuant to paragraph (a) is available for review by the general public.

Sec. 44. NRS 306.040 is hereby amended to read as follows:

306.040 1. Upon determining that the number of signatures on a petition to recall is sufficient pursuant to NRS 293.1276 to 293.1279, inclusive, the Secretary of State shall notify the county clerk, the officer with whom the petition is to be filed pursuant to subsection 4 of NRS 306.015 and the public officer who is the subject of the petition.

2. After the verification of signatures is complete ~~[,]~~ but not later than the date a complaint is filed pursuant to subsection 5 or the date the call for a special election is issued, whichever is earlier, a person who signs a petition to recall may request the Secretary of State to strike his name from the petition. If the person demonstrates good cause therefor and the number of such requests received by the Secretary of State could affect the sufficiency of the petition, the Secretary of State shall strike the name of the person from the petition.

3. Not sooner than 10 days ~~[nor]~~ *or* more than 20 days after the Secretary of State completes the notification required by subsection 1, if a complaint is not filed pursuant to subsection 5, the officer with whom the petition is filed

shall issue a call for a special election in the jurisdiction in which the public officer who is the subject of the petition was elected to determine whether the people will recall him.

4. The call for a special election pursuant to subsection 3 or 6 must include, without limitation:

(a) The last day on which a person may register to vote to qualify to vote in the special election; ~~[and]~~

(b) The last day on which a petition to nominate other candidates for the office may be filed ~~[.]~~ *; and*

(c) Whether any person is entitled to vote in the special election pursuant to 293.343 to 293.355, inclusive.

5. The legal sufficiency of the petition may be challenged by filing a complaint in district court not later than 5 days, Saturdays, Sundays and holidays excluded, after the Secretary of State completes the notification required by subsection 1. All affidavits and documents in support of the challenge must be filed with the complaint. The court shall set the matter for hearing not later than 30 days after the complaint is filed and shall give priority to such a complaint over all other matters pending with the court, except for criminal proceedings.

6. Upon the conclusion of the hearing, if the court determines that the petition is sufficient, it shall order the officer with whom the petition is filed to issue a call for a special election in the jurisdiction in which the public officer who is the subject of the petition was elected to determine whether the people will recall him. If the court determines that the petition is not sufficient, it shall order the officer with whom the petition is filed to cease any further proceedings regarding the petition.

Sec. 44.1. Chapter 281A of NRS is hereby amended by adding thereto a new section to read as follows:

1. A candidate or public officer who is required to file a statement of financial disclosure with the Secretary of State pursuant to NRS 281A.600 or 281A.610 is not required to file the statement electronically if the candidate or public officer has on file with the Secretary of State an affidavit stating that:

(a) The candidate or public officer does not own or have the ability to access the technology necessary to file electronically the statement of financial disclosure; and

(b) The candidate or public officer does not have the financial ability to purchase or acquire access to the technology necessary to file electronically the statement of financial disclosure.

2. To excuse the electronic filing of the report, the affidavit described in subsection 1 must be:

(a) In the form prescribed by the Secretary of State and signed under penalty of perjury.

(b) Except as otherwise provided in subsection 4, filed not less than 45 days before the statement is required to be filed.

3. A candidate or public officer that is excused from filing the statement electronically may file the statement by transmitting the statement by regular mail, certified mail, facsimile machine or personal delivery. A report transmitted in one of these manners shall be deemed to be filed on the date that it was received by the Secretary of State.

4. To excuse the electronic filing of a report concerning a person who is appointed to fill the unexpired term of an elected or appointed public officer, the affidavit described in subsection 1 must be filed within 15 days after his appointment.

Sec. 44.15. NRS 281A.240 is hereby amended to read as follows:

281A.240 1. In addition to any other duties imposed upon him, the Executive Director shall:

(a) Maintain complete and accurate records of all transactions and proceedings of the Commission.

(b) Receive requests for opinions pursuant to NRS 281A.440.

(c) Gather information and conduct investigations regarding requests for opinions received by the Commission and submit recommendations to the panel appointed pursuant to NRS 281A.220 regarding whether there is just and sufficient cause to render an opinion in response to a particular request.

(d) Recommend to the Commission any regulations or legislation that he considers desirable or necessary to improve the operation of the Commission and maintain high standards of ethical conduct in government.

(e) Upon the request of any public officer or the employer of a public employee, conduct training on the requirements of this chapter, the rules and regulations adopted by the Commission and previous opinions of the Commission. In any such training, the Executive Director shall emphasize that he is not a member of the Commission and that only the Commission may issue opinions concerning the application of the statutory ethical standards to any given set of facts and circumstances. The Commission may charge a reasonable fee to cover the costs of training provided by the Executive Director pursuant to this subsection.

(f) Perform such other duties, not inconsistent with law, as may be required by the Commission.

2. The Executive Director shall, within the limits of legislative appropriation, employ such persons as are necessary to carry out any of his duties relating to:

(a) The administration of the affairs of the Commission; *and*

(b) ~~[The review of statements of financial disclosure; and~~

~~(c)]~~ The investigation of matters under the jurisdiction of the Commission.

Sec. 44.2. NRS 281A.290 is hereby amended to read as follows:

281A.290 The Commission shall:

1. Adopt procedural regulations:

(a) To facilitate the receipt of inquiries by the Commission;

(b) For the filing of a request for an opinion with the Commission;

(c) For the withdrawal of a request for an opinion by the person who filed the request; and

(d) To facilitate the prompt rendition of opinions by the Commission.

2. Prescribe, by regulation, ~~[forms for the submission of statements of financial disclosure and procedures for the submission of statements of financial disclosure filed pursuant to NRS 281A.600 and]~~ forms and procedures for the submission of statements of acknowledgment filed by public officers pursuant to NRS 281A.500, maintain files of such statements and make the statements available for public inspection.

3. Cause the making of such investigations as are reasonable and necessary for the rendition of its opinions pursuant to this chapter.

4. ~~[Except as otherwise provided in NRS 281A.600, inform]~~ *Inform* the Attorney General or district attorney of all cases of noncompliance with the requirements of this chapter.

5. Recommend to the Legislature such further legislation as the Commission considers desirable or necessary to promote and maintain high standards of ethical conduct in government.

6. Publish a manual for the use of public officers and employees that contains:

(a) Hypothetical opinions which are abstracted from opinions rendered pursuant to subsection 1 of NRS 281A.440, for the future guidance of all persons concerned with ethical standards in government;

(b) Abstracts of selected opinions rendered pursuant to subsection 2 of NRS 281A.440; and

(c) An abstract of the requirements of this chapter.

➥ The Legislative Counsel shall prepare annotations to this chapter for inclusion in the Nevada Revised Statutes based on the abstracts and published opinions of the Commission.

Sec. 44.3. NRS 281A.470 is hereby amended to read as follows:

281A.470 1. Any department, board, commission or other agency of the State or the governing body of a county or an incorporated city may establish a specialized or local ethics committee to complement the functions of the Commission. A specialized or local ethics committee may:

(a) Establish a code of ethical standards suitable for the particular ethical problems encountered in its sphere of activity. The standards may not be less restrictive than the statutory ethical standards.

(b) Render an opinion upon the request of any public officer or employee of its own organization or level seeking an interpretation of its ethical standards on questions directly related to the propriety of his own future official conduct or refer the request to the Commission. Any public officer or employee subject to the jurisdiction of the committee shall direct his inquiry to that committee instead of the Commission.

(c) Require the filing of statements of financial disclosure by public officers on forms prescribed by the committee or the city clerk if the form has been:

(1) Submitted, at least 60 days before its anticipated distribution, to the ~~[Commission]~~ *Secretary of State* for review; and

(2) Upon review, approved by the ~~[Commission.]~~ *Secretary of State.*

2. A specialized or local ethics committee shall not attempt to interpret or render an opinion regarding the statutory ethical standards.

3. Each request for an opinion submitted to a specialized or local ethics committee, each hearing held to obtain information on which to base an opinion, all deliberations relating to an opinion, each opinion rendered by a committee and any motion relating to the opinion are confidential unless:

(a) The public officer or employee acts in contravention of the opinion; or

(b) The requester discloses the content of the opinion.

Sec. 44.4. (Deleted by amendment.)

Sec. 44.5. NRS 281A.600 is hereby amended to read as follows:

281A.600 1. Except as otherwise provided in ~~[subsection 2,]~~ *subsections 2 and 3 and section 44.1 of this act*, if a public officer who was appointed to the office for which he is serving is entitled to receive annual compensation of $6,000 or more for serving in that office, he shall file *electronically* with the ~~[Commission]~~ *Secretary of State* a statement of financial disclosure, as follows:

(a) A public officer appointed to fill the unexpired term of an elected or appointed public officer shall file a statement of financial disclosure within 30 days after his appointment.

(b) Each public officer appointed to fill an office shall file a statement of financial disclosure on or before January 15 of each year of the term, including the year the term expires.

➥ The statement must disclose the required information for the full calendar year immediately preceding the date of filing.

2. If a person is serving in a public office for which he is required to file a statement pursuant to subsection 1, he may use the statement he files for that initial office to satisfy the requirements of subsection 1 for every other public office to which he is appointed and in which he is also serving.

3. A judicial officer who is appointed to fill the unexpired term of a predecessor or to fill a newly created judgeship shall file a statement of financial disclosure pursuant to the requirements of Canon 4I of the Nevada Code of Judicial Conduct. Such a statement of financial disclosure must include, without limitation, all information required to be included in a statement of financial disclosure pursuant to NRS 281A.620.

4. ~~[The Commission shall provide written notification to the Secretary of State of the public officers who failed to file the statements of financial disclosure required by subsection 1 or who failed to file those statements in a timely manner. The notice must be sent within 30 days after the deadlines set forth in subsection 1 and must include:~~

~~(a) The name of each public officer who failed to file his statement of financial disclosure within the period before the notice is sent;~~

~~(b) The name of each public officer who filed his statement of financial disclosure after the deadlines set forth in subsection 1 but within the period before the notice is sent;~~

~~(c) For the first notice sent after the public officer filed his statement of financial disclosure, the name of each public officer who filed his statement of financial disclosure after the deadlines set forth in subsection 1 but within the period before the notice is sent; and~~

~~(d) For each public officer listed in paragraph (c), the date on which the statement of financial disclosure was due and the date on which the public officer filed the statement.~~

~~5. In addition to the notice provided pursuant to subsection 4, the Commission shall notify the Secretary of State of each public officer who files a statement of financial disclosure more than 30 days after the deadlines set forth in subsection 1. The notice must include the information described in paragraphs (c) and (d) of subsection 4.~~

~~6.~~] A statement of financial disclosure shall be deemed to be filed ~~[with the Commission:~~

~~(a) On the date that it was mailed if it was sent by certified mail; or~~

~~(b) On~~] *on* the date that it was received by the ~~[Commission if the statement was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.]~~ *Secretary of State.*

5. Except as otherwise provided in section 44.1 of this act, the Secretary of State shall provide access through a secure website to the statement of financial disclosure to each person who is required to file the statement with the Secretary of State pursuant to this section. The Secretary of State may adopt any regulations necessary to carry out the provisions of this section.

Sec. 45. NRS 281A.610 is hereby amended to read as follows:

281A.610 1. Except as otherwise provided in ~~[subsection 2,]~~ *subsections 2 and 4 and section 44.1 of this act*, each candidate for public office who will be entitled to receive annual compensation of $6,000 or more for serving in the office that he is seeking and, except as otherwise provided in subsection 3, each public officer who was elected to the office for which he is serving shall file *electronically* with the Secretary of State a statement of financial disclosure, as follows:

(a) A candidate for nomination, election or reelection to public office shall file a statement of financial disclosure no later than the 10th day after the last day to qualify as a candidate for the office. The statement must disclose the required information for the full calendar year immediately preceding the date of filing and for the period between January 1 of the year in which the election for the office will be held and the last day to qualify as a candidate for the office. The filing of a statement of financial disclosure for a portion of a calendar year pursuant to this paragraph does not relieve the candidate of the requirement of filing a statement of financial disclosure for the full calendar year pursuant to paragraph (b) in the immediately succeeding year, if he is elected to the office.

(b) Each public officer shall file a statement of financial disclosure on or before January 15 of each year of the term, including the year the term expires. The statement must disclose the required information for the full calendar year immediately preceding the date of filing.

2. Except as otherwise provided in this subsection, if a candidate for public office is serving in a public office for which he is required to file a statement pursuant to paragraph (b) of subsection 1 or subsection 1 of NRS 281A.600, he need not file the statement required by subsection 1 for the full calendar year for which he previously filed a statement. The provisions of this subsection do not relieve the candidate of the requirement pursuant to paragraph (a) of subsection 1 to file a statement of financial disclosure for the period between January 1 of the year in which the election for the office will be held and the last day to qualify as a candidate for the office.

3. A person elected pursuant to NRS 548.285 to the office of supervisor of a conservation district is not required to file a statement of financial disclosure relative to that office pursuant to subsection 1.

4. A candidate for judicial office or a judicial officer shall file a statement of financial disclosure pursuant to the requirements of Canon 4I of the Nevada Code of Judicial Conduct. Such a statement of financial disclosure must include, without limitation, all information required to be included in a statement of financial disclosure pursuant to NRS 281A.620.

5. A statement of financial disclosure shall be deemed to be filed ~~[with the Secretary of State:~~

~~(a) On the date that it was mailed if it was sent by certified mail; or~~

~~(b) On]~~ *on* the date that it was received by the Secretary of State . ~~[if the statement was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.~~

~~6. The statement of financial disclosure filed pursuant to this section must be filed on the form prescribed by the Commission pursuant to NRS 281A.290.~~

~~7. The]~~

6. Except as otherwise provided in section 44.1 of this act, the Secretary of State shall ~~[prescribe, by regulation, procedures for the submission of statements of financial disclosure filed pursuant to this section, maintain files of such statements and make the statements available for public inspection.]~~ *provide access through a secure website to the statement of financial disclosure to each person who is required to file the statement with the Secretary of State pursuant to this section. The Secretary of State may adopt any regulations necessary to carry out the provisions of this section.*

Sec. 45.2. NRS 281A.620 is hereby amended to read as follows:

281A.620 1. Statements of financial disclosure, as approved pursuant to NRS 281A.470 or in such *electronic* form as the ~~[Commission]~~ *Secretary of State* otherwise prescribes, must contain the following information concerning the candidate for public office or public officer:

(a) His length of residence in the State of Nevada and the district in which he is registered to vote.

(b) Each source of his income, or that of any member of his household who is 18 years of age or older. No listing of individual clients, customers or patients is required, but if that is the case, a general source such as "professional services" must be disclosed.

(c) A list of the specific location and particular use of real estate, other than a personal residence:

(1) In which he or a member of his household has a legal or beneficial interest;

(2) Whose fair market value is $2,500 or more; and

(3) That is located in this State or an adjacent state.

(d) The name of each creditor to whom he or a member of his household owes $5,000 or more, except for:

(1) A debt secured by a mortgage or deed of trust of real property which is not required to be listed pursuant to paragraph (c); and

(2) A debt for which a security interest in a motor vehicle for personal use was retained by the seller.

(e) If the candidate for public office or public officer has received gifts in excess of an aggregate value of $200 from a donor during the preceding taxable year, a list of all such gifts, including the identity of the donor and value of each gift, except:

(1) A gift received from a person who is related to the candidate for public office or public officer within the third degree of consanguinity or affinity.

(2) Ceremonial gifts received for a birthday, wedding, anniversary, holiday or other ceremonial occasion if the donor does not have a substantial interest in the legislative, administrative or political action of the candidate for public office or public officer.

(f) A list of each business entity with which he or a member of his household is involved as a trustee, beneficiary of a trust, director, officer, owner in whole or in part, limited or general partner, or holder of a class of stock or security representing 1 percent or more of the total outstanding stock or securities issued by the business entity.

(g) A list of all public offices presently held by him for which this statement of financial disclosure is required.

2. The ~~[Commission shall distribute or cause to be distributed the forms required for such a statement to each candidate for public office and public officer who is required to file one. The Commission is not responsible for the costs of producing or distributing a form for filing statements of financial disclosure which is prescribed pursuant to subsection 1 of NRS 281A.470.]~~ *Secretary of State may adopt any regulations necessary to carry out the provisions of this section.*

3. As used in this section:

(a) "Business entity" means an organization or enterprise operated for economic gain, including a proprietorship, partnership, firm, business, trust, joint venture, syndicate, corporation or association.

(b) "Household" includes:

(1) The spouse of a candidate for public office or public officer;

(2) A person who does not live in the same home or dwelling, but who is dependent on and receiving substantial support from the candidate for public office or public officer; and

(3) A person who lived in the home or dwelling of the candidate for public office or public officer for 6 months or more in the year immediately preceding the year in which the candidate for public office or public officer files the statement of financial disclosure.

Sec. 45.3. NRS 281A.630 is hereby amended to read as follows:

281A.630 1. Except as otherwise provided in subsection 2, statements of financial disclosure required by the provisions of NRS 281A.600, 281A.610 and 281A.620 must be retained by the ~~[Commission or]~~ Secretary of State for 6 years after the date of filing.

2. For public officers who serve more than one term in either the same public office or more than one public office, the period prescribed in subsection 1 begins on the date of the filing of the last statement of financial disclosure for the last public office held.

Sec. 45.4. NRS 281A.640 is hereby amended to read as follows:

281A.640 1. A list of each public officer who is required to file a statement of financial disclosure must be submitted electronically to the ~~[Commission and to the]~~ Secretary of State, in a form prescribed by the ~~[Commission,]~~ *Secretary of State,* on or before December 1 of each year by:

(a) Each county clerk for all public officers of the county and other local governments within the county other than cities;

(b) Each city clerk for all public officers of the city;

(c) The Director of the Legislative Counsel Bureau for all public officers of the Legislative Branch; and

(d) The Chief of the Budget Division of the Department of Administration for all public officers of the Executive Branch.

2. ~~[The Secretary of State, each]~~ *Each* county clerk, or the registrar of voters of the county if one was appointed pursuant to NRS 244.164, and each city clerk shall submit electronically to the ~~[Commission,]~~ *Secretary of State*, and each county clerk, or the registrar of voters of the county if one was appointed pursuant to NRS 244.164, and each city clerk shall submit electronically to the Secretary of State, in a form prescribed by the ~~[Commission,]~~ *Secretary of State,* a list of each candidate for public office who filed a declaration of candidacy or acceptance of candidacy with that officer within 10 days after the last day to qualify as a candidate for the applicable office.

Sec. 45.5. NRS 281A.650 is hereby amended to read as follows:

281A.650 The Secretary of State and each county clerk, or the registrar of voters of the county if one was appointed pursuant to NRS 244.164, or city clerk who receives from a candidate for public office a declaration of candidacy, acceptance of candidacy or certificate of candidacy shall give to the candidate *:*

1. If the candidate is a candidate for judicial office, the form prescribed by the ~~[Commission]~~ *Administrative Office of the Courts* for the making of a statement of financial disclosure ~~[.]~~ *;*

2. If the candidate is not a candidate for judicial office and is required to file electronically the statement of financial disclosure, access to the electronic form prescribed by the Secretary of State; or

3. If the candidate is not a candidate for judicial office, is required to submit the statement of financial disclosure electronically and has submitted an affidavit to the Secretary of State pursuant to section 44.1 of this act, the form prescribed by the Secretary of State,

➥ accompanied by instructions on how to complete the form ~~[, where it must be filed]~~ and the time by which it must be filed.

Sec. 46. NRS 294A.150, 294A.220, 294A.281, 294A.282, 294A.283 and 294A.284 are hereby repealed.

Sec. 47. 1. This section and sections 1 to 29.3, inclusive, 30, 31, 32, 33, 34, 35 to 38, inclusive, 39, 40, 41, 42, 43, 44 and 46 of this act become effective on July 1, 2009.

2. Sections 29.5, 29.7, 32.2 to 32.5, inclusive, 33.1, 33.2, 34.2, 34.3, 38.2, 40.5, 41.5 and 44.1 to 45.5, inclusive, of this act become effective on January 16, 2011.

LEADLINES OF REPEALED SECTIONS

294A.150 Person or group of persons, including business entities, advocating passage or defeat of question on ballot who receives or expends money in excess of $10,000 to report contributions received; period covered; form; filing.

294A.220 Person or group of persons, including business entities, advocating passage or defeat of question on ballot who receives or expends money in excess of $10,000 to report expenditures; deadline; period covered; form; filing.

294A.281 Registration.

294A.282 Registered agent.

294A.283 Reporting of contributions and expenditures; period covered; deadline; form; filing.

294A.284 Reporting of certain information concerning compensation of persons to circulate petitions.

Senator Cegavske moved the adoption of the amendment.

Remarks by Senator Cegavske.

Senator Cegavske requested that her remarks be entered in the Journal.

This amendment is to clarify that the Secretary of State may adopt any regulations necessary to carry out the provisions of this subsection. If the Secretary of State establishes a system, an

application to register that is submitted electronically must not be accepted unless the application includes without limitation the number indicated on the applicant's current and valid driver's license or identification card issued only by the Department of Motor Vehicles. I urge your support.

Amendments adopted.

Senator Horsford moved that all necessary rules be suspended, that Assembly Bill No. 82 be declared an emergency measure under the Constitution and that the reprinting be dispensed with and that the Secretary be authorized to insert Amendment Nos. 1014 and 1017 adopted by the Senate, and the bill be immediately placed on the General File for final passage.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 82.

Bill read third time.

Remarks by Senator Care, McGinness, Woodhouse and Lee.

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

SENATOR CARE:

I rise in opposition to Assembly Bill No. 82. I believe this bill should have come before the Judiciary Committee because it is loaded down with criminal penalties for conduct related to elections. I do not know how these criminal categories were ever decided on.

I listened to the committee hearings on this bill in this House, and I watched as the representative from the Secretary of State's Office said, "We do not have to do this if it is the committee's pleasure, or we can change it to this. This one we can change to that." We do not do things that way on the Judiciary Committee. These are non-violent offenders.

During the last interim, we had been making efforts to ask who we really want to imprison and why because we have been dealing with this issue of overcrowded prisons. Looking under NRS 200.090, punishment for involuntary manslaughter is a category D felony. Yet, I look in section 28 of this bill, and I see something that has been lowered from a Class C to a Class D felony, the same as for involuntary manslaughter. In section 25, Class D felony is mentioned again. Intimidating voters is going from a gross misdemeanor to a category E felony. What does that mean, intimidating a voter? That could be anything.

One of the amendments is about an organizer of voter registration. Candidates go door to door with voter registration applications. Does that make them organizers of voter registration? Are they supposed to get a registered agent? This is overkill, and I would guess it was driven by the unfortunate, unwise and unlawful incidents involving ACORN. There may have been testimony, but this is way out of line. These penalties far exceed the non-violent conduct that I see in this bill. I encourage the members of this body to defeat this measure.

SENATOR MCGINNESS:

I agree with Senator Care. This is a late hour to receive an 80-page amendment. Some of my cities get excited when we start changing their election dates. Does this affect all cities, general law and charter cities as well?

SENATOR WOODHOUSE:

Yes, it would affect all cities.

SENATOR LEE:

At first, I had the same concerns the Senator from Clark 7 has. We took the penalties down to the lowest common place we could. One, we did not. That one was if someone tried to change a vote, discrediting the voting.

The intent was to provide a way to track people who have committed a voters' registration offense in this state and to prevent them from committing an offense in another state. This would allow a person to be caught in Nevada and would show there was a history of lawbreaking by that person. This way, they would not be able to go state to state doing the same thing without anyone knowing about it. The penalties are there to locate these people and to give them a record.

SENATOR CARE:

Section 1.1, definition of organizer of voter registration, means "any person who organizes a voter registration drive pursuant to Section 1.5 of this Act."

If a candidate goes door to door and gets 50 or more registrations, is he supposed to file a statement of "intent to conduct" with the Secretary of State's Office, then complete a training course offered by the Secretary of State, then be fined $1,000 if he does not take that course? To what extent is the Secretary of State going to regulate conduct like this and have those penalties?

Senators Horsford, Carlton and Woodhouse moved the previous question.

Motion carried.

The question being on the passage of Assembly Bill No. 82.

Roll call on Assembly Bill No. 82:

YEAS—16.

NAYS—Amodei, Care, McGinness, Rhoads, Washington—5.

Assembly Bill No. 82 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Horsford moved to suspend Joint Standing Rule No. 9.5, which allows the Senate to continue until 1 a.m. Daylight Savings Time.

Motion carried.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. President:

The Conference Committee concerning Assembly Bill No. 88, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 690 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 37, which is attached to and hereby made a part of this report.

Conference Amendment.

"SUMMARY—Makes various changes relating to child pornography. (BDR 15-267)"

"AN ACT relating to sexual offenses; prohibiting a person from using the Internet to ~~[access]~~ *control* child pornography; establishing a civil remedy under certain circumstances for a person who appeared in child pornography; providing a penalty; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Section 1 of this bill prohibits a person from using the Internet to ~~[access]~~ *control* child pornography.

Section 4 of this bill establishes a civil cause of action for a person who, while under the age of 16 years, appeared in child pornography and suffered personal or psychological injury as the result. A person who prevails in such an action may recover his actual damages, which are

deemed to be at least $150,000, plus attorney's fees and costs. Section 3 of this bill establishes the statute of limitations for such an action.

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

Section 1. Chapter 200 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Any person who, knowingly, willfully and with the specific intent to view any film, photograph or other visual presentation depicting a person under the age of 16 years engaging in or simulating sexual conduct, uses the Internet to ~~[access]~~ control such a film, photograph or other visual presentation is guilty of:

(a) For the first offense, a category C felony and shall be punished as provided in NRS 193.130.

(b) For any subsequent offense, a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than $5,000.

2. As used in this section, "sexual conduct" means sexual intercourse, fellatio, cunnilingus, bestiality, anal intercourse, excretion, sado-masochistic abuse, masturbation, or the penetration of any object manipulated or inserted by a person into the genital or anal opening of the body of another.

Sec. 2. NRS 200.700 is hereby amended to read as follows:

200.700 As used in NRS 200.700 to 200.760, inclusive, *and section 1 of this act,* unless the context otherwise ~~[provides:]~~ *requires:*

1. "Performance" means any play, film, photograph, computer-generated image, electronic representation, dance or other visual presentation.

2. "Promote" means to produce, direct, procure, manufacture, sell, give, lend, publish, distribute, exhibit, advertise or possess for the purpose of distribution.

3. "Sexual conduct" means sexual intercourse, lewd exhibition of the genitals, fellatio, cunnilingus, bestiality, anal intercourse, excretion, sado-masochistic abuse, masturbation, or the penetration of any part of a person's body or of any object manipulated or inserted by a person into the genital or anal opening of the body of another.

4. "Sexual portrayal" means the depiction of a person in a manner which appeals to the prurient interest in sex and which does not have serious literary, artistic, political or scientific value.

Sec. 3. NRS 11.215 is hereby amended to read as follows:

11.215 1. Except as otherwise provided in *subsection 2 and* NRS 217.007, an action to recover damages for an injury to a person arising from the sexual abuse of the plaintiff which occurred when the plaintiff was less than 18 years of age must be commenced within 10 years after the plaintiff:

(a) Reaches 18 years of age; or

(b) Discovers or reasonably should have discovered that his injury was caused by the sexual abuse,

➥ whichever occurs later.

2. *An action to recover damages pursuant to section 4 of this act must be commenced within 3 years after the occurrence of the following, whichever is later:*

(a) The court enters a verdict in a related criminal case; or

(b) The victim reaches the age of 18 years.

3. As used in this section, "sexual abuse" has the meaning ascribed to it in NRS 432B.100.

Sec. 4. Chapter 41 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Any person who, while under the age of 16 years, appeared in any film, photograph or other visual presentation engaging in sexual conduct and who suffered personal or psychological injury as a result may bring an action against any person who, while over the age of 18 years, knowingly and willfully:

(a) Promoted the film, photograph or other visual presentation;

(b) Possessed the film, photograph or other visual presentation; or

(c) Used the Internet to ~~[access]~~ control the film, photograph or other visual presentation, with the specific intent to view the film, photograph or other visual presentation.

2. A plaintiff who prevails in an action brought pursuant to this section may recover his actual damages, which shall be deemed to be at least $150,000, plus attorney's fees and costs.

3. A plaintiff may request to use a pseudonym instead of his name in all court proceedings and records related to an action brought pursuant to this section. Upon notification that a plaintiff has requested to use a pseudonym, the court shall ensure that the pseudonym is used in all court proceedings and records.

4. It is not a defense to a cause of action under this section that a defendant did not know the plaintiff or did not engage in the sexual conduct with the plaintiff.

5. As used in this section:

(a) "Promote" has the meaning ascribed to it in NRS 200.700.

(b) "Sexual conduct" means sexual intercourse, fellatio, cunnilingus, bestiality, anal intercourse, excretion, sado-masochistic abuse, masturbation, or the penetration of any object manipulated or inserted by a person into the genital or anal opening of the body of another.

TERRY CARE	WILLIAM C. HORNE
MARK E. AMODEI	BERNIE ANDERSON
DAVID R. PARKS	
Senate Conference Committee	*Assembly Conference Committee*

Senator Care moved that the Senate adopt the report of the Conference Committee concerning Assembly Bill No. 88.

Remarks by Senator Care.

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

In the conference committee, we agreed to delete the word "access" and substitute the word "control" when it came to the use of the Internet and other measures relating to child pornography. I recommend the adoption of the report.

Motion carried by a constitutional majority.

Mr. President:

The Conference Committee concerning Assembly Bill No. 385, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 975 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 39, which is attached to and hereby made a part of this report.

Conference Amendment.

"SUMMARY—Makes various changes concerning prisons. (BDR 16-523)"

"AN ACT relating to prisons; requiring the Board of State Prison Commissioners to adopt regulations pertaining to a facility or institution operated by a private organization; requiring the monitoring of certain private facilities and institutions; ~~[providing for the development of minimum staffing levels for institutions and facilities of the Department of Corrections;]~~ providing that certain provisions relating to a prisoner confined in a facility or institution also apply to a prisoner confined in a private facility or institution operated by a private organization; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law requires the Board of State Prison Commissioners to adopt regulations for carrying out the business of the Board and of the Department of Corrections. (NRS 209.111) Section 1.4 of this bill requires the Board to adopt additional regulations establishing the maximum number of prisoners that may be incarcerated in a private facility or institution. Those regulations must be based upon the standards adopted by the American Correctional Association.

Section 1.5 of this bill requires the Department to monitor private facilities or institutions which house prisoners incarcerated pursuant to the authority of another state to ensure that the care and custody of the prisoners comply with the Nevada Constitution and the United States Constitution. ~~[Section 1.6 of this bill provides that the provisions of this bill which relate to~~

~~private facilities or institutions do not apply with respect to prisoners incarcerated in a private facility or institution pursuant to a contract with the Federal Government.~~

~~Section 1.67 of this bill revises the duties of the Director of the Department by requiring the Director to consult with representatives of the employees of the Department to develop a minimum staffing level which is necessary to ensure the safety of the public, the employees of the Department and the prisoners and which is within the limits of legislative appropriation.]~~

Existing law makes it a crime for: (1) a prisoner to escape from prison or to manufacture or possess certain items used in an escape; (2) a person to aid a prisoner in escaping from prison; (3) a person who has custody of a prisoner to allow the prisoner to escape; and (4) a person to conceal an escaped prisoner. (NRS 212.080, 212.090, 212.093, 212.100-212.130) Existing law also provides certain procedures for issuing a warrant for the arrest of an escaped prisoner and the manner in which expenses for recapturing the prisoner must be paid. (NRS 212.030-212.080) Further, existing law makes it a crime to: (1) provide certain items to a prisoner, including certain weapons, an intoxicant or a controlled substance and certain communications devices; or (2) engage in certain behavior concerning a prisoner, such as engaging in sexual conduct or certain unlawful acts relating to human excrement or bodily fluid. (NRS 212.160-212.189) Section 1.7 of this bill provides that those provisions also apply to a prisoner incarcerated in a private prison operated by a private organization as well as to certain other persons. Section 1.7 also provides that the private organization which operates a private facility or institution must: (1) reimburse the State for expenses incurred by the State in recapturing a prisoner who escapes from the private facility or institution; and (2) provide training to its employees that is equivalent to the training provided to a correctional officer in this State.

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

Section 1. (Deleted by amendment.)

Sec. 1.3. Chapter 209 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.35 to 1.6, inclusive, of this act.

Sec. 1.35. *"Private facility or institution" means a facility or institution operated by a private organization to house prisoners.*

Sec. 1.4. *1. To ensure the safety of the residents of the State of Nevada, the Board shall adopt regulations establishing the maximum number of prisoners who may be incarcerated in a private facility or institution. The regulations must be based upon the standards adopted by the American Correctional Association or its successor organization.*

2. As used in this section, "prisoner" has the meaning ascribed to it in section 1.7 of this act.

Sec. 1.5. *1. The Department shall monitor each private facility or institution which houses prisoners who are incarcerated pursuant to the authority of another state to ensure that the custody and care of the prisoners comply with the requirements of the Nevada Constitution and the Constitution of the United States.*

2. A private facility or institution which is monitored by the Department pursuant to subsection 1 shall reimburse the Department for the costs of such monitoring. The Department shall determine the cost of the monitoring required by subsection 1 on a per-prisoner basis.

Sec. 1.6. ~~[*The provisions of sections 1.4, 1.5 and 1.7 of this act do not apply with respect to prisoners incarcerated in a private facility or institution pursuant to a contract with the Federal Government or an agency of the Federal Government.*]~~ *(Deleted by amendment.)*

Sec. 1.63. NRS 209.011 is hereby amended to read as follows:

209.011 As used in this chapter, unless the context otherwise requires, the terms defined in NRS 209.021 to 209.085, inclusive, *and section 1.35 of this act* have the meanings ascribed to them in those sections.

Sec. 1.67. ~~[NRS 209.131 is hereby amended to read as follows:~~

~~209.131 The Director shall:~~

~~1. Administer the Department under the direction of the Board.~~

~~2. Supervise the administration of all institutions and facilities of the Department.~~

~~3. Receive, retain and release, in accordance with law, offenders sentenced to imprisonment in the state prison.~~

~~4. Be responsible for the supervision, custody, treatment, care, security and discipline of all offenders under his jurisdiction.~~

~~5. Ensure that any person employed by the Department whose primary responsibilities are:~~

~~(a) The supervision, custody, security, discipline, safety and transportation of an offender;~~

~~(b) The security and safety of the staff; and~~

~~(c) The security and safety of an institution or facility of the Department,~~

~~,~~ ~~is a correctional officer who has the powers of a peace officer pursuant to subsection 1 of NRS 289.220~~

~~6. Establish regulations with the approval of the Board and enforce all laws governing the administration of the Department and the custody, care and training of offenders.~~

~~7. Take proper measures to protect the health and safety of the staff and offenders in the institutions and facilities of the Department.~~

~~8. Cause to be placed from time to time in conspicuous places about each institution and facility copies of laws and regulations relating to visits and correspondence between offenders and others.~~

~~9. Provide for the holding of religious services in the institutions and facilities and make available to the offenders copies of appropriate religious materials.~~

~~*10. Consult with the representatives of the employees of the Department to develop the minimum level of staffing in the institutions and facilities of the Department which is necessary to ensure the safety of the public, the employees of the Department and offenders and which is within the limits of legislative appropriation. If the Director, or his designee, or a representative of the employees of the Department requests a meeting to review the minimum level of staffing developed pursuant to this subsection, the Director, or his designee, and the representatives of the employees shall meet to review the minimum level of staffing. At such a meeting, the minimum level of staffing may be revised if the revision is agreed to by the Director, or his designee, and the representative of the employees and is within the limits of legislative appropriation.]~~ *(Deleted by amendment.)*

Sec. 1.7. Chapter 212 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The provisions of this section and NRS 212.030 to 212.130, inclusive, and 212.160 to 212.189, inclusive, apply to:

(a) A person who has custody of a prisoner assigned to a private facility or institution in this State; and

(b) A prisoner assigned to a private facility or institution in this State,

➥ to the same extent that those provisions would apply if the prisoner had been assigned to a facility or institution operated by the Department.

2. A private organization that operates a private facility or institution must provide training to any person employed by the private facility or institution to perform the duties of a correctional officer described in subsection 5 of NRS 209.131. The ~~[content of the]~~ training must be equivalent to the training provided to a correctional officer in this State. ~~[, but a person employed by a private facility or institution to perform the duties of a correctional officer is not required to be certified as a peace officer.]~~

3. The private organization that operates a private facility or institution must reimburse the State for any expenses charged against the State or paid by the State pursuant to NRS 212.040, 212.050 or 212.070 concerning a prisoner who escapes from the private facility or institution.

4. As used in this section:

(a) "Prisoner" means any person who is:

(1) Convicted of a crime under the laws of this State and sentenced to imprisonment in the state prison; or

(2) Convicted of a crime under the laws of another jurisdiction and sentenced to imprisonment by that jurisdiction.

(b) "Private facility or institution" has the meaning ascribed to it in section 1.35 of this act.

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. This act becomes effective on July 1, 2009.

TERRY CARE	WILLIAM C. HORNE
VALERIE WIENER	KATHY A. MCCLAIN
MIKE MCGINNESS	JOHN C. CARPENTER
Senate Conference Committee	*Assembly Conference Committee*

Senator Care moved that the Senate adopt the report of the Conference Committee concerning Assembly Bill No. 385.

Remarks by Senators Care and McGinness.

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

SENATOR CARE:

We agreed to delete the language that went to discussions regarding staffing levels in our existing State prisons. We deleted language that made reference to a private facility that will be constructed pursuant to a federal contract in Nye County because we cannot regulate the Department of Justice.

SENATOR MCGINNESS:

This bill cannot interfere with any existing contract that exists for a private facility being built in Nye County. Provisions of this bill are not intended to impact the facility in my district, in which a private provider is under contract with the Department of Justice. Furthermore, the State cannot in any way interfere with a contract between a private provider and the federal government pursuant to the Supremacy clause of the U.S. Constitution.

Section 1.6 of the amendment was removed in conference, as the State may not interfere with the operations of a federal facility.

Motion carried by a constitutional majority.

Mr. President:

The Conference Committee concerning Assembly Bill No. 523, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 957 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 36, which is attached to and hereby made a part of this report.

Conference Amendment.

"SUMMARY—~~[Implements the federal Secure and Fair Enforcement for Mortgage Licensing Act of 2008.]~~ *Makes various changes to provisions relating to housing.* (BDR 54-773)"

"AN ACT relating to ~~[mortgage lending;]~~ *housing;* establishing provisions for the implementation of the federal Secure and Fair Enforcement for Mortgage Licensing Act of 2008; increasing certain administrative fines; *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 concerning the board of directors or trustees of a mobile home park owned or leased by a nonprofit organization;* providing penalties; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

~~[This bill implements]~~ *Sections 1-84 and 84.5 of this bill implement* the federal Secure and Fair Enforcement for Mortgage Licensing Act of 2008. Sections 1.5-18, 21, 23, 24, 50.1-50.7 and 55-85 of this bill establish provisions for the licensing and registration with the nationwide mortgage licensing system and registry of residential mortgage loan originators, in compliance with federal law.

Section 55 of this bill also increases the administrative fine the Commissioner of Mortgage Lending may impose upon an applicant for or a holder of a license as a mortgage broker or mortgage agent for certain violations from $10,000 to $25,000 for each violation. (NRS 645B.670)

Section 85.5 of this bill repeals provisions for the licensing of certain persons on behalf of a corporation or limited-liability company as mortgage agents.(NRS 645B.455)

Section 84.1 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.

Section 84.3 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. Section 85.3 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. Chapter 645B of NRS is hereby amended by adding thereto the provisions set forth as sections 1.5 to 8, inclusive, of this act.

Sec. 1.5. *"Clerical or ministerial tasks" means communication with a person to obtain, and the receipt, collection and distribution of, information necessary for the processing or underwriting of a mortgage loan.*

Sec. 2. *"Nationwide Mortgage Licensing System and Registry" or "Registry" means the mortgage licensing system developed and maintained by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators for licensing and registration of residential mortgage loan originators.*

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. *"Residential mortgage loan" means any loan primarily for personal, family or household use that is secured by a mortgage, deed of trust or other equivalent consensual security interest on a dwelling or residential real estate upon which is constructed or intended to be constructed a dwelling. For purposes of this section, "dwelling" has the meaning ascribed to it section 103(v) of the federal Truth in Lending Act, 15 U.S.C. § 1602(v).*

Sec. 6. *"Residential mortgage loan originator" means a natural person who takes a residential mortgage loan application or offers or negotiates terms of a residential mortgage loan for compensation or other pecuniary gain. The term does not include:*

1. A person who performs clerical or ministerial tasks as an employee at the direction of and subject to the supervision and instruction of a person licensed or exempt from licensing under this chapter, unless the person who performs such clerical or ministerial tasks is an independent contractor; or

2. A person solely involved in extensions of credit relating to timeshare plans, as that term is defined in 11 U.S.C. § 101(53D).

Sec. 7. (Deleted by amendment.)

Sec. 8. *A mortgage broker or qualified employee who wishes to engage in activities as a residential mortgage loan originator or to supervise a mortgage agent who engages in activities as a residential mortgage loan originator must obtain and maintain a license as a mortgage agent pursuant to the provisions of NRS 645B.400 to 645B.460, inclusive.*

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)

Sec. 17. (Deleted by amendment.)

Sec. 18. (Deleted by amendment.)

Sec. 19. NRS 645B.010 is hereby amended to read as follows:

645B.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 645B.0105 to 645B.0135, inclusive, *and sections 1.5 to 6, inclusive, of this act* have the meanings ascribed to them in those sections.

Sec. 20. (Deleted by amendment.)

Sec. 21. NRS 645B.0125 is hereby amended to read as follows:

645B.0125 1. "Mortgage agent" means ~~[a]~~ *:*

(a) A natural person who:

~~[(a)]~~ *(1)* Is an employee ~~[or independent contractor]~~ of a mortgage broker *or mortgage banker* who is required to be licensed pursuant to this chapter ~~[,]~~ *or chapter 645E of NRS;* and

~~[(b)]~~ *(2)* Is authorized by the mortgage broker *or mortgage banker* to engage in, on behalf of the mortgage broker ~~[,]~~ *or mortgage banker*, any activity that would require the person, if he were not an employee ~~[or independent contractor]~~ of the mortgage broker ~~[,]~~ *or mortgage banker,* to be licensed as a mortgage broker *or mortgage banker* pursuant to this chapter ~~[.]~~ *or chapter 645E of NRS; or*

(b) A mortgage broker, qualified employee or mortgage banker who is required by section 8 or 59.1 of this act to be licensed as a mortgage agent.

2. The term *includes a residential mortgage loan originator*.

3. The term does not include a person who:

(a) ~~[Is]~~ *Except as otherwise provided in paragraph (b) of subsection 1, is* licensed as a mortgage broker ~~[,]~~ *or mortgage banker;*

(b) ~~[Is a]~~ *Is an owner,* general partner, officer or director of a mortgage broker ~~[,]~~ or *mortgage banker;*

(c) Performs only clerical or ministerial tasks for a mortgage broker ~~[.]~~ *; or*

(d) Collects payments and performs related services, including, without limitation, the modification of an existing loan, in connection with a loan secured by a lien on real property and who does not undertake any other activity that would otherwise require a license pursuant to this chapter or chapter 645E of NRS.

Sec. 22. (Deleted by amendment.)

Sec. 23. NRS 645B.0137 is hereby amended to read as follows:

645B.0137 1. In addition to any other requirements provided by this chapter, a person who wishes to receive an initial license as a mortgage broker or mortgage agent must:

(a) Complete education on mortgage lending as required by this chapter ~~[, or]~~ *and any regulations adopted thereto; and*

(b) Successfully pass a written examination as ~~[determined]~~ *provided for* by the Division.

2. If the applicant for an initial license as a mortgage broker is not a natural person, the applicant must designate a natural person to be the qualified employee of the applicant and meet the requirements of subsection 1.

3. The Division ~~[.~~

~~(a) May]~~ *may* hire a testing organization to create, administer and score a written examination . ~~[, and~~

~~(b) May create waivers for a written examination.]~~

4. The Commissioner ~~[may]~~ *shall* adopt regulations to carry out the provisions of this section, including, without limitation ~~[, regulations]~~ *:*

(a) Regulations relating to the content of a written examination ~~[,]~~ *and* the scoring of a written examination ~~[or any possible waivers of a written examination .]~~ *; and*

(b) Regulations for compliance with the requirements for registration with the Registry and any other applicable federal law.

Sec. 24. NRS 645B.0138 is hereby amended to read as follows:

645B.0138 1. A course of continuing education that is required pursuant to this chapter must meet the requirements set forth by the Commissioner by regulation.

2. The Commissioner shall adopt regulations:

(a) Relating to the requirements for courses of continuing education, including, without limitation, regulations relating to the providers and instructors of such courses, records kept for such courses, approval and revocation of approval of such courses, monitoring of such courses and disciplinary action taken regarding such courses.

(b) Allowing for the participation of representatives of the mortgage lending industry pertaining to the creation of regulations regarding such courses.

(c) Ensuring compliance with the requirements for registration with the Registry and any other applicable federal law.

Sec. 25. (Deleted by amendment.)

Sec. 26. (Deleted by amendment.)
Sec. 27. (Deleted by amendment.)
Sec. 28. (Deleted by amendment.)
Sec. 29. (Deleted by amendment.)
Sec. 30. (Deleted by amendment.)
Sec. 31. (Deleted by amendment.)
Sec. 32. (Deleted by amendment.)
Sec. 33. (Deleted by amendment.)
Sec. 34. (Deleted by amendment.)
Sec. 35. (Deleted by amendment.)
Sec. 36. (Deleted by amendment.)
Sec. 37. (Deleted by amendment.)
Sec. 38. (Deleted by amendment.)
Sec. 39. (Deleted by amendment.)
Sec. 40. (Deleted by amendment.)
Sec. 41. (Deleted by amendment.)
Sec. 42. (Deleted by amendment.)
Sec. 43. (Deleted by amendment.)
Sec. 44. (Deleted by amendment.)
Sec. 45. (Deleted by amendment.)
Sec. 46. (Deleted by amendment.)
Sec. 47. (Deleted by amendment.)
Sec. 48. (Deleted by amendment.)
Sec. 49. (Deleted by amendment.)
Sec. 50. (Deleted by amendment.)

Sec. 50.1. NRS 645B.018 is hereby amended to read as follows:

645B.018 1. A person may apply to the Commissioner for an exemption from the provisions of this chapter governing the making of a loan of money ~~[.]~~ , *except that an exemption may not be issued for the making of a residential mortgage loan.*

2. The Commissioner may grant the exemption if he finds that:

(a) The making of the loan would not be detrimental to the financial condition of the lender, the debtor or the person who is providing the money for the loan;

(b) The lender, the debtor or the person who is providing the money for the loan has established a record of sound performance, efficient management, financial responsibility and integrity;

(c) The making of the loan is likely to increase the availability of capital for a sector of the state economy; and

(d) The making of the loan is not detrimental to the public interest.

3. The Commissioner:

(a) May revoke an exemption unless the loan for which the exemption was granted has been made; and

(b) Shall issue a written statement setting forth the reasons for his decision to grant, deny or revoke an exemption.

Sec. 50.2. NRS 645B.020 is hereby amended to read as follows:

645B.020 1. A person who wishes to be licensed as a mortgage broker must file a written application for a license with the Office of the Commissioner and pay the fee required pursuant to NRS 645B.050. An application for a license as a mortgage broker must:

(a) State the name, residence address and business address of the applicant and the location of each principal office and branch office at which the mortgage broker will conduct business within this State.

(b) State the name under which the applicant will conduct business as a mortgage broker.

(c) List the name, residence address and business address of each person who will:

(1) If the applicant is not a natural person, have an interest in the mortgage broker as a principal, partner, officer, director or trustee, specifying the capacity and title of each such person.

(2) Be associated with or employed by the mortgage broker as a mortgage agent.

(d) Include a general business plan and a description of the policies and procedures that the mortgage broker and his mortgage agents will follow to arrange and service loans and to conduct business pursuant to this chapter.

(e) State the length of time the applicant has been engaged in the business of a broker.

(f) Include a financial statement of the applicant and, if applicable, satisfactory proof that the applicant will be able to maintain continuously the net worth required pursuant to NRS 645B.115.

(g) Include all information required to complete the application.

(h) Include any other information required pursuant to the regulations adopted by the Commissioner or an order of the Commissioner.

2. If a mortgage broker will conduct business at one or more branch offices within this State, the mortgage broker must apply for a license for each such branch office.

3. Except as otherwise provided in this chapter, the Commissioner shall issue a license to an applicant as a mortgage broker if:

(a) The application is verified by the Commissioner and complies with the requirements of this chapter; and

(b) The applicant and each general partner, officer or director of the applicant, if the applicant is a partnership, corporation or unincorporated association:

(1) Has ~~[a good reputation for honesty, trustworthiness and integrity and displays competence to transact the business of a mortgage broker in a manner which safeguards the interests of the general public. The applicant must submit satisfactory proof of these qualifications to the Commissioner.]~~ *demonstrated financial responsibility, character and general fitness so as to command the confidence of the community and warrant a determination that he will operate honestly, fairly and efficiently for the purposes of this chapter.*

(2) Has not been convicted of, or entered a plea of *guilty or* nolo contendere to, a felony ~~[relating to the practice of mortgage brokers or any crime involving fraud, misrepresentation or moral turpitude.]~~ *in a domestic, foreign or military court within the 7 years immediately preceding the date of the application, or at any time if such felony involved an act of fraud, dishonesty or a breach of trust, or money laundering.*

(3) Has not made a false statement of material fact on his application.

(4) Has ~~[not had a license that was issued pursuant to the provisions of this chapter or chapter 645E of NRS suspended or revoked within the 10 years immediately preceding the date of his application.]~~ *never had a license or registration as a mortgage agent, mortgage banker, mortgage broker or residential mortgage loan originator revoked in this State or any other jurisdiction or had a financial services license suspended or revoked within the immediately preceding 10 years.*

(5) ~~[Has not had a license that was issued in any other state, district or territory of the United States or any foreign country suspended or revoked within the 10 years immediately preceding the date of his application.~~

~~(6)]~~ Has not violated any provision of this chapter or chapter 645E of NRS, a regulation adopted pursuant thereto or an order of the Commissioner.

Sec. 50.3. NRS 645B.0243 is hereby amended to read as follows:

645B.0243 The Commissioner may refuse to issue a license to an applicant if the Commissioner has reasonable cause to believe that the applicant or any general partner, officer or director of the applicant has, after October 1, 1999, employed or proposed to employ a person as a mortgage agent or authorized or proposed to authorize a person to be associated with a mortgage broker as a mortgage agent at a time when the applicant or the general partner, officer or director knew or, in light of all the surrounding facts and circumstances, reasonably should have known that the person ~~[:~~

~~1. Had been convicted of, or entered a plea of nolo contendere to:~~

~~(a) A felony relating to the practice of mortgage agents; or~~

~~(b) Any crime involving fraud, misrepresentation or moral turpitude; or~~

~~2. Had a financial services license or registration suspended or revoked within the immediately preceding 20 years.]~~ *has committed any act or omission that would be cause for refusing to issue a license to a mortgage agent.*

Sec. 50.4. NRS 645B.050 is hereby amended to read as follows:

645B.050 1. A license as a mortgage broker issued pursuant to this chapter expires each year on June 30, unless it is renewed. To renew such a license, the licensee must submit to the Commissioner on or before May 31 of each year:

(a) An application for renewal;

(b) The fee required to renew the license pursuant to this section;

(c) The information required pursuant to NRS 645B.051; and

(d) All information required to complete the renewal.

2. If the licensee fails to submit any item required pursuant to subsection 1 to the Commissioner on or before May 31 of any year, the license is cancelled as of June 30 of that year. The Commissioner may reinstate a cancelled license if the licensee submits to the Commissioner:

(a) An application for renewal;

(b) The fee required to renew the license pursuant to this section;

(c) The information required pursuant to NRS 645B.051;

(d) Except as otherwise provided in this section, a reinstatement fee of not more than $200; and

(e) All information required to complete the reinstatement.

3. Except as otherwise provided in NRS 645B.016, a certificate of exemption issued pursuant to this chapter expires each year on December 31, unless it is renewed. To renew a certificate of exemption, a person must submit to the Commissioner on or before November 30 of each year:

(a) An application for renewal that includes satisfactory proof that the person meets the requirements for an exemption from the provisions of this chapter; and

(b) The fee required to renew the certificate of exemption.

4. If the person fails to submit any item required pursuant to subsection 3 to the Commissioner on or before November 30 of any year, the certificate of exemption is cancelled as of December 31 of that year. Except as otherwise provided in NRS 645B.016, the Commissioner may reinstate a cancelled certificate of exemption if the person submits to the Commissioner:

(a) An application for renewal that includes satisfactory proof that the person meets the requirements for an exemption from the provisions of this chapter;

(b) The fee required to renew the certificate of exemption; and

(c) Except as otherwise provided in this section, a reinstatement fee of not more than $100.

5. Except as otherwise provided in this section, a person must pay the following fees to apply for, to be issued or to renew a license as a mortgage broker pursuant to this chapter:

(a) To file an original application for a license, not more than $1,500 for the principal office and not more than $40 for each branch office. The person must also pay such additional expenses incurred in the process of investigation as the Commissioner deems necessary.

(b) To be issued a license, not more than $1,000 for the principal office and not more than $60 for each branch office.

(c) To renew a license, not more than $500 for the principal office and not more than $100 for each branch office.

6. Except as otherwise provided in this section, a person must pay the following fees to apply for or to renew a certificate of exemption pursuant to this chapter:

(a) To file an application for a certificate of exemption, not more than $200.

(b) To renew a certificate of exemption, not more than $100.

7. To be issued a duplicate copy of any license or certificate of exemption, a person must make a satisfactory showing of its loss and pay a fee of not more than $10.

8. Except as otherwise provided in this chapter, all fees received pursuant to this chapter *are in addition to any fee required to be paid to the Registry and* must be deposited in the Fund for Mortgage Lending created by NRS 645F.270.

9. The Commissioner may, by regulation, adjust any fee *or date* set forth in this section if the Commissioner determines that such an adjustment is necessary for the Commissioner to carry out his duties pursuant to this chapter. The amount of any adjustment in a fee pursuant to this subsection must not exceed the amount determined to be necessary for the Commissioner to carry out his duties pursuant to this chapter.

Sec. 50.5. NRS 645B.410 is hereby amended to read as follows:

645B.410 1. To obtain a license as a mortgage agent, a person must:

(a) Be a natural person;

(b) File a written application for a license as a mortgage agent with the Office of the Commissioner;

(c) Comply with the applicable requirements of this chapter; and

(d) Pay an application fee set by the Commissioner of not more than $185.

2. An application for a license as a mortgage agent must:

(a) State the name and residence address of the applicant;

(b) Include a provision by which the applicant gives his written consent to an investigation of his credit history, criminal history and background;

(c) Include a complete set of fingerprints which the Division may forward to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;

(d) ~~[Include]~~ *If he is not licensed as a mortgage broker or mortgage banker pursuant to chapter 645B or 645E of NRS, include* a verified statement from the mortgage broker *or mortgage banker* with whom the applicant will be associated that expresses the intent of that mortgage broker *or mortgage banker* to associate the applicant with the mortgage broker *or mortgage banker* and to be responsible for the activities of the applicant as a mortgage agent; and

(e) Include any other information or supporting materials required pursuant to the regulations adopted by the Commissioner or by an order of the Commissioner. Such information or supporting materials may include, without limitation, other forms of identification of the person.

3. Except as otherwise provided in this chapter, the Commissioner shall issue a license as a mortgage agent to an applicant if:

(a) The application is verified by the Commissioner and complies with the applicable requirements of this chapter; and

(b) The applicant:

(1) Has not been convicted of, or entered a plea of *guilty or* nolo contendere to, a felony ~~[relating to the practice of mortgage agents or any crime involving fraud, misrepresentation or moral turpitude;]~~ *in a domestic, foreign or military court within the 7 years immediately preceding the date of the application, or at any time if such felony involved an act of fraud, dishonesty or a breach of trust, or money laundering;*

(2) Has ~~[not]~~ *never had a license or registration as a mortgage agent, mortgage banker, mortgage broker or residential mortgage loan originator revoked in this State or any other jurisdiction, or* had a financial services license suspended or revoked within the immediately preceding 10 years;

(3) Has not made a false statement of material fact on his application;

(4) Has not violated any provision of this chapter or chapter 645E of NRS, a regulation adopted pursuant thereto or an order of the Commissioner; and

(5) Has ~~[a good reputation for honesty, trustworthiness and integrity and displays competence to transact the business of a mortgage agent in a manner which safeguards the interests of the general public. The applicant must submit satisfactory proof of these qualifications to the Commissioner.]~~ *demonstrated financial responsibility, character and general fitness so as to command the confidence of the community and warrant a determination that he will operate honestly, fairly and efficiently for the purposes of this chapter.*

4. Money received by the Commissioner pursuant to this section *is in addition to any fee required to be paid to the Registry and* must be deposited in the Fund for Mortgage Lending created by NRS 645F.270.

Sec. 50.6. NRS 645B.430 is hereby amended to read as follows:

645B.430 1. A license as a mortgage agent issued pursuant to NRS 645B.410 expires 1 year after the date the license is issued, unless it is renewed. To renew a license as a mortgage agent, the holder of the license must submit to the Commissioner each year, on or before the date the license expires:

(a) An application for renewal;

(b) Except as otherwise provided in this section, satisfactory proof that the holder of the license as a mortgage agent attended at least 10 hours of certified courses of continuing education during the 12 months immediately preceding the date on which the license expires; and

(c) A renewal fee set by the Commissioner of not more than $170.

2. If the holder of the license as a mortgage agent fails to submit any item required pursuant to subsection 1 to the Commissioner each year on or before the date the license expires, the license is cancelled. The Commissioner may reinstate a cancelled license if the holder of the license submits to the Commissioner:

(a) An application for renewal;

(b) The fee required to renew the license pursuant to this section; and

(c) A reinstatement fee of $75.

3. To be issued a duplicate copy of a license as a mortgage agent, a person must make a satisfactory showing of its loss and pay a fee of $10.

4. To change the mortgage broker with whom the mortgage agent is associated, a person must pay a fee of $10.

5. Money received by the Commissioner pursuant to this section *is in addition to any fee that must be paid to the Registry and* must be deposited in the Fund for Mortgage Lending created by NRS 645F.270.

6. The Commissioner may provide by regulation that any hours of a certified course of continuing education attended during a 12-month period, but not needed to satisfy a requirement set forth in this section for the 12-month period in which the hours were taken, may be used to satisfy a requirement set forth in this section for a later 12-month period.

7. As used in this section, "certified course of continuing education" has the meaning ascribed to it in NRS 645B.051.

Sec. 50.7. NRS 645B.460 is hereby amended to read as follows:

645B.460 1. A mortgage broker shall exercise reasonable supervision over the activities of his mortgage agents ~~[.]~~ *and must also be licensed as a mortgage agent if required pursuant to section 8 of this act.* Such reasonable supervision must include, as appropriate:

(a) The establishment of written or oral policies and procedures for his mortgage agents; ~~[and]~~

(b) The establishment of a system to review, oversee and inspect the activities of his mortgage agents, including, without limitation:

(1) Transactions handled by his mortgage agents pursuant to this chapter;

(2) Communications between his mortgage agents and a party to such a transaction;

(3) Documents prepared by his mortgage agents that may have a material effect upon the rights or obligations of a party to such a transaction; and

(4) The handling by his mortgage agents of any fee, deposit or money paid to the mortgage broker or his mortgage agents or held in trust by the mortgage broker or his mortgage agents pursuant to this chapter ~~[.]~~ *; and*

(c) The establishment of a system of reporting to the Division of any fraudulent activity engaged in by any of his mortgage agents.

2. The Commissioner shall allow a mortgage broker to take into consideration the total number of mortgage agents associated with or employed by the mortgage broker when the mortgage broker determines the form and extent of the policies and procedures for those mortgage agents and the system to review, oversee and inspect the activities of those mortgage agents.

3. The Commissioner may adopt regulations prescribing standards for determining whether a mortgage broker has exercised reasonable supervision over the activities of a mortgage agent pursuant to this section.

Sec. 51. (Deleted by amendment.)

Sec. 52. (Deleted by amendment.)

Sec. 53. (Deleted by amendment.)

Sec. 54. (Deleted by amendment.)

Sec. 55. NRS 645B.670 is hereby amended to read as follows:

645B.670 Except as otherwise provided in NRS 645B.690:

1. For each violation committed by an applicant for a license issued pursuant to this chapter, whether or not he is issued a license, the Commissioner may impose upon the applicant an administrative fine of not more than ~~[$10,000,]~~ *$25,000,* if the applicant:

(a) Has knowingly made or caused to be made to the Commissioner any false representation of material fact;

(b) Has suppressed or withheld from the Commissioner any information which the applicant possesses and which, if submitted by him, would have rendered the applicant ineligible to be licensed pursuant to the provisions of this chapter; or

(c) Has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner in completing and filing his application for a license or during the course of the investigation of his application for a license.

2. For each violation committed by a mortgage broker, the Commissioner may impose upon the mortgage broker an administrative fine of not more than ~~[$10,000,]~~ *$25,000,* may suspend, revoke or place conditions upon his license, or may do both, if the mortgage broker, whether or not acting as such:

(a) Is insolvent;

(b) Is grossly negligent or incompetent in performing any act for which he is required to be licensed pursuant to the provisions of this chapter;

(c) Does not conduct his business in accordance with law or has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner;

(d) Is in such financial condition that he cannot continue in business with safety to his customers;

(e) Has made a material misrepresentation in connection with any transaction governed by this chapter;

(f) Has suppressed or withheld from a client any material facts, data or other information relating to any transaction governed by the provisions of this chapter which the mortgage broker knew or, by the exercise of reasonable diligence, should have known;

(g) Has knowingly made or caused to be made to the Commissioner any false representation of material fact or has suppressed or withheld from the Commissioner any information which the mortgage broker possesses and which, if submitted by him, would have rendered the mortgage broker ineligible to be licensed pursuant to the provisions of this chapter;

(h) Has failed to account to persons interested for all money received for a trust account;

(i) Has refused to permit an examination by the Commissioner of his books and affairs or has refused or failed, within a reasonable time, to furnish any information or make any report that may be required by the Commissioner pursuant to the provisions of this chapter or a regulation adopted pursuant to this chapter;

(j) Has been convicted of, or entered a plea of *guilty or* nolo contendere to, a felony ~~[relating to the practice of mortgage brokers or any crime involving fraud, misrepresentation or moral turpitude;]~~ *in a domestic, foreign or military court within the 7 years immediately preceding the date of the application, or at any time if such felony involved an act of fraud, dishonesty or a breach of trust, or money laundering.*

(k) Has refused or failed to pay, within a reasonable time, any fees, assessments, costs or expenses that the mortgage broker is required to pay pursuant to this chapter or a regulation adopted pursuant to this chapter;

(l) Has failed to satisfy a claim made by a client which has been reduced to judgment;

(m) Has failed to account for or to remit any money of a client within a reasonable time after a request for an accounting or remittal;

(n) Has commingled the money or other property of a client with his own or has converted the money or property of others to his own use;

(o) Has engaged in any other conduct constituting a deceitful, fraudulent or dishonest business practice;

(p) Has repeatedly violated the policies and procedures of the mortgage broker;

(q) Has failed to exercise reasonable supervision over the activities of a mortgage agent as required by NRS 645B.460;

(r) Has instructed a mortgage agent to commit an act that would be cause for the revocation of the license of the mortgage broker, whether or not the mortgage agent commits the act;

(s) Has employed a person as a mortgage agent or authorized a person to be associated with the mortgage broker as a mortgage agent at a time when the mortgage broker knew or, in light of all the surrounding facts and circumstances, reasonably should have known that the person:

(1) Had been convicted of, or entered a plea of *guilty or* nolo contendere to, a felony ~~[relating to the practice of mortgage agents or any crime involving fraud, misrepresentation or moral turpitude;]~~ *in a domestic, foreign or military court within the 7 years immediately preceding the date of application, or at any time if such felony involved an act of fraud, dishonesty or a breach of trust, or money laundering;* or

(2) Had a ~~[financial services]~~ license or registration *as a mortgage agent, mortgage banker, mortgage broker or residential mortgage loan originator revoked in this State or any other jurisdiction or had a financial services license or registration* suspended or revoked within the immediately preceding 10 years;

(t) Has failed to pay a tax as required pursuant to the provisions of chapter 363A of NRS; or

(u) Has not conducted verifiable business as a mortgage broker for 12 consecutive months, except in the case of a new applicant. The Commissioner shall determine whether a mortgage broker is conducting business by examining the monthly reports of activity submitted by the mortgage broker or by conducting an examination of the mortgage broker.

3. For each violation committed by a mortgage agent, the Commissioner may impose upon the mortgage agent an administrative fine of not more than ~~[$10,000,]~~ *$25,000* may suspend, revoke or place conditions upon his license, or may do both, if the mortgage agent, whether or not acting as such:

(a) Is grossly negligent or incompetent in performing any act for which he is required to be licensed pursuant to the provisions of this chapter;

(b) Has made a material misrepresentation in connection with any transaction governed by this chapter;

(c) Has suppressed or withheld from a client any material facts, data or other information relating to any transaction governed by the provisions of this chapter which the mortgage agent knew or, by the exercise of reasonable diligence, should have known;

(d) Has knowingly made or caused to be made to the Commissioner any false representation of material fact or has suppressed or withheld from the Commissioner any information which the mortgage agent possesses and which, if submitted by him, would have rendered the mortgage agent ineligible to be licensed pursuant to the provisions of this chapter;

(e) Has been convicted of, or entered a plea of *guilty or* nolo contendere to, a felony ~~[relating to the practice of mortgage agents or any crime involving fraud, misrepresentation or moral turpitude;]~~ *in a domestic, foreign or military court within the 7 years immediately preceding the date of the application, or at any time if such felony involved an act of fraud, dishonesty or a breach of trust, or money laundering.*

(f) Has failed to account for or to remit any money of a client within a reasonable time after a request for an accounting or remittal;

(g) Has commingled the money or other property of a client with his own or has converted the money or property of others to his own use;

(h) Has engaged in any other conduct constituting a deceitful, fraudulent or dishonest business practice;

(i) Has repeatedly violated the policies and procedures of the mortgage broker with whom he is associated or by whom he is employed; or

(j) Has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner or has assisted or offered to assist another person to commit such a violation.

Sec. 56. (Deleted by amendment.)

Sec. 57. (Deleted by amendment.)

Sec. 58. (Deleted by amendment.)

Sec. 59. Chapter 645E of NRS is hereby amended by adding thereto the provisions set forth as sections 59.1 to 59.7, inclusive, of this act.

Sec. 59.1. *1. Any person licensed as a mortgage banker under this chapter and who engages in activities as a residential mortgage loan originator or who supervises a mortgage agent who engages in activities as a residential mortgage loan originator, and any employee or*

independent contractor of a mortgage banker who engages in activities as a residential mortgage loan originator, must be licensed as a mortgage agent pursuant to the provisions of NRS 645B.400 to 645B.460, inclusive.

2. As used in this section, "residential mortgage loan originator" has the meaning ascribed to it in section 6 of this act.

Sec. 59.3. *1. A mortgage banker shall exercise reasonable supervision over the activities of his mortgage agents and must also be licensed as a mortgage agent if required pursuant to section 8 of this act. Such reasonable supervision must include, as appropriate:*

(a) The establishment of written or oral policies and procedures for his mortgage agents;

(b) The establishment of a system to review, oversee and inspect the activities of his mortgage agents, including, without limitation:

(1) Transactions handled by his mortgage agents pursuant to this chapter;

(2) Communications between his mortgage agents and a party to such a transaction;

(3) Documents prepared by his mortgage agents that may have a material effect upon the rights or obligations of a party to such a transaction; and

(4) The handling by his mortgage agents of any fee, deposit or money paid to the mortgage banker or his mortgage agents or held in trust by the mortgage banker or his mortgage agents pursuant to this chapter; and

(c) The establishment of a system of reporting to the Division of any fraudulent activity engaged in by any of his mortgage agents.

2. The Commissioner shall allow a mortgage banker to take into consideration the total number of mortgage agents associated with or employed by the mortgage broker when the mortgage broker determines the form and extent of the policies and procedures for those mortgage agents and the system to review, oversee and inspect the activities of those mortgage agents.

3. The Commissioner may adopt regulations prescribing standards for determining whether a mortgage broker has exercised reasonable supervision over the activities of a mortgage agent pursuant to this section.

Sec. 59.5. *If a mortgage agent terminates his association or employment with a mortgage banker for any reason, the mortgage banker shall, not later than 3 business days following knowledge of the date of termination:*

1. Deliver to the mortgage agent or send by certified mail to the last known residence address of the mortgage agent a written statement which advises him that his termination is being reported to the Division; and

2. Deliver or send by certified mail to the Division:

(a) The license or license number of the mortgage agent;

(b) A written statement of the circumstances surrounding the termination; and

(c) A copy of the written statement that the mortgage banker delivers or mails to the mortgage agent pursuant to subsection 1.

Sec. 59.7. *1. If a person offers or provides any of the services of a mortgage banker or mortgage agent or otherwise engages in, carries on or holds himself out as engaging in or carrying on the business of a mortgage banker or mortgage agent and, at the time:*

(a) The person was required to have a license pursuant to this chapter and the person did not have such a license; or

(b) The person's license was suspended or revoked pursuant to this chapter,

➥ the Commissioner shall impose upon the person an administrative fine of not more than ~~[$10,000]~~ $50,000 for each violation and, if the person has a license, the Commissioner shall revoke it.

2. If a mortgage banker violates subsection 1 of NRS 645E.350 and the mortgage banker fails, without reasonable cause, to remedy the violation within 20 business days after being ordered by the Commissioner to do so or within such later time as prescribed by the Commissioner, or if the Commissioner orders a mortgage banker to provide information, make a report or permit an examination of his books or affairs pursuant to this chapter and the mortgage banker fails, without reasonable cause, to comply with the order within 20 business days or within such later time as prescribed by the Commissioner, the Commissioner shall:

(a) Impose upon the mortgage banker an administrative fine of not more than $10,000 for each violation;

(b) Suspend or revoke the license of the mortgage banker; and

(c) Conduct a hearing to determine whether the mortgage banker is conducting business in an unsafe and injurious manner that may result in danger to the public and whether it is necessary for the Commissioner to take possession of the property of the mortgage banker pursuant to NRS 645E.630.

Sec. 60. (Deleted by amendment.)

Sec. 61. Chapter 645F of NRS is hereby amended by adding thereto the provisions set forth as sections 62 to 77.5, inclusive, of this act.

Sec. 62. (Deleted by amendment.)

Sec. 63. (Deleted by amendment.)

Sec. 64. (Deleted by amendment.)

Sec. 65. (Deleted by amendment.)

Sec. 66. (Deleted by amendment.)

Sec. 67. (Deleted by amendment.)

Sec. 68. (Deleted by amendment.)

Sec. 69. (Deleted by amendment.)

Sec. 70. (Deleted by amendment.)

Sec. 71. (Deleted by amendment.)

Sec. 72. (Deleted by amendment.)

Sec. 73. *"Nationwide Mortgage Licensing System and Registry" or "Registry" have the meanings ascribed to them in section 2 of this act.*

Sec. 74. (Deleted by amendment.)

Sec. 75. (Deleted by amendment.)

Sec. 75.3. *The Commissioner shall adopt such regulations as necessary to comply with the requirements of the federal Secure and Fair Enforcement for Mortgage Licensing Act of 2008.*

Sec. 75.7. *The Commissioner shall adopt regulations:*

1. Establishing minimum net worth or surety bonding requirements that reflect the dollar amount of loans originated by a residential mortgage loan originator, as defined in section 6 of this act; or

2. Requiring a percentage of the fees collected for the issuance or renewal of a license pursuant to chapter 645B or 645E of NRS to be deposited in a mortgage recovery fund, and setting forth the methods by which a person may make a claim against and be paid from the fund.

Sec. 76. *1. The Commissioner shall adopt regulations to carry out the provisions of the federal Secure and Fair Enforcement for Mortgage Licensing Act of 2008.*

2. The regulations must include, without limitation:

(a) A method by which to allow for reporting regularly violations of the relevant provisions of chapter 645B or 645E of NRS, enforcement actions and other relevant information to the Registry; and

(b) A process whereby a person may challenge information reported to the Registry by the Commissioner.

Sec. 77. *1. Except as otherwise provided in section 1512 of Public Law 110-289, the requirements under any federal law or NRS 645B.060 and 645B.092 regarding the confidentiality of any information or material provided to the Registry, and any privilege arising under federal laws of this State with respect to such information or material, continue to apply to such information or material after it has been disclosed to the Registry. Such information and material may be shared with federal and state regulatory officials with mortgage industry oversight without the loss of privilege or the loss of confidentiality protections provided by federal law or the provisions of NRS 645B.060 and 645B.092.*

2. Information or material that is subject to a privilege or confidentiality under subsection 1 is not subject to:

(a) Disclosure under any federal or state law governing the disclosure to the public of information held by an officer or agency of the Federal Government or the State of Nevada; and

(b) Subpoena or discovery, or admission into evidence, in any private civil action or administrative process, unless with respect to any privilege held by the Registry with respect to such information or material, the person to whom such information or material waives, in whole or in part, that privilege.

3. This section does not apply to information or material relating to:

(a) The employment history of; and

(b) Publicly adjudicated disciplinary and enforcement actions against,

residential mortgage loan originators included in the Registry for access by the public.

Sec. 77.5. *For the purpose of carrying out the provisions of section 77 of this act, the Commissioner may by regulation or order enter into agreements with other governmental agencies, the Conference of State Bank Supervisors, the American Association of Residential Mortgage Regulators or other associations representing governmental agencies.*

Sec. 78. NRS 645F.010 is hereby amended to read as follows:

645F.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 645F.020 to 645F.060, inclusive, *and section 73 of this act* have the meanings ascribed to them in those sections.

Sec. 79. (Deleted by amendment.)

Sec. 80. (Deleted by amendment.)

Sec. 81. (Deleted by amendment.)

Sec. 82. NRS 645F.290 is hereby amended to read as follows:

645F.290 1. The Commissioner shall collect an assessment pursuant to this section from each:

(a) Escrow agency that is supervised pursuant to chapter 645A of NRS;

(b) Mortgage broker that is supervised pursuant to chapter 645B of NRS; ~~[and]~~

(c) *Mortgage agent that is supervised pursuant to chapter 645B or 645E of NRS; and*

(d) Mortgage banker that is supervised pursuant to chapter 645E of NRS.

2. The Commissioner shall determine the total amount of all assessments to be collected from the entities identified in subsection 1, but that amount must not exceed the amount necessary to recover the cost of legal services provided by the Attorney General to the Commissioner and to the Division. The total amount of all assessments collected must be reduced by any amounts collected by the Commissioner from an entity for the recovery of the costs of legal services provided by the Attorney General in a specific case.

3. The Commissioner shall collect from each entity identified in subsection 1 an assessment that is based on:

(a) An equal basis; or

(b) Any other reasonable basis adopted by the Commissioner.

4. The assessment required by this section is in addition to any other assessment, fee or cost required by law to be paid by an entity identified in subsection 1.

5. Money collected by the Commissioner pursuant to this section must be deposited in the Fund for Mortgage Lending created by NRS 645F.270.

Sec. 83. (Deleted by amendment.)

Sec. 84. (Deleted by amendment.)

Sec. 84.1. NRS 118B.200 is hereby amended to read as follows:

118B.200 1. Notwithstanding the expiration of a period of a tenancy ~~[,]~~ *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. 84.3. *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 ~~[2]~~ *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. ~~[of 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. 84.5. Chapter 658 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Any person authorized to engage in activities as a residential mortgage loan originator on behalf of a privately insured institution or organization licensed under title 55 or 56 of NRS shall obtain and maintain a license as a mortgage agent.

2. As used in subsection 1:

(a) "Mortgage agent" has the meaning ascribed to in NRS 645B.0125; and

(b) "Residential mortgage loan originator" has the meaning ascribed to it in section 6 of this act.

Sec. 84.7. Section 20 of Assembly Bill No. 486 of this session is hereby amended to read as follows:

Sec. 20. *If a person, or any general partner, director, officer, agent or employee of a person violates the provisions of NRS 645E.900 or 645E.910* ~~[,~~

~~*1. Any]*~~ *, any contracts entered into by that person for the mortgage transaction are voidable by the other party to the contract .* ~~*[; and*~~

~~*2. In addition to any other remedy or penalty, the Commissioner may impose an administrative fine of not more than $50,000.]*~~

Sec. 85. Notwithstanding the amendatory provisions of this act:

1. A person who holds a license as a mortgage broker under chapter 645B of NRS or as a mortgage banker under chapter 645E of NRS on or before July 31, 2009, and who, because of his lawful activities, is required to be licensed as a mortgage agent, may continue his activities without obtaining a license as a mortgage agent until July 1, 2011, or such other date as the Commissioner of Mortgage Lending may prescribe by regulation if necessary to comply with federal law.

2. A person who does not hold a license as a mortgage broker under chapter 645B of NRS or as a mortgage banker under chapter 645E of NRS on or before July 31, 2009, and who, because of his lawful activities, is required to be licensed as a mortgage agent, may continue his activities without obtaining a license as a mortgage agent until July 1, 2010.

Sec. 85.3. Notwithstanding the provisions of subsection 5 of NRS 461A.215, as amended by section 84.3 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. 85.5. NRS 645B.455 of NRS is hereby repealed.

Sec. 86. *1.* This ~~[act becomes]~~ *section and sections 84.1, 84.3 and 85.3 of this act become effective upon passage and approval.*

2. Sections 1 to 84, inclusive, 84.5, 84.7, 85 and 85.5 of this act become effective upon passage and approval for the purpose of adopting regulations and for licensure pursuant to section 85 of this act and on October 1, 2009, for all other purposes.

TEXT OF REPEALED SECTION

645B.455 License issued on behalf of professional corporation or limited-liability company; limitations on license; automatic expiration of license.

1. Any natural person who meets the qualifications of a mortgage agent and:

(a) Except as otherwise provided in subsection 2, is the sole shareholder of a corporation organized pursuant to the provisions of chapter 89 of NRS; or

(b) Is the manager of a limited-liability company organized pursuant to the provisions of chapter 86 of NRS,

➥ may be licensed on behalf of the corporation or limited-liability company for the purpose of associating with a licensed mortgage broker in the capacity of a mortgage agent.

2. The spouse of the owner of the corporation who has a community interest in any shares of the corporation shall not be deemed a second shareholder of the corporation for the purposes of paragraph (a) of subsection 1, if the spouse does not vote any of those shares.

3. A license issued pursuant to this section entitles only the sole shareholder of the corporation or the manager of the limited-liability company to act as a mortgage agent, and only as an officer or agent of the corporation or limited-liability company and not on his own behalf. The licensee shall not do or deal in any act, acts or transactions included within the definition of a mortgage broker in NRS 645B.0127, except as that activity is permitted pursuant to this chapter to licensed mortgage agents.

4. The corporation or limited-liability company shall, within 30 days after a license is issued on its behalf pursuant to this section and within 30 days after any change in its ownership, file an affidavit with the Division stating:

(a) For a corporation, the number of issued and outstanding shares of the corporation and the names of all persons to whom the shares have been issued.

(b) For a limited-liability company, the names of members who have an interest in the company.

5. A license issued pursuant to this section automatically expires upon:

(a) The death of the licensed shareholder in the corporation or the manager of the limited-liability company; or

(b) The issuance of shares in the corporation to more than one person other than the spouse.

6. This section does not alter any of the rights, duties or liabilities which otherwise arise in the legal relationship between a mortgage broker or mortgage agent and a person who deals with him.

DAVID R. PARKS	MARCUS L. CONKLIN
WARREN B. HARDY II	MARILYN KIRKPATRICK
	CHAD CHRISTENSEN
Senate Conference Committee	*Assembly Conference Committee*

Senator Carlton moved that the Senate adopt the report of the Conference Committee concerning Assembly Bill No. 523.

Motion carried by a constitutional majority.

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

Senate in recess at 12:05 a.m.

SENATE IN SESSION

At 12:11 a.m.

President Krolicki presiding.

Quorum present.

A committee from the Assembly, consisting of Assemblymen Anderson, Leslie and Stewart appeared before the bar of the Senate and announced that the Assembly is ready to adjourn *sine die*.

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

Senate in recess at 12:12 a.m.

SENATE IN SESSION

At 12:13 a.m.

President Krolicki presiding.

Quorum present.

ASSEMBLY CHAMBER, Carson City, June 1, 2009

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day respectfully refused to concur in the Senate Amendment No. 791 to Assembly Bill No. 397.

Also, I have the honor to inform your honorable body that the Assembly on this day adopted the reports of the Conference Committees concerning Senate Bills Nos. 35, 182.

DIANE M. KEETCH

Assistant Chief Clerk of the Assembly

UNFINISHED BUSINESS

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 143.

The following Assembly amendment was read:

Amendment No. 999.

"SUMMARY— ~~[Creates the Legislative Committee for Federal Stimulus Oversight to oversee the use of money allocated to the State from the Federal Government to stimulate the economy.]~~ *Makes an appropriation to the Interim Finance Committee for allocation to pay costs relating to the implementation of certain legislation.* (BDR S-1034)"

"AN ACT ~~[relating to state financial administration; creating the Legislative Committee for Federal Stimulus Oversight to oversee the use of money allocated to the State from the Federal Government to stimulate the economy;]~~ *making an appropriation to the Interim Finance Committee for allocation to pay costs relating to the implementation of certain legislation;* and providing other matters properly relating thereto."

Legislative Counsel's Digest:

~~[The United States Congress passed the "American Recovery and Reinvestment Act of 2009" which includes allocations of money to states. Section 1 of this bill creates the Legislative Committee for Federal Stimulus Oversight to oversee the use of the money allocated to this State. Section 2 of this bill sets out the duties of the Committee which include considering proposals and plans for the use of allocated funds to ensure that the use maximizes the goals of the State, examining the possibility of participating in certain programs offered by the Federal Government, monitoring spending for transportation and public works projects, and ensuring that more and higher paying jobs are created. Section 3 of this bill requires the Committee to hold entities that receive federal funds accountable for the appropriate and effective use of the money allocated to them and authorizes the Committee to require the redirection of the use of money within a program if it determines that the allocation is not being used in the most effective manner.]~~

This bill makes an appropriation of $500,000 from the State General Fund to the Interim Finance Committee for allocation to pay costs relating to the

implementation of legislation concerning state revenue enacted during the 75th Session of the Nevada Legislature.

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

Section 1. 1. There is hereby ~~[created the Legislative Committee for Federal Stimulus Oversight to oversee the use of funds allocated from money that is received by the State of Nevada from the Federal Government pursuant to the "American Recovery and Reinvestment Act of 2009" to stimulate the economy consisting of:~~

~~(a) Five members who are Senators, three of whom are appointed by the Majority Leader of the Senate and two of whom are appointed by the Minority Leader of the Senate; and~~

~~(b) Five members who are Assemblymen, three of whom are appointed by the Speaker of the Assembly and two of whom are appointed by the Minority Leader of the Assembly.~~

~~2. The members of the Committee shall select a Chairman from one House of the Legislature and a Vice Chairman from the other.~~

~~3. Vacancies on the Committee must be filled in the same manner as original appointments.]~~ *appropriated from the State General Fund to the Interim Finance Committee the sum of $500,000 for allocation to pay costs relating to the implementation of legislation concerning state revenue enacted during the 75th Session of the Nevada Legislature.*

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2011, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 16, 2011, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 16, 2011.

Sec. 2. [1. The Legislative Committee on Federal Stimulus Oversight shall consider proposals and plans for the use of allocated funds described in section 1 of this act to ensure that the use maximizes the goals of the State to improve the state system of public education and the Nevada System of Higher Education, to provide greater access to health insurance and health care, to deliver social services in a more efficient manner, to provide for more efficient use of energy and to create more jobs.

2. The Committee shall examine programs offered by the Federal Government as part of the incentives made available to states to stimulate the economy to determine whether it is beneficial and feasible for the State of Nevada to participate in such programs. Such programs may include, without limitation, a program to allow recently unemployed persons to participate in Medicaid and programs that provide for enhancements of other existing programs.

3. The Committee shall monitor the spending of allocated funds for transportation projects and public works projects to ensure that such projects provide for the maximum increase in job opportunities made available in this State.

4. The Committee shall review the plans of state agencies for spending allocated funds, including, without limitation, plans for spending money designated for:

(a) The state system of public education and higher education;

(b) Medicaid;

(c) Mental health and developmental services;

(d) Child and family services;

(e) Temporary Assistance to Needy Families; and

(f) Other services provided by State Government.

5. The Committee shall review grants that are proposed under various federal programs, establish priorities for the use of any money from such grants that is made available to the State and ensure that any such money is distributed in an equitable manner based on need.

6. The Committee shall review the proposed utilization of the money received through grants from the Federal Government for job training that is focused on energy efficiency and weatherization of homes, schools and other public buildings to ensure that it creates more and higher paying jobs in this State.] *(Deleted by amendment.)*

Sec. 3. [1. The Legislative Committee for Federal Stimulus Oversight shall provide a manner of holding each entity that receives an allocation of funds described in section 1 of this act accountable for the appropriate and effective use of the money. Each such entity shall report to the Committee at such times and intervals as requested by the Committee concerning the manner in which the money is used, the number of jobs that are created as a result of the money, if applicable, other improvements that result from the use of the money and such other information as requested by the Committee.

2. If the Committee determines that money that has been allocated is not being used in the most effective manner, the Committee may require that the remaining money from the allocation be redirected to a more effective use within the program for which the money was allocated.] *(Deleted by amendment.)*

Sec. 4. This act becomes effective upon passage and approval. ~~[and expires by limitation on June 30, 2011.]~~

Senator Horsford moved that the Senate concur in the Assembly amendment to Senate Bill No. 143.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Concurrent Resolution No. 37.

The following Assembly amendment was read:

Amendment No. 1006.

"SUMMARY—Provides for the Interim Finance Committee to conduct a review of Nevada's revenue structure and to provide long-term stabilization of revenue. (BDR R-1334)"

SENATE CONCURRENT RESOLUTION—Providing for the Interim Finance Committee to conduct a review of Nevada's revenue structure and to provide long-term stabilization of revenue.

WHEREAS, A prolonged recession has left Nevada with a large general fund deficit; and

WHEREAS, Nevada's existing state revenue sources are insufficient to fund essential state services such as education, health and human services and public safety programs; and

WHEREAS, Nevada's 2009-2011 budget includes nonrecurring federal stimulus funds and tax revenues that will sunset on June 30, 2011; and

WHEREAS, It is essential that the State in the future have a stable, equitable, transparent and competitive revenue system; and

WHEREAS, It is vital that policymakers not be unduly constrained by the current distribution of public revenues or the current mixture of public revenue sources in making decisions regarding the State's fiscal system; and

WHEREAS, It is in the best interest of Nevada that the State's revenue system reflect the long-term needs of the State, the diversity of Nevada's economy and nationally recognized best practices; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the Interim Finance Committee shall appoint a Subcommittee to conduct a review of Nevada's revenue structure and to provide long-term stabilization of revenue. The Subcommittee shall carry out the following functions:

1. Review proposals for broad-based taxes which are fair and equitable;

2. Examine strategies for mitigating tax burdens on both businesses and consumers, including reductions, if possible, in existing taxes, both state and local;

3. Consider the public's willingness to having existing taxes be decreased as other tax revenues become available;

4. Using current statistical information, propose strategies and recommendations to advance the State of Nevada in nationwide rankings in key quality-of-life areas, including education, health and human services, public safety, economic diversification, job creation, transit and energy use; and

5. Develop a quality-of-life vision for the State of Nevada for a 5-year period, a 10-year period and a 20-year period; and be it further

RESOLVED, That the Subcommittee shall appoint a Nevada Vision Stakeholder Group, with members selected from a list of names submitted by community and statewide groups involved in business, education, health care, human services, economic development, transit and energy, or any other groups deemed appropriate by the Subcommittee, to assist in

developing 5-year, 10-year and 20-year strategic plans for improving the State's quality of life; and be it further

RESOLVED, That *, with money available for this purpose,* the Interim Finance Committee shall, through competitive bidding, retain the services of a qualified, independent consultant to review Nevada's public revenue structure and make recommendations to the Interim Finance Committee relating to:

1. The allocation of revenue from taxation and other sources between the State and local governments;

2. The adequacy of the revenue sources of the State and local governments and each level of government in supplying sufficient revenue for the services provided by the respective governments and governmental agencies;

3. The relative stability of the revenue sources of the State and local governments and each level of government and each governmental agency;

4. The degree to which the revenue sources of the State and local governments reflect the current economic activity of the State;

5. The degree to which the revenue sources of the State and local governments are representative of the way business is conducted today relative to administration and compliance;

6. The extent to which the earmarking of various revenue sources has removed flexibility in efficiently allocating those revenue sources;

7. The extent to which the revenue sources of state and local governmental agencies increase in proportion to increased population and the corresponding increased demand for the services provided by the respective governments and governmental agencies;

8. Any recommendations to improve the equity of the allocation of revenue and the stability of the sources of revenue for State Government and the various local governmental entities and changes which will improve the flexibility, collection and administration of existing revenue sources; and

9. Any other matters that the Interim Finance Committee deems necessary to improve the equity, stability, transparency and competitiveness of the State's tax system; and be it further

RESOLVED, That in conjunction with the revenue stabilization study process, the consultant shall:

1. Collect independent data on Nevada's national rankings in quality-of-life areas; and

2. Coordinate with the Nevada Vision Stakeholder Group to develop strategies to advance Nevada's national standing in critical quality-of-life areas; and be it further

RESOLVED, That the consultant shall deliver a report of his findings concerning revenue stabilization to the Interim Finance Committee on or before July 1, 2010, which must include specific recommendations as well as the impact of implementing those recommendations on the State, local governments and various types of businesses, including, without limitation,

large and small businesses, capital-intensive and labor-intensive businesses and high-margin and low-margin businesses and as well the impact on the general population; and be it further

RESOLVED, That the consultant shall deliver a report of his findings concerning quality-of-life areas to the Interim Finance Committee on or before July 1, 2010, including, without limitation, proposed strategies and recommendations from the Nevada Vision Stakeholder Group in key areas such as education, health and human services, public safety, economic diversification, job creation, transit and energy use; and be it further

~~[Resolved, That the Interim Finance Committee shall allocate money from the Contingency Fund to pay for the services of the consultant; and be it further]~~

RESOLVED, That the Interim Finance Committee shall hold at least two public hearings to evaluate the findings of the consultant; and be it further

RESOLVED, That the Subcommittee shall create a Technical Working Group consisting of the Senate Fiscal Analyst, the Assembly Fiscal Analyst, the Chief of the Budget Division of the Department of Administration, the Executive Director of the Department of Taxation, the Vice Chancellor of Finance of the Nevada System of Higher Education, the Deputy Superintendent of Administrative and Fiscal Services of the Department of Education and the Chairman of the Committee on Local Government Finance; and be it further

RESOLVED, That the Subcommittee shall direct the Technical Working Group to ensure that the State is prepared to implement, on or before July 1, 2011, revenue stabilization recommendations accepted and forwarded by the Subcommittee; and be it further

RESOLVED, That the Technical Working Group shall undertake any work necessary to ensure the State's readiness to implement required modifications to the State's existing revenue system, including, without limitation, any upgrade or replacement of equipment or software required for such a modification; and be it further

RESOLVED, That, upon recommendation of the Subcommittee, the Executive Director of the Department of Taxation may request an allocation from the Contingency Fund pursuant to NRS 353.266, 353.268 and 353.269 to acquire a technologically sound computer system necessary for the collection or allocation of taxes in the State; and be it further

RESOLVED, That the Interim Finance Committee shall, on or before October 1, 2010, submit a report of the results of its review and any recommendations for legislation to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the 76th Session of the Nevada Legislature.

Senator Horsford moved that the Senate concur in the Assembly amendment to Senate Concurrent Resolution No. 37.

Motion carried.

Resolution ordered to enrollment.

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

Senate in recess at 12:16 a.m.

SENATE IN SESSION

At 12:22 a.m.

President Krolicki presiding.

Quorum present.

Senate Bill No. 395.

The following Assembly amendments were read:

Amendment No. 909.

"SUMMARY—Makes various changes regarding renewable energy and energy efficiency and alters the composition of the Commission on Economic Development. (BDR 58-1219)"

"AN ACT relating to governmental administration; revising provisions governing the issuance of certain permits by the Public Utilities Commission of Nevada pursuant to the Utility Environmental Protection Act; altering the composition of the Commission on Economic Development; requiring the Chief of the Purchasing Division of the Department of Administration to adopt regulations establishing standards for the procurement of certain appliances, equipment, lighting and other devices; requiring the State Public Works Board to adopt certain standards concerning the efficient use of water and energy; requiring licensed vehicle dealers to provide certain information concerning vehicle emissions; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Section 4 of this bill alters the definition of "utility facility," as that term is used in the Utility Environmental Protection Act which provides for the issuance of permits for the construction of utility facilities, to require a nameplate capacity of not more than 70 megawatts rather than a generating capacity of not more than 35 megawatts.

Section 5 of this bill exempts certain ~~[renewable energy]~~ *utility* facilities from certain findings that are a condition precedent to permitting under the Utility Environmental Protection Act.

Sections 6 and 24 of this bill alter the composition of the Commission on Economic Development to require that at least two of the appointed members be from counties whose population is less than 100,000. (NRS 231.040)

Section 8 of this bill requires the Chief of the Purchasing Division of the Department of Administration to adopt regulations establishing standards

favoring the procurement of appliances, equipment, lighting and other devices that bear the "Energy Star" label or meet other requirements prescribed by federal law unless to do so would not be cost-effective.

Section 10 of this bill requires the State Public Works Board to adopt standards and performance guidelines concerning the efficient use of water and energy.

Section 18 of this bill requires vehicle dealers in Nevada, beginning on January 1, 2010, to provide upon request a disclosure of the estimated carbon dioxide emissions of each new vehicle offered for sale, if such information is available.

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

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. NRS 704.860 is hereby amended to read as follows:

704.860 "Utility facility" means:

1. Electric generating plants and their associated facilities, except:

(a) Electric generating plants and their associated facilities that are or will be located entirely within the boundaries of a county whose population is 100,000 or more; or

(b) Electric generating plants and their associated facilities which use or will use renewable energy, as defined in NRS 704.7811, as their primary source of energy to generate electricity and which have or will have a ~~[generating]~~ *nameplate* capacity of not more than ~~[35]~~ *70* megawatts, including, without limitation, a net metering system, as defined in NRS 704.771.

➥ As used in this subsection, "associated facilities" includes, without limitation, any facilities for the storage, transmission or treatment of water, including, without limitation, facilities to supply water or for the treatment or disposal of wastewater, which support or service an electric generating plant.

2. Electric transmission lines and transmission substations that:

(a) Are designed to operate at 200 kilovolts or more;

(b) Are not required by local ordinance to be placed underground; and

(c) Are constructed outside any incorporated city.

3. Gas transmission lines, storage plants, compressor stations and their associated facilities when constructed outside:

(a) Any incorporated city; and

(b) Any county whose population is 100,000 or more.

4. Water storage, transmission and treatment facilities, other than facilities for the storage, transmission or treatment of water from mining operations.

5. Sewer transmission and treatment facilities.

Sec. 5. NRS 704.890 is hereby amended to read as follows:

704.890 1. Except as otherwise provided in subsection 3, the Commission may not grant a permit for the construction, operation and maintenance of a utility facility, either as proposed or as modified by the Commission, to a person unless it finds and determines:

(a) The nature of the probable effect on the environment;

(b) ~~[The]~~ ~~*[Except with respect to a renewable energy]*~~ *If the utility facility* ~~*[that is built in Nevada pursuant to NRS 704.820 to 704.900, inclusive, and]*~~ *emits greenhouse gases* ~~*[,]*~~ *and does not use renewable energy as its primary source of energy to generate electricity, the* extent to which the facility is needed to ensure reliable utility service to customers in this State;

(c) That the need for the facility balances any adverse effect on the environment;

(d) That the facility represents the minimum adverse effect on the environment, considering the state of available technology and the nature and economics of the various alternatives;

(e) That the location of the facility as proposed conforms to applicable state and local laws and regulations issued thereunder and the applicant has obtained, or is in the process of obtaining, all other permits, licenses and approvals required by federal, state and local statutes, regulations and ordinances; and

(f) That the facility will serve the public interest.

2. If the Commission determines that the location of all or a part of the proposed facility should be modified, it may condition its permit upon such a modification. If the applicant has not obtained all the other permits, licenses and approvals required by federal, state and local statutes, regulations and ordinances as of the date on which the Commission decides to issue a permit, the Commission shall condition its permit upon the applicant obtaining those permits and approvals.

3. The requirements set forth in paragraph (f) of subsection 1 do not apply to any application for a permit which is filed by a state government or political subdivision thereof.

4. As used in this section, "renewable energy" has the meaning ascribed to it in NRS 704.7811.

Sec. 6. NRS 231.040 is hereby amended to read as follows:

231.040 1. The Commission on Economic Development is composed of the Lieutenant Governor, who is its Chairman, and six members who are appointed by the Governor.

2. The Governor shall appoint as members of the Commission persons who *are residents of Nevada and who* have proven experience in economic development which was acquired by them while engaged in finance, manufacturing, mining, agriculture, the field of transportation, or in general business other than tourism or gaming.

3. The Governor shall appoint ~~[at]~~ *to the Commission:*

(a) At least one member who is a resident of ~~[:~~

~~(a)]~~ Clark County.

(b) *At least one member who is a resident of* Washoe County.

(c) ~~[A county]~~ *At least two members who are residents of counties* whose population is ~~[50,000 or less.]~~ *less than 100,000.*

Sec. 7. (Deleted by amendment.)

Sec. 8. Chapter 333 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Chief shall adopt regulations which set forth standards to be used by using agencies when purchasing new appliances, equipment, lighting and other devices that use electricity, natural gas, propane or oil. Except as otherwise provided in subsection 2, the standards must require that such new appliances, equipment, lighting and other devices have received the Energy Star label pursuant to the program established pursuant to 42 U.S.C. § 6294a, or its successor, or meet the requirements established pursuant to 48 C.F.R. § 23.203.

2. The standards described in subsection 1 do not apply insofar as:

(a) No items in a given class of appliances, equipment, lighting or other devices have been evaluated to determine whether they are eligible to receive the Energy Star label or have been designated by the Federal Government to meet the requirements established pursuant to 48 C.F.R. § 23.203; or

(b) The purchase of new appliances, equipment, lighting or other devices that have received the Energy Star label would not be cost-effective in an individual instance, comparing the cost of the item to the cost of the amount of energy that will be saved over the useful life of the item.

Sec. 9. NRS 333.340 is hereby amended to read as follows:

333.340 1. Every contract or order for goods must be awarded to the lowest responsible bidder. To determine the lowest responsible bidder, the Chief:

(a) Shall consider, if applicable ~~[, the]~~ *:*

(1) The imposition of the inverse preference described in NRS 333.336.

(2) The required standards adopted pursuant to section 8 of this act.

(b) May consider:

(1) The location of the using agency to be supplied.

(2) The qualities of the articles to be supplied.

(3) The total cost of ownership of the articles to be supplied.

(4) Except as otherwise provided in subparagraph (5), the conformity of the articles to be supplied with the specifications.

(5) If the articles are an alternative to the articles listed in the original request for bids, whether the advertisement for bids included a statement that bids for an alternative article will be considered if:

(I) The specifications of the alternative article meet or exceed the specifications of the article listed in the original request for bids;

(II) The purchase of the alternative article results in a lower price; and

(III) The Chief deems the purchase of the alternative article to be in the best interests of the State of Nevada.

(6) The purposes for which the articles to be supplied are required.

(7) The dates of delivery of the articles to be supplied.

2. If a contract or an order is not awarded to the lowest bidder, the Chief shall provide the lowest bidder with a written statement which sets forth the specific reasons that the contract or order was not awarded to him.

3. As used in this section, "total cost of ownership" includes, but is not limited to:

(a) The history of maintenance or repair of the articles;

(b) The cost of routine maintenance and repair of the articles;

(c) Any warranties provided in connection with the articles;

(d) The cost of replacement parts for the articles; and

(e) The value of the articles as used articles when given in trade on a subsequent purchase.

Sec. 10. Chapter 341 of NRS is hereby amended by adding thereto a new section to read as follows:

1. For the purposes of the design and construction of buildings or other projects of this State, the Board shall adopt by regulation:

(a) Standards for the efficient use of water.

(b) Standards for the efficient use of energy, including, without limitation, the use of sources of renewable energy.

(c) Performance guidelines for new, remodeled and renovated buildings.

(d) Performance guidelines for retrofit projects, including, without limitation, guidelines for:

(1) Energy consumption.

(2) The use of potable water.

(3) The use of water for purposes relating to landscaping.

(4) The disposal of solid waste.

2. The standards and performance guidelines adopted in accordance with subsection 1 must include a mechanism for their evaluation and revision to ensure that such standards and guidelines:

(a) Are cost-effective over the life of the applicable project.

(b) Produce certain threshold levels of cost savings.

3. In adopting the standards and performance guidelines pursuant to subsection 1, the Board may consider, without limitation:

(a) The Leadership in Energy and Environmental Design Green Building Rating System established by the U.S. Green Building Council or its successor;

(b) The Green Globes assessment and rating system developed by the Green Building Initiative or its successor;

(c) The standards established by the United States Environmental Protection Agency pursuant to the Energy Star Program;

(d) The standards established by the American Society of Heating, Refrigerating and Air-Conditioning Engineers or its successor;

(e) The criteria established pursuant to the Federal Energy Management Program established by the United States Department of Energy; and

(f) The criteria established by the International Energy Conservation Code.

4. The regulations adopted pursuant to this section must include provisions for their enforcement.

5. As used in this section, "renewable energy" has the meaning ascribed to it in NRS 701A.220.

Sec. 11. NRS 341.119 is hereby amended to read as follows:

341.119 1. Upon the request of the head of a state agency, the Board may delegate to that agency any of the authority granted the Board pursuant to NRS 341.141 to 341.148, inclusive ~~[.]~~ *, and section 10 of this act.*

2. This section does not limit any of the authority of the Legislature when the Legislature is in regular or special session or the Interim Finance Committee when the Legislature is not in regular or special session to consult with the Board concerning a construction project or to approve the advance planning of a project.

Sec. 12. NRS 341.153 is hereby amended to read as follows:

341.153 1. The Legislature hereby finds as facts:

(a) That the construction of public buildings is a specialized field requiring for its successful accomplishment a high degree of skill and experience not ordinarily acquired by public officers and employees whose primary duty lies in some other field.

(b) That this construction involves the expenditure of large amounts of public money which, whatever their particular constitutional, statutory or governmental source, involve a public trust.

(c) That the application by state agencies of conflicting standards of performance results in wasteful delays and increased costs in the performance of public works.

2. The Legislature therefore declares it to be the policy of this State that all construction of buildings upon property of the State or held in trust for any division of the State Government be supervised by, and final authority for its completion and acceptance vested in, the Board as provided in NRS 341.141 to 341.148, inclusive ~~[.]~~ *, and section 10 of this act.*

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)

Sec. 17. (Deleted by amendment.)

Sec. 18. Chapter 482 of NRS is hereby amended by adding thereto a new section to read as follows:

Every vehicle dealer licensed in this State shall, upon request, provide to any person a written statement setting forth the estimated amount of carbon dioxide that is emitted by each new vehicle that the vehicle dealer offers for sale, unless the information concerning the emissions for that vehicle is unavailable.

Sec. 19. NRS 482.36414 is hereby amended to read as follows:

482.36414 A person who assumes operation of a franchise pursuant to NRS 482.36396 to 482.36414, inclusive, must be licensed as a dealer pursuant to the provisions of NRS 482.318 to 482.363, inclusive ~~[.]~~ *, and section 18 of this act.*

Sec. 20. (Deleted by amendment.)

Sec. 21. (Deleted by amendment.)

Sec. 22. (Deleted by amendment.)

Sec. 22.5. (Deleted by amendment.)

Sec. 23. (Deleted by amendment.)

Sec. 24. As soon as practicable after July 1, 2009, the Governor shall appoint to the Commission on Economic Development any new members required to be appointed to the Commission pursuant to NRS 231.040, as amended by section 6 of this act.

Sec. 25. 1. This section and sections 1 to 17, inclusive, and 20 to 24, inclusive, of this act become effective on July 1, 2009.

2. Sections 18 and 19 of this act become effective on January 1, 2010.

Amendment No. 965.

"SUMMARY—Makes various changes regarding renewable energy and energy efficiency and alters the composition of the Commission on Economic Development. (BDR 58-1219)"

"AN ACT relating to governmental administration; revising provisions governing the issuance of certain permits by the Public Utilities Commission of Nevada pursuant to the Utility Environmental Protection Act; altering the composition of the Commission on Economic Development; requiring the Chief of the Purchasing Division of the Department of Administration to adopt regulations establishing standards for the procurement of certain appliances, equipment, lighting and other devices; requiring the State Public Works Board to adopt certain standards concerning the efficient use of water and energy; requiring licensed vehicle dealers to provide certain information concerning vehicle emissions; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Section 4 of this bill alters the definition of "utility facility," as that term is used in the Utility Environmental Protection Act which provides for the issuance of permits *by the Public Utilities Commission of Nevada* for the construction of utility facilities, to *: (1)* require a nameplate capacity *for electric facilities* of not more than 70 megawatts rather than a generating capacity of not more than 35 megawatts ~~[.]~~ *; and (2) apply to certain electric and gas facilities located in a county whose population is 100,000 or more (currently Clark and Washoe Counties) which were previously excluded.*

Section 5 of this bill exempts certain utility facilities from certain findings that are a condition precedent to permitting under the Utility Environmental Protection Act.

Sections 6 and 24 of this bill alter the composition of the Commission on Economic Development to require that at least two of the appointed members be from counties whose population is less than 100,000. (NRS 231.040)

Section 8 of this bill requires the Chief of the Purchasing Division of the Department of Administration to adopt regulations establishing standards favoring the procurement of appliances, equipment, lighting and other devices that bear the "Energy Star" label or meet other requirements prescribed by federal law unless to do so would not be cost-effective.

Section 10 of this bill requires the State Public Works Board to adopt standards and performance guidelines concerning the efficient use of water and energy.

Section 18 of this bill requires vehicle dealers in Nevada, beginning ~~[on January 1, 2010, to provide upon request]~~ *with the 2012 model year and thereafter, to ensure that each new vehicle offered for sale is accompanied by* a disclosure of the *vehicle's* estimated carbon dioxide emissions *,* ~~[of each new vehicle offered for sale,]~~ if such information is available.

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

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. NRS 704.860 is hereby amended to read as follows:

704.860 "Utility facility" means:

1. Electric generating plants and their associated facilities, except ~~[:~~

~~(a) Electric generating plants and their associated facilities that are or will be located entirely within the boundaries of a county whose population is 100,000 or more; or~~

~~(b) Electric]~~ *electric* generating plants and their associated facilities which use or will use renewable energy, as defined in NRS 704.7811, as their primary source of energy to generate electricity and which have or will have a ~~[generating]~~ *nameplate* capacity of not more than ~~[35]~~ *70* megawatts, including, without limitation, a net metering system, as defined in NRS 704.771.

~~[As]~~ As used in this subsection, "associated facilities" includes, without limitation, any facilities for the storage, transmission or treatment of water, including, without limitation, facilities to supply water or for the treatment or disposal of wastewater, which support or service an electric generating plant.

2. Electric transmission lines and transmission substations that:

(a) Are designed to operate at 200 kilovolts or more;

(b) Are not required by local ordinance to be placed underground; and

(c) Are constructed outside any incorporated city.

3. Gas transmission lines, storage plants, compressor stations and their associated facilities when constructed outside ~~[:~~

~~(a) Any]~~ *any* incorporated city *.* ~~[; and~~

~~(b) Any county whose population is 100,000 or more.]~~

4. Water storage, transmission and treatment facilities, other than facilities for the storage, transmission or treatment of water from mining operations.

5. Sewer transmission and treatment facilities.

Sec. 5. NRS 704.890 is hereby amended to read as follows:

704.890 1. Except as otherwise provided in subsection 3, the Commission may not grant a permit for the construction, operation and maintenance of a utility facility, either as proposed or as modified by the Commission, to a person unless it finds and determines:

(a) The nature of the probable effect on the environment;

(b) ~~[The]~~ *If the utility facility emits greenhouse gases and does not use renewable energy as its primary source of energy to generate electricity, the* extent to which the facility is needed to ensure reliable utility service to customers in this State;

(c) That the need for the facility balances any adverse effect on the environment;

(d) That the facility represents the minimum adverse effect on the environment, considering the state of available technology and the nature and economics of the various alternatives;

(e) That the location of the facility as proposed conforms to applicable state and local laws and regulations issued thereunder and the applicant has obtained, or is in the process of obtaining, all other permits, licenses and approvals required by federal, state and local statutes, regulations and ordinances; and

(f) That the facility will serve the public interest.

2. If the Commission determines that the location of all or a part of the proposed facility should be modified, it may condition its permit upon such a modification. If the applicant has not obtained all the other permits, licenses and approvals required by federal, state and local statutes, regulations and ordinances as of the date on which the Commission decides to issue a permit, the Commission shall condition its permit upon the applicant obtaining those permits and approvals.

3. The requirements set forth in paragraph (f) of subsection 1 do not apply to any application for a permit which is filed by a state government or political subdivision thereof.

4. As used in this section, "renewable energy" has the meaning ascribed to it in NRS 704.7811.

Sec. 6. NRS 231.040 is hereby amended to read as follows:

231.040 1. The Commission on Economic Development is composed of the Lieutenant Governor, who is its Chairman, and six members who are appointed by the Governor.

2. The Governor shall appoint as members of the Commission persons who *are residents of Nevada and who* have proven experience in economic development which was acquired by them while engaged in finance,

manufacturing, mining, agriculture, the field of transportation, or in general business other than tourism or gaming.

3. The Governor shall appoint ~~[at]~~ *to the Commission:*

(a) At least one member who is a resident of ~~[:~~

~~(a)]~~ Clark County.

(b) *At least one member who is a resident of* Washoe County.

(c) ~~[A county]~~ *At least two members who are residents of counties* whose population is ~~[50,000 or less.]~~ *less than 100,000.*

Sec. 7. (Deleted by amendment.)

Sec. 8. Chapter 333 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Chief shall adopt regulations which set forth standards to be used by using agencies when purchasing new appliances, equipment, lighting and other devices that use electricity, natural gas, propane or oil. Except as otherwise provided in subsection 2, the standards must require that such new appliances, equipment, lighting and other devices have received the Energy Star label pursuant to the program established pursuant to 42 U.S.C. § 6294a, or its successor, or meet the requirements established pursuant to 48 C.F.R. § 23.203.

2. The standards described in subsection 1 do not apply insofar as:

(a) No items in a given class of appliances, equipment, lighting or other devices have been evaluated to determine whether they are eligible to receive the Energy Star label or have been designated by the Federal Government to meet the requirements established pursuant to 48 C.F.R. § 23.203; or

(b) The purchase of new appliances, equipment, lighting or other devices that have received the Energy Star label would not be cost-effective in an individual instance, comparing the cost of the item to the cost of the amount of energy that will be saved over the useful life of the item.

Sec. 9. NRS 333.340 is hereby amended to read as follows:

333.340 1. Every contract or order for goods must be awarded to the lowest responsible bidder. To determine the lowest responsible bidder, the Chief:

(a) Shall consider, if applicable ~~[, the]~~ *:*

(1) The imposition of the inverse preference described in NRS 333.336.

(2) The required standards adopted pursuant to section 8 of this act.

(b) May consider:

(1) The location of the using agency to be supplied.

(2) The qualities of the articles to be supplied.

(3) The total cost of ownership of the articles to be supplied.

(4) Except as otherwise provided in subparagraph (5), the conformity of the articles to be supplied with the specifications.

(5) If the articles are an alternative to the articles listed in the original request for bids, whether the advertisement for bids included a statement that bids for an alternative article will be considered if:

(I) The specifications of the alternative article meet or exceed the specifications of the article listed in the original request for bids;

(II) The purchase of the alternative article results in a lower price; and

(III) The Chief deems the purchase of the alternative article to be in the best interests of the State of Nevada.

(6) The purposes for which the articles to be supplied are required.

(7) The dates of delivery of the articles to be supplied.

2. If a contract or an order is not awarded to the lowest bidder, the Chief shall provide the lowest bidder with a written statement which sets forth the specific reasons that the contract or order was not awarded to him.

3. As used in this section, "total cost of ownership" includes, but is not limited to:

(a) The history of maintenance or repair of the articles;

(b) The cost of routine maintenance and repair of the articles;

(c) Any warranties provided in connection with the articles;

(d) The cost of replacement parts for the articles; and

(e) The value of the articles as used articles when given in trade on a subsequent purchase.

Sec. 10. Chapter 341 of NRS is hereby amended by adding thereto a new section to read as follows:

1. For the purposes of the design and construction of buildings or other projects of this State, the Board shall adopt by regulation:

(a) Standards for the efficient use of water.

(b) Standards for the efficient use of energy, including, without limitation, the use of sources of renewable energy.

(c) Performance guidelines for new, remodeled and renovated buildings.

(d) Performance guidelines for retrofit projects, including, without limitation, guidelines for:

(1) Energy consumption.

(2) The use of potable water.

(3) The use of water for purposes relating to landscaping.

(4) The disposal of solid waste.

2. The standards and performance guidelines adopted in accordance with subsection 1 must include a mechanism for their evaluation and revision to ensure that such standards and guidelines:

(a) Are cost-effective over the life of the applicable project.

(b) Produce certain threshold levels of cost savings.

3. In adopting the standards and performance guidelines pursuant to subsection 1, the Board may consider, without limitation:

(a) The Leadership in Energy and Environmental Design Green Building Rating System established by the U.S. Green Building Council or its successor;

(b) The Green Globes assessment and rating system developed by the Green Building Initiative or its successor;

(c) The standards established by the United States Environmental Protection Agency pursuant to the Energy Star Program;

(d) The standards established by the American Society of Heating, Refrigerating and Air-Conditioning Engineers or its successor;

(e) The criteria established pursuant to the Federal Energy Management Program established by the United States Department of Energy; and

(f) The criteria established by the International Energy Conservation Code.

4. The regulations adopted pursuant to this section must include provisions for their enforcement.

5. As used in this section, "renewable energy" has the meaning ascribed to it in NRS 701A.220.

Sec. 11. NRS 341.119 is hereby amended to read as follows:

341.119 1. Upon the request of the head of a state agency, the Board may delegate to that agency any of the authority granted the Board pursuant to NRS 341.141 to 341.148, inclusive ~~.~~ *, and section 10 of this act.*

2. This section does not limit any of the authority of the Legislature when the Legislature is in regular or special session or the Interim Finance Committee when the Legislature is not in regular or special session to consult with the Board concerning a construction project or to approve the advance planning of a project.

Sec. 12. NRS 341.153 is hereby amended to read as follows:

341.153 1. The Legislature hereby finds as facts:

(a) That the construction of public buildings is a specialized field requiring for its successful accomplishment a high degree of skill and experience not ordinarily acquired by public officers and employees whose primary duty lies in some other field.

(b) That this construction involves the expenditure of large amounts of public money which, whatever their particular constitutional, statutory or governmental source, involve a public trust.

(c) That the application by state agencies of conflicting standards of performance results in wasteful delays and increased costs in the performance of public works.

2. The Legislature therefore declares it to be the policy of this State that all construction of buildings upon property of the State or held in trust for any division of the State Government be supervised by, and final authority for its completion and acceptance vested in, the Board as provided in NRS 341.141 to 341.148, inclusive ~~.~~ *, and section 10 of this act.*

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)

Sec. 17. (Deleted by amendment.)

Sec. 18. Chapter 482 of NRS is hereby amended by adding thereto a new section to read as follows:

Every vehicle dealer licensed in this State shall ~~[, upon request, provide to any person a written statement]~~ ensure that, beginning with the 2012 model year and continuing with subsequent model years, each new vehicle he offers for sale is accompanied by a prominent disclosure setting forth the estimated amount of carbon dioxide ~~[that is emitted by each new vehicle]~~ that the vehicle ~~[dealer offers for sale,]~~ emits, unless the information concerning the emissions for that vehicle is unavailable.

Sec. 19. NRS 482.36414 is hereby amended to read as follows:

482.36414 A person who assumes operation of a franchise pursuant to NRS 482.36396 to 482.36414, inclusive, must be licensed as a dealer pursuant to the provisions of NRS 482.318 to 482.363, inclusive ~~[.]~~ *, and section 18 of this act.*

Sec. 20. (Deleted by amendment.)

Sec. 21. (Deleted by amendment.)

Sec. 22. (Deleted by amendment.)

Sec. 22.5. (Deleted by amendment.)

Sec. 23. (Deleted by amendment.)

Sec. 24. As soon as practicable after July 1, 2009, the Governor shall appoint to the Commission on Economic Development any new members required to be appointed to the Commission pursuant to NRS 231.040, as amended by section 6 of this act.

Sec. 25. 1. This section and sections 1 to 17, inclusive, and 20 to 24, inclusive, of this act become effective on July 1, 2009.

2. Sections 18 and 19 of this act become effective on January 1, 2010.

Senator Schneider moved that the Senate concur in the Assembly amendments to Senate Bill No. 395.

Motion carried by a constitutional majority.

Bill ordered enrolled.

UNFINISHED BUSINESS
SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Senate Bills Nos. 17, 45, 101, 183, 234, 283, 412, 415; Assembly Bills Nos. 25, 46, 60, 121, 130, 146, 246, 259, 355, 410, 463, 467, 482, 492, 494, 503, 521, 543, 552, 562, 563; Assembly Concurrent Resolution No. 30.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Care, the privilege of the floor of the Senate Chamber for this day was extended to Jenny Care.

On request of Senator McGinness, the privilege of the floor of the Senate Chamber for this day was extended to Dee McGinness.

On request of Senator Nolan, the privilege of the floor of the Senate Chamber for this day was extended to Thomas Chen, Taiwan, Director General and Daniel C. M. Hung, Taiwan, Director of San Francisco office.

On request of Senator Raggio, the privilege of the floor of the Senate Chamber for this day was extended to Dale Raggio.

Mr. President appointed Senators Carlton, Woodhouse and Amodei as a committee of three to wait upon the Assembly and to inform that honorable body that the Senate is ready to adjourn *sine die*.

Mr. President appointed Senators Copening, Parks and Nolan as a committee of three to wait upon His Excellency, Jim Gibbons, Governor of the State of Nevada, and to inform him that the Senate is ready to adjourn *sine die*.

Senator Carlton reported that her committee had informed the Assembly that the Senate is ready to adjourn *sine die*.

Senator Copening reported that her committee had informed the Governor that the Senate is ready to adjourn *sine die*.

Senator Steven A. Horsford moved that the 75th Session of the Senate of the Legislature of the State of Nevada adjourn *sine die*.

Motion carried

Senate adjourned *sine die* at 12:25 a.m.

Approved: BRIAN K. KROLICKI
President of the Senate

Attest: CLAIRE J. CLIFT
Secretary of the Senate