

ASSEMBLY BILL NO. 464—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE LEGISLATIVE COUNSEL)

MARCH 28, 2011

Referred to Committee on Judiciary

SUMMARY—Ratifies certain technical corrections made to NRS and Statutes of Nevada. (BDR S-944)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to statutes; ratifying certain technical corrections made to sections of NRS; correcting the effective dates of certain provisions, correcting and clarifying certain provisions and repealing certain provisions of Statutes of Nevada; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill corrects an error in section 1 of chapter 261, Statutes of Nevada 2005 (A.B. 348), at page 936, the source of NRS 484B.320. Although section 2 of A.B. 348, at page 938, amended former NRS 484.3667 (now NRS 484B.130) to impose a double penalty for a violation of NRS 484B.320 in a work zone, section 1 of A.B. 348 inadvertently failed to include a provision specifying the applicability of that penalty. Section 1 of A.B. 348 has therefore been revised accordingly to include such a provision as subsection 7 of that section.

Section 2 of this bill corrects an error in the amendment of NRS 286.523 by chapter 316, Statutes of Nevada 2005 (S.B. 485), at page 1076. Although section 2 of S.B. 485, at page 1077, extended the expiration date for section 1 of chapter 490, Statutes of Nevada 2001, the source of NRS 286.523, S.B. 485 inadvertently failed to extend the expiration date for the amendments to NRS 286.523 contained in section 20 of chapter 363, Statutes of Nevada 2003 (S.B. 439), at page 2062, which were not intended to expire before the remaining provisions of NRS 286.523. To correct this technical error, section 45 of S.B. 439, at page 2075, which contains the effective dates for the provisions of S.B. 439, has been revised as necessary to prevent the expiration of those amendments before NRS 286.523 ceases to be effective.

Section 3 of this bill corrects an error in chapter 47, Statutes of Nevada 2009 (A.B. 280), at page 118, which amended the Uniform Interstate Family Support



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Act. Pursuant to section 91 of A.B. 280, at page 140, A.B. 280 was made to become effective on the date that the provisions of The Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance is ratified by the President and the United States deposits its instrument of ratification. However, section 90 of A.B. 280, at page 140, would have inadvertently applied the provisions of A.B. 280 on an unrelated and irrelevant date. To correct this technical error, section 90 of A.B. 280 has been revised as necessary to refer to the appropriate date.

Section 4 of this bill corrects an error in chapter 64, Statutes of Nevada 2009 (S.B. 314), at page 174, which replaced the provisions regarding a durable power of attorney for health care that were formerly set forth in chapter 449 of NRS with the provisions now codified as NRS 162A.700-162A.860. Section 61 of S.B. 314 (codified as NRS 162A.740), at page 198, which was intended to duplicate the definition of "health care facility" that was formerly set forth in NRS 449.800, inadvertently failed to clarify the intended meaning of the terms used in that definition. To correct this technical error, section 61 of S.B. 314 has been revised as necessary to retain the meaning of those terms which applied in chapter 449 of NRS.

Section 5 of this bill corrects an error in chapter 223, Statutes of Nevada 2009 (S.B. 245), at page 836, which replaced various provisions regarding regional transportation commissions that were formerly set forth in chapter 373 of NRS with various provisions now set forth in chapter 277A of NRS. Although section 27 of S.B. 245 (codified as NRS 277A.270), at page 841, was intended to replace the provisions set forth in NRS 373.1165, S.B. 245 inadvertently failed to repeal those replaced provisions. Section 64 of S.B. 245, at page 870, has therefore been revised as necessary to correct this technical error.

Section 6 of this bill corrects an error in the amendment of NRS 392.420 by chapter 285, Statutes of Nevada 2009 (A.B. 191), at page 1202. Section 2 of A.B. 191, at page 1204, which was intended to extend the prospective expiration of the provisions of subsection 2 of NRS 392.420, inadvertently amended a provision that was repealed by section 8 of chapter 369, Statutes of Nevada 2009, at page 1857, and which would have caused the expiration of certain provisions that were not intended to expire. To correct this technical error, section 2 of A.B. 191 has been revised as necessary to delete the repealed provision and prevent the unintended expiration.

Section 7 of this bill corrects an error in the amendment of NRS 362.170 by chapter 287, Statutes of Nevada 2009 (A.B. 205), at page 1208. Although the provisions of A.B. 205 were intended only to extend the prospective expiration of the amendment to paragraph (c) of subsection 2 of NRS 362.170 set forth in section 43 of chapter 496, Statutes of Nevada 2005, at page 2667, A.B. 205 failed to properly account for and would have inadvertently repealed the unrelated amendment to subsection 1 of NRS 362.170 set forth in section 5 of chapter 4, Statutes of Nevada 2008, 25th Special Session, at page 17, which was not intended to be affected by A.B. 205. To correct this technical error, the provisions of A.B. 205 have been amended as necessary to avoid any effect on that unrelated amendment.

Section 8 of this bill corrects an error in chapter 295, Statutes of Nevada 2009 (S.B. 162), at page 1258. S.B. 162, which revised the period for filing declarations of candidacy for election, inadvertently failed to revise accordingly the period for filing a declaration of candidacy for election to the governing board of the Moapa Valley Water District. Section 7 of the Moapa Valley Water District Act has therefore been revised as necessary to correct this technical error.

Section 9 of this bill corrects errors in chapter 321, Statutes of Nevada 2009 (S.B. 358), at page 1364. Although the provisions of section 19.4 of S.B. 358, at page 1406, the source of NRS 338.1908, and the provisions of section 1.51 of



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S.B. 358, at page 1371, which amended NRS 701.180, were carried forward into subsequent amendments by S.B. 358, each of those sections was inadvertently made to expire by limitation. Section 21 of S.B. 358, at page 1410, which contains the effective dates for the provisions of S.B. 358, has therefore been revised as necessary to correct this technical error.

Section 10 of this bill corrects errors in chapter 331, Statutes of Nevada 2009 (A.B. 162), at page 1464. Although A.B. 162 amended chapter 641 of NRS, which provides for the licensure of psychologists, to include additional provisions for the licensure of behavior analysts and assistant behavior analysts and the certification of autism behavior interventionists, A.B. 162 inadvertently failed to amend accordingly:

1. The provisions of NRS 641.112, 641.175, 641.190, 641.220 and 641.242 to account for the additional licenses and certificates; and

2. The provisions of NRS 641.271 to replace an obsolete reference to the certification of psychologists.

➤ The provisions of A.B. 162 have therefore been revised as necessary to correct these technical errors.

Section 11 of this bill corrects errors in the expiration of NRS 645C.655, as amended by section 12 of chapter 338, Statutes of Nevada 2009 (A.B. 287), at page 1516, and NRS 645C.700, as created by section 20 of A.B. 287, at page 1519. The provisions of sections 12 and 20 of A.B. 287, which apply to the registration of appraisal management companies, were included in that bill to comply with certain federal requirements relating to the enforcement of child support. Although chapter 501, Statutes of Nevada 2005 (S.B. 163), at page 2697, provides for the uniform expiration of such occupational licensing provisions included in title 54 of NRS on the date which is 2 years after the date of the repeal of those federal requirements, sections 12 and 20 of A.B. 287 were inadvertently not made to expire consistently with the requirements of S.B. 163. Section 28 of A.B. 287, at page 1523, which contains the effective dates for the provisions of A.B. 287, has therefore been revised as necessary to correct this technical error.

Section 12 of this bill corrects an error in the amendment of NRS 287.043 by section 9 of chapter 351, Statutes of Nevada 2009 (S.B. 103), at page 1584. Although the amendatory provisions of section 9 of S.B. 103 were carried forward into the subsequent amendment of NRS 287.043 by section 10 of S.B. 103, at page 1587, section 9 of S.B. 103 was inadvertently made to expire by limitation. Section 20 of S.B. 103, at page 1595, which contains the effective dates for the provisions of S.B. 103, has therefore been revised as necessary to correct this technical error.

Section 13 of this bill corrects errors in chapter 361, Statutes of Nevada 2009 (S.B. 350), at page 1671, which contains various technical corrections to the statutory provisions governing business associations. Although sections 53 and 54 of S.B. 350, at page 1711, respectively amended subsection 1 of NRS 88.570 and subsection 2 of NRS 88.575 to account for foreign limited partnerships that are organized under the laws of a jurisdiction which is not a state, S.B. 350 inadvertently failed to amend accordingly the provisions of subsection 5 of NRS 87A.540, NRS 87A.550, subsection 4 of NRS 88.315, subsection 5 of NRS 88.575 and NRS 88.585 to maintain statutory consistency. To correct this technical error, those provisions have been revised as necessary to account for those foreign limited partnerships.

Section 14 of this bill corrects an error in the amendment of NRS 696A.300 by section 96 of chapter 365, Statutes of Nevada 2009 (S.B. 426), at page 1823. Although the provisions of section 3 of S.B. 426 (codified as NRS 680C.110), at page 1761, require the deposit of all the fees imposed pursuant to that section into the Fund for Insurance Administration and Enforcement created by section 2 of S.B. 426 (codified as NRS 680C.100), at page 1761, section 96 of S.B. 426 would have inadvertently provided for the deposit of some of those fees into the State



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General Fund. To correct this technical error, section 96 of S.B. 426 has been revised as necessary to clarify the required deposit of those fees into the Fund for Insurance Administration and Enforcement.

Section 15 of this bill corrects an error in chapter 370, Statutes of Nevada 2009 (S.B. 89), at page 1899, which requires the licensing pursuant to chapter 489 of NRS of persons who service manufactured buildings and factory-built housing. Although section 83 of S.B. 89, at page 1935, amended NRS 624.3015 to authorize the imposition of disciplinary action against a contractor licensed pursuant to chapter 624 of NRS who constructs or repairs a manufactured building or factory-built housing without being licensed pursuant to chapter 489 of NRS, S.B. 89 inadvertently failed to amend NRS 624.284 accordingly to clarify that a contractor's license issued pursuant to chapter 624 of NRS does not authorize such construction or repair. NRS 624.284 has therefore been revised as necessary to correct this technical error.

Section 16 of this bill corrects an inappropriate reference to the Nevada Energy Commissioner in section 28 of chapter 377, Statutes of Nevada 2009 (A.B. 522), at page 2004, the source of NRS 701A.300 to 701A.390, inclusive. Subsection 9 of section 28 of A.B. 522 (codified as NRS 701A.380), at page 2007, which requires the Commissioner to provide notice of the termination of a partial tax abatement to the Director of the Office of Energy for further dissemination, would have inadvertently required the Director to provide the same notice back to the Commissioner and then required the Commissioner to notify affected local governments. To correct this technical error consistently with the provisions of subsection 8 of section 28 of A.B. 522 (codified as NRS 701A.375), at page 2007, which provides for the dissemination of information to affected local governments by the Department of Taxation, paragraph (a) of subsection 9 of section 28 of A.B. 522 has been revised to substitute a reference to the "Department of Taxation" for the inappropriate reference to the "Commissioner," and this revision has been carried forward into the amendment of that section by section 106.5 of A.B. 522, at page 2010.

Section 17 of this bill corrects an error in chapter 390, Statutes of Nevada 2009 (S.B. 234), at page 2140. The amendatory provisions of section 9 of S.B. 234, at page 2145, which related to and were dependent upon certain other provisions of S.B. 234 that were deleted by amendment during the 2009 Legislative Session, do not logically stand alone and should have been deleted with the provisions to which they related. To correct this technical error, section 9 of S.B. 234 has likewise been deleted by amendment.

Section 18 of this bill corrects errors in chapter 393, Statutes of Nevada 2009 (S.B. 283), at page 2183. Section 6 of S.B. 283 (codified as NRS 122A.100), at page 2184, which provides for the registration of domestic partnerships in this State, primarily contains provisions that apply solely to the formation of such a partnership in this State. Since section 10 of S.B. 283 (codified as NRS 122A.500), at page 2186, authorizes the registration pursuant to section 6 of S.B. 283 of similar legal unions validly formed in other jurisdictions, subsection 3 of section 6 of S.B. 283 and section 10 of S.B. 283 have been revised as necessary to clarify that the parties to those similar legal unions are not required to comply with the requirements for registration that apply solely to the formation of domestic partnerships in this State.

Section 19 of this bill corrects errors in chapter 422, Statutes of Nevada 2009 (S.B. 389), at page 2300. In particular:

1. Section 21 of S.B. 389, at page 2322, which amended NRS 385.376, inadvertently failed to include a pertinent internal reference to section 3 of that bill. Section 21 of S.B. 389 has therefore been revised to include that pertinent reference.



2. Section 21.7 of S.B. 389, at page 2326, which amended NRS 386.605, inadvertently included an erroneous internal reference to "section 2 or 3.5" of that bill instead of the appropriate reference to NRS "385.3745 or 385.3746." Section 21.7 of S.B. 389 has therefore been revised to specify the appropriate reference.

Section 20 of this bill corrects errors in chapter 428, Statutes of Nevada 2009 (S.B. 434), at page 2366. In particular:

1. S.B. 434, which transferred the provisions governing the certification of intermediary service organizations from chapter 426 of NRS to chapter 427A of NRS, inadvertently failed to transfer accordingly a provision from former NRS 426.245 regarding the adoption of regulations governing such certification. To correct this technical error, section 42 of S.B. 434 (codified as NRS 427A.727), at page 2389, has been revised as necessary to include that provision as subsection 1 of that section.

2. Sections 32, 33 and 39 of S.B. 434 (respectively codified as NRS 427A.707, 427A.709 and 427A.721), at pages 2387 and 2388, which are intended to be effective only until the repeal of certain federal requirements relating to the enforcement of child support, were inadvertently not made to expire by limitation upon the repeal of the specific federal law intended. Section 93 of S.B. 434, at page 2407, which contains the effective dates for the provisions of S.B. 434, has therefore been revised as necessary to correct this technical error.

Section 21 of this bill corrects an error in chapter 446, Statutes of Nevada 2009 (A.B. 202), at page 2497, which makes various changes to the statutory provisions governing the occupations of cosmetology. Although section 1.8 of A.B. 202, at page 2498, amended NRS 644.0205 to repeal a limitation on the practice of an aesthetician regarding the treatment of the scalp, A.B. 202 inadvertently failed to amend NRS 644.110 accordingly to repeal a related limitation on the regulatory authority of the State Board of Cosmetology. NRS 644.110 has therefore been revised as necessary to correct this technical error.

Section 22 of this bill corrects an error in section 10 of chapter 480, Statutes of Nevada 2009 (S.B. 395), at page 2755, the source of NRS 341.144. Subsection 5 of section 10 of S.B. 395 inadvertently defined a term used in that section as having the meaning ascribed to the term in NRS 701A.220, which had previously expired by limitation. To correct this technical error, section 10 of S.B. 395 has been amended as necessary to reproduce the pertinent definitional provisions that were set forth in NRS 701A.220 before that section expired by limitation.

Section 23 of this bill corrects an error in the amendment of NRS 84.020 by section 16.6 of chapter 488, Statutes of Nevada 2009 (S.B. 55), at page 2836. Although the amendatory provisions of section 16.6 of S.B. 55 were carried forward into and further amended by section 16.8 of S.B. 55, at page 2386, section 16.6 of S.B. 55 was inadvertently made to expire by limitation. Section 56 of S.B. 55, at page 2861, which contains the effective dates for the provisions of S.B. 55, has therefore been revised as necessary to correct this technical error.

Section 24 of this bill corrects an error in section 3 of chapter 495, Statutes of Nevada 2009 (S.B. 295), at page 3001, the source of NRS 631.3456. Subsection 2 of section 3 of S.B. 295 inadvertently included an erroneous internal reference to NRS 631.346 instead of the appropriate reference to NRS 631.3465. To correct this technical error, section 3 of S.B. 295 has been revised to substitute the appropriate internal reference.

Section 25 of this bill corrects an error in the amendment of NRS 616D.120 by section 10 of chapter 500, Statutes of Nevada 2009 (S.B. 195), at page 3040. NRS 616D.120, as amended by section 13.8 of chapter 269, Statutes of Nevada 2009 (S.B. 361), at page 1131, provides for the imposition of benefit penalties for certain violations relating to industrial insurance against an insurer, an organization for managed care, a health care provider, a third-party administrator, an employer or an employee leasing company. Subsection 4 of section 10 of S.B. 195, which requires



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the Administrator of the Division of Industrial Relations of the Department of Business and Industry to adopt regulations for determining the amount of a benefit penalty in cases of multiple violations occurring within a certain period of time, inadvertently failed to authorize the Administrator to include in those regulations any consideration of the claims handled by employee leasing companies. To correct this technical error, the amendatory provisions of subsection 4 of section 10 of S.B. 195 have been revised to add a specific reference to employee leasing companies.

Section 26 of this bill corrects errors in chapter 504, Statutes of Nevada 2009 (S.B. 394), at page 3076, which provides for the licensing of dealers, manufacturers and lessors of off-highway vehicles. In particular:

1. Section 40 of S.B. 394 (codified as NRS 490.270), at page 3095, and section 42 of S.B. 394 (codified as NRS 490.290), at page 3097, which establish bonding requirements for those licensees, inadvertently failed to account for the provisions of section 41 of S.B. 394 (codified as NRS 490.280), at page 3096, which authorizes certain deposits in lieu of a bond. To correct these technical errors:

(a) Subsection 1 of section 40 of S.B. 394 has been revised to recognize the exception provided by section 41 of S.B. 394; and

(b) Section 42 of S.B. 394 has been revised to make the appropriate references to a deposit made in lieu of a bond.

2. Section 28 of S.B. 394 (codified as NRS 490.210), at page 3090, requires an application for such a license to include the social security number of the applicant. This provision and the provisions of sections 24 and 25 of S.B. 394 (respectively codified as NRS 490.330 and 490.340), at pages 3088 and 3089, were included in that bill to comply with certain federal requirements relating to the enforcement of child support. Although sections 24 and 25 of S.B. 394 were made to expire by limitation upon the repeal of those federal requirements, the pertinent provision of section 28 of S.B. 394 was inadvertently not made to expire accordingly. To correct this technical error, sections 28 and 63 of S.B. 394 have been revised as necessary to ensure the repeal of that provision upon the repeal of those federal requirements.

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

Section 1. Section 1 of chapter 261, Statutes of Nevada 2005, at page 936, is hereby amended to read as follows:

Section 1. Chapter 484 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section:

(a) A person shall not operate a vehicle on the highways of this State if the vehicle is equipped with any device or mechanism, including, without limitation, a mobile transmitter, that is capable of interfering with or altering the signal of a traffic-control signal.

(b) A person shall not operate any device or mechanism, including, without limitation, a mobile transmitter, that is capable of interfering with or altering the signal of a traffic-control signal.



1 2. *Except as otherwise provided in this subsection, a*
2 *person shall not in this State sell or offer for sale any device*
3 *or mechanism, including, without limitation, a mobile*
4 *transmitter, that is capable of interfering with or altering*
5 *the signal of a traffic-control signal. The provisions of this*
6 *subsection do not prohibit a person from selling or offering*
7 *for sale:*

8 (a) *To a provider of mass transit, a signal prioritization*
9 *device; or*

10 (b) *To a response agency, a signal preemption device or*
11 *a signal prioritization device, or both.*

12 3. *A police officer:*

13 (a) *Shall, without a warrant, seize any device or*
14 *mechanism, including, without limitation, a mobile*
15 *transmitter, that is capable of interfering with or altering*
16 *the signal of a traffic-control signal; or*

17 (b) *May, without a warrant, seize and take possession of*
18 *a vehicle equipped with any device or mechanism that is*
19 *capable of interfering with or altering the signal of a traffic-*
20 *control signal, including, without limitation, a mobile*
21 *transmitter, if the device or mechanism cannot be removed*
22 *from the motor vehicle by the police officer, and may cause*
23 *the vehicle to be towed and impounded until:*

24 (1) *The device or mechanism is removed from the*
25 *vehicle; and*

26 (2) *The owner claims the vehicle by paying the cost*
27 *of the towing and impoundment.*

28 4. *Neither the police officer nor the governmental*
29 *entity which employs him is civilly liable for any damage to*
30 *a vehicle seized pursuant to the provisions of paragraph (b)*
31 *of subsection 3 that occurs after the vehicle is seized but*
32 *before the towing process begins.*

33 5. *Except as otherwise provided in subsection 9, the*
34 *presence of any device or mechanism, including, without*
35 *limitation, a mobile transmitter, that is capable of*
36 *interfering with or altering the signal of a traffic-control*
37 *signal in or on a vehicle on the highways of this State*
38 *constitutes prima facie evidence of a violation of this*
39 *section. The State need not prove that the device or*
40 *mechanism in question was in an operative condition or*
41 *being operated.*

42 6. *A person who violates the provisions of subsection 1*
43 *or 2 is guilty of a misdemeanor.*



7. A person who violates any provision of subsection 1 or 2 may be subject to the additional penalty set forth in NRS 484.3667.

8. A provider of mass transit shall not operate or cause to be operated a signal prioritization device in such a manner as to impede or interfere with the use by response agencies of signal preemption devices.

9. The provisions of this section do not:

(a) Except as otherwise provided in subsection 8, prohibit a provider of mass transit from acquiring, possessing or operating a signal prioritization device.

(b) Prohibit a response agency from acquiring, possessing or operating a signal preemption device or a signal prioritization device, or both.

10. As used in this section:

(a) "Mobile transmitter" means a device or mechanism that is:

(1) Portable, installed within a vehicle or capable of being installed within a vehicle; and

(2) Designed to affect or alter, through the emission or transmission of sound, infrared light, strobe light or any other audible, visual or electronic method, the normal operation of a traffic-control signal.

↳ The term includes, without limitation, a signal preemption device and a signal prioritization device.

(b) "Provider of mass transit" means a governmental entity or a contractor of a governmental entity which operates, in whole or in part:

(1) A public transit system, as that term is defined in NRS 377A.016; or

(2) A system of public transportation referred to in NRS 373.1165.

(c) "Response agency" means an agency of this State or of a political subdivision of this State that provides services related to law enforcement, firefighting, emergency medical care or public safety. The term includes a nonprofit organization or private company that, as authorized pursuant to chapter 450B of NRS:

(1) Provides ambulance service; or

(2) Provides intermediate or advanced medical care to sick or injured persons at the scene of an emergency or while transporting those persons to a medical facility.

(d) "Signal preemption device" means a mobile transmitter that, when activated and when a vehicle



1 *equipped with such a device approaches an intersection*
2 *controlled by a traffic-control signal, causes:*

3 *(1) The signal, in the direction of travel of the*
4 *vehicle, to remain green if the signal is already displaying a*
5 *green light;*

6 *(2) The signal, in the direction of travel of the*
7 *vehicle, to change from red to green if the signal is*
8 *displaying a red light;*

9 *(3) The signal, in other directions of travel, to remain*
10 *red or change to red, as applicable, to prevent other vehicles*
11 *from entering the intersection; and*

12 *(4) The applicable functions described in*
13 *subparagraphs (1), (2) and (3) to continue until such time*
14 *as the vehicle equipped with the device is clear of the*
15 *intersection.*

16 *(e) "Signal prioritization device" means a mobile*
17 *transmitter that, when activated and when a vehicle*
18 *equipped with such a device approaches an intersection*
19 *controlled by a traffic-control signal, causes:*

20 *(1) The signal, in the direction of travel of the*
21 *vehicle, to display a green light a few seconds sooner than*
22 *the green light would otherwise be displayed;*

23 *(2) The signal, in the direction of travel of the*
24 *vehicle, to display a green light for a few seconds longer*
25 *than the green light would otherwise be displayed; or*

26 *(3) The functions described in both subparagraphs*
27 *(1) and (2).*

28 *(f) "Traffic-control signal" means a traffic-control*
29 *signal, as defined in NRS 484.205, which is capable of*
30 *receiving and responding to an emission or transmission*
31 *from a mobile transmitter.*

32 **Sec. 2.** Chapter 316, Statutes of Nevada 2005, at page 1077, is
33 hereby amended by adding thereto a new section to be designated as
34 section 2.5, immediately following section 2, to read as follows:

35 Sec. 2.5. Section 45 of chapter 363, Statutes of Nevada
36 2003, at page 2075, is hereby amended to read as follows:

37 Sec. 45. 1. This section and sections 1 to 26,
38 inclusive, and 32 to 37, inclusive, and 44 of this act
39 become effective on July 1, 2003.

40 2. Sections 27 to 31, inclusive, and 38 to 43,
41 inclusive, of this act become effective on January 1, 2004.

42 3. Sections ~~[20,]~~ 21, 35 and 36 of this act expire by
43 limitation on June 30, 2005.



1 **Sec. 3.** Section 90 of chapter 47, Statutes of Nevada 2009, at
2 page 140, is hereby amended to read as follows:

3 Sec. 90. The amendatory provisions of this act apply to
4 proceedings *to establish a support order to determine*
5 *parentage of a child or to register, recognize, enforce or*
6 *modify a prior support order, determination or agreement,*
7 *whenever issued or entered, which are* commenced on or
8 after ~~[October 1, 2009, to establish a support order to~~
9 ~~determine parentage of a child or to register, recognize,~~
10 ~~enforce or modify a prior support order, determination or~~
11 ~~agreement, whenever issued or entered.]~~ *the date that the*
12 *provisions of The Hague Convention on the International*
13 *Recovery of Child Support and Other Forms of Family*
14 *Maintenance is ratified by the President and the United*
15 *States deposits its instrument of ratification.*

16 **Sec. 4.** Section 61 of chapter 64, Statutes of Nevada 2009, at
17 page 198, is hereby amended to read as follows:

18 Sec. 61. *“Health care facility” includes:*

19 1. *Any medical facility as defined in NRS 449.0151;*
20 *and*

21 2. *Any facility for the dependent as defined in*
22 *NRS 449.0045.*

23 **Sec. 5.** Section 64 of chapter 223, Statutes of Nevada 2009, at
24 page 870, is hereby amended to read as follows:

25 Sec. 64. NRS 373.025, 373.026, 373.040, 373.050,
26 373.055, 373.113, 373.115, 373.116, 373.1161, 373.1163,
27 *373.1165*, 373.117, 373.118, 373.1183, 373.1185, 373.130,
28 373.143 and 373.146 are hereby repealed.

29 **Sec. 6.** Section 2 of chapter 285, Statutes of Nevada 2009, at
30 page 1204, is hereby amended to read as follows:

31 Sec. 2. Section 5 of chapter 414, Statutes of Nevada
32 2007, *as amended by chapter 369, Statutes of Nevada 2009*,
33 at page ~~[1873.]~~ *1857*, is hereby amended to read as follows:

34 Sec. 5. 1. This section and sections 1 and 4 of this
35 act become effective on July 1, 2007.

36 2. Section 2 of this act becomes effective on
37 July 1, ~~[2010.]~~ *2015.*



1 **Sec. 7.** 1. Chapter 287, Statutes of Nevada 2009, at page
2 1232, is hereby amended by adding thereto a new section to be
3 designated as section 27.5, immediately following section 27, to
4 read as follows:

5 Sec. 27.5. Section 5 of chapter 4, Statutes of Nevada
6 2008, 25th Special Session, at page 17, is hereby amended to
7 read as follows:

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

10 362.170 1. There is hereby appropriated to each
11 county the total of the amounts obtained by multiplying,
12 for each extractive operation situated within the county,
13 the net proceeds of that operation and any royalties paid
14 by that operation, *as estimated and paid pursuant to NRS*
15 *362.115, plus any amounts paid pursuant to NRS*
16 *362.130* by the combined rate of tax ad valorem ~~for the~~
17 *fiscal year to which the payments apply*, excluding any
18 rate levied by the State of Nevada, for property at that site,
19 plus a pro rata share of any penalties and interest collected
20 by the Department for the late payment of taxes
21 distributed to the county. The Department shall report to
22 the State Controller on or before May 25 of each year the
23 amount appropriated to each county, as calculated for each
24 operation from the ~~[final statement made in February of~~
25 ~~that year]~~ *estimate provided pursuant to NRS 362.115 for*
26 *the current calendar year and any adjustments made*
27 *pursuant to NRS 362.130* for the preceding calendar year.
28 The State Controller shall distribute all money due to a
29 county on or before May 30 of each year. *The Department*
30 *shall report to the State Controller any additional*
31 *payments made pursuant to paragraph (b) of subsection*
32 *1 of NRS 362.115 within 15 days after receipt of the*
33 *payment, and the State Controller shall distribute the*
34 *money to the appropriate county within 5 days after*
35 *receipt of the report from the Department. For the*
36 *purposes of this subsection, payments made pursuant to*
37 *paragraph (b) of subsection 1 of NRS 362.115 apply to*
38 *the fiscal year in which the statement of the estimated*
39 *net proceeds is filed pursuant to paragraph (a) of*
40 *subsection 1 of NRS 362.115.*

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

43 (a) Determining the total of the amounts obtained by
44 multiplying, for each extractive operation situated within
45 its jurisdiction, the net proceeds of that operation and any



royalty payments paid by that operation, by the rate levied on behalf of that local government or other local entity;

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

(c) Subtracting from the amount determined pursuant to paragraph (b) a commission of 5 percent of that amount, of which 3 percent must be deposited in the county general fund and 2 percent must be accounted for separately in the account for the acquisition and improvement of technology in the office of the county assessor created pursuant to NRS 250.085.

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

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

2. Section 28 of chapter 287, Statutes of Nevada 2009, at page 1232, is hereby amended to read as follows:

Sec. 28. (Deleted by amendment.)

3. Section 29 of chapter 287, Statutes of Nevada 2009, at page 1233, is hereby amended to read as follows:

Sec. 29. ~~[1.]~~ NRS 361A.155 is hereby repealed.

~~[2.—Section 5 of chapter 4, Statutes of Nevada 2008, 25th Special Session, at page 17, is hereby repealed.]~~

4. Section 31 of chapter 287, Statutes of Nevada 2009, at page 1233, is hereby amended to read as follows:

Sec. 31. 1. This section and sections 3, 4, 27, ~~27.5~~, 28 ~~[, subsection 2 of section 29 and section]~~ and 30 of this act become effective upon passage and approval.

2. Sections 1, 2, ~~[and]~~ 5 to 26, inclusive, and ~~[subsection 1 of section]~~ 29 of this act become effective on July 1, 2009.



1 **Sec. 8.** Chapter 295, Statutes of Nevada 2009, at page 1273, is
2 hereby amended by adding thereto a new section to be designated as
3 section 18, immediately following section 17, to read as follows:

4 Sec. 18. Section 7 of the Moapa Valley Water District
5 Act, being chapter 477, Statutes of Nevada 1983, as last
6 amended by chapter 303, Statutes of Nevada 2003, at page
7 1664, is hereby amended to read as follows:

8 Sec. 7. 1. Unless otherwise required for purposes
9 of an election to incur an indebtedness, the Registrar of
10 Voters of Clark County shall conduct, supervise and, by
11 ordinance, regulate all district elections in accordance, as
12 nearly as practicable, with the general election laws of the
13 State, including, but not limited to, laws relating to the
14 time of opening and closing of polls, the manner of
15 conducting the election, the canvassing, announcement
16 and certification of results, and the preparation and
17 disposition of ballots.

18 2. A candidate for election to the Board shall file a
19 declaration of candidacy with the Registrar of Voters of
20 Clark County. The declaration of candidacy must be filed
21 not earlier than the first Monday in ~~May~~ *March* of the
22 year in which the election is to be held and not later than
23 5 p.m. on the second Friday after the first Monday in
24 ~~May~~ *March* of that year. Timely filing of such a
25 declaration is a prerequisite to election.

26 3. Each member of the Board must be elected by a
27 plurality of the registered voters voting in the election area
28 which the member represents. If there are two seats upon
29 the Board to be filled at the same election, each of which
30 represents the same election area, the two candidates
31 therefor receiving the highest number of votes,
32 respectively, are elected.

33 4. If a member of the Board is unopposed in seeking
34 reelection, the Board may declare that member elected
35 without a formal election, but that member must not
36 participate in the declaration.

37 5. If no person files candidacy for election to a
38 particular seat upon the Board, the seat must be filled in
39 the manner of filling a vacancy.

40 **Sec. 9.** Section 21 of chapter 321, Statutes of Nevada 2009, at
41 page 1410, is hereby amended to read as follows:

42 Sec. 21. 1. This section and sections 1 to 1.51,
43 inclusive, 1.55 to 19.7, inclusive, and 19.9 to 20.9, inclusive,
44 of this act become effective upon passage and approval.



2. Sections ~~[1.51,]~~ 1.85, 1.87, 1.92, 1.93, 1.95 ~~[,]~~ *and* 4.3 to 9, inclusive, ~~[and 19.4]~~ of this act expire by limitation on June 30, 2011.

3. Sections 1.53 and 19.8 of this act become effective on July 1, 2011.

Sec. 10. 1. Chapter 331, Statutes of Nevada 2009, at page 1482, is hereby amended by adding thereto a new section to be designated as section 12.9, immediately following section 12.8, to read as follows:

Sec. 12.9. NRS 641.112 is hereby amended to read as follows:

641.112 1. A licensed psychologist shall limit his or her practice of psychology to his or her areas of competence, as documented by education, training and experience.

2. The Board shall ensure, by adopting regulations and enforcing the provisions of this chapter, that ~~[licensees]~~ *licensed psychologists* limit their practice of psychology to their areas of competence.

2. Chapter 331, Statutes of Nevada 2009, at page 1483, is hereby amended by adding thereto new sections to be designated as sections 13.3 and 13.7, immediately following section 13, to read respectively as follows:

Sec. 13.3. NRS 641.175 is hereby amended to read as follows:

641.175 1. In addition to any other requirements set forth in this chapter:

(a) An applicant for the issuance of a license *or certificate* 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 *or certificate* 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 certificate;* or

(b) A separate form prescribed by the Board.

3. A license *or certificate* 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 the applicant 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 the applicant 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. 13.7. NRS 641.175 is hereby amended to read as follows:

641.175 1. In addition to any other requirements set forth in this chapter, an applicant for the issuance or renewal of a license *or certificate* 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~~ *or certificate*; or

(b) A separate form prescribed by the Board.

3. A license *or certificate* 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 the applicant 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 the applicant 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.

3. Chapter 331, Statutes of Nevada 2009, at page 1483, is hereby amended by adding thereto new sections to be designated as sections 14.1 to 14.4, inclusive, immediately following section 14, to read respectively as follows:

Sec. 14.1. NRS 641.190 is hereby amended to read as follows:

641.190 The Board may:

1. Grant a license *as a psychologist* without any examination to any person certified or licensed by a board of psychological examiners of another state if the Board determines that the requirements in that state are at least equivalent to the requirements of this chapter.

2. Authorize a psychologist licensed or certified pursuant to the laws of another state to practice psychology for 1 year or less if the psychologist has:

(a) Made application to the Board for licensure;

(b) Met the requirements of education and experience for licensure in this State; and

(c) Not been disciplined in another state in connection with a license to practice psychology or has not committed any act in another state which is a violation of this chapter.

Sec. 14.2. NRS 641.220 is hereby amended to read as follows:

641.220 1. To renew a license *or certificate* issued pursuant to this chapter, each person must, on or before the first day of January of each odd-numbered year:

(a) Apply to the Board for renewal;

(b) Pay the biennial fee for the renewal of a license ~~or~~ *certificate*;

(c) Submit evidence to the Board of completion of the requirements for continuing education; and

(d) Submit all information required to complete the renewal.

2. Upon renewing his or her license, ~~the holder of the license~~ *a psychologist* shall declare his or her areas of competence, as determined in accordance with NRS 641.112.

3. The Board shall, as a prerequisite for the renewal of a license ~~or~~ *certificate*, require each holder to comply with the requirements for continuing education adopted by the Board.



1 Sec. 14.3. NRS 641.242 is hereby amended to read as
2 follows:

3 641.242 1. If the Board receives a copy of a court
4 order issued pursuant to NRS 425.540 that provides for the
5 suspension of all professional, occupational and recreational
6 licenses, certificates and permits issued to a person who is the
7 holder of a license *or certificate* issued pursuant to this
8 chapter, the Board shall deem the license *or certificate* issued
9 to that person to be suspended at the end of the 30th day after
10 the date on which the court order was issued unless the Board
11 receives a letter issued to the holder of the license *or*
12 *certificate* by the district attorney or other public agency
13 pursuant to NRS 425.550 stating that the holder of the license
14 *or certificate* has complied with the subpoena or warrant or
15 has satisfied the arrearage pursuant to NRS 425.560.

16 2. The Board shall reinstate a license *or certificate*
17 issued pursuant to this chapter that has been suspended by a
18 district court pursuant to NRS 425.540 if the Board receives a
19 letter issued by the district attorney or other public agency
20 pursuant to NRS 425.550 to the person whose license *or*
21 *certificate* was suspended stating that the person whose
22 license *or certificate* was suspended has complied with the
23 subpoena or warrant or has satisfied the arrearage pursuant to
24 NRS 425.560.

25 Sec. 14.4. NRS 641.271 is hereby amended to read as
26 follows:

27 641.271 1. The Attorney General shall conduct an
28 investigation of each complaint transmitted to him or her by
29 the Board to determine whether it warrants proceedings for
30 the modification, suspension or revocation of the ~~certificate.~~
31 *license*. If the Attorney General determines that further
32 proceedings are warranted, he or she shall report the results of
33 the investigation together with a recommendation to the
34 Board in a manner which does not violate the right of the
35 person charged in the complaint to due process in any later
36 hearing on the complaint.

37 2. The Board shall promptly make a determination with
38 respect to each complaint reported to it by the Attorney
39 General. The Board shall:

- 40 (a) Dismiss the complaint; or
41 (b) Proceed with appropriate disciplinary action.



4. Section 16 of chapter 331, Statutes of Nevada 2009, at page 1484, is hereby amended to read as follows:

Sec. 16. 1. This section and sections 1 to 9, inclusive, 10, ~~and~~ 11 to *13.3, inclusive, and 14 to* 15, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting regulations, licensing behavior analysts and assistant behavior analysts and certifying autism behavior interventionists; and

(b) On January 1, 2011, for all other purposes.

2. Sections 9.5, 10.5, 15.3 and 15.5 of this act become effective:

(a) Upon passage and approval for the purposes of adopting regulations; and

(b) On July 1, 2011, for all other purposes.

3. Section 13.3 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.

4. Section 13.7 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.

5. Sections 13.7 and 14.3 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.

Sec. 11. Section 28 of chapter 338, Statutes of Nevada 2009, at page 1523, is hereby amended to read as follows:

Sec. 28. 1. This section, sections 5 to 11, inclusive, 13 to 22, inclusive, and 26 of this act become effective upon passage and approval for the purpose of adopting regulations and on January 1, 2010, for all other purposes.

2. Sections 1 to 4, inclusive, 23, 24, 25 and 27 of this act become effective on July 1, 2009.

3. The provisions of ~~{sections}~~ **section 11** ~~{and 20}~~ of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

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

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

↪ are repealed by the Congress of the United States.

4. Section 12 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 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 for the support of one or more children,

↪ are repealed by the Congress of the United States.

5. Sections 12 and 20 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.

Sec. 12. Section 20 of chapter 351, Statutes of Nevada 2009, at page 1595, is hereby amended to read as follows:

Sec. 20. 1. This section and sections 1 to 9, inclusive, and 11 to 19, inclusive, of this act become effective on July 1, 2009.

2. ~~[Section 9 of this act expires by limitation on October 31, 2009.~~

~~—3.]~~ Section 10 of this act becomes effective on November 1, 2009.

Sec. 13. 1. Chapter 361, Statutes of Nevada 2009, at page 1705, is hereby amended by adding thereto a new section to be designated as section 45.5, immediately following section 45, to read as follows:

Sec. 45.5. NRS 87A.540 is hereby amended to read as follows:

87A.540 Before transacting business in this State, a foreign limited partnership shall register with the Secretary of State. In order to register, a foreign limited partnership shall submit to the Secretary of State an application for registration as a foreign limited partnership, signed by a general partner. The application for registration must set forth:

1. The name of the foreign limited partnership and, if different, the name under which it proposes to register and transact business in this State;

2. The state or jurisdiction under whose law the foreign limited partnership is organized and the date of its organization;

3. The information required pursuant to NRS 77.310;

4. A statement that the Secretary of State is appointed the agent of the foreign limited partnership for service of process if the registered agent's authority has been revoked or if the registered agent cannot be found or served with the exercise of reasonable diligence;

5. The address of the office required to be maintained in the state *or jurisdiction* of its organization by the laws of that



1 state *or jurisdiction* or, if not so required, of the principal
2 office of the foreign limited partnership;

3 6. The name and business address of each general
4 partner; and

5 7. The address of the office at which is kept a list of the
6 names and addresses of the limited partners and their capital
7 contributions, together with an undertaking by the foreign
8 limited partnership to keep those records until the foreign
9 limited partnership's registration in this State is cancelled or
10 withdrawn.

11 2. Section 46 of chapter 361, Statutes of Nevada 2009, at page
12 1705, is hereby amended to read as follows:

13 Sec. 46. NRS 87A.550 is hereby amended to read as
14 follows:

15 87A.550 Except as otherwise provided in NRS 87A.655,
16 a foreign limited partnership may register with the Secretary
17 of State under any name, whether or not it is the name under
18 which it is registered in its state *or jurisdiction* of
19 organization, that ~~[includes without abbreviation]~~ *contains*
20 the words "limited partnership" *or the abbreviations "L.P."*
21 *or "LP"* and that could be registered by a domestic limited
22 partnership.

23 3. Section 50 of chapter 361, Statutes of Nevada 2009, at page
24 1709, is hereby amended to read as follows:

25 Sec. 50. NRS 88.315 is hereby amended to read as
26 follows:

27 88.315 As used in this chapter, unless the context
28 otherwise requires:

29 1. "Certificate of limited partnership" means the
30 certificate referred to in NRS 88.350, and the certificate as
31 amended or restated.

32 2. "Contribution" means any cash, property, services
33 rendered, or a promissory note or other binding obligation to
34 contribute cash or property or to perform services, which a
35 partner contributes to a limited partnership in his or her
36 capacity as a partner.

37 3. "Event of withdrawal of a general partner" means an
38 event that causes a person to cease to be a general partner as
39 provided in NRS 88.450.

40 4. "Foreign limited partnership" means a partnership
41 formed under the laws of ~~[any state]~~ *a jurisdiction* other than
42 this State and having as partners one or more general partners
43 and one or more limited partners.



5. “Foreign registered limited-liability limited partnership” means a foreign limited-liability limited partnership:

(a) Formed pursuant to an agreement governed by the laws of another state; and

(b) Registered pursuant to and complying with NRS 88.570 to 88.605, inclusive, and 88.609.

6. “General partner” means a person who has been admitted to a limited partnership as a general partner in accordance with the partnership agreement and named in the certificate of limited partnership as a general partner.

7. “Limited partner” means a person who has been admitted to a limited partnership as a limited partner in accordance with the partnership agreement.

8. “Limited partnership” and “domestic limited partnership” mean a partnership formed by two or more persons under the laws of this State and having one or more general partners and one or more limited partners **and , including a restricted limited partnership.**

9. “Partner” means a limited or general partner.

10. “Partnership agreement” means any valid agreement, written or oral, of the partners as to the affairs of a limited partnership and the conduct of its business.

11. “Partnership interest” means a partner’s share of the profits and losses of a limited partnership and the right to receive distributions of partnership assets.

12. “Record” means information that is inscribed on tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

13. “Registered limited-liability limited partnership” means a limited partnership:

(a) Formed pursuant to an agreement governed by this chapter; and

(b) Registered pursuant to and complying with NRS 88.350 to 88.415, inclusive, **and section 49.4 of this act,** 88.606, 88.6065 and 88.607.

14. “Registered agent” has the meaning ascribed to it in NRS 77.230.

15. “Registered office” means the office maintained at the street address of the registered agent.

16. **“Restricted limited partnership” means a limited partnership organized and existing under this chapter that elects to include the optional provisions permitted by NRS 88.350.**

17. “Sign” means to affix a signature to a record.



~~[47.]~~ 18. "Signature" means a name, word, symbol or mark executed or otherwise adopted, or a record encrypted or similarly processed in whole or in part, by a person with the present intent to identify himself or herself and adopt or accept a record. The term includes, without limitation, an electronic signature as defined in NRS 719.100.

~~[48.]~~ 19. "State" means a state, territory or possession of the United States, the District of Columbia or the Commonwealth of Puerto Rico.

~~[49.]~~ 20. "Street address" of a registered agent means the actual physical location in this State at which a registered agent is available for service of process.

4. Section 54 of chapter 361, Statutes of Nevada 2009, at page 1711, is hereby amended to read as follows:

Sec. 54. NRS 88.575 is hereby amended to read as follows:

88.575 Before transacting business in this State, a foreign limited partnership shall register with the Secretary of State. In order to register, a foreign limited partnership shall submit to the Secretary of State an application for registration as a foreign limited partnership, signed by a general partner. The application for registration must set forth:

1. The name of the foreign limited partnership and, if different, the name under which it proposes to register and transact business in this State;

2. The state ~~[and date of its formation;]~~ *or jurisdiction under whose law the foreign limited partnership is organized and the date of its organization;*

3. The information required pursuant to NRS 77.310;

4. A statement that the Secretary of State is appointed the agent of the foreign limited partnership for service of process if the registered agent's authority has been revoked or if the registered agent cannot be found or served with the exercise of reasonable diligence;

5. The address of the office required to be maintained in the state *or jurisdiction* of its organization by the laws of that state *or jurisdiction* or, if not so required, of the principal office of the foreign limited partnership;

6. The name and business address of each general partner; and

7. The address of the office at which is kept a list of the names and addresses of the limited partners and their capital contributions, together with an undertaking by the foreign limited partnership to keep those records until the foreign



1 limited partnership's registration in this State is cancelled or
2 withdrawn.

3 5. Chapter 361, Statutes of Nevada 2009, at page 1712, is
4 hereby amended by adding thereto a new section to be designated as
5 section 54.5, immediately following section 54, to read as follows:

6 Sec. 54.5. NRS 88.585 is hereby amended to read as
7 follows:

8 88.585 Except as otherwise provided in NRS 88.609, a
9 foreign limited partnership may register with the Secretary of
10 State under any name, whether or not it is the name under
11 which it is registered in its state *or jurisdiction* of
12 organization, that contains the words "limited partnership" or
13 the abbreviation "LP" or "L.P." and that could be registered
14 by a domestic limited partnership.

15 **Sec. 14.** Section 96 of chapter 365, Statutes of Nevada 2009,
16 at page 1823, is hereby amended to read as follows:

17 Sec. 96. NRS 696A.300 is hereby amended to read as
18 follows:

19 696A.300 1. Each license for a club agent issued under
20 this chapter continues in force for 3 years unless it is
21 suspended, revoked or otherwise terminated. A license may
22 be renewed upon submission of the statement required
23 pursuant to NRS 696A.303 and payment to the Commissioner
24 of ~~[the]~~ *all* applicable ~~[fee]~~ *fees* for renewal and a fee
25 established by the Commissioner of not more than \$15 for
26 deposit in the insurance recovery account created by NRS
27 679B.305. The statement must be submitted and the fees must
28 be paid on or before the last day of the month in which the
29 license is renewable.

30 2. Any license not so renewed expires at midnight on the
31 last day specified for its renewal. The Commissioner may
32 accept a request for renewal received by the Commissioner
33 within 30 days after the expiration of the license if the request
34 is accompanied by the statement required pursuant to NRS
35 696A.303, a fee for renewal of 150 percent of ~~[the fee]~~ *all*
36 *applicable fees* otherwise required, *except for any fee*
37 *required pursuant to section 3 of this act*, and the fee
38 established by the Commissioner of not more than \$15 for
39 deposit in the insurance recovery account created by
40 NRS 679B.305.

41 3. ~~[The]~~ *In addition to all applicable fees required*
42 *pursuant to section 3 of this act to be deposited in the Fund*
43 *for Insurance Administration and Enforcement created by*
44 *section 2 of this act, the* Commissioner shall collect in
45 advance and deposit with the State Treasurer for credit to the



State General Fund the following fees for licensure as a club agent:

- (a) Application and license\$78
- (b) Appointment by each motor club5
- (c) Triennial renewal of each license78

Sec. 15. Chapter 370, Statutes of Nevada 2009, at page 1935, is hereby amended by adding thereto a new section to be designated as section 82.7, immediately following section 82.5, to read as follows:

Sec. 82.7. NRS 624.284 is hereby amended to read as follows:

624.284 A contractor's license issued pursuant to this chapter does not authorize a contractor to construct or repair a mobile home, manufactured home , *manufactured building* or commercial coach ~~H~~ *or factory-built housing.*

Sec. 16. 1. Section 28 of chapter 377, Statutes of Nevada 2009, at page 2004, is hereby amended to read as follows:

Sec. 28. *1. A person who intends to locate a facility for the generation of process heat from solar renewable energy, a wholesale facility for the generation of electricity from renewable energy, a facility for the generation of electricity from geothermal resources or a facility for the transmission of electricity produced from renewable energy or geothermal resources in this State may apply to the Director for a partial abatement of the local sales and use taxes, the taxes imposed pursuant to chapter 361 of NRS, or both local sales and use taxes and taxes imposed pursuant to chapter 361 of NRS. A facility that is owned, operated, leased or otherwise controlled by a governmental entity is not eligible for an abatement pursuant to this section.*

2. As soon as practicable after the Director receives such an application, the Director shall submit the application to the Commissioner and forward a copy of the application to:

(a) The Chief of the Budget Division of the Department of Administration;

(b) The Department of Taxation;

(c) The board of county commissioners;

(d) The county assessor;

(e) The county treasurer; and

(f) The Commission on Economic Development.

↪ With the copy of the application forwarded to the county treasurer, the Director shall include a notice that the local jurisdiction may request a presentation regarding the facility. A request for a presentation must be made within 30



1 *days after receipt of the application. The Commissioner*
2 *shall hold a public hearing on the application. The hearing*
3 *must not be held earlier than 30 days after all persons listed*
4 *in this subsection have received a copy of the application.*

5 *3. Except as otherwise provided in subsection 4, the*
6 *Commissioner shall approve an application for a partial*
7 *abatement pursuant to this section if the Commissioner*
8 *makes the following determinations:*

9 *(a) The applicant has executed an agreement with the*
10 *Commissioner which must:*

11 *(1) State that the facility will, after the date on which*
12 *a certificate of eligibility for the abatement is issued*
13 *pursuant to subsection 6, continue in operation in this State*
14 *for a period specified by the Commissioner, which must be*
15 *at least 10 years, and will continue to meet the eligibility*
16 *requirements for the abatement; and*

17 *(2) Bind the successors in interest in the facility for*
18 *the specified period.*

19 *(b) The facility is registered pursuant to the laws of this*
20 *State or the applicant commits to obtain a valid business*
21 *license and all other permits required by the county, city or*
22 *town in which the facility operates.*

23 *(c) No funding is or will be provided by any*
24 *governmental entity in this State for the acquisition, design*
25 *or construction of the facility or for the acquisition of any*
26 *land therefor, except any private activity bonds as defined in*
27 *26 U.S.C. § 141.*

28 *(d) If the facility will be located in a county whose*
29 *population is 100,000 or more or a city whose population is*
30 *60,000 or more, the facility meets the following*
31 *requirements:*

32 *(1) There will be 75 or more full-time employees*
33 *working on the construction of the facility during the*
34 *second quarter of construction, including, unless waived by*
35 *the Commissioner for good cause, at least 30 percent who*
36 *are residents of Nevada;*

37 *(2) Establishing the facility will require the facility to*
38 *make a capital investment of at least \$10,000,000 in this*
39 *State;*

40 *(3) The average hourly wage that will be paid by the*
41 *facility to its employees in this State is at least 110 percent of*
42 *the average statewide hourly wage, excluding management*
43 *and administrative employees, as established by the*
44 *Employment Security Division of the Department of*



Employment, Training and Rehabilitation on July 1 of each fiscal year; and

(4) The average hourly wage of the employees working on the construction of the facility will be at least 150 percent of the average statewide hourly wage, excluding management and administrative employees, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The employees working on the construction of the facility must be provided a health insurance plan that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost of the benefits provided to the employees working on the construction of the facility will meet the minimum requirements for benefits established by the Commissioner by regulation pursuant to subsection 10.

(e) If the facility will be located in a county whose population is less than 100,000 or a city whose population is less than 60,000, the facility meets the following requirements:

(1) There will be 50 or more full-time employees working on the construction of the facility during the second quarter of construction, including, unless waived by the Commissioner for good cause, at least 30 percent who are residents of Nevada;

(2) Establishing the facility will require the facility to make a capital investment of at least \$3,000,000 in this State;

(3) The average hourly wage that will be paid by the facility to its employees in this State is at least 110 percent of the average statewide hourly wage, excluding management and administrative employees, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year; and

(4) The average hourly wage of the employees working on the construction of the facility will be at least 150 percent of the average statewide hourly wage, excluding management and administrative employees, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The employees working on the construction of the facility must be provided a health insurance plan that



1 includes an option for health insurance coverage for
2 dependents of the employees; and

3 (II) The cost of the benefits provided to the
4 employees working on the construction of the facility will
5 meet the minimum requirements for benefits established by
6 the Commissioner by regulation pursuant to subsection 10.

7 (f) The financial benefits that will result to this State
8 from the employment by the facility of the residents of this
9 State and from capital investments by the facility in this
10 State will exceed the loss of tax revenue that will result from
11 the abatement.

12 4. The Commissioner shall not approve an application
13 for a partial abatement of the taxes imposed pursuant to
14 chapter 361 of NRS submitted pursuant to subsection 2 by a
15 facility for the generation of electricity from geothermal
16 resources unless the application is approved pursuant to this
17 subsection. The board of county commissioners of a county
18 must approve or deny the application not later than 30 days
19 after the board receives a copy of the application. The board
20 of county commissioners must not condition the approval of
21 the application on a requirement that the facility for the
22 generation of electricity from geothermal resources agree to
23 purchase, lease or otherwise acquire in its own name or on
24 behalf of the county any infrastructure, equipment, facilities
25 or other property in the county that is not directly related to
26 or otherwise necessary for the construction and operation of
27 the facility. If the board of county commissioners does not
28 approve or deny the application within 30 days after the
29 board receives the application, the application shall be
30 deemed denied.

31 5. Notwithstanding the provisions of subsection 3, the
32 Commissioner may, if the Commissioner determines that
33 such action is necessary:

34 (a) Approve an application for a partial abatement for a
35 facility that does not meet the requirements set forth in
36 paragraph (d) or (e) of subsection 3; or

37 (b) Add additional requirements that a facility must meet
38 to qualify for a partial abatement.

39 6. If the Commissioner approves an application for a
40 partial abatement pursuant to this section of:

41 (a) Property taxes imposed pursuant to chapter 361 of
42 NRS, the partial abatement must:

43 (1) Be for a duration of the 20 fiscal years
44 immediately following the date of approval of the
45 application;



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(2) *Be equal to 55 percent of the taxes on real and personal property payable by the facility each year; and*

(3) *Not apply during any period in which the facility is receiving another abatement or exemption from property taxes imposed pursuant to chapter 361 of NRS, other than any partial abatement provided pursuant to NRS 361.4722.*

(b) *Local sales and use taxes:*

(1) *The partial abatement must:*

(I) *Be for the 3 years beginning on the date of approval of the application;*

(II) *Be equal to that portion of the combined rate of all the local sales and use taxes payable by the facility each year which exceeds 0.6 percent; and*

(III) *Not apply during any period in which the facility is receiving another abatement or exemption from local sales and use taxes.*

(2) *The Department of Taxation shall issue to the facility a document certifying the abatement which can be presented to retailers at the time of sale. The document must clearly state that the purchaser is only required to pay sales and use taxes imposed in this State at the rate of 2.6 percent.*

7. *Upon approving an application for a partial abatement pursuant to this section, the Commissioner shall immediately notify the Director of the terms of the abatement and the Director shall immediately forward a certificate of eligibility for the abatement to:*

(a) *The Department of Taxation;*

(b) *The board of county commissioners;*

(c) *The county assessor;*

(d) *The county treasurer; and*

(e) *The Commission on Economic Development.*

8. *As soon as practicable after receiving a copy of:*

(a) *An application pursuant to subsection 2:*

(1) *The Chief of the Budget Division of the Department of Administration shall publish a fiscal note that indicates an estimate of the fiscal impact of the partial abatement on the State and forward a copy of the fiscal note to the Director for submission to the Commissioner; and*

(2) *The Department of Taxation shall publish a fiscal note that indicates an estimate of the fiscal impact of the partial abatement on each affected local government, and forward a copy of the fiscal note to each affected local government and to the Director for submission to the Commissioner.*



1 (b) A certificate of eligibility pursuant to subsection 6,
2 the Department of Taxation shall forward a copy of the
3 certificate to each affected local government.

4 9. A partial abatement approved by the Commissioner
5 pursuant to this section terminates upon any determination
6 by the Commissioner that the facility has ceased to meet any
7 eligibility requirements for the abatement. The
8 Commissioner shall provide notice and a reasonable
9 opportunity to cure any noncompliance issues before
10 making a determination that the facility has ceased to meet
11 those requirements. The Commissioner shall immediately
12 provide notice of each determination of termination to the
13 Director, and the Director shall immediately provide a copy
14 of the notice to:

15 (a) The Department of Taxation, which shall
16 immediately notify each affected local government of the
17 determination;

18 (b) The board of county commissioners;

19 (c) The county assessor;

20 (d) The county treasurer; and

21 (e) The Commission on Economic Development.

22 10. The Commissioner:

23 (a) Shall adopt regulations:

24 (1) Prescribing the minimum level of benefits that a
25 facility must provide to its employees if the facility is going
26 to use benefits paid to employees as a basis to qualify for a
27 partial abatement pursuant to this section;

28 (2) Prescribing such requirements for an application
29 for a partial abatement pursuant to this section as will
30 ensure that all information and other documentation
31 necessary for the Commissioner to make an appropriate
32 determination is filed with the Director;

33 (3) Requiring each recipient of a partial abatement
34 pursuant to this section to file annually with the Director,
35 for submission to the Commissioner, such information and
36 documentation as may be necessary for the Commissioner
37 to determine whether the recipient is in compliance with any
38 eligibility requirements for the abatement; and

39 (4) Regarding the capital investment that a facility
40 must make to meet the requirement set forth in paragraph
41 (d) or (e) of subsection 3; and

42 (b) May adopt such other regulations as the
43 Commissioner determines to be necessary to carry out the
44 provisions of this section.



1 11. Notwithstanding any statutory provision to the
2 contrary, if the Commissioner approves an application for a
3 partial abatement pursuant to this section of:

4 (a) Property taxes imposed pursuant to chapter 361 of
5 NRS, the amount of all the property taxes which are
6 collected from the facility for the period of the abatement
7 must be allocated and distributed in such a manner that:

8 (1) Forty-five percent of that amount is deposited in
9 the unrestricted balance of the State General Fund; and

10 (2) Fifty-five percent of that amount is distributed to
11 the local governmental entities that would otherwise be
12 entitled to receive those taxes in proportion to the relative
13 amount of those taxes those entities would otherwise be
14 entitled to receive.

15 (b) Local sales and use taxes, the State Controller shall
16 allocate, transfer and remit an amount equal to all the sales
17 and use taxes imposed in this State and collected from the
18 facility for the period of the abatement in the same manner
19 as if that amount consisted solely of the proceeds of taxes
20 imposed by NRS 374.110 and 374.190.

21 12. As used in this section:

22 (a) "Biomass" means any organic matter that is
23 available on a renewable basis, including, without
24 limitation:

25 (1) Agricultural crops and agricultural wastes and
26 residues;

27 (2) Wood and wood wastes and residues;

28 (3) Animal wastes;

29 (4) Municipal wastes; and

30 (5) Aquatic plants.

31 (b) "Commissioner" means the Nevada Energy
32 Commissioner appointed pursuant to section 1.21 of Senate
33 Bill No. 358 of this session.

34 (c) "Director" means the Director of the Office of
35 Energy appointed pursuant to NRS 701.150.

36 (d) "Facility for the generation of electricity from
37 renewable energy" means a facility for the generation of
38 electricity that:

39 (1) Uses renewable energy as its primary source of
40 energy; and

41 (2) Has a generating capacity of at least 10
42 megawatts.

43 ↳ The term does not include a facility that is located on
44 residential property.



(e) *“Facility for the generation of process heat from solar renewable energy” means a facility that:*

(1) *Uses solar renewable energy to generate process heat; and*

(2) *Has an output capacity of at least 25,840,000 British thermal units per hour.*

(f) *“Fuel cell” means a device or contrivance which, through the chemical process of combining ions of hydrogen and oxygen, produces electricity and water.*

(g) *“Local sales and use taxes” means any taxes imposed on the gross receipts of any retailer from the sale of tangible personal property sold at retail, or stored, used or otherwise consumed, in any political subdivision of this State, except the taxes imposed by the Sales and Use Tax Act.*

(h) *“Renewable energy” means:*

(1) *Biomass;*

(2) *Fuel cells;*

(3) *Solar energy;*

(4) *Waterpower; or*

(5) *Wind.*

↪ *The term does not include coal, natural gas, oil, propane or any other fossil fuel, geothermal energy or nuclear energy.*

(i) *“Wholesale facility for the generation of electricity from renewable energy” means a facility for the generation of electricity from renewable energy that, except as otherwise provided in subparagraph (2), does not sell the electricity to the end user of the electricity. The term includes:*

(1) *All the machinery and equipment that is used in the facility to collect and store the renewable energy and to convert the renewable energy into electricity.*

(2) *A facility that is owned, leased or otherwise controlled by an entity that has authority to sell electricity and provide transmission services or distribution services, or both.*

2. Section 106.5 of chapter 377, Statutes of Nevada 2009, at page 2010, is hereby amended to read as follows:

Sec. 106.5. Section 28 of this act is hereby amended to read as follows:

Sec. 28. 1. A person who intends to locate a facility for the generation of process heat from solar renewable energy, a wholesale facility for the generation of electricity from renewable energy, a facility for the



1 generation of electricity from geothermal resources or a
2 facility for the transmission of electricity produced from
3 renewable energy or geothermal resources in this State
4 may apply to the Director for a partial abatement of the
5 local sales and use taxes, the taxes imposed pursuant to
6 chapter 361 of NRS, or both local sales and use taxes and
7 taxes imposed pursuant to chapter 361 of NRS. A facility
8 that is owned, operated, leased or otherwise controlled by
9 a governmental entity is not eligible for an abatement
10 pursuant to this section.

11 2. As soon as practicable after the Director receives
12 such an application, the Director shall submit the
13 application to the Commissioner and forward a copy of the
14 application to:

15 (a) The Chief of the Budget Division of the
16 Department of Administration;

17 (b) The Department of Taxation;

18 (c) The board of county commissioners;

19 (d) The county assessor;

20 (e) The county treasurer; and

21 (f) The Commission on Economic Development.

22 ➔ With the copy of the application forwarded to the
23 county treasurer, the Director shall include a notice that
24 the local jurisdiction may request a presentation regarding
25 the facility. A request for a presentation must be made
26 within 30 days after receipt of the application. The
27 Commissioner shall hold a public hearing on the
28 application. The hearing must not be held earlier than 30
29 days after all persons listed in this subsection have
30 received a copy of the application.

31 3. Except as otherwise provided in subsection 4, the
32 Commissioner shall approve an application for a partial
33 abatement pursuant to this section if the Commissioner
34 makes the following determinations:

35 (a) The applicant has executed an agreement with the
36 Commissioner which must:

37 (1) State that the facility will, after the date on
38 which a certificate of eligibility for the abatement is issued
39 pursuant to subsection 6, continue in operation in this
40 State for a period specified by the Commissioner, which
41 must be at least 10 years, and will continue to meet the
42 eligibility requirements for the abatement; and

43 (2) Bind the successors in interest in the facility for
44 the specified period.



(b) The facility is registered pursuant to the laws of this State or the applicant commits to obtain a valid business license and all other permits required by the county, city or town in which the facility operates.

(c) No funding is or will be provided by any governmental entity in this State for the acquisition, design or construction of the facility or for the acquisition of any land therefor, except any private activity bonds as defined in 26 U.S.C. § 141.

(d) If the facility will be located in a county whose population is 100,000 or more or a city whose population is 60,000 or more, the facility meets the following requirements:

(1) There will be 75 or more full-time employees working on the construction of the facility during the second quarter of construction, including, unless waived by the Commissioner for good cause, at least 30 percent who are residents of Nevada;

(2) Establishing the facility will require the facility to make a capital investment of at least \$10,000,000 in this State;

(3) The average hourly wage that will be paid by the facility to its employees in this State is at least 110 percent of the average statewide hourly wage, excluding management and administrative employees, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year; and

(4) The average hourly wage of the employees working on the construction of the facility will be at least 150 percent of the average statewide hourly wage, excluding management and administrative employees, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The employees working on the construction of the facility must be provided a health insurance plan that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost of the benefits provided to the employees working on the construction of the facility will meet the minimum requirements for benefits established by the Commissioner by regulation pursuant to subsection 10.



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(e) If the facility will be located in a county whose population is less than 100,000 or a city whose population is less than 60,000, the facility meets the following requirements:

(1) There will be 50 or more full-time employees working on the construction of the facility during the second quarter of construction, including, unless waived by the Commissioner for good cause, at least 30 percent who are residents of Nevada;

(2) Establishing the facility will require the facility to make a capital investment of at least \$3,000,000 in this State;

(3) The average hourly wage that will be paid by the facility to its employees in this State is at least 110 percent of the average statewide hourly wage, excluding management and administrative employees, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year; and

(4) The average hourly wage of the employees working on the construction of the facility will be at least 150 percent of the average statewide hourly wage, excluding management and administrative employees, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The employees working on the construction of the facility must be provided a health insurance plan that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost of the benefits provided to the employees working on the construction of the facility will meet the minimum requirements for benefits established by the Commissioner by regulation pursuant to subsection 10.

(f) The financial benefits that will result to this State from the employment by the facility of the residents of this State and from capital investments by the facility in this State will exceed the loss of tax revenue that will result from the abatement.

4. The Commissioner shall not approve an application for a partial abatement of the taxes imposed pursuant to chapter 361 of NRS submitted pursuant to subsection 2 by a facility for the generation of electricity from geothermal resources unless the application is



1 approved pursuant to this subsection. The board of county
2 commissioners of a county must approve or deny the
3 application not later than 30 days after the board receives
4 a copy of the application. The board of county
5 commissioners must not condition the approval of the
6 application on a requirement that the facility for the
7 generation of electricity from geothermal resources agree
8 to purchase, lease or otherwise acquire in its own name or
9 on behalf of the county any infrastructure, equipment,
10 facilities or other property in the county that is not directly
11 related to or otherwise necessary for the construction and
12 operation of the facility. If the board of county
13 commissioners does not approve or deny the application
14 within 30 days after the board receives the application, the
15 application shall be deemed denied.

16 5. Notwithstanding the provisions of subsection 3,
17 the Commissioner may, if the Commissioner determines
18 that such action is necessary:

19 (a) Approve an application for a partial abatement for
20 a facility that does not meet the requirements set forth in
21 paragraph (d) or (e) of subsection 3; or

22 (b) Add additional requirements that a facility must
23 meet to qualify for a partial abatement.

24 6. If the Commissioner approves an application for a
25 partial abatement pursuant to this section of:

26 (a) Property taxes imposed pursuant to chapter 361 of
27 NRS, the partial abatement must:

28 (1) Be for a duration of the 20 fiscal years
29 immediately following the date of approval of the
30 application;

31 (2) Be equal to 55 percent of the taxes on real and
32 personal property payable by the facility each year; and

33 (3) Not apply during any period in which the
34 facility is receiving another abatement or exemption from
35 property taxes imposed pursuant to chapter 361 of NRS,
36 other than any partial abatement provided pursuant to
37 NRS 361.4722.

38 (b) Local sales and use taxes:

39 (1) The partial abatement must:

40 (I) Be for the 3 years beginning on the date of
41 approval of the application;

42 (II) Be equal to that portion of the combined
43 rate of all the local sales and use taxes payable by the
44 facility each year which exceeds ~~10.6~~ 0.25 percent; and



(III) Not apply during any period in which the facility is receiving another abatement or exemption from local sales and use taxes.

(2) The Department of Taxation shall issue to the facility a document certifying the abatement which can be presented to retailers at the time of sale. The document must clearly state that the purchaser is only required to pay sales and use taxes imposed in this State at the rate of ~~2.6~~ 2.25 percent.

7. Upon approving an application for a partial abatement pursuant to this section, the Commissioner shall immediately notify the Director of the terms of the abatement and the Director shall immediately forward a certificate of eligibility for the abatement to:

- (a) The Department of Taxation;
- (b) The board of county commissioners;
- (c) The county assessor;
- (d) The county treasurer; and
- (e) The Commission on Economic Development.

8. As soon as practicable after receiving a copy of:

- (a) An application pursuant to subsection 2:

(1) The Chief of the Budget Division of the Department of Administration shall publish a fiscal note that indicates an estimate of the fiscal impact of the partial abatement on the State and forward a copy of the fiscal note to the Director for submission to the Commissioner; and

(2) The Department of Taxation shall publish a fiscal note that indicates an estimate of the fiscal impact of the partial abatement on each affected local government, and forward a copy of the fiscal note to each affected local government and to the Director for submission to the Commissioner.

(b) A certificate of eligibility pursuant to subsection 6, the Department of Taxation shall forward a copy of the certificate to each affected local government.

9. A partial abatement approved by the Commissioner pursuant to this section terminates upon any determination by the Commissioner that the facility has ceased to meet any eligibility requirements for the abatement. The Commissioner shall provide notice and a reasonable opportunity to cure any noncompliance issues before making a determination that the facility has ceased to meet those requirements. The Commissioner shall immediately provide notice of each determination of



1 termination to the Director, and the Director shall
2 immediately provide a copy of the notice to:

3 (a) The Department of Taxation, which shall
4 immediately notify each affected local government of the
5 determination;

6 (b) The board of county commissioners;

7 (c) The county assessor;

8 (d) The county treasurer; and

9 (e) The Commission on Economic Development.

10 10. The Commissioner:

11 (a) Shall adopt regulations:

12 (1) Prescribing the minimum level of benefits that a
13 facility must provide to its employees if the facility is
14 going to use benefits paid to employees as a basis to
15 qualify for a partial abatement pursuant to this section;

16 (2) Prescribing such requirements for an
17 application for a partial abatement pursuant to this section
18 as will ensure that all information and other
19 documentation necessary for the Commissioner to make
20 an appropriate determination is filed with the Director;

21 (3) Requiring each recipient of a partial abatement
22 pursuant to this section to file annually with the Director,
23 for submission to the Commissioner, such information and
24 documentation as may be necessary for the Commissioner
25 to determine whether the recipient is in compliance with
26 any eligibility requirements for the abatement; and

27 (4) Regarding the capital investment that a facility
28 must make to meet the requirement set forth in paragraph
29 (d) or (e) of subsection 3; and

30 (b) May adopt such other regulations as the
31 Commissioner determines to be necessary to carry out the
32 provisions of this section.

33 11. Notwithstanding any statutory provision to the
34 contrary, if the Commissioner approves an application for
35 a partial abatement pursuant to this section of:

36 (a) Property taxes imposed pursuant to chapter 361 of
37 NRS, the amount of all the property taxes which are
38 collected from the facility for the period of the abatement
39 must be allocated and distributed in such a manner that:

40 (1) Forty-five percent of that amount is deposited
41 in the ~~unrestricted balance of the State General Fund;~~
42 *Renewable Energy Fund created by section 28.5 of this*
43 *act;* and

44 (2) Fifty-five percent of that amount is distributed
45 to the local governmental entities that would otherwise be



entitled to receive those taxes in proportion to the relative amount of those taxes those entities would otherwise be entitled to receive.

(b) Local sales and use taxes, the State Controller shall allocate, transfer and remit an amount equal to all the sales and use taxes imposed in this State and collected from the facility for the period of the abatement in the same manner as if that amount consisted solely of the proceeds of taxes imposed by NRS 374.110 and 374.190.

12. As used in this section:

(a) "Biomass" means any organic matter that is available on a renewable basis, including, without limitation:

(1) Agricultural crops and agricultural wastes and residues;

(2) Wood and wood wastes and residues;

(3) Animal wastes;

(4) Municipal wastes; and

(5) Aquatic plants.

(b) "Commissioner" means the Nevada Energy Commissioner appointed pursuant to section 1.21 of Senate Bill No. 358 of this session.

(c) "Director" means the Director of the Office of Energy appointed pursuant to NRS 701.150.

(d) "Facility for the generation of electricity from renewable energy" means a facility for the generation of electricity that:

(1) Uses renewable energy as its primary source of energy; and

(2) Has a generating capacity of at least 10 megawatts.

↪ The term does not include a facility that is located on residential property.

(e) "Facility for the generation of process heat from solar renewable energy" means a facility that:

(1) Uses solar renewable energy to generate process heat; and

(2) Has an output capacity of at least 25,840,000 British thermal units per hour.

(f) "Fuel cell" means a device or contrivance which, through the chemical process of combining ions of hydrogen and oxygen, produces electricity and water.

(g) "Local sales and use taxes" means any taxes imposed on the gross receipts of any retailer from the sale of tangible personal property sold at retail, or stored, used



or otherwise consumed, in any political subdivision of this State, except the taxes imposed by the Sales and Use Tax Act.

(h) "Renewable energy" means:

- (1) Biomass;
- (2) Fuel cells;
- (3) Solar energy;
- (4) Waterpower; or
- (5) Wind.

➤ The term does not include coal, natural gas, oil, propane or any other fossil fuel, geothermal energy or nuclear energy.

(i) "Wholesale facility for the generation of electricity from renewable energy" means a facility for the generation of electricity from renewable energy that, except as otherwise provided in subparagraph (2), does not sell the electricity to the end user of the electricity. The term includes:

(1) All the machinery and equipment that is used in the facility to collect and store the renewable energy and to convert the renewable energy into electricity.

(2) A facility that is owned, leased or otherwise controlled by an entity that has authority to sell electricity and provide transmission services or distribution services, or both.

Sec. 17. Section 9 of chapter 390, Statutes of Nevada 2009, at page 2145, is hereby amended to read as follows:

Sec. 9. (Deleted by amendment.)

Sec. 18. 1. Section 6 of chapter 393, Statutes of Nevada 2009, at page 2184, is hereby amended to read as follows:

Sec. 6. ***1. A valid domestic partnership is registered in the State of Nevada when two persons who satisfy the requirements of subsection 2:***

(a) File with the Office of the Secretary of State, on a form prescribed by the Secretary of State, a signed and notarized statement declaring that both persons:

(1) Have chosen to share one another's lives in an intimate and committed relationship of mutual caring; and

(2) Desire of their own free will to enter into a domestic partnership; and

(b) Pay to the Office of the Secretary of State a reasonable filing fee established by the Secretary of State, which filing fee must not exceed the total of an amount set by the Secretary of State to estimate:



(1) *The cost incurred by the Secretary of State to issue the Certificate described in subsection 3; and*

(2) *Any other associated administrative costs incurred by the Secretary of State.*

↪ *The Office of the Secretary of State shall account for the fees received pursuant to paragraph (b) separately, and use those fees, and any interest and income earned on those fees, solely to pay for expenses related to administering the registration of domestic partnerships pursuant to this chapter, including, without limitation, the cost of materials and technology necessary to process and record the filing.*

2. *To be eligible to register pursuant to subsection 1, two persons desiring to enter into a domestic partnership must furnish proof satisfactory to the Office of the Secretary of State that:*

(a) *Both persons have a common residence;*

(b) *Except as otherwise provided in section 10 of this act, neither person is married or a member of another domestic partnership;*

(c) *The two persons are not related by blood in a way that would prevent them from being married to each other in this State;*

(d) *Both persons are at least 18 years of age; and*

(e) *Both persons are competent to consent to the domestic partnership.*

3. *The Office of the Secretary of State shall issue a Certificate of Registered Domestic Partnership to persons who satisfy the applicable requirements of this section.*

4. *As used in this section:*

(a) *“Common residence” means a residence shared by both domestic partners on at least a part-time basis, irrespective of whether:*

(1) *Ownership of the residence or the right to occupy the residence is in the name of only one of the domestic partners; and*

(2) *One or both of the domestic partners owns or occupies an additional residence.*

(b) *“Residence” means any house, room, apartment, tenement or other building, vehicle, vehicle trailer, semitrailer, house trailer or boat designed or intended for occupancy as a residence.*

2. Section 10 of chapter 393, Statutes of Nevada 2009, at page 2186, is hereby amended to read as follows:

Sec. 10. *A legal union of two persons, other than a marriage as recognized by the Nevada Constitution, that*



was validly formed in another jurisdiction, and that is substantially equivalent to a domestic partnership as defined in this chapter, must be recognized as a valid domestic partnership in this State regardless of whether the union bears the name of a domestic partnership. For a legal union that was validly formed in another jurisdiction to be recognized as a valid domestic partnership in this State, the parties desiring such recognition must comply with the provisions of paragraph (b) of subsection 1 of section 6 of this act.

Sec. 19. 1. Section 21 of chapter 422, Statutes of Nevada 2009, at page 2322, is hereby amended to read as follows:

Sec. 21. NRS 385.376 is hereby amended to read as follows:

385.376 1. Except as otherwise provided in subsection 2, 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 ~~for more~~ consecutive years for failure to make adequate yearly progress, 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 differentiated correction actions, consequences or sanctions, or any combination thereof, as prescribed by the State Board pursuant to NRS 385.361.

2. The Department or the board of trustees of a school district, as applicable, shall grant a delay from the imposition of corrective action, consequences or sanctions, or any combination thereof, 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 Department or the board of trustees, as applicable, may proceed with corrective action, consequences or sanctions, or any combination thereof, for the school, as appropriate, *pursuant to the provisions of sections 2 and 3 of this act* as if the delay never occurred.

3. Before the board of trustees or the Department proceeds with consequences or sanctions, the board of trustees 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 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.

2. Section 21.7 of chapter 422, Statutes of Nevada 2009, at page 2326, is hereby amended to read as follows:

Sec. 21.7. 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 of NRS 385.347 to the board of trustees of the school district in which the charter school is located for inclusion in the report of the school district pursuant to that section. The information must be submitted by the charter school in a format prescribed by the board of trustees.

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 charter schools pursuant to this section and *pursuant to NRS 385.357, 385.3745 or 385.3746, whichever is applicable for the school*, consult with the governing bodies of charter schools and submit written reports concerning charter schools pursuant to NRS 385.359.

Sec. 20. 1. Section 42 of chapter 428, Statutes of Nevada 2009, at page 2389, is hereby amended to read as follows:

Sec. 42. *1. The Division shall adopt regulations governing the certification of intermediary service organizations and such other regulations as it deems necessary to carry out the provisions of sections 29 to 51, inclusive, of this act.*

2. The Division may:

(a) Upon receipt of an application for a certificate, conduct an investigation into the qualifications of personnel, methods of operation and policies and purposes of any person proposing to engage in the operation of an intermediary service organization.

(b) Upon receipt of a complaint against an intermediary service organization, except for a complaint concerning the cost of services, conduct an investigation into the



qualifications of personnel, methods of operation and policies, procedures and records of that intermediary service organization or any other intermediary service organization which may have information pertinent to the complaint.

(c) Employ such professional, technical and clerical assistance as it deems necessary to carry out the provisions of sections 29 to 51, inclusive, of this act.

2. Section 93 of chapter 428, Statutes of Nevada 2009, at page 2407, is hereby amended to read as follows:

Sec. 93. 1. This section and sections 1 to 7, inclusive, and 9 to 92, inclusive, of this act become effective on July 1, 2009.

2. Section 7 of this act expires by limitation on June 30, 2011.

3. Section 8 of this act becomes effective on July 1, 2011.

4. Sections 14 to 24, inclusive, of this act expire by limitation on June 30, 2013.

5. Sections 32, 33 and 39 of this act ~~are effective until the date of the repeal of the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.] 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.

Sec. 21. Chapter 446, Statutes of Nevada 2009, at page 2500, is hereby amended by adding thereto a new section to be designated as section 7.5, immediately following section 7, to read as follows:

Sec. 7.5. NRS 644.110 is hereby amended to read as follows:

644.110 The Board shall adopt reasonable regulations:

1. For carrying out the provisions of this chapter.

2. For conducting examinations of applicants for licenses.



3. For governing the recognition of, and the credits to be given to, the study of cosmetology under a licensed electrologist or in a school of cosmetology licensed pursuant to the laws of another state or territory of the United States or the District of Columbia.

4. For governing the conduct of schools of cosmetology. The regulations must include but need not be limited to, provisions:

(a) Prohibiting schools from requiring that students purchase beauty supplies for use in the course of study;

(b) Prohibiting schools from deducting earned hours of school credit or any other compensation earned by a student as a punishment for misbehavior of the student;

(c) Providing for lunch and coffee recesses for students during school hours; and

(d) Allowing a member or an authorized employee of the Board to review the records of a student's training and attendance.

5. Governing the courses of study and practical training required of persons for treating the skin of the human body .
~~[, except the scalp.]~~

6. For governing the conduct of cosmetological establishments.

Sec. 22. Section 10 of chapter 480, Statutes of Nevada 2009, at page 2755, is hereby amended to read as follows:

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:

(a) “Biomass” means any organic matter that is available on a renewable basis, including, without limitation:

(1) Agricultural crops and agricultural wastes and residues;

(2) Wood and wood wastes and residues;

(3) Animal wastes;

(4) Municipal wastes; and

(5) Aquatic plants.

(b) “Renewable energy” means:

(1) Biomass;

(2) Solar energy; or

(3) Wind.

↪ The term does not include coal, natural gas, oil, propane or any other fossil fuel, or nuclear energy.



1 **Sec. 23.** Section 56 of chapter 488, Statutes of Nevada 2009,
2 at page 2861, is hereby amended to read as follows:

3 Sec. 56. 1. This section and sections 15.5, 16.2, 16.6
4 and 55.5 of this act become effective upon passage and
5 approval.

6 2. Sections 1 to 14, inclusive, 16 and 17 to 53.5,
7 inclusive, of this act become effective on July 1, 2009.

8 3. Sections 16.4 and 16.8 of this act become effective on
9 July 1, 2011.

10 4. ~~[Sections]~~ *Section* 16.2 ~~[and 16.6]~~ of this act ~~[expire]~~
11 *expires* by limitation on June 30, 2011.

12 **Sec. 24.** Section 3 of chapter 495, Statutes of Nevada 2009, at
13 page 3001, is hereby amended to read as follows:

14 Sec. 3. 1. *It is not a violation of NRS 631.395, or an*
15 *act of dishonorable or unprofessional conduct under NRS*
16 *631.346 to 631.349, inclusive, for a person described in*
17 *paragraph (h) of subsection 2 of NRS 631.215 to provide, or*
18 *receive payment for providing, goods or services in*
19 *accordance with the conditions set forth in paragraph (h) of*
20 *subsection 2 of NRS 631.215.*

21 2. *It is not a violation of NRS 631.3465 for a dentist or*
22 *a professional entity organized by a dentist pursuant to the*
23 *provisions of chapter 89 of NRS to contract with a person*
24 *described in and operating in accordance with the*
25 *conditions set forth in paragraph (h) of subsection 2 of*
26 *NRS 631.215.*

27 **Sec. 25.** Section 10 of chapter 500, Statutes of Nevada 2009,
28 at page 3040, is hereby amended to read as follows:

29 Sec. 10. NRS 616D.120 is hereby amended to read as
30 follows:

31 616D.120 1. Except as otherwise provided in this
32 section, if the Administrator determines that an insurer,
33 organization for managed care, health care provider, third-
34 party administrator, employer or employee leasing company
35 has:

36 (a) Induced a claimant to fail to report an accidental
37 injury or occupational disease;

38 (b) Without justification, persuaded a claimant to:

39 (1) Settle for an amount which is less than reasonable;

40 (2) Settle for an amount which is less than reasonable
41 while a hearing or an appeal is pending; or

42 (3) Accept less than the compensation found to be due
43 the claimant by a hearing officer, appeals officer, court of
44 competent jurisdiction, written settlement agreement, written



1 stipulation or the Division when carrying out its duties
2 pursuant to chapters 616A to 617, inclusive, of NRS;

3 (c) Refused to pay or unreasonably delayed payment to a
4 claimant of compensation or other relief found to be due the
5 claimant by a hearing officer, appeals officer, court of
6 competent jurisdiction, written settlement agreement, written
7 stipulation or the Division when carrying out its duties
8 pursuant to chapters 616A to 616D, inclusive, or chapter 617
9 of NRS, if the refusal or delay occurs:

10 (1) Later than 10 days after the date of the settlement
11 agreement or stipulation;

12 (2) Later than 30 days after the date of the decision of
13 a court, hearing officer, appeals officer or the Division, unless
14 a stay has been granted; or

15 (3) Later than 10 days after a stay of the decision of a
16 court, hearing officer, appeals officer or the Division has been
17 lifted;

18 (d) Refused to process a claim for compensation pursuant
19 to chapters 616A to 616D, inclusive, or chapter 617 of NRS;

20 (e) Made it necessary for a claimant to initiate
21 proceedings pursuant to chapters 616A to 616D, inclusive, or
22 chapter 617 of NRS for compensation or other relief found to
23 be due the claimant by a hearing officer, appeals officer, court
24 of competent jurisdiction, written settlement agreement,
25 written stipulation or the Division when carrying out its
26 duties pursuant to chapters 616A to 616D, inclusive, or
27 chapter 617 of NRS;

28 (f) Failed to comply with the Division's regulations
29 covering the payment of an assessment relating to the funding
30 of costs of administration of chapters 616A to 617, inclusive,
31 of NRS;

32 (g) Failed to provide or unreasonably delayed payment to
33 an injured employee or reimbursement to an insurer pursuant
34 to NRS 616C.165; ~~or~~

35 (h) *Engaged in a pattern of untimely payments to*
36 *injured employees; or*

37 (i) Intentionally failed to comply with any provision of, or
38 regulation adopted pursuant to, this chapter or chapter 616A,
39 616B, 616C or 617 of NRS,

40 ➡ the Administrator shall impose an administrative fine of
41 \$1,500 for each initial violation, or a fine of \$15,000 for a
42 second or subsequent violation.

43 2. Except as otherwise provided in chapters 616A to
44 616D, inclusive, or chapter 617 of NRS, if the Administrator
45 determines that an insurer, organization for managed care,



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1 health care provider, third-party administrator, employer or
2 employee leasing company has failed to comply with any
3 provision of this chapter or chapter 616A, 616B, 616C or 617
4 of NRS, or any regulation adopted pursuant thereto, the
5 Administrator may take any of the following actions:

6 (a) Issue a notice of correction for:

7 (1) A minor violation, as defined by regulations
8 adopted by the Division; or

9 (2) A violation involving the payment of
10 compensation in an amount which is greater than that
11 required by any provision of this chapter or chapter 616A,
12 616B, 616C or 617 of NRS, or any regulation adopted
13 pursuant thereto.

14 ➤ The notice of correction must set forth with particularity
15 the violation committed and the manner in which the
16 violation may be corrected. The provisions of this section do
17 not authorize the Administrator to modify or negate in any
18 manner a determination or any portion of a determination
19 made by a hearing officer, appeals officer or court of
20 competent jurisdiction or a provision contained in a written
21 settlement agreement or written stipulation.

22 (b) Impose an administrative fine for:

23 (1) A second or subsequent violation for which a
24 notice of correction has been issued pursuant to paragraph
25 (a); or

26 (2) Any other violation of this chapter or chapter
27 616A, 616B, 616C or 617 of NRS, or any regulation adopted
28 pursuant thereto, for which a notice of correction may not be
29 issued pursuant to paragraph (a).

30 ➤ The fine imposed must not be greater than \$375 for an
31 initial violation, or more than ~~[\$1,500]~~ **\$3,000** for any second
32 or subsequent violation.

33 (c) Order a plan of corrective action to be submitted to the
34 Administrator within 30 days after the date of the order.

35 3. If the Administrator determines that a violation of any
36 of the provisions of paragraphs (a) to (e), inclusive, ~~[or]~~ (h) **or**
37 (i) of subsection 1 has occurred, the Administrator shall order
38 the insurer, organization for managed care, health care
39 provider, third-party administrator, employer or employee
40 leasing company to pay to the claimant a benefit penalty:

41 (a) Except as otherwise provided in paragraph (b), in an
42 amount that is not less than \$5,000 and not greater than
43 ~~[\$37,500;]~~ **\$50,000;** or



(b) Of \$3,000 if the violation involves a late payment of compensation or other relief to a claimant in an amount which is less than \$500 or which is not more than 14 days late.

4. To determine the amount of the benefit penalty, the Administrator shall consider the degree of physical harm suffered by the injured employee or the dependents of the injured employee as a result of the violation of paragraph (a), (b), (c), (d), (e), ~~(h)~~ *or (i)* of subsection 1, the amount of compensation found to be due the claimant and the number of fines and benefit penalties, other than a benefit penalty described in paragraph (b) of subsection 3, previously imposed against the insurer, organization for managed care, health care provider, third-party administrator, employer or employee leasing company pursuant to this section. ~~If this is the third violation within 5 years for which a benefit penalty, other than a benefit penalty described in paragraph (b) of subsection 3, has been imposed against the insurer, organization for managed care, health care provider, third-party administrator, employer or employee leasing company, the~~ *The* Administrator shall also consider the degree of economic harm suffered by the injured employee or the dependents of the injured employee as a result of the violation of paragraph (a), (b), (c), (d), (e), ~~(h)~~ *or (i)* of subsection 1. Except as otherwise provided in this section, the benefit penalty is for the benefit of the claimant and must be paid directly to the claimant within 10 days after the date of the Administrator's determination. If the claimant is the injured employee and the claimant dies before the benefit penalty is paid to him or her, the benefit penalty must be paid to the estate or the claimant. Proof of the payment of the benefit penalty must be submitted to the Administrator within 10 days after the date of the Administrator's determination unless an appeal is filed pursuant to NRS 616D.140. Any compensation to which the claimant may otherwise be entitled pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS must not be reduced by the amount of any benefit penalty received pursuant to this subsection. *To determine the amount of the benefit penalty in cases of multiple violations occurring within a certain period of time, the Administrator shall adopt regulations which take into consideration:*

(a) The number of violations within a certain number of years for which a benefit penalty was imposed; and

(b) The number of claims handled by the insurer, organization for managed care, health care provider, third-



party administrator, employer or employee leasing company in relation to the number of benefit penalties previously imposed within the period of time prescribed pursuant to paragraph (a).

5. In addition to any fine or benefit penalty imposed pursuant to this section, the Administrator may assess against an insurer who violates any regulation concerning the reporting of claims expenditures or premiums received that are used to calculate an assessment ☐ an administrative penalty of up to twice the amount of any underpaid assessment.

6. If:

(a) The Administrator determines that a person has violated any of the provisions of NRS 616D.200, 616D.220, 616D.240, 616D.300, 616D.310 or 616D.350 to 616D.440, inclusive; and

(b) The Fraud Control Unit for Industrial Insurance of the Office of the Attorney General established pursuant to NRS 228.420 notifies the Administrator that the Unit will not prosecute the person for that violation,

→ the Administrator shall impose an administrative fine of not more than \$15,000.

7. Two or more fines of \$1,000 or more imposed in 1 year for acts enumerated in subsection 1 must be considered by the Commissioner as evidence for the withdrawal of:

(a) A certificate to act as a self-insured employer.

(b) A certificate to act as an association of self-insured public or private employers.

(c) A certificate of registration as a third-party administrator.

8. The Commissioner may, without complying with the provisions of NRS 616B.327 or 616B.431, withdraw the certification of a self-insured employer, association of self-insured public or private employers or third-party administrator if, after a hearing, it is shown that the self-insured employer, association of self-insured public or private employers or third-party administrator violated any provision of subsection 1.

9. If the Administrator determines that a vocational rehabilitation counselor has violated the provisions of NRS 616C.543, the Administrator may impose an administrative fine on the vocational rehabilitation counselor of not more than \$250 for a first violation, \$500 for a second violation and \$1,000 for a third or subsequent violation.



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1 10. *The Administrator may make a claim against the*
2 *bond required pursuant to NRS 683A.0857 for the payment*
3 *of any administrative fine or benefit penalty imposed for a*
4 *violation of the provisions of this section.*

5 **Sec. 26.** 1. Section 40 of chapter 504, Statutes of Nevada
6 2009, at page 3095, is hereby amended to read as follows:

7 Sec. 40. 1. *Except as otherwise provided in section*
8 *41 of this act, before any off-highway vehicle dealer, long-*
9 *term or short-term lessor or manufacturer is issued a*
10 *license pursuant to this chapter, the Department shall*
11 *require that the applicant procure and file with the*
12 *Department a good and sufficient bond with a corporate*
13 *surety thereon, duly licensed to do business within the State*
14 *of Nevada, approved as to form by the Attorney General and*
15 *conditioned that the applicant or any employee who acts on*
16 *the applicant's behalf within the scope of his or her*
17 *employment shall conduct his or her business as an off-*
18 *highway vehicle dealer, lessor or manufacturer without*
19 *breaching a consumer contract or engaging in a deceptive*
20 *trade practice, fraud or fraudulent representation and*
21 *without violation of the provisions of this chapter. The bond*
22 *must be in the amount of \$50,000.*

23 2. *The Department may, pursuant to a written*
24 *agreement with any off-highway vehicle dealer, long-term*
25 *or short-term lessor or manufacturer who has been licensed*
26 *to do business in this State for at least 5 years, allow a*
27 *reduction in the amount of the bond of the off-highway*
28 *vehicle dealer, lessor or manufacturer if such business has*
29 *been conducted in a manner satisfactory to the Department*
30 *for the preceding 5 years. No bond may be reduced to less*
31 *than 50 percent of the bond required pursuant to*
32 *subsection 1.*

33 3. *The bond must be continuous in form, and the total*
34 *aggregate liability on the bond must be limited to the*
35 *payment of the total amount of the bond.*

36 4. *The undertaking on the bond includes any breach of*
37 *a consumer contract, deceptive trade practice, fraud,*
38 *fraudulent representation or violation of any of the*
39 *provisions of this chapter by the representative or off-*
40 *highway vehicle salesperson of any licensed off-highway*
41 *vehicle dealer, long-term or short-term lessor or*
42 *manufacturer who acts on behalf of the off-highway vehicle*
43 *dealer, lessor or manufacturer and within the scope of the*
44 *employment of the representative or off-highway vehicle*
45 *salesperson.*



1 5. The bond must provide that any person injured by
2 the action of the off-highway vehicle dealer, long-term or
3 short-term lessor, manufacturer, representative or off-
4 highway vehicle salesperson in violation of any provision of
5 this chapter may apply to the Director, for good cause
6 shown, for compensation from the bond. The surety issuing
7 the bond shall appoint the Secretary of State as its agent to
8 accept service of notice or process for the surety in any
9 action upon the bond brought in a court of competent
10 jurisdiction or brought before the Director.

11 6. If a person is injured by the actions of an off-
12 highway vehicle dealer, long-term or short-term lessor,
13 manufacturer, representative or off-highway vehicle
14 salesperson, the person may:

15 (a) Bring and maintain an action in any court of
16 competent jurisdiction. If the court enters:

17 (1) A judgment on the merits against the off-highway
18 vehicle dealer, lessor, manufacturer, representative or off-
19 highway vehicle salesperson, the judgment is binding on the
20 surety.

21 (2) A judgment other than on the merits against the
22 off-highway vehicle dealer, lessor, manufacturer,
23 representative or off-highway vehicle salesperson,
24 including, without limitation, a default judgment, the
25 judgment is binding on the surety only if the surety was
26 given notice and an opportunity to defend at least 20 days
27 before the date on which the judgment was entered against
28 the off-highway vehicle dealer, lessor, manufacturer,
29 representative or off-highway vehicle salesperson.

30 (b) Apply to the Director, for good cause shown, for
31 compensation from the bond. The Director may determine
32 the amount of compensation and the person to whom it is to
33 be paid. The surety shall then make the payment.

34 (c) Settle the matter with the off-highway vehicle dealer,
35 lessor, manufacturer, representative or off-highway vehicle
36 salesperson. If such a settlement is made, the settlement
37 must be reduced to writing, signed by both parties and
38 acknowledged before any person authorized to take
39 acknowledgments in this State and submitted to the Director
40 with a request for compensation from the bond. If the
41 Director determines that the settlement was reached in good
42 faith and there is no evidence of collusion or fraud between
43 the parties in reaching the settlement, the surety shall make
44 the payment to the injured person in the amount agreed
45 upon in the settlement.



1 7. Any judgment entered by a court against an off-
2 highway vehicle dealer, long-term or short-term lessor,
3 manufacturer, representative or off-highway vehicle
4 salesperson may be executed through a writ of attachment,
5 garnishment, execution or other legal process, or the person
6 in whose favor the judgment was entered may apply to the
7 Director for compensation from the bond of the off-highway
8 vehicle dealer, lessor, manufacturer, representative or off-
9 highway vehicle salesperson.

10 8. The Department shall not issue a license pursuant to
11 subsection 1 to an off-highway vehicle dealer, long-term or
12 short-term lessor or manufacturer who does not have and
13 maintain an established place of business in this State.

14 2. Section 42 of chapter 504, Statutes of Nevada 2009, at page
15 3097, is hereby amended to read as follows:

16 Sec. 42. 1. The bond required by section 40 of this
17 act or deposit made pursuant to section 41 of this act must
18 cover the licensee's principal place of business and all
19 branches operated by the licensee, including, without
20 limitation, any place of business operated in this State by
21 the licensee that is located outside the county of the
22 licensee's principal office or any place of business operated
23 by the licensee under a different name.

24 2. In addition to the coverage provided by the licensee's
25 bond or deposit pursuant to subsection 1, the licensee shall
26 procure a separate bond or make a separate deposit for:

27 (a) Each place of business operated in this State by the
28 licensee that is located outside the county of the licensee's
29 principal office; and

30 (b) Each place of business operated by the licensee
31 under a different name.

32 3. Chapter 504, Statutes of Nevada 2009, at page 3104, is
33 hereby amended by adding thereto a new section to be designated as
34 section 58.8, immediately following section 58.7, to read as follows:

35 Sec. 58.8. Section 28 of this act is hereby amended to
36 read as follows:

37 Sec. 28. 1. An application for a license for an off-
38 highway vehicle dealer, long-term or short-term lessor or
39 manufacturer must be filed upon forms supplied by the
40 Department . ~~and include the social security number of~~
41 ~~the applicant.~~ The forms must designate the persons
42 whose names are required to appear thereon. The applicant
43 must furnish:



(a) Such proof as the Department may deem necessary that the applicant is an off-highway vehicle dealer, long-term or short-term lessor or manufacturer.

(b) A fee of \$125.

(c) A fee for the processing of fingerprints. The Department shall establish by regulation the fee for processing fingerprints. The fee must not exceed the sum of the amounts charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation for processing the fingerprints.

(d) For initial licensure, a complete set of the applicant's fingerprints and written permission authorizing the Department to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

(e) If the applicant is a natural person, the statement required pursuant to section 24 of this act.

(f) A certificate of insurance for liability.

2. Upon receipt of the application and when satisfied that the applicant is entitled thereto, the Department shall issue to the applicant a license for an off-highway vehicle dealer, long-term or short-term lessor or manufacturer containing the name of the licensee and the address of his or her established place of business or the address of the main office of a manufacturer without an established place of business in this State.

3. Licenses issued pursuant to this section expire on December 31 of each year. Before December 31 of each year, a licensee must furnish the Department with an application for renewal of his or her license accompanied by an annual fee of \$50. If the applicant is a natural person, the application for renewal also must be accompanied by the statement required pursuant to section 24 of this act. The additional fee for the processing of fingerprints, established by regulation pursuant to paragraph (c) of subsection 1, must be submitted for each applicant whose name does not appear on the original application for the license. The renewal application must be provided by the Department and contain information required by the Department.

4. Section 63 of chapter 504, Statutes of Nevada 2009, at page 3105, is hereby amended to read as follows:

Sec. 63. 1. This section and sections 19.5 and 62.5 of this act become effective upon passage and approval.



2. Sections 1 to 19, inclusive, ~~and~~ 20 to **58.7, inclusive, and 59 to** 62, inclusive, of this act become effective:

(a) Upon passage and approval for purposes of:

(1) The appointment by the Governor of the members of the Commission on Off-Highway Vehicles created by section 16 of this act; and

(2) The adoption of regulations to carry out the provisions of this act.

(b) On July 1, 2011, or 1 year after the date the Interim Finance Committee issues a notice to the Department of Motor Vehicles pursuant to section 62.5 of this act, whichever occurs first, for all other purposes.

3. This section and sections 1 to **58.7, inclusive, and 59 to** 62.5, inclusive, of this act expire by limitation on July 1, 2011, if the Interim Finance Committee has not issued a notice to the Department of Motor Vehicles pursuant to section 62.5 of this act before that date.

4. Except as otherwise provided in subsection 3, sections 24 and 25 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 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.

5. Section 58.8 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 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, only if the Interim Finance Committee issues a notice to the



1 *Department of Motor Vehicles pursuant to section 62.5 of*
2 *this act before July 1, 2011.*
3 **Sec. 27.** This act becomes effective upon passage and
4 approval.

