

THE SIXTY-EIGHTH DAY

CARSON CITY (Friday), April 15, 2011

Assembly called to order at 12:02 p.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Elder Ralph Burns.

Creator, We thank you for all the blessings you have given us. We are thankful this morning for the elected ones. Bless them that their minds and bodies will be strong as they work to meet the needs of the people of this land. Bless all the warriors that teach, protect, serve, and heal and the ones that watch over us. Bless our Mother Earth, our water, our air and all living things.

Go in a good way.

AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that the remarks on Assembly Bills Nos. 225, 229, and Senate Concurrent Resolution 6 be entered into the Journal for April 11, 2011.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 211, 331, 390, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Commerce and Labor, to which was referred Assembly Joint Resolution No. 6, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 23, 309, 323, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which was referred Assembly Bill No. 287, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation, and rerefer to the Committee on Ways and Means.

KELVIN ATKINSON, *Chair*

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 456, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Education, to which were referred Assembly Bills Nos. 233, 395, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Education, to which were referred Assembly Bills Nos. 314, 554, 557, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation, and rerefer to the Committee on Ways and Means.

DAVID P. BOBZIEN, *Chair*

Mr. Speaker:

Your Concurrent Committee on Education, to which was referred Assembly Bill No. 137, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID P. BOBZIEN, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 237, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARILYN K. KIRKPATRICK, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 533, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Health and Human Services, to which were referred Assembly Bills Nos. 36, 160, 295, 319, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Health and Human Services, to which was referred Assembly Bill No. 170, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Health and Human Services, to which was referred Assembly Bill No. 286, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation, and rerefer to the Committee on Ways and Means.

APRIL MASTROLUCA, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 271, 355, 459, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which were referred Assembly Bills Nos. 109, 111, 121, 125, 142, 261, 313, 348, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WILLIAM C. HORNE, *Chair*

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which was referred Assembly Joint Resolution No. 7, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Legislative Operations and Elections, to which was referred Assembly Bill No. 82, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

TICK SEGERBLOM, *Chair*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 453, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MAGGIE CARLTON, *Chair*

Mr. Speaker:

Your Committee on Taxation, to which was referred Assembly Bill No. 504, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Taxation, to which were referred Assembly Bills Nos. 392, 447, 506, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation, and rerefer to the Committee on Ways and Means.

MARILYN K. KIRKPATRICK, *Chair*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 188, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Transportation, to which was referred Assembly Bill No. 232, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARILYN DONDERO LOOP, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 524, 565; Senate Bill No. 220, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was referred Assembly Bill No. 478, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DEBBIE SMITH, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 14, 2011

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 175, 279, 280, 317, 348, 353, 358, 408.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Joint Resolution No. 14.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 30, 44, 65, 74, 77, 82, 85, 96, 102, 111, 120, 136, 143, 153, 167, 215.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Legislative Operations and Elections:

Assembly Resolution No. 8—Providing for the appointment of additional attachés for the Assembly.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That Diane O'Flynn and Rebecca Richman are elected as additional attachés of the Assembly for the 76th Session of the Nevada Legislature.

Assemblyman Conklin moved the adoption of the resolution.

Remarks by Assemblyman Conklin.

Resolution adopted.

By the Committee on Judiciary:

Senate Joint Resolution No. 14—Proposing to amend the Nevada Constitution to create an intermediate appellate court.

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That a new section, designated Section 3A, be added to Article 6 of the Nevada Constitution to read as follows:

Sec. 3A. 1. The court of appeals consists of three judges or such greater number as the Legislature may provide by law. If the number of judges is so increased, the Supreme Court must provide by rule for the assignment of each appeal to a panel of three judges for decision.

2. After the initial terms, each judge of the court of appeals must be elected by the qualified electors of this State at the general election for a term of 6 years beginning on the first Monday of January next after the election. The initial three judges of the court of appeals must be appointed by the Governor from among three nominees selected for each individual seat by the permanent Commission on Judicial Selection described in subsection 3 of section 20 of this Article. After the expiration of 30 days from the date on which the permanent Commission on Judicial Selection has delivered to the Governor its list of nominees for the initial judges, if the Governor has not made the appointments required by this Section, the Governor shall make no other appointment to any public office until the Governor has appointed a judge from the list submitted. The term of the initial judges is 2 years beginning on the first Monday of January next after the effective date of this Section, and an initial judge may succeed himself. If there is an increase in the number of judges, each additional judge must be elected by the qualified electors of this State at the first general election following the increase for a term of 6 years beginning on the first Monday of January next after the election.

3. The Chief Justice of the Supreme Court shall appoint one of the judges of the court of appeals to be chief judge. The chief judge serves a term of 4 years, except that the term of the initial chief judge is 2 years. The chief judge may succeed himself. The chief judge may resign the position of chief judge without resigning from the court of appeals.

4. The Supreme Court shall provide by rule for the assignment of one or more judges of the court of appeals to devote a part of their time to serve as supplemental district judges, where needed.

And be it further

RESOLVED, That Section 1 of Article 6 of the Nevada Constitution be amended to read as follows:

Section 1. The judicial power of this State ~~shall be~~ is vested in a court system, comprising a Supreme Court, **a court of appeals**, district courts ~~and~~ and justices of the peace. The Legislature may also establish, as part of the system, courts for municipal purposes only in incorporated cities and towns.

And be it further

RESOLVED, That Section 4 of Article 6 of the Nevada Constitution be amended to read as follows:

Sec. 4. **1.** The Supreme Court ~~{shall}~~ **and the court of appeals** have appellate jurisdiction in all civil cases arising in district courts, and also on questions of law alone in all criminal cases in which the offense charged is within the original jurisdiction of the district courts. **The Supreme Court shall fix by rule the jurisdiction of the court of appeals and shall provide for the review, where appropriate, of appeals decided by the court of appeals.** The ~~court shall also~~ **Supreme Court and the court of appeals** have power to issue writs of mandamus, certiorari, prohibition, quo warranto ~~{}~~ and habeas corpus and also all writs necessary or proper to the complete exercise of ~~{its appellate}~~ **their** jurisdiction. Each ~~{of the justices shall have power to}~~ **justice of the Supreme Court and judge of the court of appeals may** issue writs of habeas corpus to any part of the State, upon petition by, or on behalf of, any person held in actual custody ~~{}~~ **in this State** and may make such writs returnable ~~{}~~ before ~~himself~~ **the issuing justice or judge** or the ~~{Supreme Court,}~~ **court of which the justice or judge is a member**, or before any district court in the State or ~~before~~ any judge of ~~{said courts,}~~ **a district court.**

2. In case of the disability or disqualification, for any cause, of ~~{the Chief Justice or one of the associate justices}~~ **a justice** of the Supreme Court, ~~for any two of them,}~~ the Governor ~~is authorized and empowered to~~ **may** designate ~~{any}~~ **a judge of the court of appeals or a** district judge ~~{or judges}~~ to sit in the place ~~for places}~~ of ~~{such}~~ **the** disqualified or disabled justice. ~~for justices, and said judge or judges so designated shall receive their}~~ **The judge designated by the Governor is entitled to receive his** actual expense of travel and otherwise while sitting in the Supreme Court.

3. In the case of the disability or disqualification, for any cause, of a judge of the court of appeals, the Governor may designate a district judge to sit in the place of the disabled or disqualified judge. The judge whom the Governor designates is entitled to receive his actual expense of travel and otherwise while sitting in the court of appeals.

And be it further

RESOLVED, That Section 7 of Article 6 of the Nevada Constitution be amended to read as follows:

Sec. 7. The times of holding the Supreme Court, **the court of appeals** and **the** district courts ~~{shall}~~ **must** be as fixed by law. The terms of the Supreme Court ~~{shall}~~ **must** be held at the seat of government unless the Legislature otherwise provides by law, except that the Supreme Court may hear oral argument at other places in the State. **The terms of the court of appeals must be held at the place provided by law.** The terms of the district courts ~~{shall}~~ **must** be held at the county seats of their respective counties unless the Legislature otherwise provides by law.

And be it further

RESOLVED, That Section 8 of Article 6 of the Nevada Constitution be amended to read as follows:

Sec. 8. **1.** The Legislature shall determine the number of justices of the peace to be elected in each city and township of the State ~~{}~~ and shall fix by law their qualifications, their terms of office and the limits of their civil and criminal jurisdiction, according to the amount in controversy, the nature of the case, the penalty provided ~~{}~~ or any combination of these.

2. The provisions of this section affecting the number, qualifications, terms of office and jurisdiction of justices of the peace become effective on the first Monday of January, 1979.

3. The Legislature shall also prescribe by law the manner, and determine the cases, in which appeals may be taken from justices and other courts. The Supreme Court, **the court of appeals**, the district courts ~~{}~~ and such other courts ~~{}~~ as the Legislature ~~{shall designate, shall be}~~ **designates are** courts of record.

And be it further

RESOLVED, That Section 11 of Article 6 of the Nevada Constitution be amended to read as follows:

Sec. 11. The justices of the Supreme Court , ***the judges of the court of appeals*** and the district judges ~~shall be~~ **are** ineligible to any office, other than a judicial office, during the term for which they ~~shall~~ have been elected or appointed . ~~It and all~~ **All** elections or appointments of any such judges by the people, Legislature ~~or~~ or otherwise ~~or~~ during said period ~~or~~ to any office other than judicial ~~shall be~~ **are** void.

And be it further

RESOLVED, That Section 15 of Article 6 of the Nevada Constitution be amended to read as follows:

Sec. 15. The justices of the Supreme Court , ***the judges of the court of appeals*** and ~~the~~ district judges ~~shall~~ **are** each **entitled to** receive for their services a compensation to be fixed by law and paid in the manner provided by law, which ~~shall~~ **must** not be increased or diminished during the term for which they ~~shall~~ have been elected, unless a vacancy occurs, in which case the successor of the former incumbent ~~shall~~ **is entitled to** receive only such salary as may be provided by law at the time of his election or appointment . ~~It and provision shall~~ **A provision must** be made by law for setting apart from each year's revenue a sufficient amount of money ~~or~~ to pay such compensation.

And be it further

RESOLVED, That Section 20 of Article 6 of the Nevada Constitution be amended to read as follows:

Sec. 20. 1. When a vacancy occurs before the expiration of any term of office in the Supreme Court ***or the court of appeals*** or among the district judges, the Governor shall appoint a justice or judge from among three nominees selected for such individual vacancy by the Commission on Judicial Selection.

2. The term of office of any justice or judge so appointed expires on the first Monday of January following the next general election.

3. Each nomination for the Supreme Court ~~shall~~ **or the court of appeals must** be made by the permanent Commission, composed of:

(a) The Chief Justice or an associate justice designated by him;

(b) Three members of the State Bar of Nevada, a public corporation created by statute, appointed by its Board of Governors; and

(c) Three persons, not members of the legal profession, appointed by the Governor.

4. Each nomination for the district court ~~shall~~ **must** be made by a temporary commission composed of:

(a) The permanent Commission;

(b) A member of the State Bar of Nevada resident in the judicial district in which the vacancy occurs, appointed by the Board of Governors of the State Bar of Nevada; and

(c) A resident of such judicial district, not a member of the legal profession, appointed by the Governor.

5. If at any time the State Bar of Nevada ceases to exist as a public corporation or ceases to include all attorneys admitted to practice before the courts of this State, the Legislature shall provide by law, or if it fails to do so the **Supreme** Court shall provide by rule, for the appointment of attorneys at law to the positions designated in this Section to be occupied by members of the State Bar of Nevada.

6. The term of office of each appointive member of the permanent Commission, except the first members, is 4 years. Each appointing authority shall appoint one of the members first appointed for a term of 2 years. If a vacancy occurs, the appointing authority shall fill the vacancy for the unexpired term. The additional members of a temporary commission ~~shall~~ **must** be appointed when a vacancy occurs, and their terms ~~shall~~ expire when the nominations for such vacancy have been transmitted to the Governor.

7. An appointing authority shall not appoint to the permanent Commission more than:

- (a) One resident of any county.
- (b) Two members of the same political party.

No member of the permanent Commission may be a member of ~~for~~ **the** Commission on Judicial Discipline.

8. After the expiration of 30 days from the date on which the Commission on Judicial Selection has delivered to him its list of nominees for any vacancy, if the Governor has not made the appointment required by this Section, he shall make no other appointment to any public office until he has appointed a justice or judge from the list submitted.

~~[[If a commission on judicial selection is established by another section of this Constitution to nominate persons to fill vacancies on the Supreme Court, such commission shall serve as the permanent Commission established by subsection 3 of this Section.]]~~

And be it further

RESOLVED, That Section 21 of Article 6 of the Nevada Constitution be amended to read as follows:

Sec. 21. 1. A justice of the Supreme Court, **a judge of the court of appeals**, a district judge, a justice of the peace or a municipal judge may, in addition to the provision of Article 7 for impeachment, be censured, retired, removed or otherwise disciplined by the Commission on Judicial Discipline. Pursuant to rules governing appeals adopted by the Supreme Court, a justice or judge may appeal from the action of the Commission to the Supreme Court, which may reverse such action or take any alternative action provided in this subsection.

2. The Commission is composed of:

- (a) Two justices or judges appointed by the Supreme Court;
- (b) Two members of the State Bar of Nevada, a public corporation created by statute, appointed by its Board of Governors; and
- (c) Three persons, not members of the legal profession, appointed by the Governor.

The Commission shall elect a Chairman from among its three lay members.

3. If at any time the State Bar of Nevada ceases to exist as a public corporation or ceases to include all attorneys admitted to practice before the courts of this State, the Legislature shall provide by law, or if it fails to do so the **Supreme** Court shall provide by rule, for the appointment of attorneys at law to the positions designated in this Section to be occupied by members of the State Bar of Nevada.

4. The term of office of each appointive member of the Commission, except the first members, is 4 years. Each appointing authority shall appoint one of the members first appointed for a term of 2 years. If a vacancy occurs, the appointing authority shall fill the vacancy for the unexpired term. An appointing authority shall not appoint more than one resident of any county. The Governor shall not appoint more than two members of the same political party. No member may be a member of a commission on judicial selection.

5. The Legislature shall establish:

- (a) In addition to censure, retirement and removal, the other forms of disciplinary action that the Commission may impose;
- (b) The grounds for censure and other disciplinary action that the Commission may impose, including, but not limited to, violations of the provisions of the Code of Judicial Conduct;
- (c) The standards for the investigation of matters relating to the fitness of a justice or judge; and
- (d) The confidentiality or nonconfidentiality, as appropriate, of proceedings before the Commission, except that, in any event, a decision to censure, retire or remove a justice or judge must be made public.

6. The Supreme Court shall adopt a Code of Judicial Conduct.

7. The Commission shall adopt rules of procedure for the conduct of its hearings and any other procedural rules it deems necessary to carry out its duties.

8. No justice or judge may by virtue of this Section be:

(a) Removed except for willful misconduct, willful or persistent failure to perform the duties of his office or habitual intemperance; or

(b) Retired except for advanced age which interferes with the proper performance of his judicial duties, or for mental or physical disability which prevents the proper performance of his judicial duties and which is likely to be permanent in nature.

9. Any matter relating to the fitness of a justice or judge may be brought to the attention of the Commission by any person or on the motion of the Commission. The Commission shall, after preliminary investigation, dismiss the matter or order a hearing to be held before it. If a hearing is ordered, a statement of the matter ~~{shall}~~ **must** be served upon the justice or judge against whom the proceeding is brought. The Commission in its discretion may suspend a justice or judge from the exercise of his office pending the determination of the proceedings before the Commission. Any justice or judge whose removal is sought is liable to indictment and punishment according to law. A justice or judge retired for disability in accordance with this Section is entitled thereafter to receive such compensation as the Legislature may provide.

10. If a proceeding is brought against a justice of the Supreme Court, no justice of the Supreme Court may sit on the Commission for that proceeding. ***If a proceeding is brought against a judge of the court of appeals, no judge of the court of appeals may sit on the Commission for that proceeding.*** If a proceeding is brought against a district judge, no district judge from the same judicial district may sit on the Commission for that proceeding. If a proceeding is brought against a justice of the peace, no justice of the peace from the same township may sit on the Commission for that proceeding. If a proceeding is brought against a municipal judge, no municipal judge from the same city may sit on the Commission for that proceeding. If an appeal is taken from an action of the Commission to the Supreme Court, any justice who sat on the Commission for that proceeding is disqualified from participating in the consideration or decision of the appeal. When any member of the Commission is disqualified by this subsection, the Supreme Court shall appoint a substitute from among the eligible judges.

11. The Commission may:

(a) Designate for each hearing an attorney or attorneys at law to act as counsel to conduct the proceeding;

(b) Summon witnesses to appear and testify under oath and compel the production of books, papers, documents and records;

(c) Grant immunity from prosecution or punishment when the Commission deems it necessary and proper in order to compel the giving of testimony under oath and the production of books, papers, documents and records; and

(d) Exercise such further powers as the Legislature may from time to time confer upon it.

And be it further

RESOLVED, That Section 3 of Article 7 of the Nevada Constitution be amended to read as follows:

~~{Sec.}~~ **Sec. 3.** For any reasonable cause to be entered on the journals of each House, which may ~~{}~~ or may not be sufficient grounds for impeachment, the ~~{Chief Justice and associate}~~ justices of the Supreme Court, ***the judges of the court of appeals*** and ~~the~~ judges of the district courts ~~{shall}~~ **must** be removed from office on the vote of two thirds of the members elected to each branch of the Legislature. ~~{, and the}~~ ***The*** justice or judge complained of ~~{, shall}~~ **must** be served with a copy of the complaint against him, and ~~{shall}~~ have an opportunity of being heard in person or by counsel in his defense. ~~{, provided, that no}~~ ***No*** member of either branch of the Legislature ~~{shall be}~~ is eligible to fill the vacancy occasioned by such removal.

And be it further

RESOLVED, That Section 8 of Article 15 of the Nevada Constitution be amended to read as follows:

~~{Sec.}~~ **Sec. 8.** The Legislature shall provide for the speedy publication of all statute laws of a general nature ~~{}~~ and such decisions of the Supreme Court ~~{}~~ ***and the court of appeals*** as it may deem expedient. ~~{, and all}~~ ***All*** laws and judicial decisions ~~{shall}~~ **must** be free for

publication by any person. ~~If provided, that no~~ **No** judgment of the Supreme Court **or the court of appeals** shall take effect and be operative until the opinion of the court in such case ~~is filed with the clerk of said court.~~

Assemblyman Conklin moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

NOTICE OF EXEMPTION

April 11, 2011

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bills Nos. 148, 358, 449, 493, 526 and 565.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 213, 312, 343, 359, 361, 380, 387, 416, 419, 437, 442, 443, 446, 539, 542 and 552.

RICK COMBS

Fiscal Analysis Division

April 11, 2011

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Senate Bills Nos. 207, 208, 244 and 485.

MARK KRMPOTIC

Fiscal Analysis Division

April 14, 2011

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bill No. 522.

Also, The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 335, 336, 391, 453, 465, 466, 469, 479, 503, 536 and 543.

RICK COMBS

Fiscal Analysis Division

April 14, 2011

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 197, 265, 271, 274, 276, 278, 285, 290, 294, 298, 308, 312, 313, 325, 326, 330, 333, 334, 336, 338, 340, 349, 352, 373, 413, and Senate Joint Resolution No. 7.

MARK KRMPOTIC

Fiscal Analysis Division

April 15, 2011

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bill No. 550.

Also, The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 301, 331, 402 and 447.

RICK COMBS

Fiscal Analysis Division

April 15, 2011

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Senate Bill No. 60.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 362, 369, 370, 371, 374, 379, 380, 383, 386, 387, 389, 392, 404, 407, 415, 416, 418, 420, 490, 491, 492, 493 and 494.

MARK KRMPOTIC
Fiscal Analysis Division

WAIVER OF JOINT STANDING RULE(S)

A Waiver requested by Assemblywoman Pierce.

For: Assembly Bill No. 336.

To Waive:

Subsection 1 of Joint Standing Rule No. 14.3 (out of final committee of house of origin by 68th day).

Subsection 2 of Joint Standing Rule No. 14.3 (out of house of origin by 79th day).

Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).

Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).

Has been granted effective: Thursday, April 14, 2011.

SENATOR STEVEN A. HORSFORD
Majority Leader

ASSEMBLYMAN JOHN OCEGUERA
Speaker

A Waiver requested by Assemblywoman Pierce.

For: Assembly Bill No. 428.

To Waive:

Subsection 1 of Joint Standing Rule No. 14.3 (out of final committee of house of origin by 68th day).

Subsection 2 of Joint Standing Rule No. 14.3 (out of house of origin by 79th day).

Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).

Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).

Has been granted effective: Thursday, April 14, 2011.

SENATOR STEVEN A. HORSFORD
Majority Leader

ASSEMBLYMAN JOHN OCEGUERA
Speaker

A Waiver requested by Assemblyman Brooks.

For: Assembly Bill No. 446.

To Waive:

Subsection 1 of Joint Standing Rule No. 14.3 (out of final committee of house of origin by 68th day).

Subsection 2 of Joint Standing Rule No. 14.3 (out of house of origin by 79th day).

Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).

Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).

Has been granted effective: Thursday, April 14, 2011.

SENATOR STEVEN A. HORSFORD
Majority Leader

ASSEMBLYMAN JOHN OCEGUERA
Speaker

A Waiver requested by Senate Standing Committee on Revenue.

For: Senate Bill No. 491.

To Waive:

Subsection 1 of Joint Standing Rule No. 14.3 (out of final committee of house of origin by 68th day).

Subsection 2 of Joint Standing Rule No. 14.3 (out of house of origin by 79th day).

Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).

Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).

Has been granted effective: Thursday, April 14, 2011.

SENATOR STEVEN A. HORSFORD
Majority Leader

ASSEMBLYMAN JOHN OCEGUERA
Speaker

A Waiver requested by Senate Standing Committee on Revenue.

For: Senate Bill No. 492.

To Waive:

Subsection 1 of Joint Standing Rule No. 14.3 (out of final committee of house of origin by 68th day).

Subsection 2 of Joint Standing Rule No. 14.3 (out of house of origin by 79th day).

Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).

Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).

Has been granted effective: Thursday, April 14, 2011.

SENATOR STEVEN A. HORSFORD
Majority Leader

ASSEMBLYMAN JOHN OCEGUERA
Speaker

A Waiver requested by Senate Standing Committee on Revenue.

For: Senate Joint Resolution No. 15.

To Waive:

Subsection 1 of Joint Standing Rule No. 14.3 (out of final committee of house of origin by 68th day).

Subsection 2 of Joint Standing Rule No. 14.3 (out of house of origin by 79th day).

Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).

Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).

Has been granted effective: Thursday, April 14, 2011.

SENATOR STEVEN A. HORSFORD
Majority Leader

ASSEMBLYMAN JOHN OCEGUERA
Speaker

A Waiver requested by Senate Standing Committee on Commerce, Labor and Energy.

For: 58-1280 (Senate Bill No. 496)

To Waive:

Subsection 2 of Joint Standing Rule No. 14 (Committee requests of each house must be requested by 19th day).

Subsection 1 of Joint Standing Rule No. 14.2 (dates for introduction of BDRs requested by individual legislators and committees).

Subsection 1 of Joint Standing Rule No. 14.3 (out of final committee of house of origin by 68th day).

Has been granted effective: Thursday, April 14, 2011.

SENATOR STEVEN A. HORSFORD
Majority Leader

ASSEMBLYMAN JOHN OCEGUERA
Speaker

A Waiver requested by Senate Standing Committee on Judiciary.

For: Senate Bill No. 185.

To Waive:

Subsection 1 of Joint Standing Rule No. 14.3 (out of final committee of house of origin by 68th day).

Has been granted effective: Friday, April 15, 2011.

SENATOR STEVEN A. HORSFORD
Majority Leader

ASSEMBLYMAN JOHN OCEGUERA
Speaker

A Waiver requested by Senate Standing Committee on Finance.

For: Senate Bill No. 316.

To Waive:

Subsection 1 of Joint Standing Rule No. 14.3 (out of final committee of house of origin by 68th day).

Subsection 2 of Joint Standing Rule No. 14.3 (out of house of origin by 79th day).

Has been granted effective: Friday, April 15, 2011.

SENATOR STEVEN A. HORSFORD
Majority Leader

ASSEMBLYMAN JOHN OCEGUERA
Speaker

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that Assembly Bills Nos. 286, 287, 314, 392, 447, 506, 554, and 557, just reported out of committee, be rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Conklin moved that Assembly Bills Nos. 23, 36, 82, 109, 111, 121, 125, 137, 142, 160, 170, 188, 211, 232, 233, 237, 261, 271, 295, 309, 313, 319, 323, 331, 348, 355, 390, 395, 453, 456, 459, 478, 504, 524, 533; Assembly Joint Resolutions Nos. 6 and 7; Senate Bill No. 220, just reported out of committee, be placed at the bottom of Second Reading File.

Motion carried.

Assemblyman Conklin moved that all rules be suspended and that Assembly Bill No. 565 be declared an emergency measure under the Constitution and placed at the top of General File for third reading and final passage.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 565.

Bill read third time.

Remarks by Assemblywoman Smith.

Roll call on Assembly Bill No. 565:

YEAS—42.

NAYS—None.

Assembly Bill No. 565 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered immediately transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that Assembly Bill No. 19 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 30.

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

Motion carried.

Senate Bill No. 44.

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

Motion carried.

Senate Bill No. 65.

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

Motion carried.

Senate Bill No. 74.

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

Motion carried.

Senate Bill No. 77.

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

Motion carried.

Senate Bill No. 82.

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

Motion carried.

Senate Bill No. 85.

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

Motion carried.

Senate Bill No. 96.

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

Motion carried.

Senate Bill No. 102.

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

Motion carried.

Senate Bill No. 111.

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

Motion carried.

Senate Bill No. 120.

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

Motion carried.

Senate Bill No. 136.

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

Motion carried.

Senate Bill No. 143.

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

Motion carried.

Senate Bill No. 153.

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

Motion carried.

Senate Bill No. 167.

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

Motion carried.

Senate Bill No. 175.

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

Motion carried.

Senate Bill No. 215.

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

Motion carried.

Senate Bill No. 279.

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

Motion carried.

Senate Bill No. 280.

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

Motion carried.

Senate Bill No. 317.

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

Motion carried.

Senate Bill No. 348.

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

Motion carried.

Senate Bill No. 353.

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

Motion carried.

Senate Bill No. 358.

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

Motion carried.

Senate Bill No. 408.

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

Motion carried.

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

Assembly in recess at 12:42 p.m.

ASSEMBLY IN SESSION

At 12:45 p.m.
Mr. Speaker presiding.
Quorum present.

SECOND READING AND AMENDMENT

Assembly Bill No. 12.

Bill read second time.

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

Amendment No. 66.

SUMMARY—~~Transfers the authority to use~~ **Abolishes** the Parolees' Revolving Loan Account ~~from the State Board of Parole Commissioners to the Chief Parole and Probation Officer.~~ (BDR 16-458)

AN ACT relating to parole; ~~transferring the authority to use~~ **abolishing** the Parolees' Revolving Loan Account ~~; from the State Board of Parole Commissioners to the Chief Parole and Probation Officer;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Parolees' Revolving Loan Account, which is used to provide individual parolees with loans to purchase certain necessary items while attempting to secure employment. ~~Additionally, existing law specifies that the account is created for the use of the State Board of Parole Commissioners, but also requires the Chief Parole and Probation Officer to use and control the account.~~ (NRS 213.145) This bill ~~transfers the authority to use the account from the Board to the Chief Parole and Probation Officer.~~ **abolishes the Account.**

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

Section 1. ~~NRS 213.145 is hereby amended to read as follows:~~
~~213.145 1. A parolees' revolving loan account in the sum of \$4,500 is hereby created for the use of the [Board.]~~ **Chief Parole and Probation Officer.**
~~2. The account must be under the control of the Chief Parole and Probation Officer, who shall use the account to provide loans to individual parolees in an amount not to exceed \$300 to assist in purchasing job tools or equipment, transportation to home or job or for food and rent until a steady income can be obtained. These loans may be made at a rate of interest not to exceed 4 percent.~~

~~2. Terms of repayment must be established at the time of making the loan but the Chief Parole and Probation Officer may alter the terms if the best interests of the parolee and the State would be served by doing so. Willful failure to make payments on the loan is a ground, in the discretion of the Board, for revocation of parole.~~

~~4. The account is nonreverting, except to the extent that *if* the cash balance of the account exceeds \$4,500 at the end of each fiscal year, the excess cash must be credited to the State General Fund.~~ (Deleted by amendment.)

Sec. 1.3. NRS 213.145 is hereby repealed.

Sec. 1.7. 1. As soon as practicable after the effective date of this act, the Chief Parole and Probation Officer shall revert to the State General Fund any remaining balance in the Parolees' Revolving Loan Account.

2. Any money received by the Chief Parole and Probation Officer in repayment of a loan made from the Parolees' Revolving Loan Account must be reverted to the State General Fund as soon as practicable after the money is received.

Sec. 2. This act becomes effective upon passage and approval.

TEXT OF REPEALED SECTION

213.145 Parolees' Revolving Account: Creation; use; reversion of balances.

1. A parolees' revolving loan account in the sum of \$4,500 is hereby created for the use of the Board.

2. The account must be under the control of the Chief Parole and Probation Officer, who shall use the account to provide loans to individual parolees in an amount not to exceed \$300 to assist in purchasing job tools or equipment, transportation to home or job or for food and rent until a steady income can be obtained. These loans may be made at a rate of interest not to exceed 4 percent.

3. Terms of repayment must be established at the time of making the loan but the Chief Parole and Probation Officer may alter the terms if the best interests of the parolee and the State would be served by doing so. Willful failure to make payments on the loan is a ground, in the discretion of the Board, for revocation of parole.

4. The account is nonreverting, except to the extent that the cash balance of the account exceeds \$4,500 at the end of each fiscal year, the excess cash must be credited to the State General Fund.

Assemblywoman Smith moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 20.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 52.

AN ACT relating to optometry; requiring the Nevada State Board of Optometry to issue a license by endorsement to practice optometry in this State in certain circumstances; revising provisions governing the examination for licensure by the Board; revising provisions governing the discipline and unprofessional or unethical conduct of licensees; repealing provisions that require the Board to maintain a roster of licensees; repealing provisions that pertain to the scope of reexaminations for licensure; establishing fees; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each applicant for a license to practice optometry in this State to take and pass an examination prepared and administered by the Nevada State Board of Optometry or by a testing agency that has been designated by the Board. The examination must test the fitness of an applicant to practice optometry and include testing of the applicant's knowledge of statutes and regulations governing the practice of optometry. (NRS 636.150, 636.180, 636.185) Other states have enacted legislation creating exceptions from general licensure provisions which allow certain qualified persons who are licensed in another jurisdiction to receive a license to practice optometry without requiring the licensee to take an examination that is designed to evaluate competency to practice optometry. However, existing law in this State does not authorize such an exception.

Section 2 of this bill provides for the issuance of a license by endorsement to practice optometry and requires the Board to issue a license by endorsement to certain qualified applicants who are licensed to practice optometry in the District of Columbia or other states or territories and who have been continuously and actively engaged in the practice of optometry for the ~~10~~ 5 years immediately preceding the date on which they apply to the Board for the issuance of a license by endorsement. **Section 7** of this bill requires an applicant for a license by endorsement to take and pass an examination, but **section 3** of this bill provides that the examination must test only the applicant's knowledge of statutes and regulations governing the practice of optometry in this State. **Section 5** of this bill establishes the fees which must be paid by an applicant for the examination for a license by endorsement and for the issuance and renewal of a license by endorsement.

Section 10 of this bill revises provisions governing the score required to pass the examinations, and **sections 6, 8, 9, 11 and 12** of this bill make

certain revisions to distinguish between the examination for and issuance of a license to practice optometry and a license by endorsement.

Existing law also defines the scope of the practice of optometry in this State and authorizes the Board to discipline licensees for certain acts or omissions and determine what acts constitute unethical or unprofessional conduct by licensees. (NRS 636.025, 636.130, 636.290-636.340) ~~{Section 4 of this bill prohibits a licensee from engaging in certain activities which would constitute the practice of medicine.}~~ **Section 13** of this bill authorizes the Board to discipline licensees for the commission of a felony, ~~for~~ for conduct that demonstrates incompetency in the practice of optometry, ~~or~~ **or for practicing or offering to practice optometry outside the scope of practice authorized by law.** **Sections 14 and 15** of this bill revise provisions pertaining to unprofessional or unethical conduct relating to the use of prescription blanks and the sale, solicitation or advertisement of certain products and services.

Section 16 of this bill repeals provisions requiring the Board to maintain a roster of licensees and authorizing the Board to determine the scope of reexaminations for licensure.

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

Section 1. Chapter 636 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. 1. *The Board shall, except for good cause, issue a license by endorsement to practice optometry to an applicant who has been issued a license to practice optometry by the District of Columbia or any state or territory of the United States if:*

(a) At the time the applicant files an application with the Board, the license issued to the applicant by the District of Columbia or the other state or territory of the United States is in effect and unrestricted; and

(b) The applicant:

(1) Has obtained a passing score on an examination for licensure that is recognized by the Board as an appropriate examination to assess competency in the practice of optometry;

(2) Has had no adverse actions reported to the National Practitioner Data Bank within the ~~{40}~~ 5 years immediately preceding the date of the application;

(3) Has been continuously and actively engaged in the practice of optometry for the ~~{40}~~ 5 years immediately preceding the date of the application;

(4) *Is not involved in and does not have pending any disciplinary action concerning a license to practice optometry in the District of Columbia or any state or territory of the United States;*

(5) *Provides information to the Board about any malpractice claim that has been brought against the applicant, regardless of when the claim was filed or how the claim was resolved;*

(6) *Obtains a passing score on the examination for licensure by endorsement administered by the Board pursuant to NRS 636.170; and*

(7) *Pays the fee required by NRS 636.143.*

2. *A license by endorsement may be issued at a meeting of the Board or between its meetings by the President and Executive Director. Such action shall be deemed to be an action of the Board.*

Sec. 3. *An examination for licensure by endorsement must:*

1. *Test only the examinee's knowledge of statutes and regulations governing the practice of optometry in this State;*

2. *Be prepared and administered by the Board or a testing agency that has been designated by the Board to conduct its examinations; and*

3. *Be conducted in the English language.*

Sec. 4. ~~NRS 636.025 is hereby amended to read as follows:~~

~~636.025 1. The acts set forth in this section, or any of them, whether done severally, collectively or in combination with other acts that are not set forth in this section constitute practice in optometry within the purview of this chapter:~~

~~(a) Advertisement or representation as an optometrist;~~

~~(b) Adapting, or prescribing or dispensing, without prescription by a practitioner of optometry or medicine licensed in this State, any ophthalmic lens, frame or mounting, or any part thereof, for correction, relief or remedy of any abnormal condition or insufficiency of the eye or any appendage or visual process. The provisions of this paragraph do not prevent an optical mechanic from doing the mere mechanical work of replacement or duplication of the ophthalmic lens or prevent a licensed dispensing optician from engaging in the practice of ophthalmic dispensing;~~

~~(c) The examination of the human eye and its appendages, the measurement of the powers or range of human vision, the determination of the accommodative and refractive states of the eye or the scope of its function in general, or the diagnosis or determination of any visual, muscular, neurological, interpretative or anatomic anomalies or deficiencies of the eye or its appendages or visual processes;~~

~~(d) Prescribing, directing the use of or using any optical device in connection with ocular exercises, orthoptics or visual training;~~

~~(e) The prescribing of contact lenses;~~

~~(f) The measurement, fitting or adaptation of contact lenses to the human eye except under the direction and supervision of a physician, surgeon or optometrist licensed in the State of Nevada.~~

~~(g) The topical use of diagnostic pharmaceutical agents to determine any visual, muscular, neurological, interpretative or anatomic anomalies or deficiencies of the eye or its appendages or visual processes.~~

~~(h) Prescribing, directing the use of or using a therapeutic pharmaceutical agent to treat an abnormality of the eye or its appendages.~~

~~(i) Removing a foreign object from the surface or epithelium of the eye.~~

~~(j) The ordering of laboratory tests to assist in the diagnosis of an abnormality of the eye or its appendages.~~

~~2. The provisions of this section do not authorize an optometrist to engage in any practice which includes:~~

~~(a) The incision or suturing of the eye or its appendages; [or]~~

~~(b) The use of lasers for surgical purposes [.] or~~

~~(c) Except as otherwise provided in subsection 1, any act or procedure that would constitute the practice of medicine pursuant to NRS 630.020.]~~
(Deleted by amendment.)

Sec. 5. NRS 636.143 is hereby amended to read as follows:

636.143 The Board shall establish within the limits prescribed a schedule of fees for the following purposes:

	Not less than	Not more than
Examination , <i>including examination for license by endorsement</i>	\$100	\$500
Reexamination , <i>including reexamination for license by endorsement</i>	100	500
Issuance of each license or duplicate license, <i>including a license by endorsement</i>	35	75
Renewal of each license or duplicate license, <i>including a license by endorsement</i>	\$100	\$500
Issuance of a license for an extended clinical facility.....	100	500
Issuance of a replacement renewal card for a license.....	10	50

Sec. 6. NRS 636.150 is hereby amended to read as follows:

636.150 ~~{Any}~~ ***Except as otherwise provided in section 2 of this act, any person applying for a license to practice optometry in this State must:***

1. File proof of his or her qualifications;
2. Make application for an examination;
3. Take and pass the examination;
4. Pay the prescribed fees; and

5. Verify that all the information he or she has provided to the Board or to any other entity pursuant to the provisions of this chapter is true and correct.

Sec. 7. NRS 636.170 is hereby amended to read as follows:

636.170 The Board shall ~~fix~~:

~~1. Conduct a regular annual examination, and may conduct a special examination when it deems that circumstances warrant such examination.~~

~~2. Fix and announce the time and place of any examination at least 30 days prior to the day when it is to be commenced.~~ **conduct an examination of each applicant for licensure and each applicant for licensure by endorsement by the Board. The examination must be administered at a time and place designated by the Board.**

Sec. 8. NRS 636.180 is hereby amended to read as follows:

636.180 An examination ***other than an examination for licensure by endorsement*** must:

1. Be practical in character and design as determined by the Board;
2. Test the fitness of the examinee to practice optometry;
3. Be prepared and administered by the Board or a testing agency that has been designated by the Board to conduct its examinations; and
4. Be conducted in the English language.

Sec. 9. NRS 636.185 is hereby amended to read as follows:

636.185 1. An examination, other than ~~one~~ ***an examination*** conducted solely for reexamination of an examinee who has failed in a previous examination ~~it~~ ***or an examination for licensure by endorsement,*** must include testing in the following areas:

- (a) General anatomy.
- (b) General physiology.
- (c) Ocular anatomy.
- (d) Ocular physiology.
- (e) Ocular pathology.
- (f) Geometric optics.
- (g) Physiological optics.
- (h) Theoretical optometry.
- (i) Practical optometry.
- (j) Retinoscopy and ophthalmic instruments.
- (k) Ophthalmoscopy and biomicroscopy.
- (l) Neurology, visual fields and perimetry.
- (m) Vision therapy.
- (n) Clinical optometry.
- (o) Contact lenses.
- (p) Pharmacology.
- (q) Statutes and regulations governing the practice of optometry.

(r) Such other areas as the Board may prescribe.

2. An examination , ***other than an examination conducted solely for reexamination of an examinee who has failed in a previous examination or an examination for licensure by endorsement***, must also provide for an evaluation of the examinee's knowledge of the following areas:

- (a) Basic science.
- (b) Clinical science.
- (c) Care and management of patients.

Sec. 10. NRS 636.190 is hereby amended to read as follows:

636.190 Except as otherwise provided in NRS 622.090, a grade of 75 or higher ~~{for each area tested on the examination}~~ is required to pass an examination.

Sec. 11. NRS 636.215 is hereby amended to read as follows:

636.215 The Board shall execute a license ***other than a license by endorsement*** for each person who has satisfied the requirements of NRS 636.150 and submitted all information required to complete an application for a license. A license must:

- 1. Certify that the licensee has been examined and found qualified to practice optometry in this State; and
- 2. Be signed by each member of the Board.

Sec. 12. NRS 636.220 is hereby amended to read as follows:

636.220 ~~{The}~~ A license ***executed pursuant to NRS 636.215*** must be issued and delivered by the Executive Director to the licensee upon payment to the Executive Director of the prescribed fee.

Sec. 13. NRS 636.295 is hereby amended to read as follows:

636.295 The following acts, conduct, omissions, or mental or physical conditions, or any of them, committed, engaged in, omitted, or being suffered by a licensee, constitute sufficient cause for disciplinary action:

- 1. Affliction of the licensee with any communicable disease ~~{likely to}~~ ***which may*** be communicated to other persons.
- 2. Commission by the licensee of a felony ~~{relating to the practice of optometry}~~ ***or*** of a gross misdemeanor involving moral turpitude of which the licensee has been convicted and from which he or she has been sentenced by a final judgment of a federal or state court in this or any other state, the judgment not having been reversed or vacated by a competent appellate court and the offense not having been pardoned by executive authority.
- 3. Conviction of any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.
- 4. Commission of fraud by or on behalf of the licensee in obtaining a license or a renewal thereof, or in practicing optometry thereunder.
- 5. Habitual drunkenness or addiction to any controlled substance.

6. ~~[Gross incompetency.]~~ ***Incompetency in the practice of optometry or conduct which demonstrates a significant lack of ability, knowledge or fitness to discharge a professional obligation in the practice of optometry.***

7. Affliction with any mental or physical disorder or disturbance ~~[seriously impairing]~~ ***which impairs*** his or her competency as an optometrist.

8. Making false or misleading representations, by or on behalf of the licensee, with respect to optometric materials or services.

9. Practice by the licensee, or attempting or offering so to do, while in an intoxicated condition.

10. Perpetration of unethical or unprofessional conduct in the practice of optometry.

11. Any violation of the provisions of this chapter or any regulations adopted pursuant thereto.

12. **Practicing or offering to practice optometry outside the scope of practice authorized by law.**

13. Operation of a medical facility, as defined in NRS 449.0151, at any time during which:

(a) The license of the facility is suspended or revoked; or

(b) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

↪ This subsection applies to an owner or other principal responsible for the operation of the facility.

Sec. 14. NRS 636.300 is hereby amended to read as follows:

636.300 The following acts, among others, constitute unethical or unprofessional conduct:

1. Association as an optometrist with any person, firm or corporation violating this chapter.

2. Accepting employment ~~[]~~ ***as an optometrist or in the practice of optometry***, directly or indirectly, from a person not licensed to practice optometry in this State, ~~[to assist the person in such practice or enabling the person to engage therein,]~~ except as authorized in NRS 636.347.

3. Signing ***or using*** the prescription blanks of another optometrist, ***ophthalmologist or medical professional*** or allowing another optometrist, ***ophthalmologist or medical professional*** to ***sign or*** use his or her prescription blanks.

4. Except as otherwise provided in NRS 636.372 and 636.373, practicing in or on premises where any materials other than those necessary to render optometric examinations or services are dispensed to the public, or where a business is being conducted not exclusively devoted to optometry or other healing arts and materials or merchandise are displayed having no relation to the practice of optometry or other healing arts.

Sec. 15. NRS 636.302 is hereby amended to read as follows:

636.302 The following acts, among others, constitute unethical or unprofessional conduct:

1. Making a house-to-house canvass, either in person or by another person, for advertising, selling or soliciting the sale of **contact lenses**, eyeglasses, frames, lenses, mountings, or optometric examinations or services.

2. Circulating or publishing, directly or indirectly, any false, fraudulent or misleading statement as to optometric materials or services, his or her method of practice or skill, or the method of practice or skill of any other licensee.

3. Advertising in any manner that will tend to deceive, defraud or mislead the public.

~~4. Advertising, directly or indirectly, free optometric examinations or services.~~

Sec. 16. NRS 636.120 and 636.200 are hereby repealed.

Sec. 17. This act becomes effective upon passage and approval for the purpose of adopting regulations and on October 1, 2011, for all other purposes.

TEXT OF REPEALED SECTIONS

636.120 Roster of licensees: Preparation and distribution. Once each year, the Board shall prepare and distribute to all licensees a roster containing their names and addresses.

636.200 Scope of reexamination. An examinee whose request for reexamination has been granted may, at the discretion of the Board or the testing agency designated by the Board to conduct its examinations, be required to retake:

1. The entire examination; or
2. Only the section or sections of the examination on which the examinee did not receive the grade required to pass.

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 25.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 24.

AN ACT relating to certified court reporters; revising the educational requirements to take the examination for certification by the Certified Court Reporters' Board of Nevada; authorizing the Board to impose a civil penalty

against a person for certain violations; ~~[increasing the amount of the administrative fine that may be imposed against a person by the Board];~~ **requiring the Board to conduct certain hearings;** revising the authority of the Board to investigate certain conduct; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill provides that any person who violates laws or regulations governing court reporters is subject to a civil penalty of not more than ~~(\$10,000)~~ **\$5,000** for each violation. **Section 3** of this bill revises the educational requirements to take the examination for certification as a court reporter by changing from requiring a certificate of satisfactory completion of a prescribed course of study to requiring that a person, prior to sitting for the examination, complete course work in academic fields related to court reporting from a school for court reporters or through a distance education program.

Existing law authorizes the Certified Court Reporters' Board of Nevada to impose an administrative fine against a court reporter or court reporting firm for violating provisions governing court reporters. Existing law also authorizes the Board to restrict, revoke or refuse to issue or renew a license or certificate, or to place a court reporter or court reporting firm on probation for a period of not more than 1 year for such violations. (NRS 656.257) **Section 4** of this bill ~~increases from \$5,000 to \$10,000 the amount of the administrative fine that may be imposed;~~ **requires the Board to hold a hearing before imposing a fine or penalty** against a court reporter or court reporting firm for violating such provisions. **Section 5** of this bill broadens the authority of the Board to investigate conduct which may violate the provisions governing court reporters.

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

Section 1. Chapter 656 of NRS is hereby amended by adding thereto a new section to read as follows:

*In addition to any other penalty provided by law, a person who violates any provision of this chapter or any regulation adopted by the Board is subject to a civil penalty of not more than ~~(\$10,000)~~ **\$5,000** for each violation. Any such penalty must be imposed by the Board:*

- 1. If the person is a certified court reporter or court reporting firm, at a hearing conducted pursuant to the provisions of chapter 622A of NRS.*
- 2. If the person is not a licensee, at a hearing for which written notice has been given not less than 30 days before the hearing.*

Sec. 2. NRS 656.030 is hereby amended to read as follows:

656.030 As used in this chapter, unless the context otherwise requires:

1. “Board” means the Certified Court Reporters’ Board of Nevada.
2. “Certificate” means a certified court reporter’s certificate issued under the provisions of this chapter.
3. “Certified court reporter” or “court reporter” means a person who is technically qualified and registered under this chapter to practice court reporting.
4. “Court reporting firm” means a person who, for compensation, provides or arranges for the services of a court reporter or provides referral services for court reporters in this State.
5. “Designated representative of a court reporting firm” means the person designated to act as the representative of a court reporting firm pursuant to NRS 656.186.
6. ***“Distance education program” means a program that offers instruction which is delivered by the Internet in such a manner that the person supervising or providing the instruction and the person receiving the instruction are separated geographically for a majority of the time during which the instruction is delivered.***
7. “License” means a license issued under the provisions of this chapter to conduct business as a court reporting firm.
- ~~{7-}~~ 8. “Licensee” means a person to whom a license has been issued.
- ~~{8-}~~ 9. “Practice of court reporting” means reporting, in this State, by the use of voice writing or any system of manual or mechanical shorthand writing:
 - (a) Grand jury proceedings;
 - (b) Court proceedings, with the exception of proceedings before a federal court;
 - (c) Pretrial examinations, depositions, motions and related proceedings of like character; or
 - (d) Proceedings of any agency if the final decision of the agency with reference thereto is subject to judicial review.
- ~~{9-}~~ 10. “Stenographic notes” means:
 - (a) The original manually or mechanically produced notes in shorthand or shorthand writing taken by a court reporter while in attendance at a proceeding to report the proceeding; or
 - (b) The record produced by the use of voice writing by a court reporter while in attendance at a proceeding.
- ~~{10-}~~ 11. “Voice writing” means the making of a verbatim record of a proceeding by repeating the words of the speaker into a device that is capable of:
 - (a) Digitally translating the words into text; or
 - (b) Making a tape or digital recording of those words.

↪ ***The term includes, without limitation, stenomasking, verbatim reporting and other similar titles.***

Sec. 3. NRS 656.170 is hereby amended to read as follows:

656.170 1. Examinations must be held not less than twice a year at such times and places as the Board may designate.

2. No person may be admitted to the examination unless the person first presents satisfactory evidence to the Board that he or she has:

(a) Received a passing grade on the National Court Reporters Association's examination for registered professional reporters, if the Board has approved the examination;

(b) Received a passing grade on the National Verbatim Reporters Association's examination for certified verbatim reporters, if the Board has approved the examination;

(c) ~~[-] A certificate of satisfactory completion of a prescribed course of study from~~ **Completed course work at** a school for court reporters ~~[-] which includes~~ **or completed course work offered through a distance education program for court reporters in** English grammar, reading, spelling and vocabulary, medical and legal terminology, transcription ~~[-] and computer-aided transcription~~, reporting procedures and court reporting at 200 words per minute with an accuracy of ~~[-] 97.5~~ **95** percent;

(d) A certificate as a registered professional reporter, registered merit reporter, certified CART provider, certified broadcast captioner or certified realtime reporter from the National Court Reporters Association, if the Board has approved each such certificate;

(e) A certificate as a certified verbatim reporter , **realtime verbatim reporter, registered CART provider or registered broadcast captioner** or a certificate of merit from the National Verbatim Reporters Association, if the Board has approved each such certificate;

(f) A valid certificate or license to practice court reporting issued by another state; or

(g) One year of continuous experience as a full-time court reporter using voice writing or any system of manual or mechanical shorthand writing.

Sec. 4. NRS 656.257 is hereby amended to read as follows:

656.257 1. In addition to or in lieu of suspending, revoking or refusing to issue or renew the certificate of a court reporter or the license of a court reporting firm pursuant to NRS 656.240, 656.250 or 656.253, the Board may, by a majority vote:

~~[-] (a)~~ **(a)** Place the court reporter or court reporting firm on probation for a period not to exceed 1 year; or

~~[-] (b)~~ **(b)** Impose an administrative fine against the court reporter or court reporting firm in an amount not to exceed \$5,000 ~~[-] \$10,000~~ for each violation for which the administrative fine is imposed.

2. Any penalty imposed pursuant to this section must be imposed by the Board at a hearing conducted pursuant to chapter 622A of NRS.

Sec. 5. NRS 656.280 is hereby amended to read as follows:

656.280 1. The Board may upon its own motion and shall upon the verified complaint in writing of any person setting forth facts which if proven would constitute grounds for refusal, suspension or revocation **of a certificate or license or other disciplinary action** as set forth in NRS 656.240 to ~~656.270.~~ **656.300**, inclusive, investigate the actions of **a current or former certificate holder or licensee, including a firm or** any other person who applies for, or holds or represents that he or she **or the firm** holds a license or certificate.

2. The Board shall, before refusing to issue any license or certificate, notify the applicant in writing of the reasons for the refusal. The notice must be served by delivery personally to the applicant or by mailing by registered or certified mail to the last known place of business of the applicant.

3. The time set in the notice must not be less than 10 nor more than 30 days after delivery or mailing.

4. The Board may continue the hearing from time to time.

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

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 26.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 21.

AN ACT relating to insurance; providing that a motor vehicle liability policy issued in this State must be written specifically to meet the requirements for insurance in this State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the owner of every motor vehicle which is registered or required to be registered in this State to continuously provide, while the motor vehicle is present or registered in this State, liability insurance provided by an insurance company licensed by the Division of Insurance of the Department of Business and Industry and approved to do business in this State. (NRS 485.185) This bill specifies that such insurance must be written specifically to meet the requirements for such insurance in this State, and that both the producer of the insurance policy and the insurer must be authorized to transact casualty insurance in this State.

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

Section 1. NRS 485.055 is hereby amended to read as follows:

485.055 1. “Motor vehicle liability policy” means an owner’s policy of liability insurance or an operator’s policy of liability insurance ~~issued by~~ **that:**

(a) Meets the applicable requirements of NRS 485.185 and 485.3091;

(b) Is provided by a ~~duly appointed~~ producer of casualty insurance, licensed in this State, on behalf of an insurer authorized to transact ~~business~~ **casualty insurance** in this State ~~;~~ **; and**

(c) Is issued to or for the benefit of the person named therein as insured.

2. With respect to a policy which grants excess or additional coverage over that required by NRS 485.3091, the term “motor vehicle liability policy” applies only to that part of the coverage which is required by NRS 485.3091.

Sec. 2. NRS 485.185 is hereby amended to read as follows:

485.185 1. Every owner of a motor vehicle which is registered or required to be registered in this State shall continuously ~~provide,~~ **maintain,** while the motor vehicle is present or registered in this State, insurance ~~provided~~ **that is:**

(a) Written specifically to meet the requirements of the State of Nevada with respect to motor vehicle liability policies; and

(b) Provided by an insurance company licensed by the Division of Insurance of the Department of Business and Industry and approved to do business in this State . ~~;~~

~~1. In the~~

2. The insurance required by subsection 1 must be in the following amounts:

(a) The amount of \$15,000 for bodily injury to or death of one person in any one accident;

~~{2.}~~ **(b)** Subject to the limit for one person, ~~the~~ the amount of \$30,000 for bodily injury to or death of two or more persons in any one accident; and

~~{3. In the}~~

(c) The amount of \$10,000 for injury to or destruction of property of others in any one accident,

➔ for the payment of tort liabilities arising from the maintenance or use of the motor vehicle.

Sec. 3. NRS 485.3091 is hereby amended to read as follows:

485.3091 1. An owner’s policy of liability insurance must:

(a) Be written specifically to meet the requirements of the State of Nevada with respect to motor vehicle liability policies;

(b) Designate by explicit description or by appropriate reference all motor vehicles with respect to which coverage is thereby to be granted; and

~~[(b)]~~ (c) Insure the person named therein and any other person, as insured, using any such motor vehicle with the express or implied permission of the named insured, against loss from the liability imposed by law for damages arising out of the ownership, maintenance or use of such motor vehicle within the United States of America or the Dominion of Canada, subject to limits exclusive of interest and costs, with respect to each such motor vehicle, as follows:

(1) Because of bodily injury to or death of one person in any one accident, \$15,000;

(2) Subject to the limit for one person, because of bodily injury to or death of two or more persons in any one accident, \$30,000; and

(3) Because of injury to or destruction of property of others in any one accident, \$10,000.

2. An operator's policy of liability insurance must ~~insure~~ :

(a) ***Be written specifically to meet the requirements of the State of Nevada with respect to motor vehicle liability policies; and***

(b) ***Insure*** the person named as insured therein against loss from the liability imposed upon the person by law for damages arising out of the person's use of any motor vehicle within the same territorial limits and subject to the same limits of liability as are set forth in paragraph ~~[(b)]~~ (c) of subsection 1.

3. A motor vehicle liability policy must state the name and address of the named insured, the coverage afforded by the policy, the premium charged therefor, the period of effectiveness and the limits of liability, and must contain an agreement or be endorsed that insurance is provided thereunder in accordance with the coverage defined in this chapter as respects bodily injury and death or property damage, or both, and is subject to all the provisions of this chapter.

4. A motor vehicle liability policy need not insure any liability under any workers' compensation law nor any liability on account of bodily injury to or death of an employee of the insured while engaged in the employment, other than domestic, of the insured, or while engaged in the operation, maintenance or repair of any motor vehicle owned by the insured nor any liability for damage to property owned by, rented to, in charge of or transported by the insured.

5. Every motor vehicle liability policy is subject to the following provisions which need not be contained therein:

(a) The liability of the insurance carrier with respect to the insurance required by this chapter becomes absolute whenever injury or damage covered by the policy occurs. The policy may not be cancelled or annulled as

to such liability by any agreement between the insurance carrier and the insured after the occurrence of the injury or damage. No statement made by the insured or on behalf of the insured and no violation of the policy defeats or voids the policy.

(b) The satisfaction by the insured of a judgment for injury or damage is not a condition precedent to the right or duty of the insurance carrier to make payment on account of the injury or damage.

(c) The insurance carrier may settle any claim covered by the policy, and if such a settlement is made in good faith, the amount thereof is deductible from the limits of liability specified in paragraph ~~1(b)~~ (c) of subsection 1.

(d) The policy, the written application therefor, if any, and any rider or endorsement which does not conflict with the provisions of this chapter constitute the entire contract between the parties.

6. Any policy which grants the coverage required for a motor vehicle liability policy may also grant any lawful coverage in excess of or in addition to the coverage specified for a motor vehicle liability policy, and the excess or additional coverage is not subject to the provisions of this chapter.

7. Any motor vehicle liability policy may provide for the prorating of the insurance thereunder with other valid and collectible insurance.

8. The requirements for a motor vehicle liability policy may be fulfilled by the policies of one or more insurance carriers, which policies together meet those requirements.

9. Any binder issued pending the issuance of a motor vehicle liability policy shall be deemed to fulfill the requirements for such a policy.

Sec. 4. This act becomes effective upon passage and approval.

Assemblywoman Dondero Loop moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 32.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 25.

AN ACT relating to contractors; requiring a licensed contractor to submit a request for an increase in the monetary limit of his or her license to the State Contractors' Board at least ~~140~~ 5 working days before submitting a bid on certain projects; requiring a contractor to obtain approval by the Board of a request for an increase in the monetary limit of his or her license before submitting a bid on certain projects; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a licensed contractor who intends to bid on a single construction project that would require an increase in the monetary limit of the contractor's license to request such an increase from the State Contractors' Board at least 2 working days before bidding on the project. (NRS 624.220) This bill requires that a licensed contractor submit such a request at least ~~10~~ 5 working days before bidding on any single construction project that would require an increase in the monetary limit of the contractor's license and further requires the contractor to obtain approval of the request by the Board before bidding on the project.

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

Section 1. NRS 624.220 is hereby amended to read as follows:

624.220 1. The Board shall adopt regulations necessary to effect the classification and subclassification of contractors in a manner consistent with established usage and procedure as found in the construction business, and may limit the field and scope of the operations of a licensed contractor to those in which the contractor is classified and qualified to engage as defined by NRS 624.215 and the regulations of the Board.

2. The Board shall limit the field and scope of the operations of a licensed contractor by establishing a monetary limit on a contractor's license, and the limit must be the maximum contract a licensed contractor may undertake on one or more construction contracts on a single construction site or subdivision site for a single client. The Board may take any other action designed to limit the field and scope of the operations of a contractor as may be necessary to protect the health, safety and general welfare of the public. The limit must be determined after consideration of the factors set forth in NRS 624.260 to 624.265, inclusive.

3. A licensed contractor may request that the Board increase the monetary limit on his or her license, either on a permanent basis or for a single construction project. A request submitted to the Board pursuant to this subsection must be in writing on a form prescribed by the Board and accompanied by such supporting documentation as the Board may require. ~~If a~~ A request submitted pursuant to this section ~~is~~ for a single construction project ~~the request~~ must be submitted to the Board at least ~~2~~ ~~10~~ 5 working days before the date on which the licensed contractor intends to submit a bid for the project ~~and must be approved by the Board before the submission of a bid by the contractor for the project.~~

4. Subject to the provisions of regulations adopted pursuant to subsection 5, nothing contained in this section prohibits a specialty contractor from taking and executing a contract involving the use of two or more crafts or trades, if the performance of the work in the crafts or trades, other than in

which the specialty contractor is licensed, is incidental and supplemental to the performance of work in the craft for which the specialty contractor is licensed.

5. The Board shall adopt regulations establishing a specific limit on the amount of asbestos that a licensed contractor with a license that is not classified for the abatement or removal of asbestos may abate or remove pursuant to subsection 4.

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 48.

Bill read second time.

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

Amendment No. 3.

AN ACT relating to mental health; authorizing mental health consortia to perform certain activities relating to children's mental health; authorizing mental health consortia to accept and expend money for certain purposes; ~~making an appropriation to the Department of Health and Human Services for the administrative costs of the consortia;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) establishes a mental health consortium in each county whose population is 100,000 or more (currently Clark and Washoe Counties) and one mental health consortium in the region that comprises all other counties; and (2) requires each consortium to establish a long-term strategic plan for the provision of mental health services to children with emotional disturbance within the jurisdiction of the consortium. (NRS 433B.333, 433B.335) **Section 2** of this bill authorizes each mental health consortium to implement the plan and to engage in other activities to improve the provision of mental health services to children with emotional disturbance and their families. **Section 3** of this bill authorizes each consortium to apply for and accept gifts, grants, donations and bequests and enter into contracts to carry out the activities of the consortium.

Section 4 of this bill requires each consortium to submit to the Director of the Department of Health and Human Services and to the Commission on Mental Health and Developmental Services any request for an allocation for the administrative expenses of the consortium for consideration as part of the Department's biennial budget request.

~~Section 5 of this bill makes an appropriation to the Department for the administrative costs of carrying out the statutory duties of the consortia for the 2011-2013 biennium.~~

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

Section 1. Chapter 433B of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. 1. A mental health consortium established by NRS 433B.333 may:

(a) Participate in activities within the jurisdiction of the consortium to:

(1) Implement the provisions of the long-term strategic plan established by the consortium pursuant to NRS 433B.335; and

(2) Improve the provision of mental health services to children with emotional disturbance and their families, including, without limitation, advertising the availability of mental health services and carrying out a demonstration project relating to mental health services.

(b) Take other action to carry out its duties set forth in this section and NRS 433B.335 and section 3 of this act.

2. To the extent practicable, a mental health consortium shall coordinate with the Department to avoid duplicating or contradicting the efforts of the Department to provide mental health services to children with emotional disturbance and their families.

Sec. 3. 1. A mental health consortium established by NRS 433B.333 may:

(a) Enter into contracts and agreements to carry out the provisions of this section and NRS 433B.335 and section 2 of this act; and

(b) Apply for and accept gifts, grants, donations and bequests from any source to carry out the provisions of this section and NRS 433B.335 and section 2 of this act.

2. Any money collected pursuant to subsection 1:

(a) Must be deposited in the State Treasury and accounted for separately in the State General Fund; and

(b) Except as otherwise provided by the terms of a specific gift, grant, donation or bequest, must only be expended, under the direction of the consortium which deposited the money, to carry out the provisions of this section and NRS 433B.335 and section 2 of this act.

3. The Administrator shall administer the account maintained for each consortium.

4. Any interest or income earned on the money in an account maintained pursuant to this section must be credited to the account and does not revert to the State General Fund at the end of a fiscal year.

5. Any claims against an account maintained pursuant to this section must be paid as other claims against the State are paid.

Sec. 4. NRS 433B.335 is hereby amended to read as follows:

433B.335 1. Each mental health consortium established pursuant to NRS 433B.333 shall prepare and submit to the Director of the Department a long-term strategic plan for the provision of mental health services to children with emotional disturbance in the jurisdiction of the consortium. A plan submitted pursuant to this section is valid for 10 years after the date of submission, and each consortium shall submit a new plan upon its expiration.

2. In preparing the long-term strategic plan pursuant to subsection 1, each mental health consortium must be guided by the following principles:

(a) The system of mental health services set forth in the plan should be centered on children with emotional disturbance and their families, with the needs and strengths of those children and their families dictating the types and mix of services provided.

(b) The families of children with emotional disturbance, including, without limitation, foster parents, should be active participants in all aspects of planning, selecting and delivering mental health services at the local level.

(c) The system of mental health services should be community-based and flexible, with accountability and the focus of the services at the local level.

(d) The system of mental health services should provide timely access to a comprehensive array of cost-effective mental health services.

(e) Children and their families who are in need of mental health services should be identified as early as possible through screening, assessment processes, treatment and systems of support.

(f) Comprehensive mental health services should be made available in the least restrictive but clinically appropriate environment.

(g) The family of a child with an emotional disturbance should be eligible to receive mental health services from the system.

(h) Mental health services should be provided to children with emotional disturbance in a sensitive manner that is responsive to cultural and gender-based differences and the special needs of the children.

3. The long-term strategic plan prepared pursuant to subsection 1 must include:

(a) An assessment of the need for mental health services in the jurisdiction of the consortium;

(b) The long-term strategies and goals of the consortium for providing mental health services to children with emotional disturbance within the jurisdiction of the consortium;

(c) A description of the types of services to be offered to children with emotional disturbance within the jurisdiction of the consortium;

(d) Criteria for eligibility for those services;

(e) A description of the manner in which those services may be obtained by eligible children;

(f) The manner in which the costs for those services will be allocated;

(g) The mechanisms to manage the money provided for those services;

(h) Documentation of the number of children with emotional disturbance who are not currently being provided services, the costs to provide services to those children, the obstacles to providing services to those children and recommendations for removing those obstacles;

(i) Methods for obtaining additional money and services for children with emotional disturbance from private and public entities; and

(j) The manner in which family members of eligible children and other persons may be involved in the treatment of the children.

4. On or before January 31 of each even-numbered year, each mental health consortium shall submit to the Director of the Department and the Commission:

(a) A list of the priorities of services necessary to implement the long-term strategic plan submitted pursuant to subsection 1 and an itemized list of the costs to provide those services; ~~and~~

(b) A description of any revisions to the long-term strategic plan adopted by the consortium during the immediately preceding year ~~+~~; **and**

(c) Any request for an allocation for administrative expenses of the consortium.

5. In preparing the biennial budget request for the Department, the Director of the Department shall consider the list of priorities **and any request for an allocation** submitted pursuant to subsection 4 by each mental health consortium. On or before September 30 of each even-numbered year, the Director of the Department shall submit to each mental health consortium a report which includes a description of:

(a) Each item on the list of priorities of the consortium that was included in the biennial budget request for the Department; ~~and~~

(b) Each item on the list of priorities of the consortium that was not included in the biennial budget request for the Department and an explanation for the exclusion ~~+~~; **and**

(c) Any request for an allocation for administrative expenses of the consortium that was included in the biennial budget request for the Department.

6. On or before January 31 of each odd-numbered year, each consortium shall submit to the Director of the Department and the Commission:

(a) A report regarding the status of the long-term strategic plan submitted pursuant to subsection 1, including, without limitation, the status of the strategies, goals and services included in the plan; ~~and~~

(b) A description of any revisions to the long-term strategic plan adopted by the consortium during the immediately preceding year ~~[-1-]~~; **and**

(c) A report of all expenditures made from an account maintained pursuant to section 3 of this act, if any.

~~Sec. 5. 1. There is hereby appropriated from the State General Fund to the Department of Health and Human Services for administrative expenses of the consortia established by NRS 433B.333:~~

~~For the Fiscal Year 2011-2012 \$75,000~~

~~For the Fiscal Year 2012-2013 \$75,000~~

~~2. The money appropriated by subsection 1 must be used to carry out the administrative duties and functions of the consortia pursuant to NRS 433B.335.~~

~~3. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 21, 2012, and September 20, 2013, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 21, 2012, and September 20, 2013, respectively. **(Deleted by amendment.)**~~

Sec. 6. This act becomes effective on July 1, 2011.

Assemblywoman Pierce moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to Concurrent Committee on Ways and Means.

Assembly Bill No. 55.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 26.

AN ACT relating to dentistry; authorizing the Board of Dental Examiners of Nevada to issue a holder of a limited license a permit to perform certain dental practices; requiring the Board to adopt regulations relating to such permits; revising the requirements for the issuance of a limited license; authorizing the Board to impose certain fees to recover the costs of certain examinations; **revising the eligibility requirements for dental hygienists;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) authorizes the Board of Dental Examiners of Nevada to issue a limited license to practice dentistry or dental hygiene, without a clinical examination, to a person who contracts with the Nevada System of Higher Education and who satisfies certain other requirements; (2) requires the holder of a limited license to practice dentistry or dental hygiene only in accordance with the contract and at the educational or outpatient clinic, hospital or other facility where the person is employed; and (3) prohibits the holder of a limited license from engaging in the private practice of dentistry or dental hygiene or accepting other compensation for the practice of dentistry or dental hygiene. (NRS 631.271) **Section 1** of this bill: (1) authorizes an applicant for a limited license to satisfy one of the requirements for such licensure by successfully passing a clinical examination; (2) authorizes the Board to issue a permit to the holder of a limited license which allows the holder of the limited license to engage in the private practice of dentistry and to accept compensation for dental services from entities other than that with which the license holder has contracted; and (3) requires the Board to prescribe, by regulation, the standards, conditions and other requirements for the issuance of such permits.

Section 2 of this bill authorizes the Board of Dental Examiners of Nevada to charge a fee ~~to cover the actual cost to the Board of administering a clinical examination.~~ **of \$2,500 for administering a clinical examination in dentistry and a fee of \$1,500 for administering a clinical examination in dental hygiene.**

Section 1.5 of this bill provides that a person desiring to obtain a license to practice dental hygiene may successfully pass a clinical examination approved by the Board of Dental Examiners of Nevada and the American Board of Dental Examiners to meet the eligibility requirements for a license.

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

Section 1. NRS 631.271 is hereby amended to read as follows:

631.271 1. The Board shall, without a clinical examination required by NRS 631.240 or 631.300, issue a limited license to practice dentistry or dental hygiene to a person who:

- (a) Is qualified for a license to practice dentistry or dental hygiene in this State;
- (b) Pays the required application fee;
- (c) Has entered into a contract with ~~the~~ :

(1) The Nevada System of Higher Education to provide services as a dental intern, dental resident or instructor of dentistry or dental hygiene at an

educational or outpatient clinic, hospital or other facility of the Nevada System of Higher Education; **or**

(2) An accredited program of dentistry or dental hygiene of an institution which is accredited by a regional educational accrediting organization that is recognized by the United States Department of Education to provide services as a dental intern, dental resident or instructor of dentistry or dental hygiene at an educational or outpatient clinic, hospital or other facility of the institution and accredited by the Commission on Dental Accreditation of the American Dental Association or its successor specialty accrediting organization;

(d) Satisfies the requirements of NRS 631.230 or 631.290, as appropriate; and

(e) Satisfies at least one of the following requirements:

(1) Has a license to practice dentistry or dental hygiene issued pursuant to the laws of another state or territory of the United States, or the District of Columbia;

(2) Presents to the Board a certificate granted by the Western Regional Examining Board which contains a notation that the person has passed, within the 5 years immediately preceding the date of the application, a clinical examination administered by the Western Regional Examining Board; ~~for~~

(3) Successfully passes a clinical examination approved by the Board and the American Board of Dental Examiners; or

(4) Has the educational or outpatient clinic, hospital or other facility where the person will provide services as a dental intern or dental resident in an internship or residency program submit to the Board written confirmation that the person has been appointed to a position in the program and is a citizen of the United States or is lawfully entitled to remain and work in the United States. If a person qualifies for a limited license pursuant to this subparagraph, the limited license remains valid only while the person is actively providing services as a dental intern or dental resident in the internship or residency program, is lawfully entitled to remain and work in the United States and is in compliance with all other requirements for the limited license.

2. The Board shall not issue a limited license to a person:

(a) Who has been issued a license to practice dentistry or dental hygiene if:

(1) The person is involved in a disciplinary action concerning the license; or

(2) The license has been revoked or suspended; or

(b) Who has been refused a license to practice dentistry or dental hygiene,

↪ in this State, another state or territory of the United States, or the District of Columbia.

3. ~~{A}~~ ***Except as otherwise provided in subsection 4, a*** person to whom a limited license is issued pursuant to subsection 1:

(a) May practice dentistry or dental hygiene in this State only:

(1) At the educational or outpatient clinic, hospital or other facility where the person is employed; and

(2) In accordance with the contract required by paragraph (c) of subsection 1.

(b) Shall not, for the duration of the limited license, engage in the private practice of dentistry or dental hygiene in this State or accept compensation for the practice of dentistry or dental hygiene except such compensation as may be paid to the person by the Nevada System of Higher Education ***or an accredited program of dentistry or dental hygiene*** for services provided as a dental intern, dental resident or instructor of dentistry or dental hygiene ~~{}~~ ***pursuant to paragraph (c) of subsection 1.***

4. ***The Board may issue a permit authorizing a person who holds a limited license to engage in the practice of dentistry or dental hygiene in this State and to accept compensation for such practice as may be paid to the person by entities other than the Nevada System of Higher Education or an accredited program of dentistry or dental hygiene with whom the person is under contract pursuant to paragraph (c) of subsection 1. The Board shall, by regulation, prescribe the standards, conditions and other requirements for the issuance of a permit.***

5. A limited license expires 1 year after its date of issuance and may be renewed on or before the date of its expiration, unless the holder no longer satisfies the requirements for the limited license. The holder of a limited license may, upon compliance with the applicable requirements set forth in NRS 631.330 and the completion of a review conducted at the discretion of the Board, be granted a renewal certificate that authorizes the continuation of practice pursuant to the limited license for 1 year.

~~{5-}~~ 6. ***A permit issued pursuant to subsection 4 expires on the date that the holder's limited license expires and may be renewed when the limited license is renewed, unless the holder no longer satisfies the requirements for the permit.***

7. Within 7 days after the termination of a contract required by paragraph (c) of subsection 1, the holder of a limited license shall notify the Board of the termination, in writing, and surrender the limited license ***and a permit issued pursuant to this section, if any,*** to the Board.

~~{6-}~~ 8. The Board may revoke a limited license ***and a permit issued pursuant to this section, if any,*** at any time upon submission of substantial

evidence to the Board that the holder of the license violated any provision of this chapter or the regulations of the Board.

Sec. 1.5. NRS 631.300 is hereby amended to read as follows:

631.300 1. Any person desiring to obtain a license to practice dental hygiene, after having complied with the regulations of the Board to determine eligibility:

(a) Except as otherwise provided in NRS 622.090, must pass a written examination given by the Board upon such subjects as the Board deems necessary for the practice of dental hygiene or must present a certificate granted by the Joint Commission on National Dental Examinations which contains a notation that the applicant has passed the National Board Dental Hygiene Examination with a score of at least 75; and

(b) Except as otherwise provided in this chapter, must:

(1) **Successfully pass a clinical examination approved by the Board and the American Board of Dental Examiners;**

(2) Successfully complete a clinical examination in dental hygiene given by the Board which examines the applicant's practical knowledge of dental hygiene and which includes, but is not limited to, demonstrations in the removal of deposits from, and the polishing of, the exposed surface of the teeth; or

~~1(2)~~ (3) Present to the Board a certificate granted by the Western Regional Examining Board which contains a notation that the applicant has passed, within the 5 years immediately preceding the date of the application, a clinical examination administered by the Western Regional Examining Board.

2. The clinical examination given by the Board must include components that are:

(a) Written or oral, or a combination of both; and

(b) Practical, as in the opinion of the Board is necessary to test the qualifications of the applicant.

3. The Board shall examine each applicant in writing on the contents and interpretation of this chapter and the regulations of the Board.

4. All persons who have satisfied the requirements for licensure as a dental hygienist must be registered as licensed dental hygienists on the board register, as provided in this chapter, and are entitled to receive a certificate of registration, signed by all members of the Board.

Sec. 2. NRS 631.345 is hereby amended to read as follows:

631.345 1. Except as otherwise provided in NRS 631.2715, the Board shall by regulation establish fees for the performance of the duties imposed upon it by this chapter which must not exceed the following amounts:

Application fee for an initial license to practice dentistry.....\$1,500

Application fee for an initial license to practice dental

hygiene.....	750
Application fee for a specialist's license to practice dentistry.....	300
Application fee for a limited license or restricted license to practice dentistry or dental hygiene	300
<u>Fee for administering a clinical examination in dentistry</u> ~~[Actual cost of the examination]~~	<u>2,500</u>
<u>Fee for administering a clinical examination in dental Hygiene</u>	<u>1,500</u>
Application and examination fee for a permit to administer general anesthesia, conscious sedation or deep sedation.....	750
Fee for any reinspection required by the Board to maintain a permit to administer general anesthesia, conscious sedation or deep sedation.....	500
Biennial renewal fee for a permit to administer general anesthesia, conscious sedation or deep sedation.....	\$600
Fee for the inspection of a facility required by the Board to renew a permit to administer general anesthesia, conscious sedation or deep sedation	350
Biennial license renewal fee for a general license, specialist's license, temporary license or restricted geographical license to practice dentistry.....	1,000
Annual license renewal fee for a limited license or restricted license to practice dentistry.....	300
Biennial license renewal fee for a general license, temporary license or restricted geographical license to practice dental hygiene	600
Annual license renewal fee for a limited license to practice dental hygiene	300
Biennial license renewal fee for an inactive dentist	400
Biennial license renewal fee for a dentist who is retired or has a disability.....	100
Biennial license renewal fee for an inactive dental hygienist	200
Biennial license renewal fee for a dental hygienist who is retired or has a disability	100
Reinstatement fee for a suspended license to practice dentistry or dental hygiene	500
Reinstatement fee for a revoked license to practice dentistry or dental hygiene	500
Reinstatement fee to return a dentist or dental hygienist who is inactive, retired or has a disability to active status	500

Fee for the certification of a license 50

2. Except as otherwise provided in this subsection, the Board shall charge a fee to review a course of continuing education for accreditation. The fee must not exceed \$150 per credit hour of the proposed course. The Board shall not charge a nonprofit organization or an agency of the State or of a political subdivision of the State a fee to review a course of continuing education.

3. All fees prescribed in this section are payable in advance and must not be refunded.

Sec. 3. This act becomes effective upon passage and approval.

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 91.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 100.

AN ACT relating to collaborative law; enacting the Uniform Collaborative Law Act; establishing the requirements of a collaborative law participation agreement and the collaborative law process; establishing standards applicable to collaborative lawyers; providing that certain collaborative law communications are confidential and privileged; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill enacts the Uniform Collaborative Law Act, as amended by the National Conference of Commissioners on Uniform State Laws in 2010, and aims to standardize the most important features of collaborative law, a form of alternative dispute resolution. Currently, collaborative law has largely been practiced under private collaborative law participation agreements developed by practice groups of private attorneys.

Section 19 of this bill provides the minimum requirements for written agreements that allow parties to state their intention to resolve a matter through a collaborative law process. **Section 20** of this bill emphasizes that a party's participation in collaborative law is voluntary and specifies when and how a collaborative law process begins and concludes. **Section 21** of this bill creates a stay of proceedings before a tribunal when parties sign an agreement to attempt to resolve a matter through collaborative law. **Section 23** of this bill authorizes the approval of agreements arising out of a collaborative law process. **Sections 24-26** of this bill: (1) provide that a collaborative lawyer is disqualified from representing a party to a collaborative matter before a tribunal in a proceeding related to the

collaborative matter; (2) impute the disqualification to other lawyers in a law firm with which the collaborative lawyer is associated; and (3) provide exceptions to imputed disqualification under certain circumstances if the law firm is representing a low-income party for no fee or if the collaborative lawyer is representing a governmental agency.

Section 27 of this bill requires parties to disclose relevant information during the collaborative law process without formal discovery requests and to update information previously disclosed that has materially changed. **Sections 29 and 30** of this bill impose certain duties on collaborative lawyers to disclose to and discuss with a prospective party the material risks and benefits of a collaborative law process and require collaborative lawyers to screen prospective parties for any history of a coercive or violent relationship with another party. **Sections 31-34** of this bill authorize parties to agree on the scope of confidentiality of their collaborative law communications, create an evidentiary privilege for collaborative law communications and provide for certain waivers of and limited exceptions to the evidentiary privilege.

Finally, **section 35** of this bill authorizes a tribunal or other body acting in an adjudicative capacity to enforce agreements that result from a collaborative law process and to apply the disqualification provisions and the evidentiary privileges provided for in this bill.

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

Section 1. Chapter 38 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 37, inclusive, of this act.

Sec. 2. *Sections 2 to 37, inclusive, of this act may be cited as the Uniform Collaborative Law Act.*

Sec. 3. *As used in sections 2 to 37, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 4 to 18, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 4. *“Collaborative law communication” means a statement, whether oral or in a record, or verbal or nonverbal, that:*

1. Is made to conduct, participate in, continue or reconvene a collaborative law process; and

2. Occurs after the parties sign a collaborative law participation agreement and before the collaborative law process is concluded.

Sec. 5. *“Collaborative law participation agreement” means an agreement by persons to participate in a collaborative law process.*

Sec. 6. *“Collaborative law process” means a procedure intended to resolve a collaborative matter without intervention by a tribunal in which persons:*

1. Sign a collaborative law participation agreement; and

2. *Are represented by collaborative lawyers.*

Sec. 7. *“Collaborative lawyer” means a lawyer who represents a party in a collaborative law process.*

Sec. 8. *“Collaborative matter” means a dispute, transaction, claim, problem or issue for resolution, including a dispute, claim or issue in a proceeding which is described in a collaborative law participation agreement.*

Sec. 9. *“Law firm” means:*

1. *Lawyers who practice law together in a partnership, professional corporation, sole proprietorship, limited-liability company or association; and*

2. *Lawyers employed in a legal services organization, the legal department of a corporation or other organization, or the legal department of a government or governmental subdivision, agency or instrumentality.*

Sec. 10. *“Nonparty participant” means a person, other than a party and the collaborative lawyer of a party, that participates in a collaborative law process.*

Sec. 11. *“Party” means a person that signs a collaborative law participation agreement and whose consent is necessary to resolve a collaborative matter.*

Sec. 12. *“Person” means an individual, corporation, business trust, estate, trust, partnership, limited-liability company, association, joint venture, public corporation, government or governmental subdivision, agency or instrumentality, or any other legal or commercial entity.*

Sec. 13. *“Proceeding” means:*

1. *A judicial, administrative, arbitral or other adjudicative process before a tribunal, including related prehearing and posthearing motions, conferences and discovery; or*

2. *A legislative hearing or similar process.*

Sec. 14. *“Prospective party” means a person that discusses with a prospective collaborative lawyer the possibility of signing a collaborative law participation agreement.*

Sec. 15. *“Record” means information which is inscribed on a tangible medium or which is stored in an electronic or other medium and is retrievable in perceivable form.*

Sec. 16. *“Related to a collaborative matter” means involving the same parties, transaction or occurrence, nucleus of operative fact, dispute, claim or issue as the collaborative matter.*

Sec. 17. *“Sign” means, with present intent to authenticate or adopt a record:*

1. *To execute or adopt a tangible symbol; or*

2. *To attach to or logically associate with the record an electronic symbol, sound or process.*

Sec. 18. *“Tribunal” means:*

1. *A court, arbitrator, administrative agency or other body acting in an adjudicative capacity which, after presentation of evidence or legal argument, has jurisdiction to render a decision affecting a party’s interests in a matter; or*

2. *A legislative body conducting a hearing or similar process.*

Sec. 19. 1. *A collaborative law participation agreement must:*

(a) *Be in a record;*

(b) *Be signed by the parties;*

(c) *State the intention of the parties to resolve a collaborative matter through a collaborative law process under sections 2 to 37, inclusive, of this act;*

(d) *Describe the nature and scope of the collaborative matter;*

(e) *Identify the collaborative lawyer who represents each party in the collaborative law process; and*

(f) *Contain a statement by each collaborative lawyer confirming the lawyer’s representation of a party in the collaborative law process.*

2. *The parties may agree to include in a collaborative law participation agreement additional provisions not inconsistent with sections 2 to 37, inclusive, of this act.*

Sec. 20. 1. *A collaborative law process begins when the parties sign a collaborative law participation agreement.*

2. *A tribunal may not order a party to participate in a collaborative law process over the objection of that party.*

3. *A collaborative law process is concluded by a:*

(a) *Resolution of a collaborative matter as evidenced by a signed record;*

(b) *Resolution of a part of the collaborative matter, evidenced by a signed record, in which the parties agree that the remaining parts of the collaborative matter will not be resolved in the collaborative law process; or*

(c) *Termination of the collaborative law process.*

4. *A collaborative law process terminates:*

(a) *When a party gives notice to other parties in a record that the collaborative law process is ended;*

(b) *When a party:*

(1) *Begins a proceeding related to a collaborative matter without the agreement of all parties; or*

(2) *In a pending proceeding related to the collaborative matter:*

(I) *Initiates a pleading, motion, order to show cause or request for a conference with the tribunal;*

(II) Requests that the proceeding be put on the tribunal's active calendar; or

(III) Takes similar action requiring notice to be sent to the parties; or

(c) Except as otherwise provided in subsection 7, when a party discharges a collaborative lawyer or a collaborative lawyer withdraws from further representation of a party.

5. The collaborative lawyer of a party shall give prompt notice to all other parties in a record of the discharge or withdrawal of the collaborative lawyer.

6. A party may terminate a collaborative law process with or without cause.

7. Notwithstanding the discharge or withdrawal of a collaborative lawyer, a collaborative law process continues if, not later than 30 days after the date that the notice of the discharge or withdrawal of a collaborative lawyer required by subsection 5 is sent to the parties:

(a) The unrepresented party engages a successor collaborative lawyer; and

(b) In a signed record:

(1) The parties consent to continue the process by reaffirming the collaborative law participation agreement;

(2) The agreement is amended to identify the successor collaborative lawyer; and

(3) The successor collaborative lawyer confirms the lawyer's representation of a party in the collaborative process.

8. A collaborative law process does not conclude if, with the consent of the parties, a party requests a tribunal to approve a resolution of the collaborative matter or any part thereof as evidenced by a signed record.

9. A collaborative law participation agreement may provide additional methods of concluding a collaborative law process.

Sec. 21. 1. *The persons in a proceeding pending before a tribunal may sign a collaborative law participation agreement to seek to resolve a collaborative matter related to the proceeding. The parties to the collaborative law participation agreement shall file promptly with the tribunal a notice of the agreement after it is signed. Subject to subsection 3 and sections 22 and 23 of this act, the filing operates as an application for a stay of the proceeding. ~~[pending review by the tribunal.]~~*

2. *The parties shall file promptly with the tribunal notice in a record when a collaborative law process concludes. The stay of the proceeding under subsection 1 is lifted when the notice is filed. The notice must not specify any reason for termination of the process.*

3. A tribunal in which a proceeding is stayed under subsection 1 may require parties and collaborative lawyers to provide a status report on the collaborative law process and the proceeding. A status report must include only information on whether the process is ongoing or concluded. It must not include a report, assessment, evaluation, recommendation, finding or other communication regarding a collaborative law process or collaborative law matter.

4. A tribunal may not consider a communication made in violation of subsection 3.

5. A tribunal shall provide the parties with notice and an opportunity to be heard before dismissing a proceeding in which a notice of collaborative law process is filed based on delay or failure to prosecute.

Sec. 22. During a collaborative law process, a tribunal may issue emergency orders to protect the health, safety, welfare or interest of a party or a member of the family or the household of a party.

Sec. 23. A tribunal may approve an agreement resulting from a collaborative law process.

Sec. 24. 1. Except as otherwise provided in subsection 3, a collaborative lawyer is disqualified from appearing before a tribunal to represent a party in a proceeding related to the collaborative matter.

2. Except as otherwise provided in subsection 3 and sections 25 and 26 of this act, a lawyer in a law firm with which the collaborative lawyer is associated is disqualified from appearing before a tribunal to represent a party in a proceeding related to the collaborative matter if the collaborative lawyer is disqualified from doing so under subsection 1.

3. A collaborative lawyer or a lawyer in a law firm with which the collaborative lawyer is associated may represent a party:

(a) To ask a tribunal to approve an agreement resulting from the collaborative law process; or

(b) To seek or defend an emergency order to protect the health, safety, welfare or interest of a party, or a member of the family or the household of a party, if a successor lawyer is not immediately available to represent that person.

4. A collaborative lawyer or a lawyer in a law firm with which the collaborative lawyer is associated may ~~request~~ represent a party, or a member of the family or the household of a party, under paragraph (b) of subsection 3 only until that person is represented by a successor lawyer or reasonable measures are taken to protect the health, safety, welfare or interest of that person.

Sec. 25. 1. The disqualification of a collaborative lawyer under subsection 1 of section 24 of this act applies to a collaborative lawyer representing a party with or without fee.

2. After a collaborative law process concludes, another lawyer in a law firm with which a collaborative lawyer who is disqualified under subsection 1 of section 24 of this act is associated may represent a party without fee in the collaborative matter or a matter related to the collaborative matter if:

(a) The party has an annual income that qualifies the party for free legal representation under the criteria established by the law firm for free legal representation;

(b) The collaborative law participation agreement so provides; and

(c) The collaborative lawyer is isolated from any participation in the collaborative matter or a matter related to the collaborative matter through procedures within the law firm which are reasonably calculated to isolate the collaborative lawyer from such participation.

Sec. 26. 1. The disqualification of a collaborative lawyer under subsection 1 of section 24 of this act applies to a collaborative lawyer representing a party that is a government or a governmental subdivision, agency or instrumentality.

2. After a collaborative law process concludes, another lawyer in a law firm with which the collaborative lawyer is associated may represent a government or a governmental subdivision, agency or instrumentality in the collaborative matter or a matter related to the collaborative matter if:

(a) The collaborative law participation agreement so provides; and

(b) The collaborative lawyer is isolated from any participation in the collaborative matter or a matter related to the collaborative matter through procedures within the law firm which are reasonably calculated to isolate the collaborative lawyer from such participation.

Sec. 27. Except as otherwise provided by specific statute, during the collaborative law process, on the request of another party, a party shall make timely, full, candid and informal disclosure of information related to the collaborative matter without formal discovery. A party also shall promptly update previously disclosed information that has materially changed. The parties may define the scope of disclosure during the collaborative law process.

Sec. 28. The provisions of sections 2 to 37, inclusive, of this act do not affect:

1. The professional responsibility obligations and standards applicable to a lawyer or other licensed professional; or

2. The obligation of a person to report abuse or neglect, abandonment or exploitation of a child or adult under the laws of this State.

Sec. 29. Before a prospective party signs a collaborative law participation agreement, a prospective collaborative lawyer shall:

1. Assess with the prospective party factors that the lawyer reasonably believes relate to whether a collaborative law process is appropriate for the prospective party's matter;

2. Provide the prospective party with information that the lawyer reasonably believes is sufficient for the prospective party to make an informed decision about the material benefits and risks of a collaborative law process as compared to the material benefits and risks of other reasonably available alternatives for resolving the proposed collaborative matter, such as litigation, mediation, arbitration or expert evaluation; and

3. Advise the prospective party that:

(a) After a collaborative law participation agreement is signed, the collaborative law process terminates if a party initiates a proceeding or seeks the intervention of a tribunal in a pending proceeding related to the collaborative matter;

(b) Participation in a collaborative law process is voluntary, and any party has the right to terminate unilaterally a collaborative law process with or without cause; and

(c) The collaborative lawyer and any lawyer in a law firm with which the collaborative lawyer is associated may not appear before a tribunal to represent a party in a proceeding related to the collaborative matter, except as authorized by subsection 3 of section 24 of this act, subsection 2 of section 25 of this act or subsection 2 of section 26 of this act.

Sec. 30. 1. Before a prospective party signs a collaborative law participation agreement, a prospective collaborative lawyer must make reasonable inquiry into whether the prospective party has a history of a coercive or violent relationship with another prospective party.

2. Throughout a collaborative law process, a collaborative lawyer reasonably and continuously shall assess whether the party the collaborative lawyer represents has a history of a coercive or violent relationship with another party.

3. If a collaborative lawyer reasonably believes that the party the lawyer represents or the prospective party who consults the lawyer has a history of a coercive or violent relationship with another party or prospective party, the lawyer shall not begin or continue a collaborative law process unless:

(a) The party or the prospective party requests beginning or continuing the collaborative law process; and

(b) The collaborative lawyer reasonably believes that the safety of the party or prospective party can be protected adequately during the process.

Sec. 31. A collaborative law communication is confidential to the extent agreed by the parties in a signed record or as provided by specific statute.

Sec. 32. 1. *Except as otherwise provided in sections 33 and 34 of this act, a collaborative law communication is privileged under subsection 2, is not subject to discovery and is not admissible in evidence.*

2. *In a proceeding, the following privileges apply:*

(a) *A party may refuse to disclose, and may prevent any other person from disclosing, a collaborative law communication; and*

(b) *A nonparty participant may refuse to disclose, and may prevent any other person from disclosing, a collaborative law communication of the nonparty participant.*

3. *Evidence or information that is otherwise admissible or subject to discovery does not become inadmissible or protected from discovery solely because of its disclosure or use in a collaborative law process.*

Sec. 33. 1. *A privilege under section 32 of this act may be waived in a record or orally during a proceeding if it is expressly waived by all parties, and in the case of the privilege of a nonparty participant, it is also expressly waived by the nonparty participant.*

2. *A person that makes a disclosure or representation about a collaborative law communication which prejudices another person in a proceeding may not assert a privilege under section 32 of this act, but this preclusion applies only to the extent necessary for the person prejudiced to respond to the disclosure or representation.*

Sec. 34. 1. *There is no privilege under section 32 of this act for a collaborative law communication that is:*

(a) *Available to the public under chapter 239 of NRS or made during a session of a collaborative law process that is open, or is required by law to be open, to the public;*

(b) *A threat or statement of a plan to inflict bodily injury or commit a crime of violence;*

(c) *Intentionally used to plan a crime, commit or attempt to commit a crime, or conceal an ongoing crime or ongoing criminal activity; or*

(d) *Set forth in an agreement resulting from the collaborative law process, evidenced by a record signed by all parties to the agreement.*

2. *The privileges under section 32 of this act for a collaborative law communication do not apply to the extent that the communication is:*

(a) *Sought or offered to prove or disprove a claim or complaint of professional misconduct or malpractice arising from or related to a collaborative law process; or*

(b) *Sought or offered to prove or disprove abuse, neglect, abandonment or exploitation of a child or adult, unless an agency which provides child welfare services, as defined in NRS 432B.030, or the Aging and Disability Services Division of the Department of Health and Human Services is a party to or otherwise participates in the collaborative law process.*

3. *There is no privilege under section 32 of this act if a tribunal finds, after a hearing in camera, that the party seeking discovery or the proponent of the evidence has shown the evidence is not otherwise available, the need for the evidence substantially outweighs the interest in protecting confidentiality and the collaborative law communication is sought or offered in:*

- (a) A court proceeding involving a felony or misdemeanor; or*
- (b) A proceeding seeking rescission or reformation of a contract arising out of the collaborative law process or in which a defense to avoid liability on the contract is asserted.*

4. *If a collaborative law communication is subject to an exception under subsection 2 or 3, only the part of the communication necessary for the application of the exception may be disclosed or admitted into evidence.*

5. *Disclosure or admission of evidence excepted from the privilege under subsection 2 or 3 does not make the evidence or any other collaborative law communication discoverable or admissible for any other purpose.*

6. *The privileges under section 32 of this act do not apply if the parties agree in advance in a signed record, or if a record of a proceeding reflects agreement by the parties, that all or part of a collaborative law process is not privileged. This subsection does not apply to a collaborative law communication made by a person that did not receive actual notice of the agreement before the communication was made.*

Sec. 35. 1. *If a collaborative law participation agreement fails to meet the requirements of section 19 of this act, or if a prospective collaborative lawyer fails to comply with section 29 or 30 of this act, a tribunal may nonetheless find that the parties intended to enter into a collaborative law participation agreement if the parties:*

- (a) Signed a record indicating an intention to enter into a collaborative law participation agreement; and*
- (b) Reasonably believed they were participating in a collaborative law process.*

2. *If a tribunal makes the findings specified in subsection 1 and the interests of justice require, the tribunal may:*

- (a) Enforce an agreement evidenced by a record resulting from the process in which the parties participated;*
- (b) Apply the disqualification provisions of sections 24, 25 and 26 of this act; and*
- (c) Apply the privileges under section 32 of this act.*

Sec. 36. *In applying and construing the Uniform Collaborative Law Act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.*

Sec. 37. *Sections 2 to 37, inclusive, of this act modify, limit and supersede the federal Electronic Signatures in Global and National Commerce Act, 15 U.S.C. 7001 et seq., but do not modify, limit or supersede Section 101(c) of that Act, 15 U.S.C. 7001(c), or authorize electronic delivery of any of the notices described in Section 103(b) of that Act, 15 U.S.C. 7003(b).*

Sec. 38. Sections 2 to 37, inclusive, of this act apply to a collaborative law participation agreement that is signed on or after January 1, 2013.

Sec. 39. This act becomes effective on January 1, 2013.

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 102.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 27.

AN ACT relating to professional licenses; revising the requirements for licensure as a professional engineer or professional land surveyor for certain applicants; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Before July 1, 2010, state law authorized a person to obtain a license from the State Board of Professional Engineers and Land Surveyors to practice as a professional engineer or professional land surveyor in this State if the person passed the requisite examination for licensure and: (1) met certain educational requirements by obtaining a 4-year degree; or (2) had a record of 10 or more years of active experience in his or her respective field of work. In 1999, the Legislature enacted legislation that, effective July 1, 2010, deleted the provisions which allowed an applicant for licensure to obtain a license in professional engineering or professional land surveying based on 10 or more years of active work experience in addition to passing the requisite examination. (Sections 5 and 7 of chapter 478, Statutes of Nevada 1999, pp. 2435, 2437) In 2005, the Legislature enacted legislation authorizing certain applicants for a professional engineering license to sit for the principles and practices portion of the examination for licensure after obtaining 6 years of active experience in engineering work. Such applicants were eligible for licensure if they obtained an additional 4 years of active work experience in engineering before July 1, 2010, in addition to meeting

all other requirements for licensure. (Sections 3 and 4 of chapter 75, Statutes of Nevada 2005, pp. 206, 208) After the enactment of the legislation in 2005, and until July 1, 2010, applicants for licensure as a professional land surveyor were still required to obtain 10 years of active work experience before they were eligible to sit for the principles and practices portion of their respective examination.

Section 2 of this bill authorizes certain applicants for licensure as a professional engineer who received approval from the Board before July 1, 2010, to sit for the principles and practices portion of the professional engineering examination for licensure to obtain a license from the Board if the applicants, before August 1, 2014, pass the requisite examination for licensure. Applicants for licensure as a professional engineer must also complete their respective work experience requirement by obtaining a record of 10 or more years of active work experience in engineering before August 1, 2014. **Section 3** of this bill authorizes the Board to waive educational requirements for certain applicants for licensure as a professional land surveyor who, before July 1, 2010, ~~met all the requirements for licensure other than passing~~ received approval from the Board to take the examination on the principles and practices of land surveying and who pass the examination before August 1, 2014.

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

Section 1. Chapter 625 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *The Board may waive any requirement for education that is required for licensure as a professional engineer pursuant to subsection 3 of NRS 625.183 and may issue a license to practice professional engineering to a person who:*

1. Before July 1, 2010, received approval from the Board to take the examination on the principles and practices of engineering pursuant to paragraph (b) of subsection 1 of NRS 625.193; and

2. Before August 1, 2014:

(a) Passes the examination for licensure pursuant to NRS 625.193; and

(b) Has a record of 10 years or more of active experience in engineering which is satisfactory to the Board and which indicates the person is competent to be placed in responsible charge of engineering work.

Sec. 3. *The Board may waive any requirement for education that is required for licensure as a professional land surveyor pursuant to subsection 3 of NRS 625.270 and may issue a license to practice professional land surveying to a person who:*

1. ~~Before July 1, 2010, [satisfactorily met the requirements for licensure as a professional land surveyor other than passing]~~ **received approval from the Board to take the examination on the principles and practices of land surveying pursuant to paragraph (b) of subsection 1 of NRS 625.280; and**

2. **Before August 1, 2014, passes the examination for licensure pursuant to NRS 625.280.**

Sec. 4. NRS 625.183 is hereby amended to read as follows:

625.183 1. A person who:

(a) Is 21 years of age or older; and

(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States,

↪ may apply to the Board, in accordance with the provisions of this chapter and any regulations adopted by the Board, for licensure as a professional engineer.

2. An applicant for licensure as a professional engineer must:

(a) Be of good character and reputation; and

(b) Pass the examination on the:

(1) Fundamentals of engineering or receive a waiver of that requirement; and

(2) Principles and practices of engineering,

↪ pursuant to NRS 625.193.

3. ~~{An}~~ **Except as otherwise provided in section 2 of this act, an** applicant for licensure as a professional engineer is not qualified for licensure unless the applicant is a graduate of an engineering curriculum of 4 years or more that is approved by the Board and has a record of 4 years or more of active experience in engineering which is satisfactory to the Board and which indicates that the applicant is competent to be placed in responsible charge of engineering work. An applicant who is eligible to take the examination on the principles and practices of engineering pursuant to subsection 2 of NRS 625.193 may take the examination on the principles and practices of engineering before the applicant meets the active experience requirements for licensure set forth in this subsection.

4. To determine whether an applicant for licensure as a professional engineer has an adequate record of active experience pursuant to subsection 3:

(a) Graduation from a college or university in a discipline of engineering with a master's or doctoral degree is equivalent to 2 years of active experience, except that, in the aggregate, not more than 2 years of active experience may be satisfied by graduation from a college or university with such degrees, regardless of the number of degrees earned.

(b) Two of the 4 years of active experience must have been completed by working under the direct supervision of a professional engineer who is

licensed in the discipline in which the applicant is applying for licensure, unless that requirement is waived by the Board.

(c) The execution, as a contractor, of work designed by a professional engineer, or the supervision of the construction of that work as a foreman or superintendent, is not equivalent to active experience in engineering.

5. A person who is not working in the field of engineering when applying for licensure is eligible for licensure as a professional engineer if the person complies with the requirements for licensure prescribed in this chapter.

Sec. 5. NRS 625.270 is hereby amended to read as follows:

625.270 1. A person who:

(a) Is 21 years of age or older; and

(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States,

↪ may apply to the Board, in accordance with the provisions of this chapter and any regulations adopted by the Board, for licensure as a professional land surveyor.

2. An applicant for licensure as a professional land surveyor must:

(a) Be of good character and reputation; and

(b) Pass the examination on the:

(1) Fundamentals of land surveying or receive a waiver of that requirement; and

(2) Principles and practices of land surveying,

↪ pursuant to NRS 625.280.

3. ~~{A-}~~ ***Except as otherwise provided in section 3 of this act, an*** applicant for licensure as a professional land surveyor may not take the examination on the principles and practices of land surveying, unless the applicant is a graduate of a land-surveying curriculum of 4 years or more that is approved by the Board and has a record of 4 years or more of active experience in land surveying that is satisfactory to the Board and indicates that the applicant is competent to be placed in responsible charge of land-surveying work.

4. To determine whether an applicant for licensure as a professional land surveyor has an adequate record of active experience pursuant to subsection 3:

(a) Two of the 4 years of active experience must have been completed by working under the direct supervision of a professional land surveyor, unless that requirement is waived by the Board.

(b) The execution, as a contractor, of work designed by a professional land surveyor, or the supervision of the construction of that work as a foreman or superintendent, is not equivalent to active experience in land surveying.

5. A person who is not working in the field of land surveying when applying for licensure is eligible for licensure as a professional land surveyor if the person complies with the requirements for licensure prescribed in this chapter.

Sec. 6. This act becomes effective on July 1, 2011.

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 138.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 68.

AN ACT relating to education; ~~requiring~~ **authorizing** the Department of Education to work in consultation with the Nevada System of Higher Education to establish a plan to ensure that high school pupils are adequately prepared for postsecondary education and success in the workplace; revising certain requirements for the reports of accountability information prepared by the State Board of Education and the boards of trustees of school districts; revising provisions governing the academic plans for ninth grade pupils; ~~requiring school districts to adopt a policy for remediation of deficient credits; requiring~~ **authorizing** school districts to adopt a policy for pupils to report unlawful activities; repealing certain provisions relating to the exemption of certain children from compulsory school attendance; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill ~~requires~~ **authorizes** the Department of Education to work in consultation with the Nevada System of Higher Education to establish clearly defined goals and benchmarks for pupils enrolled in public high schools to ensure that those pupils are adequately prepared for the educational requirements of postsecondary education and for success in the workplace.

Sections ~~2-4~~ 2 and 4 of this bill revise the requirements for the reports of accountability information prepared by the State Board of Education and the board of trustees of each school district to include certain information relating to **adult** diplomas, ~~and certificates indicating passage of the tests of general educational development.~~

Section 5 of this bill revises the ~~requirements of~~ **provisions governing** the policy for the 4-year academic plan for ninth grade pupils to ~~require~~ **provide that** the policy ~~to~~ **may** ensure that each ninth grade pupil and his or her parent or legal guardian are ~~adequately notified of~~ **provided, to the extent practicable, with information concerning** certain courses and

programs available to the pupil, as well as the requirements for graduation, for admission to the Nevada System of Higher Education and for receipt of a Governor Guinn Millennium Scholarship.

~~Section 7 of this bill requires the board of trustees of each school district to adopt a policy which ensures that a pupil who is deficient in the number of credits required for promotion to the next grade or graduation from high school is provided sufficient opportunities to remediate his or her deficient credits.~~

Section 8 of this bill ~~requires~~ **authorizes** the board of trustees of each school district to adopt a policy that allows a pupil enrolled in a public school within a school district to report, anonymously if the pupil chooses, any unlawful activities that are being conducted on school property, at an activity sponsored by the public school or on a school bus, commonly referred to as a “secret witness program.”

Section 13 of this bill repeals certain provisions relating to the exemption of children from compulsory school attendance.

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

Section 1. Chapter 385 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~The Department shall~~ *may work in consultation with the Nevada System of Higher Education to establish a plan which sets forth clearly defined goals and benchmarks for pupils enrolled in the public high schools to ensure that those pupils are adequately prepared for the educational requirements of postsecondary education and for success in the workplace, including, without limitation, methods to ensure that the high school standards, graduation requirements and assessments are aligned with college and workforce readiness expectations.*

2. ~~The~~ *If such a plan is established, the Superintendent of Public Instruction shall:*

(a) *On or before February 1 of each odd-numbered year, submit a report on the progress of the plan to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature; and*

(b) *On or before February 1 of each even-numbered year, submit a report on the progress of the plan to the Legislative Committee on Education.*

Sec. 2. NRS 385.3469 is hereby amended to read as follows:

385.3469 1. The State Board shall prepare an annual report of accountability that includes, without limitation:

(a) Information on the achievement of all pupils based upon the results of the examinations administered pursuant to NRS 389.015 and 389.550,

reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(b) Except as otherwise provided in subsection 2, pupil achievement, reported separately by gender and reported separately for the following groups of pupils:

(1) Pupils who are economically disadvantaged, as defined by the State Board;

(2) Pupils from major racial and ethnic groups, as defined by the State Board;

(3) Pupils with disabilities;

(4) Pupils who are limited English proficient; and

(5) Pupils who are migratory children, as defined by the State Board.

(c) A comparison of the achievement of pupils in each group identified in paragraph (b) of subsection 1 of NRS 385.361 with the annual measurable objectives of the State Board.

(d) The percentage of all pupils who were not tested, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(e) Except as otherwise provided in subsection 2, the percentage of pupils who were not tested, reported separately by gender and reported separately for the groups identified in paragraph (b).

(f) The most recent 3-year trend in the achievement of pupils in each subject area tested and each grade level tested pursuant to NRS 389.015 and 389.550, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available.

(g) Information on whether each school district has made adequate yearly progress, including, without limitation, the name of each school district, if any, designated as demonstrating need for improvement pursuant to NRS 385.377 and the number of consecutive years that the school district has carried that designation.

(h) Information on whether each public school, including, without limitation, each charter school, has made:

(1) Adequate yearly progress, including, without limitation, the name of each public school, if any, designated as demonstrating need for improvement pursuant to NRS 385.3623 and the number of consecutive years that the school has carried that designation.

(2) Progress based upon the model adopted by the Department pursuant to NRS 385.3595, if applicable for the grade level of pupils enrolled at the school.

(i) Information on the results of pupils who participated in the examinations of the National Assessment of Educational Progress required pursuant to NRS 389.012.

(j) The ratio of pupils to teachers in kindergarten and at each grade level for all elementary schools, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole, and the average class size for each core academic subject, as set forth in NRS 389.018, for each secondary school, reported for each school district and for this State as a whole.

(k) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, information on the professional qualifications of teachers employed by the school districts and charter schools, including, without limitation:

(1) The percentage of teachers who are:

(I) Providing instruction pursuant to NRS 391.125;

(II) Providing instruction pursuant to a waiver of the requirements for licensure for the grade level or subject area in which the teachers are employed; or

(III) Otherwise providing instruction without an endorsement for the subject area in which the teachers are employed;

(2) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, in this State that are not taught by highly qualified teachers;

(3) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, in this State that are not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools, which for the purposes of this subparagraph means schools in the top quartile of poverty and the bottom quartile of poverty in this State;

(4) For each middle school, junior high school and high school:

(I) On and after July 1, 2005, the number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level and subject area; and

(II) On and after July 1, 2006, the number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level and subject area; and

(5) For each elementary school:

(I) On and after July 1, 2005, the number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total

number of days long-term substitute teachers were employed at each school, identified by grade level; and

(II) On and after July 1, 2006, the number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level.

(l) The total expenditure per pupil for each school district in this State, including, without limitation, each charter school in the district. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the State Board shall use that statewide program in complying with this paragraph. If a statewide program is not available, the State Board shall use the Department's own financial analysis program in complying with this paragraph.

(m) The total statewide expenditure per pupil. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the State Board shall use that statewide program in complying with this paragraph. If a statewide program is not available, the State Board shall use the Department's own financial analysis program in complying with this paragraph.

(n) For all elementary schools, junior high schools and middle schools, the rate of attendance, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(o) The annual rate of pupils who drop out of school in grade 8 and a separate reporting of the annual rate of pupils who drop out of school in grades 9 to 12, inclusive, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole. The reporting for pupils in grades 9 to 12, inclusive, excludes pupils who:

(1) Provide proof to the school district of successful completion of the examinations of general educational development.

(2) Are enrolled in courses that are approved by the Department as meeting the requirements for an adult standard diploma.

(3) Withdraw from school to attend another school.

(p) The attendance of teachers who provide instruction, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(q) Incidents involving weapons or violence, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(r) Incidents involving the use or possession of alcoholic beverages or controlled substances, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(s) The suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(t) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(u) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 or 392.125, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(v) The transiency rate of pupils, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole. For the purposes of this paragraph, a pupil is not a transient if the pupil is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

(w) Each source of funding for this State to be used for the system of public education.

(x) A compilation of the programs of remedial study purchased in whole or in part with money received from this State that are used in each school district, including, without limitation, each charter school in the district. The compilation must include:

(1) The amount and sources of money received for programs of remedial study.

(2) An identification of each program of remedial study, listed by subject area.

(y) The percentage of pupils who graduated from a high school or charter school in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university, state college or community college within the Nevada System of Higher Education, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(z) The technological facilities and equipment available for educational purposes, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(aa) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of pupils who received:

(1) A standard high school diploma, reported separately for pupils who received the diploma pursuant to:

(I) Paragraph (a) of subsection 1 of NRS 389.805; and

(II) Paragraph (b) of subsection 1 of NRS 389.805.

(2) **An adult diploma.**

(3) An adjusted diploma.

~~[(3)]~~ (4) A certificate of attendance.

~~[(5)] A certificate indicating passage of the tests of general educational development for those pupils who are eligible pursuant to NRS 385.448.]~~

(bb) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of pupils who failed to pass the high school proficiency examination.

(cc) The number of habitual truants who are reported to a school police officer or local law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144 and the number of habitual truants who are referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(dd) Information on the paraprofessionals employed at public schools in this State, including, without limitation, the charter schools in this State. The information must include:

(1) The number of paraprofessionals employed, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole; and

(2) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of all paraprofessionals who do not satisfy the qualifications set forth in 20 U.S.C. 6319(c). The reporting requirements of this subparagraph apply to paraprofessionals who are employed in programs supported with Title I money and to paraprofessionals who are not employed in programs supported with Title I money.

(ee) An identification of appropriations made by the Legislature to improve the academic achievement of pupils and programs approved by the Legislature to improve the academic achievement of pupils.

(ff) A compilation of the special programs available for pupils at individual schools, listed by school and by school district, including, without limitation, each charter school in the district.

(gg) For each school district, including, without limitation, each charter school in the district and for this State as a whole, information on pupils enrolled in career and technical education, including, without limitation:

(1) The number of pupils enrolled in a course of career and technical education;

(2) The number of pupils who completed a course of career and technical education;

(3) The average daily attendance of pupils who are enrolled in a program of career and technical education;

(4) The annual rate of pupils who dropped out of school and were enrolled in a program of career and technical education before dropping out;

(5) The number and percentage of pupils who completed a program of career and technical education and who received a standard high school diploma, an adjusted diploma or a certificate of attendance; and

(6) The number and percentage of pupils who completed a program of career and technical education and who did not receive a high school diploma because the pupils failed to pass the high school proficiency examination.

2. A separate reporting for a group of pupils must not be made pursuant to this section if the number of pupils in that group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The State Board shall prescribe a mechanism for determining the minimum number of pupils that must be in a group for that group to yield statistically reliable information.

3. The annual report of accountability must:

(a) Comply with 20 U.S.C. 6311(h)(1) and the regulations adopted pursuant thereto;

(b) Be prepared in a concise manner; and

(c) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

4. On or before September 1 of each year, the State Board shall:

(a) Provide for public dissemination of the annual report of accountability by posting a copy of the report on the Internet website maintained by the Department; and

(b) Provide written notice that the report is available on the Internet website maintained by the Department. The written notice must be provided to the:

(1) Governor;

(2) Committee;

(3) Bureau;

(4) Board of Regents of the University of Nevada;

(5) Board of trustees of each school district; and

(6) Governing body of each charter school.

5. Upon the request of the Governor, an entity described in paragraph (b) of subsection 4 or a member of the general public, the State Board shall provide a portion or portions of the annual report of accountability.

6. As used in this section:

(a) "Highly qualified" has the meaning ascribed to it in 20 U.S.C. 7801(23).

(b) "Paraprofessional" has the meaning ascribed to it in NRS 391.008.

Sec. 3. ~~NRS 385.34692 is hereby amended to read as follows:~~

~~385.34692 — 1. The State Board shall prepare a summary of the annual report of accountability prepared pursuant to NRS 385.3469 that includes, without limitation, a summary of the following information for each school district, each charter school and the State as a whole:~~

~~(a) Demographic information of pupils, including, without limitation, the number and percentage of pupils:~~

~~(1) Who are economically disadvantaged, as defined by the State Board;~~

~~(2) Who are from major racial or ethnic groups, as defined by the State Board;~~

~~(3) With disabilities;~~

~~(4) Who are limited English proficient; and~~

~~(5) Who are migratory children, as defined by the State Board;~~

~~(b) The average daily attendance of pupils, reported separately for the groups identified in paragraph (a);~~

~~(c) The transiency rate of pupils;~~

~~(d) The percentage of pupils who are habitual truants;~~

~~(e) The percentage of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655;~~

~~(f) The number of incidents resulting in suspension or expulsion for:~~

~~(1) Violence to other pupils or to school personnel;~~

~~(2) Possession of a weapon;~~

~~(3) Distribution of a controlled substance;~~

~~(4) Possession or use of a controlled substance; and~~

~~(5) Possession or use of alcohol;~~

~~(g) For kindergarten through grade 8, the number and percentage of pupils who are retained in the same grade;~~

~~(h) For grades 9 to 12, inclusive, the number and percentage of pupils who are deficient in the number of credits required for promotion to the next grade or graduation from high school;~~

~~(i) The pupil teacher ratio for kindergarten and grades 1 to 8, inclusive;~~

~~(j) The average class size for the subject area of mathematics, English, science and social studies in schools where pupils rotate to different teachers for different subjects;~~

~~(k) The number and percentage of pupils who graduated from high school;~~

~~(l) The number and percentage of pupils who received a:~~

~~(1) Standard diploma;~~

~~(2) Adult diploma;~~

~~(3) Adjusted diploma; [and]~~

~~(4) Certificate of attendance; and~~

~~[(5) Certificate indicating passage of the tests of general educational development for those pupils who are eligible pursuant to NRS 385.448;]~~

~~(m) The number and percentage of pupils who graduated from high school and enrolled in remedial courses at the Nevada System of Higher Education;~~

~~(n) Per pupil expenditures;~~

~~(o) Information on the professional qualifications of teachers;~~

~~(p) The average daily attendance of teachers and licensure information;~~

~~(q) Information on the adequate yearly progress of the schools and school districts;~~

~~(r) Pupil achievement based upon the:~~

~~(1) Examinations administered pursuant to NRS 389.550, including, without limitation, whether public schools have made progress based upon the model adopted by the Department pursuant to NRS 385.3595; and~~

~~(2) High school proficiency examination;~~

~~(s) To the extent practicable, pupil achievement based upon the examinations administered pursuant to NRS 389.015 for grades 4, 7 and 10; and~~

~~(t) Other information required by the Superintendent of Public Instruction in consultation with the Bureau.~~

~~2. The summary prepared pursuant to subsection 1 must:~~

~~(a) Comply with 20 U.S.C. 6311(h)(1) and the regulations adopted pursuant thereto;~~

~~(b) Be prepared in a concise manner; and~~

~~(c) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents will likely understand.~~

~~3. On or before September 7 of each year, the State Board shall:~~

~~(a) Provide for public dissemination of the summary prepared pursuant to subsection 1 by posting the summary on the Internet website maintained by the Department; and~~

~~(b) Submit a copy of the summary in an electronic format to the:~~

~~(1) Governor;~~

~~(2) Committee;~~

~~(3) Bureau;~~

~~(4) Board of Regents of the University of Nevada;~~

~~(5) Board of trustees of each school district; and~~

~~(6) Governing body of each charter school.~~

~~4. The board of trustees of each school district and the governing body of each charter school shall ensure that the parents and guardians of pupils enrolled in the school district or charter school, as applicable, have sufficient information concerning the availability of the summary prepared by the State Board pursuant to subsection 1, including, without limitation, information~~

~~that describes how to access the summary on the Internet website maintained by the Department. Upon the request of a parent or guardian of a pupil, the Department shall provide the parent or guardian with a written copy of the summary.~~

~~5. The Department shall, in consultation with the Bureau and the school districts, prescribe a form for the summary required by this section.~~ **(Deleted by amendment.)**

Sec. 4. NRS 385.347 is hereby amended to read as follows:

385.347 1. The board of trustees of each school district in this State, in cooperation with associations recognized by the State Board as representing licensed educational personnel in the district, shall adopt a program providing for the accountability of the school district to the residents of the district and to the State Board for the quality of the schools and the educational achievement of the pupils in the district, including, without limitation, pupils enrolled in charter schools in the school district. The board of trustees of each school district shall report the information required by subsection 2 for each charter school that is located within the school district, regardless of the sponsor of the charter school. The information for charter schools must be reported separately and must denote the charter schools sponsored by the school district, the charter schools sponsored by the State Board and the charter schools sponsored by a college or university within the Nevada System of Higher Education.

2. The board of trustees of each school district shall, on or before August 15 of each year, prepare an annual report of accountability concerning:

(a) The educational goals and objectives of the school district.

(b) Pupil achievement for each school in the district and the district as a whole, including, without limitation, each charter school in the district. The board of trustees of the district shall base its report on the results of the examinations administered pursuant to NRS 389.015 and 389.550 and shall compare the results of those examinations for the current school year with those of previous school years. The report must include, for each school in the district, including, without limitation, each charter school in the district, and each grade in which the examinations were administered:

(1) The number of pupils who took the examinations.

(2) A record of attendance for the period in which the examinations were administered, including an explanation of any difference in the number of pupils who took the examinations and the number of pupils who are enrolled in the school.

(3) Except as otherwise provided in this paragraph, pupil achievement, reported separately by gender and reported separately for the following groups of pupils:

(I) Pupils who are economically disadvantaged, as defined by the State Board;

(II) Pupils from major racial and ethnic groups, as defined by the State Board;

(III) Pupils with disabilities;

(IV) Pupils who are limited English proficient; and

(V) Pupils who are migratory children, as defined by the State Board.

(4) A comparison of the achievement of pupils in each group identified in paragraph (b) of subsection 1 of NRS 385.361 with the annual measurable objectives of the State Board.

(5) The percentage of pupils who were not tested.

(6) Except as otherwise provided in this paragraph, the percentage of pupils who were not tested, reported separately by gender and reported separately for the groups identified in subparagraph (3).

(7) The most recent 3-year trend in pupil achievement in each subject area tested and each grade level tested pursuant to NRS 389.015 and 389.550, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available.

(8) Information that compares the results of pupils in the school district, including, without limitation, pupils enrolled in charter schools in the district, with the results of pupils throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(9) For each school in the district, including, without limitation, each charter school in the district, information that compares the results of pupils in the school with the results of pupils throughout the school district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(10) Information on whether each school in the district, including, without limitation, each charter school in the district, has made progress based upon the model adopted by the Department pursuant to NRS 385.3595.

➡ A separate reporting for a group of pupils must not be made pursuant to this paragraph if the number of pupils in that group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The State Board shall prescribe the mechanism for determining the minimum number of pupils that must be in a group for that group to yield statistically reliable information.

(c) The ratio of pupils to teachers in kindergarten and at each grade level for each elementary school in the district and the district as a whole, including, without limitation, each charter school in the district, and the average class size for each core academic subject, as set forth in NRS

389.018, for each secondary school in the district and the district as a whole, including, without limitation, each charter school in the district.

(d) Information on the professional qualifications of teachers employed by each school in the district and the district as a whole, including, without limitation, each charter school in the district. The information must include, without limitation:

(1) The percentage of teachers who are:

(I) Providing instruction pursuant to NRS 391.125;

(II) Providing instruction pursuant to a waiver of the requirements for licensure for the grade level or subject area in which the teachers are employed; or

(III) Otherwise providing instruction without an endorsement for the subject area in which the teachers are employed;

(2) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers;

(3) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools, which for the purposes of this subparagraph means schools in the top quartile of poverty and the bottom quartile of poverty in this State;

(4) For each middle school, junior high school and high school:

(I) On and after July 1, 2005, the number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level and subject area; and

(II) On and after July 1, 2006, the number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level and subject area; and

(5) For each elementary school:

(I) On and after July 1, 2005, the number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level; and

(II) On and after July 1, 2006, the number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level.

(e) The total expenditure per pupil for each school in the district and the district as a whole, including, without limitation, each charter school in the district. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, each school district shall use that statewide program in complying with this paragraph. If a statewide program is not available, each school district shall use its own financial analysis program in complying with this paragraph.

(f) The curriculum used by the school district, including:

- (1) Any special programs for pupils at an individual school; and
- (2) The curriculum used by each charter school in the district.

(g) Records of the attendance and truancy of pupils in all grades, including, without limitation:

(1) The average daily attendance of pupils, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(2) For each elementary school, middle school and junior high school in the district, including, without limitation, each charter school in the district that provides instruction to pupils enrolled in a grade level other than high school, information that compares the attendance of the pupils enrolled in the school with the attendance of pupils throughout the district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(h) The annual rate of pupils who drop out of school in grade 8 and a separate reporting of the annual rate of pupils who drop out of school in grades 9 to 12, inclusive, for each such grade, for each school in the district and for the district as a whole. The reporting for pupils in grades 9 to 12, inclusive, excludes pupils who:

(1) Provide proof to the school district of successful completion of the examinations of general educational development.

(2) Are enrolled in courses that are approved by the Department as meeting the requirements for an adult standard diploma.

(3) Withdraw from school to attend another school.

(i) Records of attendance of teachers who provide instruction, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(j) Efforts made by the school district and by each school in the district, including, without limitation, each charter school in the district, to increase:

(1) Communication with the parents of pupils in the district; and

(2) The participation of parents in the educational process and activities relating to the school district and each school, including, without limitation, the existence of parent organizations and school advisory committees.

(k) Records of incidents involving weapons or violence for each school in the district, including, without limitation, each charter school in the district.

(l) Records of incidents involving the use or possession of alcoholic beverages or controlled substances for each school in the district, including, without limitation, each charter school in the district.

(m) Records of the suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467.

(n) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(o) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 or 392.125, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(p) The transiency rate of pupils for each school in the district and the district as a whole, including, without limitation, each charter school in the district. For the purposes of this paragraph, a pupil is not transient if the pupil is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

(q) Each source of funding for the school district.

(r) A compilation of the programs of remedial study that are purchased in whole or in part with money received from this State, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The compilation must include:

(1) The amount and sources of money received for programs of remedial study for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(2) An identification of each program of remedial study, listed by subject area.

(s) For each high school in the district, including, without limitation, each charter school in the district, the percentage of pupils who graduated from that high school or charter school in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university, state college or community college within the Nevada System of Higher Education.

(t) The technological facilities and equipment available at each school, including, without limitation, each charter school, and the district's plan to incorporate educational technology at each school.

(u) For each school in the district and the district as a whole, including, without limitation, each charter school in the district, the number and percentage of pupils who received:

(1) A standard high school diploma, reported separately for pupils who received the diploma pursuant to:

(I) Paragraph (a) of subsection 1 of NRS 389.805; and

(II) Paragraph (b) of subsection 1 of NRS 389.805.

(2) **An adult diploma.**

(3) An adjusted diploma.

~~[(3)]~~ (4) A certificate of attendance.

~~[(5)] A certificate indicating passage of the tests of general educational development for those pupils who are eligible pursuant to NRS 385.448.1~~

(v) For each school in the district and the district as a whole, including, without limitation, each charter school in the district, the number and percentage of pupils who failed to pass the high school proficiency examination.

(w) The number of habitual truants who are reported to a school police officer or law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144 and the number of habitual truants who are referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144, for each school in the district and for the district as a whole.

(x) The amount and sources of money received for the training and professional development of teachers and other educational personnel for each school in the district and for the district as a whole, including, without limitation, each charter school in the district.

(y) Whether the school district has made adequate yearly progress. If the school district has been designated as demonstrating need for improvement pursuant to NRS 385.377, the report must include a statement indicating the number of consecutive years the school district has carried that designation.

(z) Information on whether each public school in the district, including, without limitation, each charter school in the district, has made adequate yearly progress, including, without limitation:

(1) The number and percentage of schools in the district, if any, that have been designated as needing improvement pursuant to NRS 385.3623; and

(2) The name of each school, if any, in the district that has been designated as needing improvement pursuant to NRS 385.3623 and the number of consecutive years that the school has carried that designation.

(aa) Information on the paraprofessionals employed by each public school in the district, including, without limitation, each charter school the district. The information must include:

(1) The number of paraprofessionals employed at the school; and

(2) The number and percentage of all paraprofessionals who do not satisfy the qualifications set forth in 20 U.S.C. 6319(c). The reporting

requirements of this subparagraph apply to paraprofessionals who are employed in positions supported with Title I money and to paraprofessionals who are not employed in positions supported with Title I money.

(bb) For each high school in the district, including, without limitation, each charter school that operates as a high school, information that provides a comparison of the rate of graduation of pupils enrolled in the high school with the rate of graduation of pupils throughout the district and throughout this State. The information required by this paragraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(cc) An identification of the appropriations made by the Legislature that are available to the school district or the schools within the district and programs approved by the Legislature to improve the academic achievement of pupils.

(dd) For each school in the district and the district as a whole, including, without limitation, each charter school in the district, information on pupils enrolled in career and technical education, including, without limitation:

(1) The number of pupils enrolled in a course of career and technical education;

(2) The number of pupils who completed a course of career and technical education;

(3) The average daily attendance of pupils who are enrolled in a program of career and technical education;

(4) The annual rate of pupils who dropped out of school and were enrolled in a program of career and technical education before dropping out;

(5) The number and percentage of pupils who completed a program of career and technical education and who received a standard high school diploma, an adjusted diploma or a certificate of attendance; and

(6) The number and percentage of pupils who completed a program of career and technical education and who did not receive a high school diploma because the pupils failed to pass the high school proficiency examination.

(ee) Such other information as is directed by the Superintendent of Public Instruction.

3. The records of attendance maintained by a school for purposes of paragraph (i) of subsection 2 must include the number of teachers who are in attendance at school and the number of teachers who are absent from school. A teacher shall be deemed in attendance if the teacher is excused from being present in the classroom by the school in which the teacher is employed for one of the following reasons:

(a) Acquisition of knowledge or skills relating to the professional development of the teacher; or

(b) Assignment of the teacher to perform duties for cocurricular or extracurricular activities of pupils.

4. The annual report of accountability prepared pursuant to subsection 2 must:

(a) Comply with 20 U.S.C. 6311(h)(2) and the regulations adopted pursuant thereto; and

(b) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

5. The Superintendent of Public Instruction shall:

(a) Prescribe forms for the reports required pursuant to subsection 2 and provide the forms to the respective school districts.

(b) Provide statistical information and technical assistance to the school districts to ensure that the reports provide comparable information with respect to each school in each district and among the districts throughout this State.

(c) Consult with a representative of the:

(1) Nevada State Education Association;

(2) Nevada Association of School Boards;

(3) Nevada Association of School Administrators;

(4) Nevada Parent Teacher Association;

(5) Budget Division of the Department of Administration; and

(6) Legislative Counsel Bureau,

↪ concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

6. The Superintendent of Public Instruction may consult with representatives of parent groups other than the Nevada Parent Teacher Association concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

7. On or before August 15 of each year, the board of trustees of each school district shall submit to each advisory board to review school attendance created in the county pursuant to NRS 392.126 the information required in paragraph (g) of subsection 2.

8. On or before August 15 of each year, the board of trustees of each school district shall:

(a) Provide written notice that the report required pursuant to subsection 2 is available on the Internet website maintained by the school district, if any, or otherwise provide written notice of the availability of the report. The written notice must be provided to the:

(1) Governor;

(2) State Board;

(3) Department;

(4) Committee; and

(5) Bureau.

(b) Provide for public dissemination of the annual report of accountability prepared pursuant to subsection 2 in the manner set forth in 20 U.S.C. 6311(h)(2)(E) by posting a copy of the report on the Internet website maintained by the school district, if any. If a school district does not maintain a website, the district shall otherwise provide for public dissemination of the annual report by providing a copy of the report to the schools in the school district, including, without limitation, each charter school in the district, the residents of the district, and the parents and guardians of pupils enrolled in schools in the district, including, without limitation, each charter school in the district.

9. Upon the request of the Governor, an entity described in paragraph (a) of subsection 8 or a member of the general public, the board of trustees of a school district shall provide a portion or portions of the report required pursuant to subsection 2.

10. As used in this section:

(a) "Highly qualified" has the meaning ascribed to it in 20 U.S.C. 7801(23).

(b) "Paraprofessional" has the meaning ascribed to it in NRS 391.008.

Sec. 5. NRS 388.205 is hereby amended to read as follows:

388.205 1. The board of trustees of each school district shall adopt a policy for each public school in the school district in which ninth grade pupils are enrolled to develop a 4-year academic plan for each of those pupils. The academic plan must set forth the specific educational goals that the pupil intends to achieve before graduation from high school. The plan may include, without limitation, the designation of a career pathway and enrollment in dual credit courses, career and technical education courses, advanced placement courses and honors courses.

2. ***The policy ~~(must)~~ may ensure that each pupil enrolled in ninth grade and the pupil's parent or legal guardian are ~~adequately notified and informed of~~ provided with, to the extent practicable, the following information:***

(a) The advanced placement courses, honors courses, international baccalaureate courses, dual credit courses, career and technical education courses, including, without limitation, career and technical skills-building programs, and any other educational programs, pathways or courses available to the pupil which will assist the pupil in the advancement of his or her education;

(b) The courses of study which the Department recommends that pupils take to prepare the pupils to successfully meet the academic challenges of the high school proficiency examination and pass that examination;

(c) The requirements for graduation from high school with a diploma and the types of diplomas available;

~~{(c)}~~ (d) *The requirements for admission to the Nevada System of Higher Education and the eligibility requirements for a Governor Guinn Millennium Scholarship; and*

~~{ (d) Programs offered by }~~

(e) *The charter schools within the school district . ~~{, to the extent such programs are available. }~~*

3. The policy required by subsection 1 must require each pupil enrolled in ninth grade and the pupil's parent or legal guardian to:

(a) ~~{Work in }~~ *Be notified of opportunities to work in* consultation with a school counselor to develop **and review** an academic plan for the pupil; ~~{and }~~

(b) Sign the academic plan; and

(c) Review the academic plan at least once each school year in consultation with a school counselor and revise the plan if necessary.

~~{3. }~~ 4. If a pupil enrolls in a high school after ninth grade, an academic plan must be developed for that pupil with appropriate modifications for the grade level of the pupil.

~~{4. }~~ 5. An academic plan for a pupil must be used as a guide for the pupil and the parent or legal guardian of the pupil to plan, monitor and manage the pupil's educational and occupational development and make determinations of the appropriate courses of study for the pupil. If a pupil does not satisfy all the goals set forth in the academic plan, the pupil is eligible to graduate and receive a high school diploma if the pupil otherwise satisfies the requirements for a diploma.

Sec. 6. Chapter 392 of NRS is hereby amended by adding thereto the provisions set forth as sections 7 and 8 of this act.

Sec. 7. ~~{The board of trustees of each school district shall adopt a policy of credit remediation which ensures that pupils who are deficient in the number of credits required for promotion to the next grade or for graduation from high school are provided sufficient opportunities, including, without limitation, opportunities during the school day, to complete appropriate remediation of deficient credits. }~~ (Deleted by amendment.)

Sec. 8. 1. *The board of trustees of each school district ~~{shall }~~ may adopt a policy that allows a pupil enrolled in a public school within the school district to report, anonymously if the pupil chooses, any unlawful activity which is being conducted on school property, at an activity sponsored by a public school or on a school bus. The policy ~~{must }~~ may include, without limitation:*

(a) *The types of unlawful activities which a pupil may report; and*

(b) *The manner in which a pupil may report the unlawful activities.*

2. *The board of trustees of a school district may work in consultation with a local law enforcement agency or other governmental entity,*

corporation, business, organization or other entity to assist the board of trustees in the implementation of ~~the~~ a policy adopted pursuant to subsection 1.

3. ~~Each~~ If the board of trustees of a school district adopts a policy pursuant to subsection 1, each public school within the school district shall post prominently in various locations at the school the policy adopted pursuant to subsection 1, which must clearly denote the phone number and any other methods by which a report may be made. If a public school maintains an Internet website for the school, the policy must also be posted on the school's website.

4. ~~The~~ If the board of trustees of ~~each~~ a school district adopts a policy pursuant to subsection 1, the board of trustees shall post the policy on the Internet website maintained by the school district.

Sec. 9. NRS 392.019 is hereby amended to read as follows:

392.019 1. Except as otherwise provided in this subsection, if a child is exempt from compulsory attendance pursuant to ~~this section or~~ NRS 392.070 ~~[, 392.100] or 392.110~~, and the child is employed to work in the entertainment industry pursuant to a written contract for a period of more than 91 school days, or its equivalent if the child resides in a school district operating under an alternative schedule authorized pursuant to NRS 388.090, including, without limitation, employment with a motion picture company or employment with a production company hired by a casino or resort hotel, the entity that employs the child shall, upon the request of the parent or legal guardian of the child, pay the costs for the child to receive at least 3 hours of tutoring per day for at least 5 days per week. In lieu of tutoring, the parent or legal guardian of such a child may agree with the entity that employs the child that the entity will pay the costs for the child to receive other educational or instructional services which are equivalent to tutoring. The provisions of this subsection apply during the period of a child's employment with an entity, regardless of whether the child has obtained the appropriate exemption from compulsory attendance at the time his or her contract with the entity is under negotiation.

2. ~~The board of trustees of a school district may excuse a child who is employed pursuant to subsection 1 from full time attendance.~~ If such a child is exempt from compulsory attendance pursuant to NRS ~~[392.100 or] 392.110~~, ~~this subsection,~~ the tutoring or other educational or instructional services received by the child pursuant to subsection 1 must be approved by the board of trustees of the school district in which the child resides.

Sec. 9.5. NRS 392.110 is hereby amended to read as follows:

392.110 1. Any child between the ages of ~~14~~ 15 and 18 years who has completed the work of the first eight grades may be excused from full-time school attendance and may be permitted to enter proper employment or

apprenticeship, by the written authority of the board of trustees excusing the child from such attendance. The board's written authority must state the reason or reasons for such excuse.

2. In all such cases, no employer or other person shall employ or contract for the services or time of such child until the child presents a written permit therefor from the attendance officer or board of trustees. The permit must be kept on file by the employer and, upon the termination of employment, must be returned by the employer to the board of trustees or other authority issuing it.

Sec. 10. ~~[NRS 392.170 is hereby amended to read as follows:~~

~~392.170 Upon the written complaint of any person, the board of trustees of a school district or the governing body of a charter school shall:~~

~~1. Make a full and impartial investigation of all charges against parents, guardians or other persons having control or charge of any child who is under 18 years of age and required to attend school pursuant to NRS 392.040 for violation of any of the provisions of NRS 392.040 to [392.110,] 392.080, inclusive, or 392.130 to 392.160, inclusive;~~

~~2. Make and file a written report of the investigation and the findings thereof in the records of the board.] (Deleted by amendment.)~~

Sec. 11. ~~[NRS 392.180 is hereby amended to read as follows:~~

~~392.180 If it appears upon investigation that any parent, guardian or other person having control or charge of any child who is under 18 years of age and required to attend school pursuant to NRS 392.040 has violated any of the provisions of NRS 392.040 to [392.110,] 392.080, inclusive, or 392.130 to 392.160, inclusive, the clerk of the board of trustees or the governing body of a charter school in which the child is enrolled, except as otherwise provided in NRS 392.190, shall make and file in the proper court a criminal complaint against the parent, guardian or other person, charging the violation, and shall see that the charge is prosecuted by the proper authority.]~~

(Deleted by amendment.)

Sec. 12. ~~[NRS 392.215 is hereby amended to read as follows:~~

~~392.215 Any parent, guardian or other person who, with intent to deceive under NRS 392.040 to [392.110,] 392.080, inclusive, or 392.130 to 392.165, inclusive:~~

~~1. Makes a false statement concerning the age or attendance at school;~~
~~2. Presents a false birth certificate or record of attendance at school; or~~
~~3. Refuses to furnish a suitable identifying document, record of attendance at school or proof of change of name, upon request by a local law enforcement agency conducting an investigation in response to notification pursuant to subsection 4 of NRS 392.165,~~

~~— of a child under 18 years of age who is under his or her control or charge, is guilty of a misdemeanor.] (Deleted by amendment.)~~

Sec. 13. NRS 392.090, ~~§~~ and 392.100 ~~and 392.110~~ are hereby repealed.

Sec. 14. 1. This act becomes effective on July 1, 2011.

2. Section 1 of this act expires by limitation on June 30, 2014.

TEXT OF REPEALED SECTIONS

392.090 Juvenile court may permit child who has completed eighth grade to leave school. After review of the case, the juvenile court may issue a permit authorizing any child who has completed the eighth grade to leave school.

392.100 Attendance excused if child 14 years of age or older must support himself or herself or child's parent. Attendance required by the provisions of NRS 392.040 shall be excused when satisfactory written evidence is presented to the board of trustees of the school district in which the child resides that the child, 14 years of age or over, must work for his or her own or his or her parent's support.

~~392.110 Attendance excused for child between 14 and 18 years of age who has completed eighth grade to enter employment or apprenticeship; written permit required.~~

~~1. Any child between the ages of 14 and 18 years who has completed the work of the first eight grades may be excused from full-time school attendance and may be permitted to enter proper employment or apprenticeship, by the written authority of the board of trustees excusing the child from such attendance. The board's written authority must state the reason or reasons for such excuse.~~

~~2. In all such cases, no employer or other person shall employ or contract for the services or time of such child until the child presents a written permit therefor from the attendance officer or board of trustees. The permit must be kept on file by the employer and, upon the termination of employment, must be returned by the employer to the board of trustees or other authority issuing it.~~

Assemblyman Bobzien moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 143.

Bill read second time and ordered to third reading.

Assembly Bill No. 194.

Bill read second time and ordered to third reading.

Assembly Bill No. 195.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:
Amendment No. 124.

AN ACT relating to court records; revising requirements for saving images of court records before the records may be destroyed; authorizing the State Library and Archives Administrator to receive the court records of the Supreme Court or of a district court into the State Archives under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Clerk of the Supreme Court, a county clerk, a deputy clerk of a justice court or a clerk of a municipal court may destroy documents, records, instruments, books, papers, depositions and transcripts of court actions and proceedings if the action or proceeding is not on appeal or review in any court. (NRS 239.110) The clerk is required to maintain a microphotographic film copy of every such record destroyed, and the copies are deemed to be the original documents.

Section 1 of this bill instead requires that, before a court record is destroyed by ~~to a clerk of the court,~~ **the Clerk of the Supreme Court, a deputy clerk of the Supreme Court, a county clerk, the clerk of a district court or a deputy clerk of a district court,** the clerk must place an image of the record on microfilm or save the image in an electronic recordkeeping system. **However, a deputy clerk of a justice court or a clerk of a municipal court may destroy a court record pursuant to a schedule for the retention and disposition of court records established by the Supreme Court without placing an image of the record on microfilm or saving the image in an electronic recordkeeping system.** **Section 1** also: (1) requires the microfilm or saved image to be durable, accurate, complete and clear; (2) clarifies that a reproduction of a court record is considered to be the original, regardless of whether the actual original document exists; and (3) requires the clerk who microfilms or saves the court records to store the microfilm or the medium used to save the image in a manner and place so as to protect it reasonably from loss or damage and as prescribed by the Supreme Court. **Section 3** of this bill authorizes the State Library and Archives Administrator to receive into the State Archives any court record from the Supreme Court or a district court if: (1) the Administrator finds that the court record is of historical value; (2) the record is provided to the State Archives by an order of the Supreme Court; or (3) the Administrator and the Supreme Court or a district court, as applicable, enter into an agreement for the Administrator to receive into the State Archives any other record from the Supreme Court or district court. **Section 4** of this bill authorizes the State Library and Archives Administrator to establish, maintain and operate a center for storing and retrieving records for the Supreme Court or a district court pending acceptance of the records by the Division of State Library and

Archives of the Department of Cultural Affairs or disposition of the records by law.

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

Section 1. NRS 239.110 is hereby amended to read as follows:

239.110 1. ~~{The}~~ ***In addition to any other requirement of this section, the Clerk of the Supreme Court, a deputy clerk of the Supreme Court, a county clerk, the clerk of a district court, a deputy clerk of a district court, a deputy clerk of a justice court or a clerk of a municipal court may destroy all documents, records, instruments, books, papers, depositions and transcripts in any action or proceeding in the Supreme Court, district court, justice court or municipal court, respectively, or otherwise filed in the clerk's office pursuant to law, including transcripts of coroners' inquests and depositions, if the records of the clerk do not show that the action or proceeding is pending on appeal or review in any court,}*** ***a court record only in accordance with a schedule for the retention and disposition of court records which is approved by the Supreme Court.*** ~~*f, except that:*~~

~~(a) If the written consent of the district attorney is first obtained, transcripts of preliminary hearings may be destroyed as provided in this section; and~~

~~(b) Minutes of the Supreme Court, district court, justice court or municipal court, affidavits supporting applications for marriage licenses, after those licenses have been issued, and certificates of fictitious names of businesses may be destroyed immediately subject to the provisions of subsections 2] [and 3.] [to 5, inclusive.]~~

2. ~~{The clerk shall maintain for the use of the public a microphotographic film print or copy of each document, record, instrument, book, paper, deposition or transcript so destroyed, if the print or copy is placed and kept in a sealed container under certificate of the clerk and properly indexed. This print or copy shall be deemed to be the original.~~

3. ~~The clerk shall promptly seal and store at least one original negative of each microphotographic film in such manner and place as may reasonably ensure its preservation indefinitely against loss, theft, defacement or destruction.~~

4. ~~{A}~~ ***The Clerk of the Supreme Court, a deputy clerk of the Supreme Court, a county clerk, the clerk of a district court or a deputy clerk of a district court who destroys a court record pursuant to this section may do so only if an image of the court record has been placed on microfilm or has been saved in an electronic recordkeeping system which permits the retrieval of the information contained in the court record and the reproduction of the court record.***

3. Except as otherwise prohibited by law, a deputy clerk of a justice court or a clerk of a municipal court may destroy a court record pursuant to a schedule for the retention and disposition of court records established by the Supreme Court without placing an image of the court record on microfilm or saving an image of the court record in an electronic recordkeeping system.

4. A reproduction of an image of a court record that has been placed on microfilm or saved pursuant to this section shall be deemed to be the original court record, regardless of whether the original exists.

~~{4.}~~ 5. A microfilmed image of a court record or an image of a court record saved in an electronic recordkeeping system pursuant to this section must be durable, accurate, complete and clear.

~~{5.}~~ 6. If, pursuant to this section, an image of a court record is placed on microfilm or is saved in an electronic recordkeeping system, the clerk who does so shall promptly store at least one copy of the microfilm or any tape, disc or other medium used for the storage of the saved image in a manner and place:

(a) So as to protect it reasonably from loss or damage; and

(b) As prescribed by the Supreme Court.

~~{6.}~~ 7. The Supreme Court may provide by rule for the destruction, without prior microfilming, of such other documents of the several courts of this State as are held in the offices of the clerks but which:

(a) No longer serve any legal, financial or administrative purpose; and

(b) Do not have any historical value.

~~{5.}~~ ~~{7.}~~ 8. The Court Administrator may request the Division to advise and assist the Supreme Court in its establishment of the rules ~~{.}~~ or of a schedule for the retention and disposition of court records.

~~{8.}~~ 9. As used in this section, "court record" means any document, device or item, regardless of physical form or characteristic, that:

(a) Is created by, received by or comes under the jurisdiction of the Supreme Court or a district court, justice court or municipal court; and

(b) Documents the organization, functions, policies, decisions, procedures, operations or any other activities of the Supreme Court, district court, justice court or municipal court.

Sec. 2. NRS 378.005 is hereby amended to read as follows:

378.005 As used in this chapter:

1. "Court record" has the meaning ascribed to it in NRS 239.110.

2. "Department" means the Department of Cultural Affairs.

~~{2.}~~ 3. "Director" means the Director of the Department.

~~{3.}~~ 4. "Division" means the Division of State Library and Archives of the Department.

Sec. 3. NRS 378.250 is hereby amended to read as follows:

378.250 1. The State Library and Archives Administrator may:

~~{1-}~~ (a) Receive into the archives material from a state agency if the State Library and Archives Administrator finds that it is of historical value.

~~{2-}~~ (b) With the approval of the Committee to Approve Schedules for the Retention and Disposition of Official State Records created pursuant to NRS 239.073, return to the state agency from which it was received, material in the archives which the State Library and Archives Administrator finds is not of historical value.

~~{3-}~~ (c) Receive into the archives material which has been directed to be deposited in the archives by an order or resolution of the governing body of a local governmental entity, if the State Library and Archives Administrator finds that it is of historical value.

~~{4-}~~ (d) *Except as otherwise provided in subsection 2, receive into the archives any court record from the Supreme Court or a district court, if:*

(1) The State Library and Archives Administrator finds that it is of historical value;

(2) The court record is provided to the archives by order of the Supreme Court; or

(3) The State Library and Archives Administrator enters into an agreement with the Supreme Court or a district court to receive any other records from the Supreme Court or district court.

(e) With the approval of the Committee to Approve Schedules for the Retention and Disposition of Official State Records, turn over to:

~~{a)}~~ (1) Any agency in the Department; or

~~{b)}~~ (2) The Nevada System of Higher Education,

↪ material in the archives which the State Library and Archives Administrator finds to be surplus, not properly in the archives or appropriate to be kept elsewhere.

~~{5-}~~ (f) Expend a gift of money the State Library and Archives Administrator is authorized to accept for the purpose specified by the donor or, if no purpose is specified, in a manner which will further the purposes of the Division.

2. The State Library and Archives Administrator shall not receive into the archives any court record that a court has ordered sealed.

Sec. 4. NRS 378.255 is hereby amended to read as follows:

378.255 The State Library and Archives Administrator may:

1. Adopt regulations and establish standards, procedures and techniques for the effective management of records.

2. Make continuing surveys of current practices for the management of records and recommend improvements in those practices, including the use of space, equipment and supplies to create, maintain and store records.

3. Establish standards for the preparation of schedules providing for the retention of state records of continuing value and for the prompt and orderly disposition of state records which no longer possess sufficient administrative, fiscal, legal or research value to warrant their further retention.

4. Establish, maintain and operate a center for storing and retrieving records for state agencies *or court records for the Supreme Court or a district court of this State* pending the acceptance of the records by the Division or the disposition of the records in any other manner prescribed by law.

5. Establish a program for the control and management of forms, files, reports, directives and correspondence.

6. Establish a program of planning and preparation to assist state agencies and local governments in providing protection for records essential for the continuation or reestablishment of government in the event of a disaster.

7. Provide advice and technical assistance to state agencies, local governmental entities and, if requested, the Legislative and Judicial Branches of State Government concerning any aspect of managing records.

8. Through the Division, inspect the physical nature of governmental records in the custody of a state or local governmental agency which are not confidential or privileged.

9. With the approval of the Committee to Approve Schedules for the Retention and Disposition of Official State Records created pursuant to NRS 239.073, bring an action to obtain possession of the records of a state or local governmental agency which are:

- (a) Of historical value and are not being properly cared for; or
- (b) Privately held.

➡ In an action to recover a record which is privately held, it is rebuttably presumed that a governmental record which appears to be the original of a document received or the file copy of a document made by a governmental agency is governmental property.

Sec. 5. This act becomes effective on July 1, 2011.

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that upon return from the printer, Assembly Bill No. 195 be rereferred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 199.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 69.

AN ACT relating to the practice of pharmacy; ~~authorizing~~ **revising provisions governing the authority of** a registered pharmacist to ~~engage in collaborative pharmacy practice~~ **collaborate** with a ~~physician at a facility other than a licensed medical facility or licensed pharmacy; requiring~~ **practitioner for the implementation, monitoring and modification of drug therapy; authorizing** the State Board of Pharmacy to establish ~~by regulation policies and procedures~~ **regulations** relating to collaborative pharmacy practice; ~~establishing certain duties and responsibilities of persons engaged in collaborative pharmacy practice;~~ providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a registered pharmacist to collaborate with a ~~physician~~ **practitioner** to engage in the implementation and modification of drug therapy for a patient at a licensed medical facility or licensed pharmacy. (NRS 639.0124) ~~Sections 4 and 9 of this bill authorize a registered pharmacist, pursuant to a collaborative practice agreement entered into,~~ **Section 1 of this bill prescribes requirements for written guidelines and protocols which must be developed by a pharmacist who collaborates with a** ~~physician~~ **practitioner and requires those guidelines and protocols to be** approved by the State Board of Pharmacy. ~~to,~~ **Section 1 also authorizes the written guidelines and protocols to set forth provisions for a pharmacist to** implement, monitor and modify the drug therapy of a patient ~~at a facility~~ **in a setting** other than a licensed medical facility or licensed pharmacy. ~~Section 5 of this bill requires that a facility other than a licensed medical facility or licensed pharmacy, while being used for collaborative pharmacy practice, be continuously supervised by a registered pharmacist, physician or certain other qualified persons whom the Board may authorize to supervise the facility in the absence of a registered pharmacist or physician. Section 6 of this bill requires the Board to establish by regulation the content and required terms of a collaborative practice agreement and the procedures for securely maintaining confidential medical information and prescription drugs at the facility being used for collaborative pharmacy practice. Section 6 also requires the Board to adopt regulations prescribing the acts which a registered pharmacist engaged in collaborative pharmacy practice may or may not perform pursuant to a collaborative~~

~~practice agreement. Section 8 of this bill exempts a facility at which a registered pharmacist practices collaborative pharmacy practice from provisions governing pharmacies.]~~

A person who violates any provision of chapter 639 of NRS governing pharmacists and pharmacies, including any provision of this bill, is guilty of a misdemeanor. (NRS 639.310)

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

Section 1. Chapter 639 of NRS is hereby amended by adding thereto ~~[the provisions set forth as sections 2 to 6, inclusive, of this act.]~~ **a new section to read as follows:**

1. Written guidelines and protocols developed by a registered pharmacist in collaboration with a practitioner which authorize the implementation, monitoring and modification of drug therapy:

(a) May authorize a pharmacist to order and use the findings of laboratory tests and examinations.

(b) May provide for implementation, monitoring and modification of drug therapy for a patient receiving care in a licensed medical facility or, if developed to ensure continuity of care for a patient, in any setting outside a medical facility where the patient is receiving care.

(c) Must be approved by the Board.

2. The Board may adopt regulations which:

(a) Prescribe additional requirements for written guidelines and protocols developed pursuant to this section; and

(b) Set forth the process for obtaining the approval of the Board of such written guidelines and protocols.

Secs. 2-8. (Deleted by amendment.)

Sec. 9. NRS 639.0124 is hereby amended to read as follows:

639.0124 “Practice of pharmacy” includes, but is not limited to, the:

1. Performance or supervision of activities associated with manufacturing, compounding, labeling, dispensing and distributing of a drug, including the receipt, handling and storage of prescriptions and other confidential information relating to patients.

2. Interpretation and evaluation of prescriptions or orders for medicine.

3. Participation in drug evaluation and drug research.

4. Advising of the therapeutic value, reaction, drug interaction, hazard and use of a drug.

5. Selection of the source, storage and distribution of a drug.

6. Maintenance of proper documentation of the source, storage and distribution of a drug.

7. Interpretation of clinical data contained in a person's record of medication.

8. Development of written guidelines and protocols in collaboration with a practitioner which are intended for a patient in a licensed medical facility ***or in a setting outside a medical facility where the patient is receiving care*** and ***which*** authorize the implementation, monitoring and modification of drug therapy. The written guidelines and protocols ~~may authorize a pharmacist to order and use the findings of laboratory tests and examinations.~~ ***must comply with section 1 of this act.***

9. Implementation and modification of drug therapy in accordance with the authorization of the prescribing practitioner for a patient in a pharmacy in which drugs, controlled substances, poisons, medicines or chemicals are sold at retail.

~~10. Implementation, monitoring and modification of drug therapy for a patient in collaboration with the patient's physician and pursuant to a collaborative practice agreement at a facility other than a licensed medical facility or pharmacy.~~

↪ The term does not include the changing of a prescription by a pharmacist or practitioner without the consent of the prescribing practitioner, except as otherwise provided in NRS 639.2583.

Sec. 10. NRS 639.230 is hereby amended to read as follows:

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

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

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

4. Except as otherwise provided in subsection 6, in addition to the requirements for renewal set forth in NRS 639.180, every person holding a license to operate a pharmacy must satisfy the Board that the pharmacy is conducted according to law.

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

6. The provisions of this section do not prohibit ~~it~~ :

(a) A Canadian pharmacy which is licensed by the Board and which has been recommended by the Board pursuant to subsection 4 of NRS 639.2328 for inclusion on the Internet website established and maintained pursuant to subsection 9 of NRS 223.560 from providing prescription drugs through mail order service to residents of Nevada in the manner set forth in NRS 639.2328 to 639.23286, inclusive ~~}; or~~

(b) ~~A registered pharmacist or [physician] practitioner from [engaging in collaborative pharmacy practice pursuant to a collaborative practice agreement]~~ collaborating in the implementation, monitoring and modification of drug therapy pursuant to guidelines and protocols approved by the Board. ~~[pursuant to section 4 of this act.]~~

Sec. 11. This act becomes effective upon passage and approval for the purpose of adopting regulations and on October 1, 2011, for all other purposes.

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 296.

Bill read second time and ordered to third reading.

Assembly Bill No. 523.

Bill read second time and ordered to third reading.

Assembly Bill No. 534.

Bill read second time and ordered to third reading.

Assembly Bill No. 556.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that Assembly Bill No. 534 be taken from General File and rereferred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 23.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 145.

AN ACT relating to insurance; enacting the Interstate Insurance Product Regulation Compact; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Interstate Insurance Product Regulation Compact is an interstate compact which addresses issues relating to the regulation of certain insurance products in states which are members of the Compact. The Compact creates an Interstate Insurance Product Regulation Commission which establishes uniform standards for certain insurance products and advertising relating to these insurance products. These uniform standards will govern those insurance products and advertising in lieu of other Nevada statutes and regulations under certain circumstances. The Compact also requires states that have enacted the Compact to choose a person to serve as a representative to the Commission.

Section 2 of this bill enacts, without any modifications, the language of the Interstate Insurance Product Regulation Compact as written by the National Association of Insurance Commissioners. **Section 3** of this bill designates the Commissioner of Insurance as Nevada's representative to the Interstate Insurance Product Regulation Commission. **Section 4 of this bill requires the Commissioner to opt out of any uniform standard which is less protective than a law of this State and provides that the State of Nevada opts out of all uniform standards involving long-term care insurance products. Section 5 of this bill requires the Commissioner to report to the 77th Session of the Nevada Legislature concerning the status of the uniform standards involving long-term care insurance products.**

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

Section 1. Title 57 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections ~~2, 3 and 4~~ **2, 3 and 4** of this act.

Sec. 2. *The Interstate Insurance Product Regulation Compact, set forth in this section, is hereby enacted into law and entered into with all jurisdictions substantially as follows:*

Article I. Purposes

The purposes of this Compact are, through means of joint and cooperative faction among the Compacting States:

1. To promote and protect the interest of consumers of individual and group annuity, life insurance, disability income and long-term care insurance products;

2. To develop uniform standards for insurance products covered under the Compact;

3. To establish a central clearinghouse to receive and provide prompt review of insurance products covered under the Compact and in certain cases, advertisements related thereto, submitted by insurers authorized to do business in one or more Compacting States;

4. *To give appropriate regulatory approval to those product filings and advertisements satisfying the applicable uniform standard;*
5. *To improve coordination of regulatory resources and expertise between state insurance departments regarding the setting of uniform standards and review of insurance products covered under the Compact;*
6. *To create the Interstate Insurance Product Regulation Commission;*
and
7. *To perform these and such other related functions as may be consistent with the state regulation of the business of insurance.*

Article II. Definitions

For purposes of this Compact:

1. *“Advertisement” means any material designed to create public interest in a Product, or induce the public to purchase, increase, modify, reinstate, borrow on, surrender, replace or retain a policy, as more specifically defined in the Rules and Operating Procedures of the Commission.*
2. *“Bylaws” mean those bylaws established by the Commission for its governance, or for directing or controlling the Commission’s actions or conduct.*
3. *“Compacting State” means any State which has enacted this Compact legislation and which has not withdrawn pursuant to Article XIV, Section 1, or been terminated pursuant to Article XIV, Section 2.*
4. *“Commission” means the “Interstate Insurance Product Regulation Commission” established by this Compact.*
5. *“Commissioner” means the chief insurance regulatory official of a State including, but not limited to commissioner, superintendent, director or administrator.*
6. *“Domiciliary State” means the state in which an Insurer is incorporated or organized; or, in the case of an alien Insurer, its state of entry.*
7. *“Insurer” means any entity licensed by a State to issue contracts of insurance for any of the lines of insurance covered by this Act.*
8. *“Member” means the person chosen by a Compacting State as its representative to the Commission, or his or her designee.*
9. *“Non-compacting State” means any State which is not at the time a Compacting State.*
10. *“Operating Procedures” mean procedures promulgated by the Commission implementing a Rule, Uniform Standard or a provision of this Compact.*
11. *“Product” means the form of a policy or contract, including any application, endorsement, or related form which is attached to and made a part of the policy or contract, and any evidence of coverage or certificate,*

for an individual or group annuity, life insurance, disability income or long-term care insurance product that an Insurer is authorized to issue.

12. “Rule” means a statement of general or particular applicability and future effect promulgated by the Commission, including a Uniform Standard developed pursuant to Article VII of this Compact, designed to implement, interpret, or prescribe law or policy or describing the organization, procedure, or practice requirements of the Commission, which shall have the force and effect of law in the Compacting States.

13. “State” means any state, district or territory of the United States of America.

14. “Third-Party Filer” means an entity that submits a Product filing to the Commission on behalf of an Insurer.

15. “Uniform Standard” means a standard adopted by the Commission for a Product line, pursuant to Article VII of this Compact, and shall include all of the Product requirements in aggregate; provided, that each Uniform Standard shall be construed, whether express or implied, to prohibit the use of any inconsistent, misleading or ambiguous provisions in a Product and the form of the Product made available to the public shall not be unfair, inequitable or against public policy as determined by the Commission.

Article III. Establishment of the Commission and Venue

1. The Compacting States hereby create and establish a joint public agency known as the “Interstate Insurance Product Regulation Commission.” Pursuant to Article IV, the Commission will have the power to develop Uniform Standards for Product lines, receive and provide prompt review of Products filed therewith, and give approval to those Product filings satisfying applicable Uniform Standards; provided, it is not intended for the Commission to be the exclusive entity for receipt and review of insurance product filings. Nothing herein shall prohibit any Insurer from filing its product in any State wherein the Insurer is licensed to conduct the business of insurance; and any such filing shall be subject to the laws of the State where filed.

2. The Commission is a body corporate and politic, and an instrumentality of the Compacting States.

3. The Commission is solely responsible for its liabilities except as otherwise specifically provided in this Compact.

4. Venue is proper and judicial proceedings by or against the Commission shall be brought solely and exclusively in a Court of competent jurisdiction where the principal office of the Commission is located.

Article IV. Powers of the Commission

The Commission shall have the following powers:

1. *To promulgate Rules, pursuant to Article VII of this Compact, which shall have the force and effect of law and shall be binding in the Compacting States to the extent and in the manner provided in this Compact;*

2. *To exercise its rule-making authority and establish reasonable Uniform Standards for Products covered under the Compact, and Advertisement related thereto, which shall have the force and effect of law and shall be binding in the Compacting States, but only for those Products filed with the Commission, provided, that a Compacting State shall have the right to opt out of such Uniform Standard pursuant to Article VII, to the extent and in the manner provided in this Compact, and, provided further, that any Uniform Standard established by the Commission for long-term care insurance products may provide the same or greater protections for consumers as, but shall not provide less than, those protections set forth in the National Association of Insurance Commissioners' Long-Term Care Insurance Model Act and Long-Term Care Insurance Model Regulation, respectively, adopted as of 2001. The Commission shall consider whether any subsequent amendments to the NAIC Long-Term Care Insurance Model Act or Long-Term Care Insurance Model Regulation adopted by the NAIC require amending of the Uniform Standards established by the Commission for long-term care insurance products;*

3. *To receive and review in an expeditious manner Products filed with the Commission, and rate filings for disability income and long-term care insurance Products, and give approval of those Products and rate filings that satisfy the applicable Uniform Standard, where such approval shall have the force and effect of law and be binding on the Compacting States to the extent and in the manner provided in the Compact;*

4. *To receive and review in an expeditious manner Advertisement relating to long-term care insurance products for which Uniform Standards have been adopted by the Commission, and give approval to all Advertisement that satisfies the applicable Uniform Standard. For any product covered under this Compact, other than long-term care insurance products, the Commission shall have the authority to require an insurer to submit all or any part of its Advertisement with respect to that product for review or approval prior to use, if the Commission determines that the nature of the product is such that an Advertisement of the product could have the capacity or tendency to mislead the public. The actions of the Commission as provided in this section shall have the force and effect of law and shall be binding in the Compacting States to the extent and in the manner provided in the Compact;*

5. To exercise its rule-making authority and designate Products and Advertisement that may be subject to a self-certification process without the need for prior approval by the Commission.

6. To promulgate Operating Procedures, pursuant to Article VII of this Compact, which shall be binding in the Compacting States to the extent and in the manner provided in this Compact;

7. To bring and prosecute legal proceedings or actions in its name as the Commission; provided, that the standing of any state insurance department to sue or be sued under applicable law shall not be affected;

8. To issue subpoenas requiring the attendance and testimony of witnesses and the production of evidence;

9. To establish and maintain offices;

10. To purchase and maintain insurance and bonds;

11. To borrow, accept or contract for services of personnel, including, but not limited to, employees of a Compacting State;

12. To hire employees, professionals or specialists, and elect or appoint officers, and to fix their compensation, define their duties and give them appropriate authority to carry out the purposes of the Compact, and determine their qualifications; and to establish the Commission's personnel policies and programs relating to, among other things, conflicts of interest, rates of compensation and qualifications of personnel;

13. To accept any and all appropriate donations and grants of money, equipment, supplies, materials and services, and to receive, utilize and dispose of the same; provided that at all times the Commission shall strive to avoid any appearance of impropriety;

14. To lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve or use, any property, real, personal or mixed; provided that at all times the Commission shall strive to avoid any appearance of impropriety;

15. To sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of any property, real, personal or mixed;

16. To remit filing fees to Compacting States as may be set forth in the Bylaws, Rules or Operating Procedures;

17. To enforce compliance by Compacting States with Rules, Uniform Standards, Operating Procedures and Bylaws;

18. To provide for dispute resolution among Compacting States;

19. To advise Compacting States on issues relating to Insurers domiciled or doing business in Non-compacting jurisdictions, consistent with the purposes of this Compact;

20. To provide advice and training to those personnel in state insurance departments responsible for product review, and to be a resource for state insurance departments;

21. *To establish a budget and make expenditures;*
22. *To borrow money;*
23. *To appoint committees, including advisory committees comprising Members, state insurance regulators, state legislators or their representatives, insurance industry and consumer representatives, and such other interested persons as may be designated in the Bylaws;*
24. *To provide and receive information from, and to cooperate with law enforcement agencies;*
25. *To adopt and use a corporate seal; and*
26. *To perform such other functions as may be necessary or appropriate to achieve the purposes of this Compact consistent with the state regulation of the business of insurance.*

Article V. Organization of the Commission

1. Membership, Voting and Bylaws

a. Each Compacting State shall have and be limited to one Member. Each Member shall be qualified to serve in that capacity pursuant to applicable law of the Compacting State. Any Member may be removed or suspended from office as provided by the law of the State from which he or she shall be appointed. Any vacancy occurring in the Commission shall be filled in accordance with the laws of the Compacting State wherein the vacancy exists. Nothing herein shall be construed to affect the manner in which a Compacting State determines the election or appointment and qualification of its own Commissioner.

b. Each Member shall be entitled to one vote and shall have an opportunity to participate in the governance of the Commission in accordance with the Bylaws. Notwithstanding any provision herein to the contrary, no action of the Commission with respect to the promulgation of a Uniform Standard shall be effective unless two-thirds (2/3) of the Members vote in favor thereof.

c. The Commission shall, by a majority of the Members, prescribe Bylaws to govern its conduct as may be necessary or appropriate to carry out the purposes, and exercise the powers, of the Compact, including, but not limited to:

- i. Establishing the fiscal year of the Commission;*
- ii. Providing reasonable procedures for appointing and electing members, as well as holding meetings, of the Management Committee;*
- iii. Providing reasonable standards and procedures: (i) for the establishment and meetings of other committees, and (ii) governing any general or specific delegation of any authority or function of the Commission;*
- iv. Providing reasonable procedures for calling and conducting meetings of the Commission that consists of a majority of Commission*

members, ensuring reasonable advance notice of each such meeting and providing for the right of citizens to attend each such meeting with enumerated exceptions designed to protect the public's interest, the privacy of individuals, and insurers' proprietary information, including trade secrets. The Commission may meet in camera only after a majority of the entire membership votes to close a meeting *en toto* or in part. As soon as practicable, the Commission must make public (i) a copy of the vote to close the meeting revealing the vote of each Member with no proxy votes allowed, and (ii) votes taken during such meeting;

v. Establishing the titles, duties and authority and reasonable procedures for the election of the officers of the Commission;

vi. Providing reasonable standards and procedures for the establishment of the personnel policies and programs of the Commission. Notwithstanding any civil service or other similar laws of any Compacting State, the Bylaws shall exclusively govern the personnel policies and programs of the Commission;

vii. Promulgating a code of ethics to address permissible and prohibited activities of commission members and employees; and

viii. Providing a mechanism for winding up the operations of the Commission and the equitable disposition of any surplus funds that may exist after the termination of the Compact after the payment and/or reserving of all of its debts and obligations.

d. The Commission shall publish its bylaws in a convenient form and file a copy thereof and a copy of any amendment thereto, with the appropriate agency or officer in each of the Compacting States.

2. Management Committee, Officers and Personnel

a. A Management Committee comprising no more than fourteen (14) members shall be established as follows:

i. One (1) member from each of the six (6) Compacting States with the largest premium volume for individual and group annuities, life, disability income and long-term care insurance products, determined from the records of the NAIC for the prior year;

ii. Four (4) members from those Compacting States with at least two percent (2%) of the market based on the premium volume described above, other than the six (6) Compacting States with the largest premium volume, selected on a rotating basis as provided in the Bylaws; and

iii. Four (4) members from those Compacting States with less than two percent (2%) of the market, based on the premium volume described above, with one (1) selected from each of the four (4) zone regions of the NAIC as provided in the Bylaws.

b. The Management Committee shall have such authority and duties as may be set forth in the Bylaws, including but not limited to:

i. *Managing the affairs of the Commission in a manner consistent with the Bylaws and purposes of the Commission;*

ii. *Establishing and overseeing an organizational structure within, and appropriate procedures for, the Commission to provide for the creation of Uniform Standards and other Rules, receipt and review of product filings, administrative and technical support functions, review of decisions regarding the disapproval of a product filing, and the review of elections made by a Compacting State to opt out of a Uniform Standard; provided that a Uniform Standard shall not be submitted to the Compacting States for adoption unless approved by two-thirds (2/3) of the members of the Management Committee;*

iii. *Overseeing the offices of the Commission; and*

iv. *Planning, implementing, and coordinating communications and activities with other state, federal and local government organizations in order to advance the goals of the Commission.*

c. *The Commission shall elect annually officers from the Management Committee, with each having such authority and duties, as may be specified in the Bylaws.*

d. *The Management Committee may, subject to the approval of the Commission, appoint or retain an executive director for such period, upon such terms and conditions and for such compensation as the Commission may deem appropriate. The executive director shall serve as secretary to the Commission, but shall not be a Member of the Commission. The executive director shall hire and supervise such other staff as may be authorized by the Commission.*

3. Legislative and Advisory Committees

a. *A legislative committee comprising state legislators or their designees shall be established to monitor the operations of, and make recommendations to, the Commission, including the Management Committee; provided that the manner of selection and term of any legislative committee member shall be as set forth in the Bylaws. Prior to the adoption by the Commission of any Uniform Standard, revision to the Bylaws, annual budget or other significant matter as may be provided in the Bylaws, the Management Committee shall consult with and report to the legislative committee.*

b. *The Commission shall establish two (2) advisory committees, one of which shall comprise consumer representatives independent of the insurance industry, and the other comprising insurance industry representatives.*

c. *The Commission may establish additional advisory committees as its Bylaws may provide for the carrying out of its functions.*

4. Corporate Records of the Commission

The Commission shall maintain its corporate books and records in accordance with the Bylaws.

5. Qualified Immunity, Defense and Indemnification

a. The Members, officers, executive director, employees and representatives of the Commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities; provided, that nothing in this paragraph shall be construed to protect any such person from suit and/or liability for any damage, loss, injury or liability caused by the intentional or willful and wanton misconduct of that person.

b. The Commission shall defend any Member, officer, executive director, employee or representative of the Commission in any civil action seeking to impose liability arising out of any actual or alleged act, error or omission that occurred within the scope of Commission employment, duties or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities; provided, that nothing herein shall be construed to prohibit that person from retaining his or her own counsel; and provided further, that the actual or alleged act, error or omission did not result from that person's intentional or willful and wanton misconduct.

c. The Commission shall indemnify and hold harmless any Member, officer, executive director, employee or representative of the Commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error or omission that occurred within the scope of Commission employment, duties or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities, provided, that the actual or alleged act, error or omission did not result from the intentional or willful and wanton misconduct of that person.

Article VI. Meetings and Acts of the Commission

1. The Commission shall meet and take such actions as are consistent with the provisions of this Compact and the Bylaws.

2. Each Member of the Commission shall have the right and power to cast a vote to which that Compacting State is entitled and to participate in the business and affairs of the Commission. A Member shall vote in person or by such other means as provided in the Bylaws. The Bylaws may provide

for Members' participation in meetings by telephone or other means of communication.

3. *The Commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the Bylaws.*

Article VII. Rules and Operating Procedures: Rulemaking Functions of the Commission and Opting Out of Uniform Standards

1. **Rulemaking Authority.** *The Commission shall promulgate reasonable Rules, including Uniform Standards, and Operating Procedures in order to effectively and efficiently achieve the purposes of this Compact. Notwithstanding the foregoing, in the event the Commission exercises its rulemaking authority in a manner that is beyond the scope of the purposes of this Act, or the powers granted hereunder, then such an action by the Commission shall be invalid and have no force and effect.*

2. **Rulemaking Procedure.** *Rules and Operating Procedures shall be made pursuant to a rulemaking process that conforms to the Model State Administrative Procedure Act of 1981 as amended, as may be appropriate to the operations of the Commission. Before the Commission adopts a Uniform Standard, the Commission shall give written notice to the relevant state legislative committee(s) in each Compacting State responsible for insurance issues of its intention to adopt the Uniform Standard. The Commission in adopting a Uniform Standard shall consider fully all submitted materials and issue a concise explanation of its decision.*

3. **Effective Date and Opt Out of a Uniform Standard.** *A Uniform Standard shall become effective ninety (90) days after its promulgation by the Commission or such later date as the Commission may determine; provided, however, that a Compacting State may opt out of a Uniform Standard as provided in this Article. "Opt out" shall be defined as any action by a Compacting State to decline to adopt or participate in a promulgated Uniform Standard. All other Rules and Operating Procedures, and amendments thereto, shall become effective as of the date specified in each Rule, Operating Procedure or amendment.*

4. **Opt Out Procedure.** *A Compacting State may opt out of a Uniform Standard, either by legislation or regulation duly promulgated by the Insurance Department under the Compacting State's Administrative Procedure Act. If a Compacting State elects to opt out of a Uniform Standard by regulation, it must (a) give written notice to the Commission no later than ten (10) business days after the Uniform Standard is promulgated, or at the time the State becomes a Compacting State and (b) find that the Uniform Standard does not provide reasonable protections to the citizens of the State, given the conditions in the State. The Commissioner shall make specific findings of fact and conclusions of law, based on a preponderance of the evidence, detailing the conditions in the*

State which warrant a departure from the Uniform Standard and determining that the Uniform Standard would not reasonably protect the citizens of the State. The Commissioner must consider and balance the following factors and find that the conditions in the State and needs of the citizens of the State outweigh: (i) the intent of the legislature to participate in, and the benefits of, an interstate agreement to establish national uniform consumer protections for the Products subject to this Act; and (ii) the presumption that a Uniform Standard adopted by the Commission provides reasonable protections to consumers of the relevant Product.

Notwithstanding the foregoing, a Compacting State may, at the time of its enactment of this Compact, prospectively opt out of all Uniform Standards involving long-term care insurance products by expressly providing for such opt out in the enacted Compact, and such an opt out shall not be treated as a material variance in the offer or acceptance of any State to participate in this Compact. Such an opt out shall be effective at the time of enactment of this Compact by the Compacting State and shall apply to all existing Uniform Standards involving long-term care insurance products and those subsequently promulgated.

5. Effect of Opt Out. If a Compacting State elects to opt out of a Uniform Standard, the Uniform Standard shall remain applicable in the Compacting State electing to opt out until such time the opt out legislation is enacted into law or the regulation opting out becomes effective.

Once the opt out of a Uniform Standard by a Compacting State becomes effective as provided under the laws of that State, the Uniform Standard shall have no further force and effect in that State unless and until the legislation or regulation implementing the opt out is repealed or otherwise becomes ineffective under the laws of the State. If a Compacting State opts out of a Uniform Standard after the Uniform Standard has been made effective in that State, the opt out shall have the same prospective effect as provided under Article XIV for withdrawals.

6. Stay of Uniform Standard. If a Compacting State has formally initiated the process of opting out of a Uniform Standard by regulation, and while the regulatory opt out is pending, the Compacting State may petition the Commission, at least fifteen (15) days before the effective date of the Uniform Standard, to stay the effectiveness of the Uniform Standard in that State. The Commission may grant a stay if it determines the regulatory opt out is being pursued in a reasonable manner and there is a likelihood of success. If a stay is granted or extended by the Commission, the stay or extension thereof may postpone the effective date by up to ninety (90) days, unless affirmatively extended by the Commission; provided, a stay may not be permitted to remain in effect for more than one (1) year unless the Compacting State can show extraordinary circumstances which

warrant a continuance of the stay, including, but not limited to, the existence of a legal challenge which prevents the Compacting State from opting out. A stay may be terminated by the Commission upon notice that the rulemaking process has been terminated.

7. Not later than thirty (30) days after a Rule or Operating Procedure is promulgated, any person may file a petition for judicial review of the Rule or Operating Procedure; provided, that the filing of such a petition shall not stay or otherwise prevent the Rule or Operating Procedure from becoming effective unless the court finds that the petitioner has a substantial likelihood of success. The court shall give deference to the actions of the Commission consistent with applicable law and shall not find the Rule or Operating Procedure to be unlawful if the Rule or Operating Procedure represents a reasonable exercise of the Commission's authority.

Article VIII. Commission Records and Enforcement

1. The Commission shall promulgate Rules establishing conditions and procedures for public inspection and copying of its information and official records, except such information and records involving the privacy of individuals and insurers' trade secrets. The Commission may promulgate additional Rules under which it may make available to federal and state agencies, including law enforcement agencies, records and information otherwise exempt from disclosure, and may enter into agreements with such agencies to receive or exchange information or records subject to nondisclosure and confidentiality provisions.

2. Except as to privileged records, data and information, the laws of any Compacting State pertaining to confidentiality or nondisclosure shall not relieve any Compacting State Commissioner of the duty to disclose any relevant records, data or information to the Commission; provided, that disclosure to the Commission shall not be deemed to waive or otherwise affect any confidentiality requirement; and further provided, that, except as otherwise expressly provided in this Act, the Commission shall not be subject to the Compacting State's laws pertaining to confidentiality and nondisclosure with respect to records, data and information in its possession. Confidential information of the Commission shall remain confidential after such information is provided to any Commissioner.

3. The Commission shall monitor Compacting States for compliance with duly adopted Bylaws, Rules, including Uniform Standards, and Operating Procedures. The Commission shall notify any non-complying Compacting State in writing of its noncompliance with Commission Bylaws, Rules or Operating Procedures. If a non-complying Compacting State fails to remedy its noncompliance within the time specified in the notice of noncompliance, the Compacting State shall be deemed to be in default as set forth in Article XIV.

4. *The Commissioner of any State in which an Insurer is authorized to do business, or is conducting the business of insurance, shall continue to exercise his or her authority to oversee the market regulation of the activities of the Insurer in accordance with the provisions of the State's law. The Commissioner's enforcement of compliance with the Compact is governed by the following provisions:*

a. *With respect to the Commissioner's market regulation of a Product or Advertisement that is approved or certified to the Commission, the content of the Product or Advertisement shall not constitute a violation of the provisions, standards or requirements of the Compact except upon a final order of the Commission, issued at the request of a Commissioner after prior notice to the Insurer and an opportunity for hearing before the Commission.*

b. *Before a Commissioner may bring an action for violation of any provision, standard or requirement of the Compact relating to the content of an Advertisement not approved or certified to the Commission, the Commission, or an authorized Commission officer or employee, must authorize the action. However, authorization pursuant to this paragraph does not require notice to the Insurer, opportunity for hearing or disclosure of requests for authorization or records of the Commission's action on such requests.*

Article IX. Dispute Resolution

The Commission shall attempt, upon the request of a Member, to resolve any disputes or other issues that are subject to this Compact and which may arise between two or more Compacting States, or between Compacting States and Non-compacting States, and the Commission shall promulgate an Operating Procedure providing for resolution of such disputes.

Article X. Product Filing and Approval

1. *Insurers and Third-Party Filers seeking to have a Product approved by the Commission shall file the Product with, and pay applicable filing fees to, the Commission. Nothing in this Act shall be construed to restrict or otherwise prevent an insurer from filing its Product with the insurance department in any State wherein the insurer is licensed to conduct the business of insurance, and such filing shall be subject to the laws of the States where filed.*

2. *The Commission shall establish appropriate filing and review processes and procedures pursuant to Commission Rules and Operating Procedures. Notwithstanding any provision herein to the contrary, the Commission shall promulgate Rules to establish conditions and procedures under which the Commission will provide public access to Product filing information. In establishing such Rules, the Commission shall consider the interests of the public in having access to such information, as well as*

protection of personal medical and financial information and trade secrets, that may be contained in a Product filing or supporting information.

3. Any Product approved by the Commission may be sold or otherwise issued in those Compacting States for which the Insurer is legally authorized to do business.

Article XI. Review of Commission Decisions Regarding Filings

1. Not later than thirty (30) days after the Commission has given notice of a disapproved Product or Advertisement filed with the Commission, the Insurer or Third Party Filer whose filing was disapproved may appeal the determination to a review panel appointed by the Commission. The Commission shall promulgate Rules to establish procedures for appointing such review panels and provide for notice and hearing. An allegation that the Commission, in disapproving a Product or Advertisement filed with the Commission, acted arbitrarily, capriciously, or in a manner that is an abuse of discretion or otherwise not in accordance with the law, is subject to judicial review in accordance with Article III, Section 4.

2. The Commission shall have authority to monitor, review and reconsider Products and Advertisement subsequent to their filing or approval upon a finding that the product does not meet the relevant Uniform Standard. Where appropriate, the Commission may withdraw or modify its approval after proper notice and hearing, subject to the appeal process in Section 1 above.

Article XII. Finance

1. The Commission shall pay or provide for the payment of the reasonable expenses of its establishment and organization. To fund the cost of its initial operations, the Commission may accept contributions and other forms of funding from the National Association of Insurance Commissioners, Compacting States and other sources. Contributions and other forms of funding from other sources shall be of such a nature that the independence of the Commission concerning the performance of its duties shall not be compromised.

2. The Commission shall collect a filing fee from each Insurer and Third Party Filer filing a product with the Commission to cover the cost of the operations and activities of the Commission and its staff in a total amount sufficient to cover the Commission's annual budget.

3. The Commission's budget for a fiscal year shall not be approved until it has been subject to notice and comment as set forth in Article VII of this Compact.

4. The Commission shall be exempt from all taxation in and by the Compacting States.

5. The Commission shall not pledge the credit of any Compacting State, except by and with the appropriate legal authority of that Compacting State.

6. The Commission shall keep complete and accurate accounts of all its internal receipts, including grants and donations, and disbursements of all funds under its control. The internal financial accounts of the Commission shall be subject to the accounting procedures established under its Bylaws. The financial accounts and reports including the system of internal controls and procedures of the Commission shall be audited annually by an independent certified public accountant. Upon the determination of the Commission, but no less frequently than every three (3) years, the review of the independent auditor shall include a management and performance audit of the Commission. The Commission shall make an Annual Report to the Governor and legislature of the Compacting States, which shall include a report of the independent audit. The Commission's internal accounts shall not be confidential and such materials may be shared with the Commissioner of any Compacting State upon request provided, however, that any work papers related to any internal or independent audit and any information regarding the privacy of individuals and insurers' proprietary information, including trade secrets, shall remain confidential.

7. No Compacting State shall have any claim to or ownership of any property held by or vested in the Commission or to any Commission funds held pursuant to the provisions of this Compact.

Article XIII. Compacting States, Effective Date and Amendment

1. Any State is eligible to become a Compacting State.

2. The Compact shall become effective and binding upon legislative enactment of the Compact into law by two Compacting States; provided, the Commission shall become effective for purposes of adopting Uniform Standards for, reviewing, and giving approval or disapproval of, Products filed with the Commission that satisfy applicable Uniform Standards only after twenty-six (26) States are Compacting States or, alternatively, by States representing greater than forty percent (40%) of the premium volume for life insurance, annuity, disability income and long-term care insurance products, based on records of the NAIC for the prior year. Thereafter, it shall become effective and binding as to any other Compacting State upon enactment of the Compact into law by that State.

3. Amendments to the Compact may be proposed by the Commission for enactment by the Compacting States. No amendment shall become effective and binding upon the Commission and the Compacting States unless and until all Compacting States enact the amendment into law.

Article XIV. Withdrawal, Default and Termination

1. Withdrawal

a. Once effective, the Compact shall continue in force and remain binding upon each and every Compacting State; provided, that a Compacting State may withdraw from the Compact (“Withdrawing State”) by enacting a statute specifically repealing the statute which enacted the Compact into law.

b. The effective date of withdrawal is the effective date of the repealing statute. However, the withdrawal shall not apply to any product filings approved or self-certified, or any Advertisement of such products, on the date the repealing statute becomes effective, except by mutual agreement of the Commission and the Withdrawing State unless the approval is rescinded by the Withdrawing State as provided in Paragraph e of this section.

c. The Commissioner of the Withdrawing State shall immediately notify the Management Committee in writing upon the introduction of legislation repealing this Compact in the Withdrawing State.

d. The Commission shall notify the other Compacting States of the introduction of such legislation within ten (10) days after its receipt of notice thereof.

e. The Withdrawing State is responsible for all obligations, duties and liabilities incurred through the effective date of withdrawal, including any obligations, the performance of which extend beyond the effective date of withdrawal, except to the extent those obligations may have been released or relinquished by mutual agreement of the Commission and the Withdrawing State. The Commission’s approval of Products and Advertisement prior to the effective date of withdrawal shall continue to be effective and be given full force and effect in the Withdrawing State, unless formally rescinded by the Withdrawing State in the same manner as provided by the laws of the Withdrawing State for the prospective disapproval of products or advertisement previously approved under state law.

f. Reinstatement following withdrawal of any Compacting State shall occur upon the effective date of the Withdrawing State reenacting the Compact.

2. Default

a. If the Commission determines that any Compacting State has at any time defaulted (“Defaulting State”) in the performance of any of its obligations or responsibilities under this Compact, the Bylaws or duly promulgated Rules or Operating Procedures, then, after notice and hearing as set forth in the Bylaws, all rights, privileges and benefits conferred by this Compact on the Defaulting State shall be suspended from the effective date of default as fixed by the Commission. The grounds for default include, but are not limited to, failure of a Compacting State to perform its

obligations or responsibilities, and any other grounds designated in Commission Rules. The Commission shall immediately notify the Defaulting State in writing of the Defaulting State's suspension pending a cure of the default. The Commission shall stipulate the conditions and the time period within which the Defaulting State must cure its default. If the Defaulting State fails to cure the default within the time period specified by the Commission, the Defaulting State shall be terminated from the Compact and all rights, privileges and benefits conferred by this Compact shall be terminated from the effective date of termination.

b. Product approvals by the Commission or product self-certifications, or any Advertisement in connection with such product, that are in force on the effective date of termination shall remain in force in the Defaulting State in the same manner as if the Defaulting State had withdrawn voluntarily pursuant to Section 1 of this article.

c. Reinstatement following termination of any Compacting State requires a reenactment of the Compact.

3. Dissolution of Compact

a. The Compact dissolves effective upon the date of the withdrawal or default of the Compacting State which reduces membership in the Compact to one Compacting State.

b. Upon the dissolution of this Compact, the Compact becomes null and void and shall be of no further force or effect, and the business and affairs of the Commission shall be wound up and any surplus funds shall be distributed in accordance with the Bylaws.

Article XV. Severability and Construction

1. The provisions of this Compact shall be severable; and if any phrase, clause, sentence or provision is deemed unenforceable, the remaining provisions of the Compact shall be enforceable.

2. The provisions of this Compact shall be liberally construed to effectuate its purposes.

Article XVI. Binding Effect of Compact and Other Laws

1. Other Laws

a. Nothing herein prevents the enforcement of any other law of a Compacting State, except as provided in Paragraph b of this section.

b. For any Product approved or certified to the Commission, the Rules, Uniform Standards and any other requirements of the Commission shall constitute the exclusive provisions applicable to the content, approval and certification of such Products. For Advertisement that is subject to the Commission's authority, any Rule, Uniform Standard or other requirement of the Commission which governs the content of the Advertisement shall constitute

the exclusive provision that a Commissioner may apply to the content of

the Advertisement. Notwithstanding the foregoing, no action taken by the Commission shall abrogate or restrict: (i) the access of any person to state courts; (ii) remedies available under state law related to breach of contract, tort, or other laws not specifically directed to the content of the Product; (iii) state law relating to the construction of insurance contracts; or (iv) the authority of the attorney general of the state, including but not limited to maintaining any actions or proceedings, as authorized by law.

c. All insurance products filed with individual States shall be subject to the laws of those States.

2. Binding Effect of this Compact

a. All lawful actions of the Commission, including all Rules and Operating Procedures promulgated by the Commission, are binding upon the Compacting States.

b. All agreements between the Commission and the Compacting States are binding in accordance with their terms.

c. Upon the request of a party to a conflict over the meaning or interpretation of Commission actions, and upon a majority vote of the Compacting States, the Commission may issue advisory opinions regarding the meaning or interpretation in dispute.

d. In the event any provision of this Compact exceeds the constitutional limits imposed on the legislature of any Compacting State, the obligations, duties, powers or jurisdiction sought to be conferred by that provision upon the Commission shall be ineffective as to that Compacting State, and those obligations, duties, powers or jurisdiction shall remain in the Compacting State and shall be exercised by the agency thereof to which those obligations, duties, powers or jurisdiction are delegated by law in effect at the time this Compact becomes effective.

Sec. 3. The Commissioner of Insurance is hereby designated to serve as the representative of this State to the Interstate Insurance Product Regulation Commission.

Sec. 4. 1. It is the policy of this State to opt out of and the Commissioner of Insurance shall by regulation opt out of any uniform standard adopted by the Interstate Insurance Product Regulation Commission which provides less protection than a law of this State or otherwise diminishes the rights of policyholders and persons applying for a policy of insurance in this State.

2. Upon determining, or upon becoming aware of a finding of a court of competent jurisdiction which found, that this State must opt out of a uniform standard pursuant to subsection 1, the Commissioner shall provide to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature notice of such determination or finding.

3. This State prospectively opts out of all uniform standards adopted by the Interstate Insurance Product Regulation Commission involving long-term care insurance products.

Sec. 5. The Commissioner of Insurance shall monitor the progress of the uniform standards adopted by the Interstate Insurance Product Regulation Commission involving long-term care insurance products and shall, on or before January 31, 2013, provide to the Director of the Legislative Counsel Bureau for transmittal to the 77th Session of the Nevada Legislature:

1. A written report regarding the progress of those uniform standards; and

2. Any recommendations concerning the adoption of those uniform standards, including, without limitation, the possible repeal of subsection 3 of section 4 of this act.

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 36.

Bill read second time.

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

Amendment No. 38.

AN ACT relating to indigent persons; revising provisions governing the Fund for Hospital Care to Indigent Persons; revising the membership of the Board of Trustees of the Fund; ~~requiring the Nevada Association of Counties to provide administrative support to the Board; authorizing payment for certain administrative expenses;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Fund for Hospital Care to Indigent Persons to pay certain costs of hospital care provided to persons injured in motor vehicle accidents who are indigent. The Fund is composed of money collected or recovered from certain taxes and from certain charges against a county for unpaid charges for hospital care not greater than \$3,000. (NRS 428.115-428.255)

Section 2 of this bill changes the membership of the Board of Trustees of the Fund to ~~authorize~~ require the Governor to appoint a director of a social services agency of a county as one of the five members of the Board. Section 2 further authorizes such a director of a social services agency to designate another person to carry out his or her duties on the Board when the director is unavailable.

~~¶ Section 3 of this bill requires the Nevada Association of Counties to provide administrative support to the Board in carrying out the duties of the Board in administering the Fund. Section 3 also authorizes the Nevada Association of Counties to be reimbursed from the Fund for the costs associated with providing administrative support to the Board. The Board is required to determine the costs for which the Nevada Association of Counties is entitled to be reimbursed.~~

Sections 1 and 4 of this bill require the money deposited in the Fund by a county for unpaid hospital charges not exceeding \$3,000 to be accounted for separately in the Fund and used to reimburse ~~the Nevada Association of Counties for the costs associated with providing administrative support to the Board and for the reimbursement of~~ **or partially reimburse a hospital for** unpaid hospital charges.

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

Section 1. NRS 428.175 is hereby amended to read as follows:

428.175 1. The Fund for Hospital Care to Indigent Persons is hereby created as a special revenue fund for the purposes described in NRS 428.115 to 428.255, inclusive.

2. ~~¶~~ **Except as otherwise provided in subsection 3,** money collected or recovered pursuant to NRS 428.115 to 428.255, inclusive, and the interest earned on the money in the Fund must be deposited for credit to the Fund.

3. **Any money paid by a county pursuant to NRS 428.255 must be accounted for separately in the Fund and must be used to reimburse the Nevada Association of Counties for costs associated with providing administrative support to the Board to carry out the provisions of NRS 428.115 to 428.255, inclusive. Any money remaining after the Nevada Association of Counties has been reimbursed for administrative costs may be used to** **reimburse or partially reimburse a hospital for unpaid charges for hospital care pursuant to NRS 428.115 to 428.255, inclusive, as other claims against the Fund are paid.**

4. Claims against the Fund must be paid on claims approved by the Board.

Sec. 2. NRS 428.195 is hereby amended to read as follows:

428.195 1. The Fund must be administered by a Board of Trustees composed of five **members appointed by the Governor as follows:**

(a) ~~Five~~ **Four** county commissioners ; ~~for~~ **and**

(b) ~~Four county commissioners and one~~ **One director of a social services agency of a county.**

2. *The members of the Board of Trustees must be* appointed by the Governor from a list of ~~ten~~ nominees submitted by the Board of Directors of the Nevada Association of Counties.

~~{2.}~~ *The list of nominees must include six nominees who are county commissioners and three nominees who are directors of a social services agency of a county.*

3. Each member of the Board of Trustees shall serve a term of ~~{1-year}~~ 2 years or until a successor has been appointed and has qualified.

~~{3.}~~ 4. The position of a member of the Board of Trustees shall be considered vacated upon the loss of any of the qualifications required for the appointment of the member and in that event the Governor shall appoint a successor from a list of ~~two~~ nominees submitted by the Board of Directors of the Nevada Association of Counties. *The list of nominees must include two county commissioners ~~and~~ if ~~one~~ the member of the Board is ~~not~~ a ~~director~~ county commissioner or two directors of a social services agency ~~, one nominee who~~ if the member of the board is the director of a social services agency of a county.*

5. *The director of a social services agency who is appointed to the Board of Trustees may designate a person to carry out his or her duties on the Board of Trustees when the director is unavailable, and any such designee has the same power as any other member of the Board of Trustees for the period in which he or she is designated to act on behalf of the director.*

6. *As used in this section, "social services agency" means any public agency or organization that provides social services in this State, including, without limitation, providing welfare and health care services.*

Sec. 3. ~~{NRS 428.205 is hereby amended to read as follows:~~

~~428.205 1. The Board shall administer the Fund and for that purpose may:~~

~~{1.} (a) Enter into all necessary contracts and agreements.~~

~~{2.} (b) Purchase appropriate insurance to cover that portion of a claim for which the Fund is liable and which exceeds an amount agreed upon by the Board and the insurer.~~

~~{3.} (c) Employ personnel as necessary and prescribe their compensation and working conditions.~~

~~{4.} (d) Enter into agreements with the Department of Administration to obtain the services of consultants, attorneys, auditors, accountants, actuaries and managers of risk.~~

~~{5.} (e) Rent, lease, purchase or otherwise procure or receive real or personal property.~~

~~{6.} (f) Adopt regulations necessary for carrying out the provisions of NRS 428.115 to 428.255, inclusive.~~

~~2. The Nevada Association of Counties shall provide administrative support for the Board and may be reimbursed from the Fund pursuant to this section and NRS 428.175 for the costs associated with providing such administrative support. The Board shall determine the expenses related to the provision of administrative support for which the Nevada Association of Counties may be reimbursed.} (Deleted by amendment.)~~

Sec. 4. NRS 428.255 is hereby amended to read as follows:

428.255 1. Any reimbursement or partial reimbursement made from the Fund for unpaid charges for hospital care furnished to a person which are not greater than \$3,000, is a charge upon the county in which:

~~{1.}~~ (a) The accident occurred, if the person is not a resident of this state and the accident occurred in this state; or

~~{2.}~~ (b) The person resides, if the person is a resident of this state,

↪ and must be paid *to the Fund* upon a claim presented by the Board as other claims against the county are paid.

2. Money paid by a county pursuant to this section must be accounted for separately and expended in accordance with the provisions of subsection 3 of NRS 428.175.

Sec. 5. This act becomes effective on July 1, 2011.

Assemblywoman Pierce moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 82.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 169.

AN ACT relating to elections; ~~{establishing certain requirements for the organization of voter registration drives;}~~ revising provisions governing registering to vote by computer; authorizing additional mailing precincts in certain circumstances; making various other changes relating to the administration and conduct of elections; ~~{requiring the electronic filing of certain campaign contribution and expenditure reports and statements of financial disclosure;}~~ authorizing the disposition of unspent campaign contributions to a governmental entity and for the use of legal expenses; requiring the annual registration of committees for political action; making various other changes relating to campaign finance; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~{ Sections 3 and 24 of this bill establish requirements for the organization of a voter registration drive to distribute and collect applications to register to~~

~~vote. Section 3 also provides requirements for and responsibilities of an organizer of a voter registration drive, including filing a statement of intent with the Secretary of State and completing a training course offered by the Secretary of State, and establishes criminal and civil penalties for violations of applicable provisions.~~

~~Section 6 of this bill increases the maximum number of active and registered voters that election precincts may contain from 1,500 to 3,000 active and registered voters.~~

Section 7 of this bill allows a county clerk to establish mailing precincts or absent ballot mailing precincts if approved by the Secretary of State, in addition to circumstances authorized for the creation of mailing precincts in existing law. (NRS 293.213)

Sections 8 and 23 of this bill provide that if a county clerk establishes a system for using a computer for voter registration for that county, the system established must comply with any procedures and requirements prescribed by the Secretary of State. Existing law requires county clerks to verify the validity of the signatures of persons who sign petitions for initiative or referendum, petitions to recall public officers, petitions to qualify as a political party, petitions for filling ballot vacancies or petitions to place minor party or independent candidates on the ballot against the voter registration records, including applications to register to vote. (NRS 293.1277) **Section 5** of this bill provides that if a computer is used for voter registration in a county, the county clerk may rely on such indicia as may be prescribed by the Secretary of State to complete the signature verification.

Sections 9, 26 and 36 of this bill revise the manner in which it is required to list on sample ballots and ballots the names of candidates who have the same names so that if two or more candidates in an election have the same given name and surname and one candidate is an incumbent, the word "Incumbent" must appear on the sample ballot and ballot next to the name of the candidate who is the incumbent.

Section 12 of this bill requires, in addition to other information posted at polling places on election day, the posting of information concerning the eligibility of a candidate, question or other matter to appear on the ballot as a result of judicial determination or by operation of law.

Sections 15 and 35 of this bill authorize voters to vote in mailing precincts if it appears to the satisfaction of the Secretary of State, in addition to the county clerk, that the circumstances authorizing the creation of a mailing precinct exist.

Existing law authorizes a city or county clerk to assess a charge, not to exceed the cost of printing the applications, against a political party or other entity that requests more than 50 applications to register to vote by mail in

any 12-month period. (NRS 293.443) **Section 16** of this bill authorizes the Secretary of State to assess such a charge as well.

Section 19 of this bill changes the deadline for the Secretary of State to submit a report concerning primary and general elections to the Legislature from not later than 30 days before the start of a regular legislative session to not sooner than 30 days before and not later than 30 days after the first day of each regular legislative session.

~~[Sections 18 and 37 of this bill require certain additional information to be added to an Internet website of a county clerk or city clerk.]~~

Section 20 of this bill requires recruitment offices of the Armed Forces of the United States to serve as voter registration agencies, in addition to other entities specified in existing law.

Section 21 of this bill prohibits a voter registration agency from knowingly employing a person whose duties will include the registration of voters if the person has been convicted of a felony involving theft ~~[H]~~ **or fraud**. ~~[or dishonesty.]~~

Section 22 of this bill prohibits a county clerk from knowingly appointing as a field registrar any person who has been convicted of a felony involving theft ~~[H]~~ **or fraud**. ~~[or dishonesty.]~~

Section 27 of this bill amends the deadlines for the county clerk to transmit the number of registered voters in the county to the Secretary of State for the primary and general elections.

Section 28 of this bill expands the crime of threatening a person in connection with an election or petition to include threatening a person in connection with the registration of voters and to include the use of or threatening to use intimidation. **Section 28** also increases the penalty for such a crime from a gross misdemeanor to a category E felony.

Section 29 of this bill increases the penalty for interfering with the conduct of an election from a gross misdemeanor to a category ~~[D]~~ **E** felony.

Section 30 of this bill provides that polling information from a voter regarding whether the voter intends to vote for or against a particular political party, candidate or ballot question is not “electioneering.”

~~[Section 31 of this bill increases the penalty for the removal or destruction of certain voting supplies and equipment from a gross misdemeanor to a category D felony.]~~

Section 32 of this bill provides that if a person tampers or interferes with, or attempts to tamper or interfere with, a mechanical voting system, mechanical voting device or any computer program used to count ballots, such an act is punishable as a category B felony.

Section 33 of this bill makes ~~[certain]~~ **the intentional failure to submit to the county clerk an elector’s completed application to register to vote by a person who provided the application to the elector an** unlawful ~~[act]~~

~~relating to the registration of voters a category D felony rather than~~ **act punishable as** a category E felony.

~~[Sections 39, 40, 44-47, 49, 52-55, 57, 58, 64, 67 and 70 of this bill provide that, except under certain circumstances, campaign contribution and expenditure reports related to candidates for state, county and district offices must be filed electronically with the Secretary of State.]~~

Existing law prohibits a person from making certain campaign contributions over \$5,000 during certain periods and prohibits candidates from accepting such contributions during those periods. (NRS 294A.100, 294A.287) **Sections 43 and 60** of this bill ~~remove the limiting period for certain candidates so that such contributions may not be made or accepted at any time and~~ also prohibit a person from committing to make such a contribution. **Section 61** of this bill similarly adds the prohibition on committing to make such a contribution to the prohibition on soliciting and accepting any monetary contribution for any political purpose during a specified period which is applicable to Legislators, the Lieutenant Governor, the Lieutenant Governor-Elect, the Governor and the Governor-Elect.

Section 50 of this bill adds to the acceptable methods of disposing of unspent campaign contributions donating money to a governmental entity and allows the person disposing of the unspent contributions to specify how the governmental entity may use the money. **Section 50** also allows certain public officers to use unspent campaign contributions in a future election in certain circumstances.

Section 56 of this bill requires committees for political action to file with the Secretary of State an updated form of registration on or before January 15 of each year.

Section 59 of this bill sets forth the acceptable methods of **and deadline for** disposing of unspent money in a legal defense fund. **Sections 51 and 63** of this bill require a person who disposes of unspent money in a legal defense fund to report to the Secretary of State how the person disposed of such money.

~~[Section 67 of this bill requires the Secretary of State to design a form for each campaign contribution and expenditure report rather than requiring the design of a single form for all campaign contribution and expenditure reports.~~

~~Sections 74-83 of this bill provide that, except under certain circumstances, appointed and elected public officers must file electronically statements of financial disclosure with the Secretary of State rather than the Commission on Ethics.]~~

Sections ~~49,~~ 48, 54 and 84 of this bill remove requirements that certain persons or groups who advocate the passage or defeat of a ballot question register. As a result, these persons and groups are subject to the same registration and reporting requirements as committees for political action and

must report certain contributions and expenditures which exceed \$100, rather than \$10,000 as provided in existing law for these persons or groups.

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

Section 1. ~~{Chapter 293 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.}~~ (Deleted by amendment.)

Sec. 2. ~~{“Voter registration drive” means distributing and collecting applications to register to vote pursuant to section 3 of this act.}~~ (Deleted by amendment.)

Sec. 3. ~~{1. A person may organize a voter registration drive only if the person:~~

~~(a) Files with the Secretary of State a statement of intent to organize a voter registration drive in the form prescribed by the Secretary of State; and~~

~~(b) Completes a training course offered by the Secretary of State for organizers of a voter registration drive.~~

~~2. An organizer of a voter registration drive:~~

~~(a) Shall maintain in the State of Nevada a registered agent who resides or is located in this State upon whom all legal process and any demand or notice authorized by law to be served upon the organizer may be served. The organizer shall include the contact information for the registered agent with the statement of intent filed pursuant to subsection 1.~~

~~(b) May distribute to and collect from persons in this State applications to register to vote.~~

~~(c) May employ persons to assist the organizer in distributing and collecting applications to register to vote in the State. The organizer shall not provide compensation to any person employed pursuant to this paragraph which is based on the number of completed applications to register to vote that the person collects.~~

~~(d) Shall not knowingly employ a person to assist with a voter registration drive if the person has been convicted of a felony involving theft, fraud or dishonesty.~~

~~3. Except as otherwise provided in this subsection, a completed application to register to vote that is collected during a voter registration drive must be:~~

~~(a) Delivered personally by the organizer of the voter registration drive to the county clerk not later than 10 calendar days after the elector signs the application; or~~

~~(b) Mailed by the organizer of the voter registration drive to the county clerk and postmarked not later than 10 calendar days after the elector signs the application.~~

~~Any completed application to register to vote that is signed by an elector 14 calendar days or less before the date for the close of registration set forth in NRS 293.560 and 293C.527 must be delivered or postmarked on the same day on which the elector signs the application.~~

~~4. A person who distributes and collects applications to register persons to vote during a voter registration drive shall not:~~

~~(a) Seek to influence an applicant's political preference or party registration; or~~

~~(b) Make any statement or take any action to discourage an applicant from registering to vote.~~

~~A person who violates any of the provisions of this subsection is guilty of a category E felony and shall be punished as provided in NRS 193.130.~~

~~5. If it appears that the following violations have occurred, the Secretary of State may conduct an investigation concerning the alleged violation and cause the appropriate proceedings to be instituted in the First Judicial District Court:~~

~~(a) If an organizer of a voter registration drive does not complete the training course offered by the Secretary of State pursuant to subsection 1, an action to collect a civil penalty of not more than \$1,000.~~

~~(b) If an organizer of a voter registration drive does not file with the Secretary of State the contact information for its registered agent required by paragraph (a) of subsection 2, an action to collect a civil penalty of not more than \$1,000.~~

~~(c) If an organizer of a voter registration drive employs a person in violation of paragraph (d) of subsection 2, an action to collect a civil penalty of not more than \$5,000 for each person who is employed by the organizer of a voter registration drive in violation of that paragraph.~~

~~(d) If an organizer of a voter registration drive does not submit a completed application to register to vote within the applicable period set forth in subsection 3, an action to collect a civil penalty of not more than \$50 for each business day that the application is late, except that for a third or subsequent violation, the Secretary of State may bring an action to collect a civil penalty of not more than \$5,000.~~

~~Any civil penalty collected pursuant to this subsection must be deposited with the State Treasurer for credit to the State General Fund.~~

~~6. The Secretary of State may adopt regulations necessary to administer the provisions of this section.~~

~~7. As used in this section, “organizer of a voter registration drive” means a person who organizes a voter registration drive.~~ **(Deleted by amendment.)**

Sec. 4. ~~[NRS 293.010 is hereby amended to read as follows:
293.010 As used in this title, unless the context otherwise requires, the words and terms defined in NRS 293.013 to 293.121, inclusive, and section 2 of this act have the meanings ascribed to them in those sections.]~~ **(Deleted by amendment.)**

Sec. 5. NRS 293.1277 is hereby amended to read as follows:

293.1277 1. If the Secretary of State finds that the total number of signatures submitted to all the county clerks is 100 percent or more of the number of registered voters needed to declare the petition sufficient, the Secretary of State shall immediately so notify the county clerks. Within 9 days, excluding Saturdays, Sundays and holidays, after notification, each of the county clerks shall determine the number of registered voters who have signed the documents submitted in the county clerk’s county and, in the case of a petition proposing a statute, an amendment to a statute or an amendment to the Constitution, shall tally the number of signatures for each petition district contained or fully contained within the county clerk’s county.

2. If more than 500 names have been signed on the documents submitted to a county clerk, the county clerk shall examine the signatures by sampling them at random for verification. The random sample of signatures to be verified must be drawn in such a manner that every signature which has been submitted to the county clerk is given an equal opportunity to be included in the sample. The sample must include an examination of at least 500 or 5 percent of the signatures, whichever is greater.

3. In determining from the records of registration the number of registered voters who signed the documents, the county clerk may use the signatures contained in the file of applications to register to vote. If the county clerk uses that file, the county clerk shall ensure that every application in the file is examined, including any application in his or her possession which may not yet be entered into the county clerk’s records. ~~[The]~~ ***Except as otherwise provided in this subsection, the*** county clerk shall rely only on the appearance of the signature and the address and date included with each signature in making his or her determination. ***If, pursuant to NRS 293.506, a county clerk establishes a system to allow persons to register to vote by computer, the county clerk may rely on such other indicia as prescribed by the Secretary of State in making his or her determination.***

4. In the case of a petition proposing a statute, an amendment to a statute or an amendment to the Constitution, when the county clerk is determining the number of registered voters who signed the documents from each petition

district contained fully or partially within the county clerk's county, he or she must use the statewide voter registration list available pursuant to NRS 293.675.

5. Except as otherwise provided in subsection 7, upon completing the examination, the county clerk shall immediately attach to the documents a certificate properly dated, showing the result of the examination, including the tally of signatures by petition district, if required, and transmit the documents with the certificate to the Secretary of State. If a petition district comprises more than one county and the petition proposes a statute, an amendment to a statute or an amendment to the Constitution, the appropriate county clerks shall comply with the regulations adopted by the Secretary of State pursuant to this section to complete the certificate. A copy of this certificate must be filed in the clerk's office. When the county clerk transmits the certificate to the Secretary of State, the county clerk shall notify the Secretary of State of the number of requests to remove a name received by the county clerk pursuant to NRS 295.055 or 306.015.

6. A person who submits a petition to the county clerk which is required to be verified pursuant to NRS 293.128, 293.165, 293.172, 293.200, 295.056, 298.109, 306.035 or 306.110 must be allowed to witness the verification of the signatures. A public officer who is the subject of a recall petition must also be allowed to witness the verification of the signatures on the petition.

7. For any petition containing signatures which are required to be verified pursuant to the provisions of NRS 293.165, 293.200, 306.035 or 306.110 for any county, district or municipal office within one county, the county clerk shall not transmit to the Secretary of State the documents containing the signatures of the registered voters.

8. The Secretary of State shall by regulation establish further procedures for carrying out the provisions of this section.

Sec. 6. ~~NRS 293.207 is hereby amended to read as follows:~~

~~293.207 1. Election precincts must be established on the basis of the number of registered voters therein, with a maximum of [1,500] 3,000 registered voters who are not designated inactive pursuant to NRS 293.530 per precinct in those precincts in which a mechanical voting system is used.~~

~~2. Except as otherwise provided in subsections 3 and 4, the county clerk may consolidate two or more contiguous election precincts into a single voting district to conduct a particular election as public convenience, necessity and economy may require.~~

~~3. If a county clerk proposes to consolidate two or more contiguous election precincts, in whole or in part, pursuant to subsection 2, the county clerk shall, at least 14 days before consolidating the precincts, cause notice of the proposed consolidation to be~~

~~(a) Posted in the manner prescribed for a regular meeting of the board of county commissioners; and~~

~~(b) Mailed to each Assemblyman, Assemblywoman, State Senator, county commissioner and, if applicable, member of the governing body of a city who represents residents of a precinct affected by the consolidation.~~

~~4. A person may file a written objection to the proposed consolidation with the county clerk. The county clerk shall consider each written objection filed pursuant to this subsection before consolidating the precincts.~~ **(Deleted by amendment.)**

Sec. 7. NRS 293.213 is hereby amended to read as follows:

293.213 1. Whenever there were not more than 20 voters registered in a precinct for the last preceding general election, the county clerk may establish that precinct as a mailing precinct.

2. Except as otherwise provided in NRS 293.208, the county clerk in any county ~~where~~ **in which** an absent ballot central counting board is appointed may abolish two or more existing mailing precincts and combine those mailing precincts into absent ballot precincts. Those mailing precincts must be designated absent ballot mailing precincts.

3. In any county ~~where~~ **in which** an absent ballot central counting board is appointed, any established precinct which had less than 200 ballots cast at the last preceding general election, or any newly established precinct with less than 200 registered voters, may be designated an absent ballot mailing precinct.

4. ***A county clerk may establish a mailing precinct or an absent ballot mailing precinct that does not meet the requirements of subsection 1, 2 or 3 if the county clerk obtains prior approval from the Secretary of State.***

5. The county clerk shall, at least 14 days before establishing or designating a precinct as a mailing precinct or absent ballot mailing precinct or before abolishing a mailing precinct pursuant to this section, cause notice of such action to be:

(a) Posted in the manner prescribed for a regular meeting of the board of county commissioners; and

(b) Mailed to each Assemblyman, Assemblywoman, State Senator, county commissioner and, if applicable, member of the governing body of a city who represents residents of a precinct affected by the action.

Sec. 8. NRS 293.250 is hereby amended to read as follows:

293.250 1. The Secretary of State shall, in a manner consistent with the election laws of this State, prescribe:

(a) The form of all ballots, absent ballots, diagrams, sample ballots, certificates, notices, declarations, applications to register to vote, lists, applications, registers, rosters, statements and abstracts required by the election laws of this State.

(b) The ~~procedure~~ **procedures** to be followed ~~[when a computer is used]~~ **and the requirements of a system established pursuant to NRS 293.506 for using a computer** to register voters and to keep records of registration.

2. The Secretary of State shall prescribe with respect to the matter to be printed on every kind of ballot:

(a) The placement and listing of all offices, candidates and measures upon which voting is statewide, which must be uniform throughout the State.

(b) The listing of all other candidates required to file with the Secretary of State, and the order of listing all offices, candidates and measures upon which voting is not statewide, from which each county or city clerk shall prepare appropriate ballot forms for use in any election in his or her county.

3. The Secretary of State shall place the condensation of each proposed constitutional amendment or statewide measure near the spaces or devices for indicating the voter's choice.

4. The fiscal note for, explanation of, arguments for and against, and rebuttals to such arguments of each proposed constitutional amendment or statewide measure must be included on all sample ballots.

5. The condensations and explanations for constitutional amendments and statewide measures proposed by initiative or referendum must be prepared by the Secretary of State, upon consultation with the Attorney General. The arguments and rebuttals for or against constitutional amendments and statewide measures proposed by initiative or referendum must be prepared in the manner set forth in NRS 293.252. The fiscal notes for constitutional amendments and statewide measures proposed by initiative or referendum must be prepared by the Secretary of State, upon consultation with the Fiscal Analysis Division of the Legislative Counsel Bureau. The condensations, explanations, arguments, rebuttals and fiscal notes must be in easily understood language and of reasonable length, and whenever feasible must be completed by August 1 of the year in which the general election is to be held.

6. The names of candidates for township and legislative or special district offices must be printed only on the ballots furnished to voters of that township or district.

7. A county clerk:

(a) May divide paper ballots into two sheets in a manner which provides a clear understanding and grouping of all measures and candidates.

(b) Shall prescribe the color or colors of the ballots and voting receipts used in any election which the clerk is required to conduct.

Sec. 9. NRS 293.2565 is hereby amended to read as follows:

293.2565 1. Except as otherwise provided in subsection 2, in any election regulated by this chapter, the name of a candidate printed on a ballot may be the given name and surname of the candidate or a contraction or

familiar form of his or her given name followed by his or her surname. A nickname of not more than 10 letters may be incorporated into the name of a candidate. The nickname must be in quotation marks and appear immediately before the surname of the candidate. A nickname must not indicate any political, economic, social or religious view or affiliation and must not be the name of any person, living or dead, whose reputation is known on a statewide, nationwide or worldwide basis, or in any other manner deceive a voter regarding the person or principles for which he or she is voting.

2. ~~{Except as otherwise provided in subsection 3, in}~~ **In** any election regulated by this chapter, if two or more candidates have the same **given name and** surname ~~{or surnames so similar as to be likely to cause confusion}~~ and:

(a) None of the candidates is an incumbent, the middle names or middle initials, if any, of the candidates must be included in the names of the candidates ; ~~{as printed on the ballot;}~~ or

(b) One of the candidates is an incumbent, the name of the incumbent must be listed first and ~~{must be printed in bold type.}~~

~~3. Where a system of voting other than by paper ballot is used and the provisions of paragraph (b) of subsection 2 are applicable, the Secretary of State may distinguish a candidate who is an incumbent in a manner other than printing the name of the incumbent in bold type provided that the manner used clearly emphasizes the name of the incumbent in a manner similar to printing his or her name in bold type.}~~ **the word “Incumbent” must appear next to the name of the candidate who is the incumbent.**

Sec. 10. NRS 293.272 is hereby amended to read as follows:

293.272 1. Except as otherwise provided in subsection 2 and in NRS 293.2725 and 293.3083, a person who registered **by mail or computer** to vote ~~{pursuant to the provisions of NRS 293.5235}~~ shall, for the first election in which the person votes at which that registration is valid, vote in person unless he or she has previously voted in the county in which he or she is registered to vote.

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

(a) Is entitled to vote in the manner prescribed in NRS 293.343 to 293.355, inclusive;

(b) Is entitled to vote an absent ballot pursuant to federal law or NRS 293.316 or 293.3165;

(c) Is disabled;

(d) Submits or has previously submitted a written request for an absent ballot that is signed by the registered voter before a notary public or other person authorized to administer an oath; or

(e) Requests an absent ballot in person at the office of the county clerk.

Sec. 11. NRS 293.2725 is hereby amended to read as follows:

293.2725 1. Except as otherwise provided in subsection 2, in NRS 293.3081 and 293.3083 and in federal law, a person who registers by mail **or computer** to vote in this State and who has not previously voted in an election for federal office in this State:

(a) May vote at a polling place only if the person presents to the election board officer at the polling place:

(1) A current and valid photo identification of the person; or

(2) A copy of a current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the name and address of the person, but not including a voter registration card issued pursuant to NRS 293.517; and

(b) May vote by mail only if the person provides to the county or city clerk:

(1) A copy of a current and valid photo identification of the person; or

(2) A copy of a current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the name and address of the person, but not including a voter registration card issued pursuant to NRS 293.517.

2. The provisions of this section do not apply to a person who:

(a) Registers to vote by mail and submits with an application to register to vote:

(1) A copy of a current and valid photo identification; or

(2) A copy of a current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the name and address of the person, but not including a voter registration card issued pursuant to NRS 293.517;

(b) Registers to vote by mail and submits with an application to register to vote a driver's license number or at least the last four digits of his or her social security number, if a state or local election official has matched that information with an existing identification record bearing the same number, name and date of birth as provided by the person in the application;

(c) Is entitled to vote an absent ballot pursuant to the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. 1973ff et seq.;

(d) Is provided the right to vote otherwise than in person under the Voting Accessibility for the Elderly and Handicapped Act, 42 U.S.C. 1973ee et seq.; or

(e) Is entitled to vote otherwise than in person under any other federal law.

Sec. 12. NRS 293.3025 is hereby amended to read as follows:

293.3025 The Secretary of State and each county and city clerk shall ensure that a copy of each of the following is posted in a conspicuous place at each polling place on election day:

1. A sample ballot;

2. Information concerning the date and hours of operation of the polling place;

3. Instructions for voting and casting a ballot, including a provisional ballot;

4. Instructions concerning the identification required for persons who registered by mail and are first-time voters for federal office in this State;

5. Information concerning the accessibility of polling places to persons with disabilities; ~~and~~

6. General information concerning federal and state laws which prohibit acts of fraud and misrepresentation ~~}; and~~

7. *Information concerning the eligibility of a candidate, a ballot question or any other matter appearing on the ballot as a result of a judicial determination or by operation of law, if any.*

Sec. 13. NRS 293.3081 is hereby amended to read as follows:

293.3081 A person at a polling place may cast a provisional ballot in an election to vote for a candidate for federal office if the person complies with the applicable provisions of NRS 293.3082 and:

1. Declares that he or she has registered to vote and is eligible to vote at that election in that jurisdiction, but his or her name does not appear on a voter registration list as a voter eligible to vote in that election in that jurisdiction or an election official asserts that the person is not eligible to vote in that election in that jurisdiction;

2. Applies by mail ~~};~~ **or computer**, on or after January 1, 2003, to register to vote and has not previously voted in an election for federal office in this State and fails to provide the identification required pursuant to paragraph (a) of subsection 1 of NRS 293.2725 to the election board officer at the polling place; or

3. Declares that he or she is entitled to vote after the polling place would normally close as a result of a court order or other order extending the time established for the closing of polls pursuant to a law of this State in effect 10 days before the date of the election.

Sec. 14. NRS 293.3083 is hereby amended to read as follows:

293.3083 A person may cast a ballot by mail to vote for a candidate for federal office, which must be treated as a provisional ballot by the county or city clerk if the person:

1. Applies by mail **or computer** to register to vote and has not previously voted in an election for federal office in this State;

2. Fails to provide the identification required pursuant to paragraph (b) of subsection 1 of NRS 293.2725 to the county or city clerk at the time that the person mails the ballot; and

3. Completes the written affirmation set forth in subsection 1 of NRS 293.3082.

Sec. 15. NRS 293.343 is hereby amended to read as follows:

293.343 1. A registered voter who resides in an election precinct in which there were not more than 200 voters registered for the last preceding general election, or in a precinct in which it appears to the satisfaction of the county clerk **and Secretary of State** that there are not more than 200 registered voters, may vote at any election regulated by this chapter in the manner provided in NRS 293.345 to 293.355, inclusive.

2. Whenever the county clerk has designated a precinct as a mailing precinct, registered voters residing in that precinct may vote at any election regulated by this chapter in the manner provided in NRS 293.345 to 293.355, inclusive.

3. In a county whose population is 100,000 or more, whenever a registered voter is entitled to vote in a mailing precinct or an absent ballot mailing precinct, the county clerk:

(a) Shall designate at least one polling place in the county as the polling place where such a voter may vote in person, pursuant to paragraph (b) of subsection 2 of NRS 293.353 or subsection 3 of NRS 293.353, on election day; and

(b) May designate certain polling places for early voting as the polling places where such a voter may vote in person, pursuant to paragraph (b) of subsection 2 of NRS 293.353 or subsection 3 of NRS 293.353, during the period for early voting, if it is impractical for the county clerk to provide at each polling place for early voting a ballot in every form required in the county.

4. In a county whose population is less than 100,000, whenever a registered voter is entitled to vote in a mailing precinct or an absent ballot mailing precinct, the county clerk:

(a) May designate one or more polling places in the county as the polling place where such a voter may vote in person, pursuant to paragraph (b) of subsection 2 of NRS 293.353 or subsection 3 of NRS 293.353, on election day; and

(b) May designate certain polling places for early voting as the polling places where such a voter may vote in person, pursuant to paragraph (b) of subsection 2 of NRS 293.353 or subsection 3 of NRS 293.353, during the period for early voting, if it is impractical for the county clerk to provide at each polling place for early voting a ballot in every form required in the county.

5. Polling places designated pursuant to subsection 3 or 4 may include, without limitation, polling places located as closely as practicable to the mailing precincts.

Sec. 16. NRS 293.443 is hereby amended to read as follows:

293.443 1. Except as otherwise provided in subsection 3, the expense of providing all ballots, forms and other supplies to be used at any election regulated by this chapter or chapter 293C of NRS and all expenses necessarily incurred in the preparation for, or the conduct of, any such election is a charge upon the municipality, county, district or State, as the case may be.

2. The county or city clerk may submit the printing of ballots for competitive bidding.

3. If a political party or other entity requests more than 50 applications to register to vote by mail in any 12-month period, the clerk **or the Secretary of State** may assess a charge, not to exceed the cost of printing the applications.

Sec. 17. NRS 293.4687 is hereby amended to read as follows:

293.4687 1. The Secretary of State shall maintain a website on the Internet for public information maintained, collected or compiled by the Secretary of State that relates to elections, which must include, without limitation:

(a) The Voters' Bill of Rights required to be posted on the Secretary of State's Internet website pursuant to the provisions of NRS 293.2549;

(b) The abstract of votes required to be posted on a website pursuant to the provisions of NRS 293.388;

(c) A current list of the registered voters in this State that also indicates the petition district in which each registered voter resides;

(d) A map or maps indicating the boundaries of each petition district; and

(e) All reports on campaign contributions and expenditures submitted to the Secretary of State pursuant to the provisions of NRS 294A.120, 294A.125, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280, ~~294A.283,~~ 294A.360 and 294A.362 and all reports on contributions received by and expenditures made from a legal defense fund submitted to the Secretary of State pursuant to NRS 294A.286.

2. The abstract of votes required to be maintained on the website pursuant to paragraph (b) of subsection 1 must be maintained in such a format as to permit the searching of the abstract of votes for specific information.

3. If the information required to be maintained by the Secretary of State pursuant to subsection 1 may be obtained by the public from a website on the Internet maintained by a county clerk or city clerk, the Secretary of State may provide a hyperlink to that website to comply with the provisions of subsection 1 with regard to that information.

Sec. 18. ~~NRS 293.4689 is hereby amended to read as follows:~~

~~293.4689 1. If a county clerk maintains a website on the Internet for information related to candidates and elections, the website must contain~~

~~public information maintained, collected or compiled by the county clerk that relates to elections, which must include, without limitation:~~

~~(a) The locations of polling places for casting a ballot on election day in such a format that a registered voter may search the list to determine the location of the polling place at which the registered voter is required to cast a ballot; and~~

~~(b) The abstract of votes required pursuant to the provisions of NRS 293.288-[]; and~~

~~(c) The reports that the county clerk receives pursuant to chapter 294A of NRS.~~

~~2. The abstract of votes required to be maintained on the website pursuant to paragraph (b) of subsection 1 must be maintained in such a format as to permit the searching of the abstract of votes for specific information.~~

~~3. If the information required to be maintained by a county clerk pursuant to subsection 1 may be obtained by the public from a website on the Internet maintained by the Secretary of State, another county clerk or a city clerk, the county clerk may provide a hyperlink to that website to comply with the provisions of subsection 1 with regard to that information. (Deleted by amendment.)~~

Sec. 19. NRS 293.4695 is hereby amended to read as follows:

293.4695 1. Each county clerk shall collect the following information regarding each primary and general election, on a form provided by the Secretary of State and made available at each polling place in the county, each polling place for early voting in the county, the office of the county clerk and any other location deemed appropriate by the Secretary of State:

(a) The number of ballots that have been discarded or for any reason not included in the final canvass of votes, along with an explanation for the exclusion of each such ballot from the final canvass of votes.

(b) A report on each malfunction of any mechanical voting system, including, without limitation:

(1) Any known reason for the malfunction;

(2) The length of time during which the mechanical voting system could not be used;

(3) Any remedy for the malfunction which was used at the time of the malfunction; and

(4) Any effect the malfunction had on the election process.

(c) A list of each polling place not open during the time prescribed pursuant to NRS 293.273 and an account explaining why each such polling place was not open during the time prescribed pursuant to NRS 293.273.

(d) A description of each challenge made to the eligibility of a voter pursuant to NRS 293.303 and the result of each such challenge.

(e) A description of each complaint regarding a ballot cast by mail or facsimile filed with the county clerk and the resolution, if any, of the complaint.

(f) The results of any audit of election procedures and practices conducted pursuant to regulations adopted by the Secretary of State pursuant to this chapter.

(g) The number of provisional ballots cast and the reason for the casting of each provisional ballot.

2. Each county clerk shall submit to the Secretary of State, on a form provided by the Secretary of State, the information collected pursuant to subsection 1 not more than 60 days after each primary and general election.

3. The Secretary of State may contact any political party and request information to assist in the investigation of any allegation of voter intimidation.

4. The Secretary of State shall establish and maintain an Internet website pursuant to which the Secretary of State shall solicit and collect voter comments regarding election processes.

5. The Secretary of State shall compile the information and comments collected pursuant to this section into a report and shall submit the report to the Director of the Legislative Counsel Bureau for transmission to the Legislature ~~not later than~~ **not sooner than** 30 days before **and not later than 30 days after** the ~~start~~ **first day** of each regular session of the Legislature.

6. The Secretary of State may make the report required pursuant to subsection 5 available on an Internet website established and maintained by the Secretary of State.

Sec. 20. NRS 293.504 is hereby amended to read as follows:

293.504 1. The following offices shall serve as voter registration agencies:

(a) Such offices that provide public assistance as are designated by the Secretary of State;

(b) Each office that receives money from the State of Nevada to provide services to persons with disabilities in this State;

(c) The offices of the Department of Motor Vehicles;

(d) The offices of the city and county clerks;

(e) Such other county and municipal facilities as a county clerk or city clerk may designate pursuant to NRS 293.5035 or 293C.520, as applicable; ~~and~~

(f) **Recruitment offices of the United States Armed Forces; and**

(g) Such other offices as the Secretary of State deems appropriate.

2. Each voter registration agency shall:

(a) Post in a conspicuous place, in at least 12-point type, instructions for registering to vote;

(b) ~~{Make}~~ ***Except as otherwise provided in subsection 3, distribute applications to register to vote which may be returned by mail {available to each person who applies for or receives} with any application for services or assistance from the agency {;} or submitted for any other purpose and with each application for recertification, renewal or change of address submitted to the agency that relates to such services, assistance or other purpose;***

(c) Provide the same amount of assistance to an applicant in completing an application to register to vote as the agency provides to a person completing any other forms for the agency; and

(d) Accept completed applications to register to vote.

3. ***A voter registration agency is not required to provide an application to register to vote pursuant to paragraph (b) of subsection 2 to a person who applies for or receives services or assistance from the agency or submits an application for any other purpose if the person declines to register to vote and submits to the agency a written form that meets the requirements of 42 U.S.C. 1973gg-5(a)(6). No information related to the declination to register to vote may be used for any purpose other than voter registration.***

4. Except as otherwise provided in this subsection and NRS 293.524, any application to register to vote accepted by a voter registration agency must be transmitted to the county clerk not later than 10 days after the application is accepted. The applications must be forwarded daily during the 2 weeks immediately preceding the fifth Sunday preceding an election. The county clerk shall accept any application to register to vote which is obtained from a voter registration agency pursuant to this section and completed by the fifth Sunday preceding an election if the county clerk receives the application not later than 5 days after that date.

~~{4.}~~ 5. The Secretary of State shall cooperate with the Secretary of Defense to develop and carry out procedures to enable persons in this State to apply to register to vote at recruitment offices of the United States Armed Forces.

Sec. 21. NRS 293.5045 is hereby amended to read as follows:

293.5045 1. A person who works in a voter registration agency shall not:

(a) Seek to influence an applicant's political preference or party registration;

(b) Display a political preference or party allegiance in a place where it can be seen by an applicant;

(c) Make any statement or take any action to discourage an applicant from registering to vote; or

(d) Make any statement or take any action which would lead the applicant to believe that a decision to register to vote has any effect on the availability of any services or benefits provided by the State or Federal Government.

2. A person who violates any of the provisions of ~~this section~~ **subsection 1** is guilty of a category E felony and shall be punished as provided in NRS 193.130.

3. A voter registration agency shall not knowingly employ a person whose duties will include the registration of voters if the person has been convicted of a felony involving theft ~~or~~ or fraud ~~or dishonesty~~. The Secretary of State may bring an action against a voter registration agency to collect a civil penalty of not more than \$5,000 for each person who is employed by the voter registration agency in violation of this subsection. Any civil penalty collected pursuant to this subsection must be deposited with the State Treasurer for credit to the State General Fund.

Sec. 22. NRS 293.505 is hereby amended to read as follows:

293.505 1. All justices of the peace, except those located in county seats, are ex officio field registrars to carry out the provisions of this chapter.

2. The county clerk shall appoint at least one registered voter to serve as a field registrar of voters who, except as otherwise provided in NRS 293.5055, shall register voters within the county for which the field registrar is appointed. Except as otherwise provided in subsection 1, a candidate for any office may not be appointed or serve as a field registrar. A field registrar serves at the pleasure of the county clerk and shall perform such duties as the county clerk may direct. **The county clerk shall not knowingly appoint any person as a field registrar who has been convicted of a felony involving theft ~~or~~ or fraud ~~or dishonesty~~. The Secretary of State may bring an action against a county clerk to collect a civil penalty of not more than \$5,000 for each person who is appointed as a field registrar in violation of this subsection. Any civil penalty collected pursuant to this subsection must be deposited with the State Treasurer for credit to the State General Fund.**

3. A field registrar shall demand of any person who applies for registration all information required by the application to register to vote and shall administer all oaths required by this chapter.

4. When a field registrar has in his or her possession five or more completed applications to register to vote, the field registrar shall forward them to the county clerk, but in no case may the field registrar hold any number of them for more than 10 days.

5. Each field registrar shall forward to the county clerk all completed applications in his or her possession immediately after the fifth Sunday preceding an election. Within 5 days after the fifth Sunday preceding any

general election or general city election, a field registrar shall return all unused applications in his or her possession to the county clerk. If all of the unused applications are not returned to the county clerk, the field registrar shall account for the unreturned applications.

6. Each field registrar shall submit to the county clerk a list of the serial numbers of the completed applications to register to vote and the names of the electors on those applications. The serial numbers must be listed in numerical order.

7. Each field registrar shall post notices sent to him or her by the county clerk for posting in accordance with the election laws of this State.

8. A field registrar, employee of a voter registration agency or person assisting a voter pursuant to subsection 13 of NRS 293.5235 shall not:

- (a) Delegate any of his or her duties to another person; or
- (b) Refuse to register a person on account of that person's political party affiliation.

9. A person shall not hold himself or herself out to be or attempt to exercise the duties of a field registrar unless the person has been so appointed.

10. A county clerk, field registrar, employee of a voter registration agency or person assisting a voter pursuant to subsection 13 of NRS 293.5235 shall not:

- (a) Solicit a vote for or against a particular question or candidate;
- (b) Speak to a voter on the subject of marking his or her ballot for or against a particular question or candidate; or
- (c) Distribute any petition or other material concerning a candidate or question which will be on the ballot for the ensuing election, while registering an elector.

11. When the county clerk receives applications to register to vote from a field registrar, the county clerk shall issue a receipt to the field registrar. The receipt must include:

- (a) The number of persons registered; and
- (b) The political party of the persons registered.

12. A county clerk, field registrar, employee of a voter registration agency or person assisting a voter pursuant to subsection 13 of NRS 293.5235 shall not:

- (a) Knowingly register a person who is not a qualified elector or a person who has filed a false or misleading application to register to vote; or
- (b) Register a person who fails to provide satisfactory proof of identification and the address at which the person actually resides.

13. A county clerk, field registrar, employee of a voter registration agency, person assisting a voter pursuant to subsection 13 of NRS 293.5235

or any other person providing a form for the application to register to vote to an elector for the purpose of registering to vote:

(a) If the person who assists an elector with completing the form for the application to register to vote retains the form, shall enter his or her name on the duplicate copy or receipt retained by the voter upon completion of the form; and

(b) Shall not alter, deface or destroy an application to register to vote that has been signed by an elector except to correct information contained in the application after receiving notice from the elector that a change in or addition to the information is required.

14. If a field registrar violates any of the provisions of this section, the county clerk shall immediately suspend the field registrar and notify the district attorney of the county in which the violation occurred.

15. A person who violates any of the provisions of subsection 8, 9, 10, 12 or 13 is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 23. NRS 293.506 is hereby amended to read as follows:

293.506 **1.** A county clerk may, with approval of the board of county commissioners, establish a system for using a computer to register voters and to keep records of registration. ~~[(The county clerk may, for that purpose, issue to a voter a card, bearing the signature of the voter, attesting to the voter's registration.)]~~

2. *A system established pursuant to subsection 1 must comply with any procedures and requirements prescribed by the Secretary of State pursuant to NRS 293.250.*

Sec. 24. NRS 293.517 is hereby amended to read as follows:

293.517 **1.** Any elector residing within the county may register ~~to~~ **to vote:**

(a) Except as otherwise provided in NRS 293.560 and 293C.527, by appearing before the county clerk, a field registrar or a voter registration agency, completing the application to register to vote, giving true and satisfactory answers to all questions relevant to his or her identity and right to vote, and providing proof of residence and identity;

(b) By completing and mailing or personally delivering to the county clerk an application to register to vote pursuant to the provisions of NRS 293.5235;

(c) Pursuant to the provisions of NRS 293.501 or 293.524; ~~for~~

(d) At his or her residence with the assistance of a field registrar pursuant to NRS 293.5237 ~~to~~ **;** or

~~(e) [By submitting an application to register to vote to a person who is employed to collect applications for registration during a voter registration drive; or~~

~~(f)~~ ***By submitting an application to register to vote by computer, if the county clerk has established a system pursuant to NRS 293.506 for using a computer to register voters.***

↪ The county clerk shall require a person to submit official identification as proof of residence and identity, such as a driver's license or other official document, before registering the person. If the applicant registers to vote pursuant to this subsection and fails to provide proof of residence and identity, the applicant must provide proof of residence and identity before casting a ballot in person or by mail or after casting a provisional ballot pursuant to NRS 293.3081 or 293.3083. For the purposes of this subsection, a voter registration card issued pursuant to subsection 6 does not provide proof of the residence or identity of a person.

2. The application to register to vote must be signed and verified under penalty of perjury by the elector registering.

3. Each elector who is or has been married must be registered under his or her own given or first name, and not under the given or first name or initials of his or her spouse.

4. An elector who is registered and changes his or her name must complete a new application to register to vote. The elector may obtain a new application:

(a) At the office of the county clerk or field registrar;

(b) By submitting an application to register to vote pursuant to the provisions of NRS 293.5235;

(c) By submitting a written statement to the county clerk requesting the county clerk to mail an application to register to vote; ~~for~~

(d) At any voter registration agency ~~to~~ **;** **or**

~~(e) By submitting an application to register to vote to a person who is employed to collect applications during a voter registration drive; or~~

~~(f)~~ ***By submitting an application to register to vote by computer, if the county clerk has established a system pursuant to NRS 293.506 for using a computer to register voters.***

↪ If the elector fails to register under his or her new name, the elector may be challenged pursuant to the provisions of NRS 293.303 or 293C.292 and may be required to furnish proof of identity and subsequent change of name.

5. Except as otherwise provided in subsection 7, an elector who registers to vote pursuant to paragraph (a) of subsection 1 shall be deemed to be registered upon the completion of an application to register to vote.

6. After the county clerk determines that the application to register to vote of a person is complete and that the person is eligible to vote pursuant to NRS 293.485, the county clerk shall issue a voter registration card to the voter which contains:

(a) The name, address, political affiliation and precinct number of the voter;

(b) The date of issuance; and

(c) The signature of the county clerk.

7. If an elector submits an application to register to vote or an affidavit described in paragraph (c) of subsection 1 of NRS 293.507 that contains any handwritten additions, erasures or interlineations, the county clerk may object to the application to register to vote if the county clerk believes that because of such handwritten additions, erasures or interlineations, the application to register to vote of the elector is incomplete or that the elector is not eligible to vote pursuant to NRS 293.485. If the county clerk objects pursuant to this subsection, he shall immediately notify the elector and the district attorney of the county. Not later than 5 business days after the district attorney receives such notification, the district attorney shall advise the county clerk as to whether:

(a) The application to register to vote of the elector is complete and the elector is eligible to vote pursuant to NRS 293.485; and

(b) The county clerk should proceed to process the application to register to vote.

➡ If the District Attorney advises the county clerk to process the application to register to vote, the county clerk shall immediately issue a voter registration card to the applicant pursuant to subsection 6.

Sec. 25. NRS 293.5235 is hereby amended to read as follows:

293.5235 1. Except as otherwise provided in NRS 293.502, a person may register to vote by mailing an application to register to vote to the county clerk of the county in which the person resides ~~or~~ **or may register to vote by computer, if the county clerk has established a system pursuant to NRS 293.506 for using a computer to register to vote.** The county clerk shall, upon request, mail an application to register to vote to an applicant. The county clerk shall make the applications available at various public places in the county. An application to register to vote may be used to correct information in the registrar of voters' register.

2. An application to register to vote which is mailed to an applicant by the county clerk or made available to the public at various locations ~~or voter registration drives~~ or voter registration agencies in the county may be returned to the county clerk by mail or in person. For the purposes of this section, an application which is personally delivered to the county clerk shall be deemed to have been returned by mail.

3. The applicant must complete the application, including, without limitation, checking the boxes described in paragraphs (b) and (c) of subsection 10 and signing the application.

4. The county clerk shall, upon receipt of an application, determine whether the application is complete.

5. If the county clerk determines that the application is complete, he or she shall, within 10 days after receiving the application, mail to the applicant:

(a) A notice that the applicant is registered to vote and a voter registration card as required by subsection 6 of NRS 293.517; or

(b) A notice that the registrar of voters' register has been corrected to reflect any changes indicated on the application.

6. Except as otherwise provided in subsection 5 of NRS 293.518, if the county clerk determines that the application is not complete, the county clerk shall, as soon as possible, mail a notice to the applicant that additional information is required to complete the application. If the applicant provides the information requested by the county clerk within 15 days after the county clerk mails the notice, the county clerk shall, within 10 days after receiving the information, mail to the applicant:

(a) A notice that the applicant is registered to vote and a voter registration card as required by subsection 6 of NRS 293.517; or

(b) A notice that the registrar of voters' register has been corrected to reflect any changes indicated on the application.

➔ If the applicant does not provide the additional information within the prescribed period, the application is void.

7. The applicant shall be deemed to be registered or to have corrected the information in the register on the date the application is postmarked or received by the county clerk, whichever is earlier.

8. If the applicant fails to check the box described in paragraph (b) of subsection 10, the application shall not be considered invalid and the county clerk shall provide a means for the applicant to correct the omission at the time the applicant appears to vote in person at the assigned polling place.

9. The Secretary of State shall prescribe the form for an application to register to vote by ~~mail~~ :

(a) **Mail**, which must be used to register to vote by mail in this State.

(b) **Computer, which must be used to register to vote in a county if the county clerk has established a system pursuant to NRS 293.506 for using a computer to register to vote.**

10. The application to register to vote by mail must include:

(a) A notice in at least 10-point type which states:

NOTICE: You are urged to return your application to register to vote to the County Clerk in person or by mail. If you choose to give your completed application to another person to return to the County Clerk on your behalf, and the person fails to deliver the application to the County Clerk, you will not be registered to vote. Please retain the duplicate copy or receipt from your application to register to vote.

(b) The question, “Are you a citizen of the United States?” and boxes for the applicant to check to indicate whether or not the applicant is a citizen of the United States.

(c) The question, “Will you be at least 18 years of age on or before election day?” and boxes for the applicant to check to indicate whether or not the applicant will be at least 18 years of age or older on election day.

(d) A statement instructing the applicant not to complete the application if the applicant checked “no” in response to the question set forth in paragraph (b) or (c).

(e) A statement informing the applicant that if the application is submitted by mail and the applicant is registering to vote for the first time, the applicant must submit the information set forth in paragraph (a) of subsection 2 of NRS 293.2725 to avoid the requirements of subsection 1 of NRS 293.2725 upon voting for the first time.

11. Except as otherwise provided in subsection 5 of NRS 293.518, the county clerk shall not register a person to vote pursuant to this section unless that person has provided all of the information required by the application.

12. The county clerk shall mail, by postcard, the notices required pursuant to subsections 5 and 6. If the postcard is returned to the county clerk by the United States Postal Service because the address is fictitious or the person does not live at that address, the county clerk shall attempt to determine whether the person’s current residence is other than that indicated on the application to register to vote in the manner set forth in NRS 293.530.

13. A person who, by mail, registers to vote pursuant to this section may be assisted in completing the application to register to vote by any other person. The application must include the mailing address and signature of the person who assisted the applicant. The failure to provide the information required by this subsection will not result in the application being deemed incomplete.

14. An application to register to vote must be made available to all persons, regardless of political party affiliation.

15. An application must not be altered or otherwise defaced after the applicant has completed and signed it. An application must be mailed or delivered in person to the office of the county clerk within 10 days after it is completed.

16. A person who willfully violates any of the provisions of subsection 13, 14 or 15 is guilty of a category E felony and shall be punished as provided in NRS 193.130.

17. The Secretary of State shall adopt regulations to carry out the provisions of this section.

Sec. 26. NRS 293.565 is hereby amended to read as follows:

293.565 1. Except as otherwise provided in subsection ~~{2,}~~ 3, sample ballots must include:

- (a) If applicable, the statement required by NRS 293.267;
- (b) The fiscal note or description of anticipated financial effect, as provided pursuant to NRS 218D.810, 293.250, 293.481, 293.482, 295.015 or 295.095 for each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question;
- (c) An explanation, as provided pursuant to NRS 218D.810, 293.250, 293.481, 293.482 or 295.121, of each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question;
- (d) Arguments for and against each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question, and rebuttals to each argument, as provided pursuant to NRS 218D.810, 293.250, 293.252, 293.481, 293.482 or 295.121; and
- (e) The full text of each proposed constitutional amendment.

2. ***If, pursuant to the provisions of NRS 293.2565, the word “Incumbent” must appear on the ballot next to the name of the candidate who is the incumbent, the word “Incumbent” must appear on the sample ballot next to the name of the candidate who is the incumbent.***

3. Sample ballots that are mailed to registered voters may be printed without the full text of each proposed constitutional amendment if:

- (a) The cost of printing the sample ballots would be significantly reduced if the full text of each proposed constitutional amendment were not included;
- (b) The county clerk ensures that a sample ballot that includes the full text of each proposed constitutional amendment is provided at no charge to each registered voter who requests such a sample ballot; and
- (c) The sample ballots provided to each polling place include the full text of each proposed constitutional amendment.

~~{3,}~~ 4. Before the period for early voting for any election begins, the county clerk shall cause to be mailed to each registered voter in the county a sample ballot for his or her precinct, with a notice informing the voter of the location of his or her polling place. If the location of the polling place has changed since the last election:

- (a) The county clerk shall mail a notice of the change to each registered voter in the county not sooner than 10 days before mailing the sample ballots; or
- (b) The sample ballot must also include a notice in bold type immediately above the location which states:

NOTICE: THE LOCATION OF YOUR POLLING PLACE
HAS CHANGED SINCE THE LAST ELECTION

~~{4-}~~ 5. Except as otherwise provided in subsection ~~{5-}~~ 6, a sample ballot required to be mailed pursuant to this section must:

- (a) Be printed in at least 12-point type; and
- (b) Include on the front page, in a separate box created by bold lines, a notice printed in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN
LARGE TYPE, CALL (Insert appropriate telephone number)

~~{5-}~~ 6. A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

~~{6-}~~ 7. The sample ballot mailed to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be printed in at least 14-point type, or larger when practicable.

~~{7-}~~ 8. If a person requests a sample ballot in large type, the county clerk shall ensure that all future sample ballots mailed to that person from the county are in large type.

~~{8-}~~ 9. The county clerk shall include in each sample ballot a statement indicating that the county clerk will, upon request of a voter who is elderly or disabled, make reasonable accommodations to allow the voter to vote at his or her polling place and provide reasonable assistance to the voter in casting his or her vote, including, without limitation, providing appropriate materials to assist the voter. In addition, if the county clerk has provided pursuant to subsection 4 of NRS 293.2955 for the placement at centralized voting locations of specially equipped voting devices for use by voters who are elderly or disabled, the county clerk shall include in the sample ballot a statement indicating:

- (a) The addresses of such centralized voting locations;
- (b) The types of specially equipped voting devices available at such centralized voting locations; and
- (c) That a voter who is elderly or disabled may cast his or her ballot at such a centralized voting location rather than at his or her regularly designated polling place.

~~{9-}~~ 10. The cost of mailing sample ballots for any election other than a primary or general election must be borne by the political subdivision holding the election.

Sec. 27. NRS 293.567 is hereby amended to read as follows:

293.567 After the close of registration for each primary election but not later than the ~~second Friday next~~ **Friday** preceding the primary election and after the close of registration for each general election but not later than the ~~second Friday next~~ **Friday** preceding the general election, the county clerk shall ascertain by precinct and district the number of registered voters in the county and their political affiliation, if any, and shall transmit that information to the Secretary of State.

Sec. 28. NRS 293.710 is hereby amended to read as follows:

293.710 1. It is unlawful for any person, in connection with any election, ~~for~~ petition ~~or~~ **or registration of voters**, whether acting himself or herself or through another person in his or her behalf, to:

(a) Use or threaten to use any force, **intimidation**, coercion, violence, restraint or undue influence;

(b) Inflict or threaten to inflict any physical or mental injury, damage, harm or loss upon the person or property of another;

(c) Expose or publish or threaten to expose or publish any fact concerning another in order to induce or compel such other to vote or refrain from voting for any candidate or any question;

(d) Impede or prevent, by abduction, duress or fraudulent contrivance, the free exercise of the franchise by any voter, or thereby to compel, induce or prevail upon any elector to give or refrain from giving his or her vote; or

(e) Discharge or change the place of employment of any employee with the intent to impede or prevent the free exercise of the franchise by such employee.

2. ~~Unless a greater penalty is provided by law, any violation~~ **A person who violates a provision of this section is ~~a gross misdemeanor~~ guilty of a category E felony and shall be punished as provided in NRS 193.130.**

Sec. 29. NRS 293.730 is hereby amended to read as follows:

293.730 1. A person shall not:

(a) Remain in or outside of any polling place so as to interfere with the conduct of the election.

(b) Except an election board officer, receive from any voter a ballot prepared by the voter.

(c) Remove a ballot from any polling place before the closing of the polls.

(d) Apply for or receive a ballot at any election precinct or district other than the one at which the person is entitled to vote.

(e) Show his or her ballot to any person, after voting, so as to reveal any of the names voted for.

(f) Inside a polling place, ask another person for whom he or she intends to vote.

(g) Except an election board officer, deliver a ballot to a voter.

(h) Except an election board officer in the course of the election board officer's official duties, inside a polling place, ask another person his or her name, address or political affiliation.

2. A voter shall not:

(a) Receive a ballot from any person other than an election board officer.

(b) Deliver to an election board or to any member thereof any ballot other than the one received.

(c) Place any mark upon his or her ballot by which it may afterward be identified as the one voted by the person.

3. Any person who violates any provision of this section is guilty of a ~~gross misdemeanor.~~ **category ~~FD~~ E felony and shall be punished as provided in NRS 193.130.**

Sec. 30. NRS 293.740 is hereby amended to read as follows:

293.740 1. Except as otherwise provided in subsection 2, it is unlawful inside a polling place or within 100 feet from the entrance to the building or other structure in which a polling place is located:

(a) For any person to solicit a vote or speak to a voter on the subject of marking the voter's ballot.

(b) For any person, including an election board officer, to do any electioneering on election day.

➡ The county clerk or registrar of voters shall ensure that, at the outer limits of the area within which electioneering is prohibited, notices are continuously posted on which are printed in large letters "Distance Marker: No electioneering between this point and the entrance to the polling place."

2. The provisions of subsection 1 do not apply to the conduct of a person in a private residence or on commercial or residential property that is within 100 feet from the entrance to a building or other structure in which a polling place is located. The provisions of subsection 1 are not intended to prohibit a person from voting solely because he or she is wearing a prohibited political insignie and is reasonably unable to remove the insignie or cover it. In such a case, the election board officer shall take such action as is necessary to allow the voter to vote as expediently as possible and then assist the voter in exiting the polling place as soon as is possible.

3. Any person who violates any provision of this section is guilty of a gross misdemeanor.

4. As used in this section, "electioneering" means campaigning for or against a candidate, ballot question or political party by:

(a) Posting signs relating to the support of or opposition to a candidate, ballot question or political party;

(b) Distributing literature relating to the support of or opposition to a candidate, ballot question or political party;

(c) Using loudspeakers to broadcast information relating to the support of or opposition to a candidate, ballot question or political party;

(d) Buying, selling, wearing or displaying any badge, button or other insignia which is designed or tends to aid or promote the success or defeat of any political party or a candidate or ballot question to be voted upon at that election; **or**

(e) ~~[(Polling or otherwise soliciting from a voter information as to whether the voter intends to vote or has voted for or against a particular political party, candidate or ballot question; or~~

~~(f)] Soliciting signatures to any kind of petition.~~

Sec. 31. ~~[NRS 293.750 is hereby amended to read as follows:~~

~~293.750 Any person who, during an election, removes or destroys any of the supplies or equipment placed in the booths or compartments or removes or defaces the cards of instruction posted as prescribed by this chapter is guilty of a [gross misdemeanor.] category D felony and shall be punished as provided in NRS 193.130.] (Deleted by amendment.)~~

Sec. 32. NRS 293.755 is hereby amended to read as follows:

293.755 1. A person who tampers or interferes with, or attempts to tamper or interfere with, a mechanical voting system, mechanical voting device or any computer program used to count ballots with the intent to prevent the proper operation of that device, system or program is guilty of a category D felony and shall be punished as provided in NRS 193.130.

2. ***A person who tampers or interferes with, or attempts to tamper or interfere with, a mechanical voting system, mechanical voting device or any computer program used to count ballots with the intent to influence the outcome of an election is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years.***

3. The county or city clerk shall report any alleged violation of this section to the district attorney who shall cause appropriate proceedings to be instituted and prosecuted in a court of competent jurisdiction without delay.

Sec. 33. NRS 293.800 is hereby amended to read as follows:

293.800 1. A person who, for himself, herself or another person, willfully gives a false answer or answers to questions propounded to the person by the registrar or field registrar of voters relating to the information called for by the application to register to vote, or who willfully falsifies the application in any particular, or who violates any of the provisions of the election laws of this State or knowingly encourages another person to violate those laws is guilty of a category E felony and shall be punished as provided in NRS 193.130.

2. A public officer or other person, upon whom any duty is imposed by this title, who willfully neglects his or her duty or willfully performs it in

such a way as to hinder the objects and purposes of the election laws of this State, except where another penalty is provided, is guilty of a category E felony and shall be punished as provided in NRS 193.130.

3. If the person is a public officer, his or her office is forfeited upon conviction of any offense provided for in subsection 2.

4. A person who causes or endeavors to cause his or her name to be registered, knowing that he or she is not an elector or will not be an elector on or before the day of the next ensuing election in the precinct or district in which he or she causes or endeavors to cause the registration to be made, and any other person who induces, aids or abets the person in the commission of either of the acts is guilty of a category E felony and shall be punished as provided in NRS 193.130.

5. A field registrar or other person who ~~[-]~~ **provides to an elector an application to register to vote and who:**

(a) Knowingly falsifies ~~[-]~~ **the** application ~~[-]~~ **to register to vote** or knowingly causes an application to be falsified; ~~[-]~~

(b) Knowingly provides money or other compensation to another for a falsified application ~~[-]~~ **to register to vote**; ~~[-]~~ **or**

(c) **Intentionally fails to submit to the county clerk a completed application,**

↪ is guilty of a category E ~~FD~~ felony and shall be punished as provided in NRS 193.130.

Sec. 34. NRS 293C.265 is hereby amended to read as follows:

293C.265 1. Except as otherwise provided in subsection 2 and in NRS 293.2725 and 293.3083, a person who registered **by mail or computer** to vote ~~[-]~~ **pursuant to the provisions of NRS 293.5235** shall, for the first city election in which the person votes at which that registration is valid, vote in person unless he or she has previously voted in the county in which he or she is registered to vote.

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

(a) Is entitled to vote in the manner prescribed in NRS 293C.342 to 293C.352, inclusive;

(b) Is entitled to vote an absent ballot pursuant to federal law or NRS 293C.317 or 293C.318;

(c) Is disabled;

(d) Submits or has previously submitted a written request for an absent ballot that is signed by the registered voter before a notary public or other person authorized to administer an oath; or

(e) Requests an absent ballot in person at the office of the city clerk.

Sec. 35. NRS 293C.342 is hereby amended to read as follows:

293C.342 1. A registered voter who resides in an election precinct in which there were not more than 200 voters registered for the last preceding

city general election, or in a precinct in which it appears to the satisfaction of the city clerk **and Secretary of State** that there are not more than 200 registered voters, may vote at any election regulated by this chapter in the manner provided in NRS 293C.345 to 293C.352, inclusive.

2. Whenever the city clerk has designated a precinct as a mailing precinct, registered voters residing in that precinct may vote at any election regulated by this chapter in the manner provided in NRS 293C.345 to 293C.352, inclusive.

Sec. 36. NRS 293C.530 is hereby amended to read as follows:

293C.530 1. Before the period for early voting for any election begins, the city clerk shall cause to be mailed to each registered voter in the city a sample ballot for his or her precinct, with a notice informing the voter of the location of his or her polling place. If the location of the polling place has changed since the last election:

(a) The city clerk shall mail a notice of the change to each registered voter in the city not sooner than 10 days before mailing the sample ballots; or

(b) The sample ballot must also include a notice in bold type immediately above the location which states:

NOTICE: THE LOCATION OF YOUR POLLING PLACE
HAS CHANGED SINCE THE LAST ELECTION

2. Except as otherwise provided in subsection ~~3~~, **4**, a sample ballot required to be mailed pursuant to this section must:

(a) Be printed in at least 12-point type;

(b) Include the description of the anticipated financial effect and explanation of each citywide measure and advisory question, including arguments for and against the measure or question, as required pursuant to NRS 293.481, 293.482, 295.205 or 295.217; and

(c) Include on the front page, in a separate box created by bold lines, a notice printed in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN
LARGE TYPE, CALL (Insert appropriate telephone number)

3. ***The word "Incumbent" must appear on the sample ballot next to the name of the candidate who is the incumbent, if required pursuant to NRS 293.2565.***

4. A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

~~4~~ 5. The sample ballot mailed to a person who requests a sample ballot in large type by exercising the option provided pursuant to

NRS 293.508, or in any other manner, must be printed in at least 14-point type, or larger when practicable.

~~{5.}~~ 6. If a person requests a sample ballot in large type, the city clerk shall ensure that all future sample ballots mailed to that person from the city are in large type.

~~{6.}~~ 7. The city clerk shall include in each sample ballot a statement indicating that the city clerk will, upon request of a voter who is elderly or disabled, make reasonable accommodations to allow the voter to vote at his or her polling place and provide reasonable assistance to the voter in casting his or her vote, including, without limitation, providing appropriate materials to assist the voter. In addition, if the city clerk has provided pursuant to subsection 4 of NRS 293C.281 for the placement at centralized voting locations of specially equipped voting devices for use by voters who are elderly or disabled, the city clerk shall include in the sample ballot a statement indicating:

- (a) The addresses of such centralized voting locations;
- (b) The types of specially equipped voting devices available at such centralized voting locations; and
- (c) That a voter who is elderly or disabled may cast his or her ballot at such a centralized voting location rather than at the voter's regularly designated polling place.

~~{7.}~~ 8. The cost of mailing sample ballots for a city election must be borne by the city holding the election.

Sec. 37. ~~NRS 293C.715 is hereby amended to read as follows:~~

~~293C.715 1. If a city clerk maintains a website on the Internet for information relating to candidates and elections, the website must contain public information maintained, collected or compiled by the city clerk that relates to elections, which must include, without limitation:~~

~~(a) The locations of polling places for casting a ballot on election day in such a form that a registered voter may search the list to determine the location of the polling place at which the registered voter is required to cast a ballot; and~~

~~(b) The abstract of votes required to be posted on a website pursuant to the provisions of NRS 293C.387 [.] ; and~~

~~(c) The reports that the city clerk receives pursuant to chapter 294A of NRS.~~

~~2. The abstract of votes required to be maintained on the website pursuant to paragraph (b) of subsection 1 must be maintained in such a format as to permit the searching of the abstract of votes for specific information.~~

~~3. If the information required to be maintained by a city clerk pursuant to subsection 1 may be obtained by the public from a website on the Internet~~

~~maintained by the Secretary of State, a county clerk or another city clerk, the city clerk may provide a hyperlink to that website to comply with the provisions of subsection 1 with regard to that information.}] (Deleted by amendment.)~~

~~Sec. 38. [Chapter 294A of NRS is hereby amended by adding thereto the provisions set forth as sections 39 and 40 of this act.]} (Deleted by amendment.)~~

~~Sec. 39. [1. A candidate who is required to file a report described in subsection 1 of NRS 294A.373 is not required to file the report electronically if the candidate:~~

~~(a) Did not receive or expend money in excess of \$10,000 after becoming a candidate pursuant to NRS 294A.005; and~~

~~(b) Has on file with the Secretary of State an affidavit which satisfies the requirements set forth in subsection 2 and which states that:~~

~~(1) The candidate does not own or have the ability to access the technology necessary to file electronically the report described in subsection 1 of NRS 294A.373; and~~

~~(2) The candidate does not have the financial ability to purchase or obtain access to the technology necessary to file electronically the report described in subsection 1 of NRS 294A.373.~~

~~2. The affidavit described in subsection 1 must be:~~

~~(a) In the form prescribed by the Secretary of State and signed under penalty of perjury.~~

~~(b) Filed not later than 14 days before the candidate is required to file a report described in subsection 1 of NRS 294A.373.~~

~~3. A candidate who is not required to file the report electronically may file the report by transmitting the report by regular mail, certified mail, facsimile machine or personal delivery. A report transmitted pursuant to this subsection shall be deemed to be filed on the date on which it is received by the Secretary of State.]} (Deleted by amendment.)~~

~~Sec. 40. [1. A person, committee, political party or business entity that is required to file a report described in subsection 1 of NRS 294A.373 is not required to file the report electronically if the person, committee, political party or business entity:~~

~~(a) Did not receive or expend money in excess of \$10,000 in the previous calendar year; and~~

~~(b) Has on file with the Secretary of State an affidavit which satisfies the requirements set forth in subsection 2 and which states that:~~

~~(1) The person, committee, political party or business entity does not own or have the ability to access the technology necessary to file electronically the report described in subsection 1 of NRS 294A.373; and~~

~~(2) The person, committee, political party or business entity does not have the financial ability to purchase or obtain access to the technology necessary to file electronically the report described in subsection 1 of NRS 294A.373.~~

~~2. The affidavit described in subsection 1 must be:~~

~~(a) In the form prescribed by the Secretary of State and signed under penalty of perjury;~~

~~(b) Filed;~~

~~(1) At least 10 days before any report described in subsection 1 of NRS 294A.373 is required to be filed by the person, committee, political party or business entity;~~

~~(2) Not earlier than January 1 and not later than January 15 of each year, regardless of whether or not the person, committee, political party or business entity was required to file any report described in subsection 1 of NRS 294A.373 in the previous year.~~

~~3. A person, committee, political party or business entity that has properly filed the affidavit pursuant to this section may file the relevant report with the Secretary of State by transmitting the report by regular mail, certified mail, facsimile machine or personal delivery. A report transmitted pursuant to this subsection shall be deemed to be filed on the date on which it is received by the Secretary of State. (Deleted by amendment.)~~

Sec. 41. NRS 294A.0055 is hereby amended to read as follows:

294A.0055 1. "Committee for political action" means any group of natural persons or entities that solicits or receives contributions from any other person, group or entity and:

(a) Makes or intends to make contributions to candidates or other persons;
or

(b) Makes or intends to make expenditures,
➔ designed to affect the outcome of any primary ~~or~~ **election, primary city election**, general ~~or~~ **election, general city election**, special election or question on the ballot.

2. "Committee for political action" does not include:

(a) An organization made up of legislative members of a political party whose primary purpose is to provide support for their political efforts.

(b) An entity solely because it provides goods or services to a candidate or committee in the regular course of its business at the same price that would be provided to the general public.

(c) An individual natural person.

(d) An individual corporation or other business organization who has filed articles of incorporation or other documentation of organization with the Secretary of State pursuant to title 7 of NRS.

(e) A labor union.

(f) A personal campaign committee or the personal representative of a candidate who receives contributions or makes expenditures that are reported as campaign contributions or expenditures by the candidate.

(g) A committee for the recall of a public officer.

Sec. 42. NRS 294A.007 is hereby amended to read as follows:

294A.007 1. "Contribution" means a gift, loan, conveyance, deposit, payment, transfer or distribution of money or of anything of value other than the services of a volunteer, and includes:

(a) The payment by any person, other than a candidate, of compensation for the personal services of another person which are rendered to a:

(1) Candidate;

(2) Person who is not under the direction or control of a candidate or group of candidates or of any person involved in the campaign of the candidate or group who makes an expenditure on behalf of the candidate or group which is not solicited or approved by the candidate or group; **or**

(3) Committee for political action, political party, committee sponsored by a political party or business entity which makes an expenditure on behalf of a candidate or group of candidates, ~~for~~

~~(4) Person or group of persons organized formally or informally, including a business entity, who advocates the passage or defeat of a question or group of questions on the ballot,~~

↳ without charge to the candidate, person, committee or political party.

(b) The value of services provided in kind for which money would have otherwise been paid, such as paid polling and resulting data, paid direct mail, paid solicitation by telephone, any paid paraphernalia that was printed or otherwise produced to promote a campaign and the use of paid personnel to assist in a campaign.

2. As used in this section, "volunteer" means a person who does not receive compensation of any kind, directly or indirectly, for the services provided to a campaign.

Sec. 43. NRS 294A.100 is hereby amended to read as follows:

294A.100 1. A person shall not make **or commit to make** a contribution or contributions to a candidate for any office, except a federal office, in an amount which exceeds \$5,000 for the primary election or primary city election, regardless of the number of candidates for the office, and \$5,000 for the general election or general city election, regardless of the number of candidates for the office ~~for~~, during the period:

(a) Beginning from 30 days before the regular session of the Legislature immediately following the last election for the office and ending 30 days before the regular session of the Legislature immediately following the next

election for the office, if that office is a state, district, county or township office; or

(b) Beginning from 30 days after the last election for the office and ending 30 days before the next general city election for the office, if that office is a city office.

2. A candidate shall not accept a contribution *or commitment to make a contribution* made in violation of subsection 1.

3. A person who willfully violates any provision of this section is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 44. ~~[NRS 294A.120 is hereby amended to read as follows:~~

~~294A.120 1. Every candidate for state, district, county or township office at a primary or general election shall, not later than January 15 of each year, for the period from January 1 of the previous year through December 31 of the previous year, report each campaign contribution in excess of \$100 received during the period and contributions received during the period from a contributor which cumulatively exceed \$100. The provisions of this subsection apply to the candidate beginning the year of the general election for that office through the year immediately preceding the next general election for that office.~~

~~2. Every candidate for state, district, county or township office at a primary or general election shall, if the general election for the office for which he or she is a candidate is held on or after January 1 and before the July 1 immediately following that January 1, not later than:~~

~~(a) Seven days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through 12 days before the primary election;~~

~~(b) Seven days before the general election for that office, for the period from 11 days before the primary election through 12 days before the general election; and~~

~~(c) July 15 of the year of the general election for that office, for the period from 11 days before the general election through June 30 of that year, report each campaign contribution in excess of \$100 received during the period and contributions received during the period from a contributor which cumulatively exceed \$100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under penalty of perjury.~~

~~2. Every candidate for state, district, county or township office at a primary or general election shall, if the general election for the office for which he or she is a candidate is held on or after July 1 and before the January 1 immediately following that July 1, not later than:~~

~~(a) Seven days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through 12 days before the primary election; and~~

~~(b) Seven days before the general election for that office, for the period from 11 days before the primary election through 12 days before the general election;~~

~~→ report each campaign contribution in excess of \$100 received during the period and contributions received during the period from a contributor which cumulatively exceed \$100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under penalty of perjury.~~

~~4. Except as otherwise provided in subsection 5, every candidate for a district office at a special election shall, not later than:~~

~~(a) Seven days before the special election, for the period from the candidate's nomination through 12 days before the special election; and~~

~~(b) Thirty days after the special election, for the remaining period through the special election;~~

~~→ report each campaign contribution in excess of \$100 received during the period and contributions received during the reporting period from a contributor which cumulatively exceed \$100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under penalty of perjury.~~

~~5. Every candidate for state, district, county, municipal or township office at a special election to determine whether a public officer will be recalled shall list each of the campaign contributions received on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the candidate under penalty of perjury, 30 days after:~~

~~(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or~~

~~(b) A district court determines that the petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.~~

~~6. Reports of campaign contributions must be:~~

~~(a) If the candidate is a candidate for city office, filed with the [officer with whom the candidate filed the declaration of candidacy or acceptance of candidacy. A candidate may mail or transmit] **city clerk by transmitting** the report to [that officer] **the city clerk** by regular mail, certified mail, facsimile machine, [or] electronic means [.] **or personal delivery.**~~

~~(b) Except as otherwise provided in section 39 of this act, if the candidate is a candidate for state, district or county office, filed electronically with the Secretary of State.~~

~~7. A report shall be deemed to be filed [with the officer:~~

~~(a) On the date that it was mailed if it was sent by certified mail; or~~

~~(b) On] on the date that it was received by the [officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.~~

~~7. Every county clerk who receives from candidates for legislative or judicial office, including, without limitation, the office of justice of the peace or municipal judge, reports of campaign contributions pursuant to this section shall file a copy of each report with the Secretary of State within 10 working days after receiving the report.] city clerk or Secretary of State, as applicable.~~

~~8. The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution in excess of \$100 and contributions which a contributor has made cumulatively in excess of that amount since the beginning of the current reporting period.] (Deleted by amendment.)~~

~~Sec. 45. [NRS 294A.125 is hereby amended to read as follows:~~

~~294A.125 1. In addition to complying with the requirements set forth in NRS 294A.120, 294A.200 and 294A.360, a candidate who receives contributions~~

~~in any year before the year in which the general election or general city election in which the candidate intends to seek election to public office is held shall, for:~~

~~(a) The year in which the candidate receives contributions in excess of \$10,000, list each of the contributions received and the expenditures in excess of \$100 made in that year.~~

~~(b) Each year after the year in which the candidate received contributions in excess of \$10,000, until the year of the general election or general city election in which the candidate intends to seek election to public office is held, list each of the contributions received and the expenditures in excess of \$100 made in that year.~~

~~2. The reports required by subsection 1 must be submitted on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under penalty of perjury.~~

~~3. The name and address of the contributor and the date on which the contribution was received must be included on the list for each contribution in excess of \$100 and contributions that a contributor has made cumulatively in excess of that amount.~~

~~4. The report must be [filed:~~

(a) With the officer with whom the candidate will file the declaration of candidacy or acceptance of candidacy for the public office the candidate intends to seek. A candidate may mail or transmit]—

~~(a) If the candidate is a candidate for city office, filed with the city clerk by transmitting the report to [that officer] the city clerk by regular mail, certified mail, facsimile machine, [or] electronic means [.] or personal delivery.~~

~~(b) Except as otherwise provided in section 39 of this act, if the candidate is a candidate for state, district or county office, filed electronically with the Secretary of State.~~

~~5. A report shall be deemed to be filed [with the officer:~~

~~(1) On the date it was mailed if it was sent by certified mail.~~

~~(2) On] on the date it was received by the [officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.~~

~~(b) On or before January 15 of the year immediately after the year for which the report is made.~~

~~5. A county clerk who receives from a candidate for legislative or judicial office, including, without limitation, the office of justice of the peace or municipal judge, a report of contributions and expenditures pursuant to subsection 4 shall file a copy of the report with the Secretary of State within 10 working days after receiving the report.] city clerk or Secretary of State, as applicable.] (Deleted by amendment.)~~

~~Sec. 46. [NRS 294A.128 is hereby amended to read as follows:~~

~~294A.128 1. In addition to complying with the requirements set forth in NRS 294A.120, 294A.200 and 294A.360, a candidate who receives a loan which is guaranteed by a third party, forgiveness of a loan previously made to the candidate or a written commitment for a contribution shall, for the period covered by the report filed pursuant to NRS 294A.120, 294A.200 or 294A.360, report:~~

~~(a) If a loan received by the candidate was guaranteed by a third party, the amount of the loan and the name and address of each person who guaranteed the loan;~~

~~(b) If a loan received by the candidate was forgiven by the person who made the loan, the amount that was forgiven and the name and address of the person who forgave the loan; and~~

~~(c) If the candidate received a written commitment for a contribution, the amount committed to be contributed and the name and address of the person who made the written commitment.~~

~~2. The reports required by subsection 1 must be submitted on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under penalty of perjury.~~

~~2. The reports required by subsection 1 must be filed in the same manner and at the same time as the report filed pursuant to NRS 294A.120, 294A.200 or 294A.360.~~

~~[4. A county clerk who receives from a candidate for legislative or judicial office, including, without limitation, the office of justice of the peace or municipal judge, a report pursuant to subsection 1 shall file a copy of the report with the Secretary of State within 10 working days after receiving the report.]~~ **(Deleted by amendment.)**

Sec. 47. ~~[NRS 294A.140 is hereby amended to read as follows:~~

~~294A.140 1. Every person who is not under the direction or control of a candidate for office at a primary election, primary city election, general election or general city election, of a group of such candidates or of any person involved in the campaign of that candidate or group who makes an expenditure on behalf of the candidate or group which is not solicited or approved by the candidate or group, and every committee for political action, political party, committee sponsored by a political party and business entity which makes an expenditure on behalf of such a candidate or group of candidates shall, not later than January 15 of each year that the provisions of this subsection apply to the person, committee, political party or business entity, for the period from January 1 of the previous year through December 31 of the previous year, report each campaign contribution in excess of \$100 received during the period and contributions received during the period from a contributor which cumulatively exceed \$100. The provisions of this subsection apply to the person, committee, political party or business entity beginning the year of the general election or general city election for that office through the year immediately preceding the next general election or general city election for that office.~~

~~2. Every person, committee, political party or business entity described in subsection 1 which makes an expenditure on behalf of the candidate for office at a primary election, primary city election, general election or general city election or on behalf of a group of such candidates shall, if the general election or general city election for the office for which the candidate or a candidate in the group of candidates seeks election is held on or after January 1 and before the July 1 immediately following that January 1, not later than:~~

~~(a) Seven days before the primary election or primary city election for that office, for the period from the January 1 immediately preceding the primary election or primary city election through 12 days before the primary election or primary city election;~~

~~(b) Seven days before the general election or general city election for that office, for the period from 11 days before the primary election or primary city election through 12 days before the general election or general city election; and~~

~~(c) July 15 of the year of the general election or general city election for that office, for the period from 11 days before the general election or general city election through June 30 of that year;~~

~~→ report each campaign contribution in excess of \$100 received during the period and contributions received during the period from a contributor which cumulatively exceed \$100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee, political party or business entity under penalty of perjury.~~

~~3. The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution in excess of \$100 and contributions which a contributor has made cumulatively in excess of \$100 since the beginning of the current reporting period.~~

~~4. Every person, committee, political party or business entity described in subsection 1 which makes an expenditure on behalf of a candidate for office at a primary election, primary city election, general election or general city election or on behalf of a group of such candidates shall, if the general election or general city election for the office for which the candidate or a candidate in the group of candidates seeks election is held on or after July 1 and before the January 1 immediately following that July 1, not later than:~~

~~(a) Seven days before the primary election or primary city election for that office, for the period from the January 1 immediately preceding the primary election or primary city election through 12 days before the primary election or primary city election; and~~

~~(b) Seven days before the general election or general city election for that office, for the period from 11 days before the primary election or primary city election through 12 days before the general election or general city election;~~

~~→ report each campaign contribution in excess of \$100 received during the period and contributions received during the period from a contributor which cumulatively exceed \$100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee, political party or business entity under penalty of perjury.~~

~~5. Except as otherwise provided in subsection 6, every person, committee, political party or business entity described in subsection 1 which makes an expenditure on behalf of a candidate for office at a special election or on behalf of a group of such candidates shall, not later than:~~

~~(a) Seven days before the special election for the office for which the candidate or a candidate in the group of candidates seeks election, for the~~

period from the nomination of the candidate through 12 days before the special election; and

(b) Thirty days after the special election, for the remaining period through the special election,

~~→ report each campaign contribution in excess of \$100 received during the period and contributions received during the period from a contributor which cumulatively exceed \$100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee, political party or business entity under penalty of perjury.~~

~~6. Every person, committee, political party or business entity described in subsection 1 which makes an expenditure on behalf of a candidate for office at a special election to determine whether a public officer will be recalled or on behalf of a group of candidates for offices at such special elections shall report each contribution in excess of \$100 received during the period and contributions received during the period from a contributor which cumulatively exceed \$100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the committee, political party or business entity under penalty of perjury, 30 days after:~~

~~(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or~~

~~(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.~~

~~7. The reports of contributions required pursuant to this section must be filed with:~~

~~(a) If the candidate is elected from one county, the county clerk of that county;~~

~~(b) →~~

~~(a) If the candidate is [elected from one city,] a candidate for city office, filed with the city clerk of that city; or~~

~~(c) If] by transmitting the report to the city clerk by regular mail, certified mail, facsimile machine, electronic means or personal delivery.~~

~~(b) Except as otherwise provided in section 39 of this act, if the candidate is [elected from more than one county or city,] a candidate for state, district or county office, filed electronically with the Secretary of State.~~

~~8. [A person or entity may file the report with the appropriate officer by regular mail, certified mail, facsimile machine or electronic means.] A report shall be deemed to be filed [with the officer:~~

~~(a) On the date that it was mailed if it was sent by certified mail; or~~

(b) ~~On the date that it was received by the [officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.~~

9. ~~Each county clerk or city clerk who receives a report pursuant to this section shall file a copy of the report with the Secretary of State within 10 working days after receiving the report.~~

~~10.] city clerk or Secretary of State, as applicable.~~

~~9. Every person, committee, political party or business entity described in subsection 1 shall file a report required by this section even if the person, committee, political party or business entity receives no contributions.~~
(Deleted by amendment.)

Sec. 48. NRS 294A.150 is hereby amended to read as follows:

294A.150 1. ~~[Except as otherwise provided in NRS 294A.283, every person or group of persons organized formally or informally, including a business entity, who]~~ **Every committee for political action that** advocates the passage or defeat of a question or group of questions on the ballot at a primary election, primary city election, general election or general city election ~~[and who receives or expends money in an amount in excess of \$10,000 to advocate the passage or defeat of such question or group of questions]~~ shall, not later than January 15 of each year that the provisions of this subsection apply to the ~~[person, group of persons or business entity,]~~ **committee for political action,** for the period from January 1 of the previous year through December 31 of the previous year, report each campaign contribution in excess of ~~[\$1,000]~~ **\$100** received during that period and contributions received during the period from a contributor which cumulatively exceed ~~[\$1,000.]~~ **\$100.** The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by ~~[the person or]~~ a representative of the ~~[group or business entity]~~ **committee for political action** under penalty of perjury. The provisions of this subsection apply to ~~[the person, group of persons or business entity:]~~ **a committee for political action:**

(a) Each year in which ~~[-]~~

~~(1) An]~~ **an** election or city election is held for each question for which the ~~[person, group of persons or business entity]~~ **committee for political action** advocates passage or defeat; ~~[-]~~

~~(2) A person, group of persons or business entity receives or expends money in excess of \$10,000 to advocate the passage or defeat of a question or group of questions on the ballot at a primary election, primary city election, general election or general city election;]~~ and

(b) The year after ~~[each]~~ **the** year described in paragraph (a).

2. If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately

following that primary election or primary city election is held on or after January 1 and before the July 1 immediately following that January 1, every ~~{person or group of persons organized formally or informally, including a business entity, who}~~ **committee for political action that** advocates the passage or defeat of the question or a group of questions that includes the question ~~{and who receives or expends money in an amount in excess of \$10,000 to advocate the passage or defeat of such question or group of questions}~~ shall comply with the requirements of this subsection. If a question is on the ballot at a general election or general city election held on or after January 1 and before the July 1 immediately following that January 1, every ~~{person or group of persons organized formally or informally, including a business entity, who}~~ **committee for political action that** advocates the passage or defeat of the question or a group of questions that includes the question ~~{and who receives or expends money in an amount in excess of \$10,000 to advocate the passage or defeat of such question or group of questions}~~ shall comply with the requirements of this subsection. A ~~{person, group of persons or business entity}~~ **committee for political action** described in this subsection shall, not later than:

(a) Seven days before the primary election or primary city election, for the period from the January 1 immediately preceding the primary election or primary city election through 12 days before the primary election or primary city election;

(b) Seven days before the general election or general city election, for the period from 11 days before the primary election or primary city election through 12 days before the general election or general city election; and

(c) July 15 of the year of the general election or general city election, for the period from 11 days before the general election or general city election through June 30 of that year,

➡ report each campaign contribution in excess of ~~[\$1,000]~~ **\$100** received during the period and contributions received during the period from a contributor which cumulatively exceed ~~[\$1,000.]~~ **\$100**. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by ~~{the person or}~~ a representative of the ~~{group or business entity}~~ **committee for political action** under penalty of perjury.

3. The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution in excess of ~~[\$1,000]~~ **\$100** and contributions which a contributor has made cumulatively in excess of that amount since the beginning of the current reporting period.

4. If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately

following that primary election or primary city election is held on or after July 1 and before the January 1 immediately following that July 1, every ~~{person or group of persons organized formally or informally, including a business entity, who}~~ **committee for political action that** advocates the passage or defeat of the question or a group of questions that includes the question ~~{and who receives or expends money in an amount in excess of \$10,000 to advocate the passage or defeat of such question or group of questions}~~ shall comply with the requirements of this subsection. ~~{Except as otherwise provided in NRS 294A.283, if}~~ **If** a question is on the ballot at a general election or general city election held on or after July 1 and before the January 1 immediately following that July 1, every ~~{person or group of persons organized formally or informally, including a business entity, who}~~ **committee for political action that** advocates the passage or defeat of the question or a group of questions that includes the question ~~{and who receives or expends money in an amount in excess of \$10,000 to advocate the passage or defeat of such question or group of questions}~~ shall comply with the requirements of this subsection. A ~~{person, group of persons or business entity}~~ **committee for political action** described in this subsection shall, not later than:

(a) Seven days before the primary election or primary city election, for the period from the January 1 immediately preceding the primary election or primary city election through 12 days before the primary election or primary city election; and

(b) Seven days before the general election or general city election, for the period from 11 days before the primary election or primary city election through 12 days before the general election or general city election,

↪ report each campaign contribution in excess of ~~{ \$1,000 }~~ **\$100** received during the period and contributions received during the period from a contributor which cumulatively exceed ~~{ \$1,000 }~~ **\$100**. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by ~~{the person or}~~ a representative of the ~~{group or business entity}~~ **committee for political action** under penalty of perjury.

5. Except as otherwise provided in subsection 6, every ~~{person or group of persons organized formally or informally, including a business entity, who}~~ **committee for political action that** advocates the passage or defeat of a question or group of questions on the ballot at a special election ~~{and who receives or expends money in an amount in excess of \$10,000 to advocate the passage or defeat of such question or group of questions}~~ shall, not later than:

(a) Seven days before the special election, for the period from the date that the question qualified for the ballot through 12 days before the special election; and

(b) Thirty days after the special election, for the remaining period through the special election,

↪ report each campaign contribution in excess of ~~[\$1,000]~~ **\$100** received during the period and contributions received during the period from a contributor which cumulatively exceed ~~[\$1,000.]~~ **\$100**. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by ~~[the person or]~~ a representative of the ~~[group or business entity]~~ **committee for political action** under penalty of perjury.

6. Every ~~[person or group of persons organized formally or informally, including a business entity, who]~~ **committee for political action that** advocates the passage or defeat of a question or group of questions on the ballot at a special election to determine whether a public officer will be recalled ~~[and who receives or expends money in an amount in excess of \$10,000 to advocate the passage or defeat of such question or group of questions]~~ shall report each of the contributions received on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by ~~[the person or]~~ a representative of the ~~[group or business entity]~~ **committee for political action** under penalty of perjury, 30 days after:

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or

(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

7. The reports required pursuant to this section must be filed with:

(a) If the question is submitted to the voters of one county, the county clerk of that county;

(b) If the question is submitted to the voters of one city, the city clerk of that city; or

(c) If the question is submitted to the voters of more than one county or city, the Secretary of State.

8. A person may mail or transmit the report to the appropriate officer by regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the officer:

(a) On the date that it was mailed if it was sent by certified mail; or

(b) On the date that it was received by the officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

9. If the ~~[person or group of persons, including a business entity,]~~ **committee for political action** is advocating passage or defeat of a group of questions, the reports must be itemized by question or petition.

10. Each county clerk or city clerk who receives a report pursuant to this section shall file a copy of the report with the Secretary of State within 10 working days after receiving the report.

Sec. 49. ~~[NRS 294A.150 is hereby amended to read as follows:~~

~~294A.150 1. Every committee for political action that advocates the passage or defeat of a question or group of questions on the ballot at a primary election, primary city election, general election or general city election shall, not later than January 15 of each year that the provisions of this subsection apply to the committee for political action, for the period from January 1 of the previous year through December 31 of the previous year, report each campaign contribution in excess of \$100 received during that period and contributions received during the period from a contributor which cumulatively exceed \$100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by a representative of the committee for political action under penalty of perjury. The provisions of this subsection apply to a committee for political action;~~

~~(a) Each year in which an election or city election is held for each question for which the committee for political action advocates passage or defeat; and~~

~~(b) The year after the year described in paragraph (a);~~

~~2. If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after January 1 and before the July 1 immediately following that January 1, every committee for political action that advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. If a question is on the ballot at a general election or general city election held on or after January 1 and before the July 1 immediately following that January 1, every committee for political action that advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. A committee for political action described in this subsection shall, not later than:~~

~~(a) Seven days before the primary election or primary city election, for the period from the January 1 immediately preceding the primary election or primary city election through 12 days before the primary election or primary city election;~~

~~(b) Seven days before the general election or general city election, for the period from 11 days before the primary election or primary city election through 12 days before the general election or general city election; and~~

~~(c) July 15 of the year of the general election or general city election, for the period from 11 days before the general election or general city election through June 30 of that year;~~

~~→ report each campaign contribution in excess of \$100 received during the period and contributions received during the period from a contributor which cumulatively exceed \$100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by a representative of the committee for political action under penalty of perjury.~~

~~3. The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution in excess of \$100 and contributions which a contributor has made cumulatively in excess of that amount since the beginning of the current reporting period.~~

~~4. If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after July 1 and before the January 1 immediately following that July 1, every committee for political action that advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. If a question is on the ballot at a general election or general city election held on or after July 1 and before the January 1 immediately following that July 1, every committee for political action that advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. A committee for political action described in this subsection shall, not later than:~~

~~(a) Seven days before the primary election or primary city election, for the period from the January 1 immediately preceding the primary election or primary city election through 12 days before the primary election or primary city election; and~~

~~(b) Seven days before the general election or general city election, for the period from 11 days before the primary election or primary city election through 12 days before the general election or general city election;~~

~~→ report each campaign contribution in excess of \$100 received during the period and contributions received during the period from a contributor which cumulatively exceed \$100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by a representative of the committee for political action under penalty of perjury.~~

~~5. Except as otherwise provided in subsection 6, every committee for political action that advocates the passage or defeat of a question or group of questions on the ballot at a special election shall, not later than:~~

~~(a) Seven days before the special election, for the period from the date that the question qualified for the ballot through 12 days before the special election; and~~

~~(b) Thirty days after the special election, for the remaining period through the special election;~~

~~→ report each campaign contribution in excess of \$100 received during the period and contributions received during the period from a contributor which cumulatively exceed \$100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by a representative of the committee for political action under penalty of perjury.~~

~~6. Every committee for political action that advocates the passage or defeat of a question or group of questions on the ballot at a special election to determine whether a public officer will be recalled shall report each of the contributions received on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by a representative of the committee for political action under penalty of perjury, 30 days after:~~

~~(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or~~

~~(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision;~~

~~7. The reports required pursuant to this section must be [filed with:~~

~~(a) If the question is submitted to the voters of one county, the county clerk of that county;~~

~~(b)] →~~

~~(a) If the question is submitted to the voters of one city, filed with the city clerk of that city [; or~~

~~(c) If] by transmitting the report to the city clerk by regular mail, certified mail, facsimile machine, electronic means or personal delivery.~~

~~(b) Except as otherwise provided in section 40 of this act, if the question is submitted to the voters of one county or more than one county or city, filed electronically with the Secretary of State.~~

~~8. [A person may mail or transmit the report to the appropriate officer by regular mail, certified mail, facsimile machine or electronic means.] A report shall be deemed to be filed [with the officer:~~

~~(a) On the date that it was mailed if it was sent by certified mail; or~~

(b) ~~On the date that it was received by the [officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.] city clerk or Secretary of State, as applicable.~~

~~9. If the committee for political action is advocating passage or defeat of a group of questions, the reports must be itemized by question or petition.~~

~~{10. Each county clerk or city clerk who receives a report pursuant to this section shall file a copy of the report with the Secretary of State within 10 working days after receiving the report.}~~ **{(Deleted by amendment.)}**

Sec. 50. NRS 294A.160 is hereby amended to read as follows:

294A.160 1. It is unlawful for a candidate to spend money received as a campaign contribution for the candidate's personal use.

2. Every candidate for a state, district, county, city or township office at a primary, general, primary city, general city or special election who is elected to that office and received contributions that were not spent or committed for expenditure before the primary, general, primary city, general city or special election shall:

(a) Return the unspent money to contributors;

(b) Use the money in the candidate's next election or for the payment of other expenses related to public office or his or her campaign, regardless of whether he or she is a candidate for a different office in the candidate's next election;

(c) Contribute the money to:

(1) The campaigns of other candidates for public office or for the payment of debts related to their campaigns;

(2) A political party; **or**

(3) ~~{A person or group of persons advocating the passage or defeat of a question or group of questions on the ballot; or~~

~~{(4) Any combination of persons or groups set forth in subparagraphs (1) ~~{,}~~ and (2) ; ~~{and (3).}~~}~~

(d) Donate the money to any tax-exempt nonprofit entity; ~~{or}~~

(e) ***Donate the money to any governmental entity or fund of this State or a political subdivision of this State that is authorized to receive donations of money.*** ~~{A candidate who donates money pursuant to this paragraph}~~ ***and may request that the money be used for a specific purpose; or***

~~{(f) Dispose of the money in any combination of the methods provided in paragraphs (a) to ~~{(d).}~~ (e), inclusive.~~

3. Every candidate for a state, district, county, city or township office at a primary, general, primary city, general city or special election who ***withdraws after filing a declaration of candidacy or an acceptance of candidacy or*** ~~{is not elected to}~~ ***defeated for*** that office and ***who*** received contributions that were not spent or committed for expenditure before the

primary, general, primary city, general city or special election shall, not later than the 15th day of the second month after the ~~[candidate's defeat,]~~ **election:**

- (a) Return the unspent money to contributors;
- (b) Contribute the money to:
 - (1) The campaigns of other candidates for public office or for the payment of debts related to their campaigns;
 - (2) A political party; **or**
 - (3) ~~[A person or group of persons advocating the passage or defeat of a question or group of questions on the ballot;]~~ Any combination of persons or groups set forth in subparagraphs (1) ~~;~~ **and** (2) ; ~~and (3);]~~
 - (c) Donate the money to any tax-exempt nonprofit entity; ~~or]~~
 - (d) ***Donate the money to any governmental entity or fund of this State or a political subdivision of this State that is authorized to receive donations of money.*** ~~[A candidate who donates money pursuant to this paragraph]~~ ***and may request that the money be used for a specific purpose; or***
 - (e) Dispose of the money in any combination of the methods provided in paragraphs (a) ~~;~~ **(b) and (c);]** ***to (d), inclusive.***

4. Every candidate for a state, district, county, city or township office who ***withdraws after filing a declaration of candidacy or an acceptance of candidacy or*** is defeated ***for that office*** at a primary or primary city election and received a contribution from a person in excess of \$5,000 shall, not later than the 15th day of the second month after the ~~[candidate's defeat,]~~ **election**, return any money in excess of \$5,000 to the contributor.

5. ~~[Every]~~ ***Except as otherwise provided in subsection 6, every*** public officer who:

- (a) Holds a state, district, county, city or township office;
 - (b) Does not run for reelection ***to that office*** and is not a candidate for any other office; and
 - (c) Has contributions that are not spent or committed for expenditure remaining from a previous election,
- ➡ shall, not later than the 15th day of the second month after the expiration of the public officer's term of office, dispose of those contributions in the manner provided in subsection 3.

6. ***A public officer who:***

- (a) ***Holds a state, district, county, city or township office;***
 - (b) ***Does not run for reelection to that office and is a candidate for any other office; and***
 - (c) ***Has contributions that are not spent or committed for expenditure remaining from a previous election,***
- ➡ ***may use the unspent campaign contributions in a future election. Such a public officer is subject to the reporting requirements set forth in***

NRS 294A.120, 294A.125, 294A.128, 294A.200, 294A.360 and 294A.362 for as long as the public officer is a candidate for any office.

7. In addition to the methods for disposing the unspent money set forth in subsections 2, 3 ~~and 4,~~ **4 and 6**, a Legislator may donate not more than \$500 of that money to the Nevada Silver Haired Legislative Forum created pursuant to NRS 427A.320.

~~7.1~~ **8.** Any contributions received before a candidate for a state, district, county, city or township office at a primary, general, primary city, general city or special election dies that were not spent or committed for expenditure before the death of the candidate must be disposed of in the manner provided in subsection 3.

~~8.1~~ **9.** The court shall, in addition to any penalty which may be imposed pursuant to NRS 294A.420, order the candidate or public officer to dispose of any remaining contributions in the manner provided in this section.

~~9.1~~ **10.** As used in this section, “contributions” include any interest and other income earned thereon.

Sec. 51. NRS 294A.200 is hereby amended to read as follows:

294A.200 1. Every candidate for state, district, county or township office at a primary or general election shall, not later than January 15 of each year, for the period from January 1 of the previous year through December 31 of the previous year, report each of the campaign expenses in excess of \$100 incurred and each amount in excess of \$100 disposed of pursuant to NRS 294A.160 **or subsection 4 of NRS 294A.286** during the period on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the candidate under penalty of perjury. The provisions of this subsection apply to the candidate:

(a) Beginning the year of the general election for that office through the year immediately preceding the next general election for that office; and

(b) Each year immediately succeeding a calendar year during which the candidate disposes of contributions pursuant to NRS 294A.160 ~~or~~ **294A.286.**

2. Every candidate for state, district, county or township office at a primary or general election shall, if the general election for the office for which he or she is a candidate is held on or after January 1 and before the July 1 immediately following that January 1, not later than:

(a) Seven days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through 12 days before the primary election;

(b) Seven days before the general election for that office, for the period from 11 days before the primary election through 12 days before the general election; and

(c) July 15 of the year of the general election for that office, for the period from 11 days before the general election through June 30 of that year,

➡ report each of the campaign expenses in excess of \$100 incurred during the period on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under penalty of perjury.

3. Every candidate for state, district, county or township office at a primary or general election shall, if the general election for the office for which he or she is a candidate is held on or after July 1 and before the January 1 immediately following that July 1, not later than:

(a) Seven days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through 12 days before the primary election; and

(b) Seven days before the general election for that office, for the period from 11 days before the primary election through 12 days before the general election,

➡ report each of the campaign expenses in excess of \$100 incurred during the period on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the candidate under penalty of perjury.

4. Except as otherwise provided in subsection 5, every candidate for a district office at a special election shall, not later than:

(a) Seven days before the special election, for the period from the candidate's nomination through 12 days before the special election; and

(b) Thirty days after the special election, for the remaining period through the special election,

➡ report each of the campaign expenses in excess of \$100 incurred during the period on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under penalty of perjury.

5. Every candidate for state, district, county, municipal or township office at a special election to determine whether a public officer will be recalled shall report each of the campaign expenses in excess of \$100 incurred on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the candidate under penalty of perjury, 30 days after:

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or

(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

6. Reports of campaign expenses must be filed with the officer with whom the candidate filed the declaration of candidacy or acceptance of candidacy. A candidate may mail or transmit the report to that officer by regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the officer:

- (a) On the date that it was mailed if it was sent by certified mail; or
- (b) On the date that it was received by the officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

7. County clerks who receive from candidates for legislative or judicial office, including, without limitation, the office of justice of the peace or municipal judge, reports of campaign expenses pursuant to this section shall file a copy of each report with the Secretary of State within 10 working days after receiving the report.

Sec. 52. ~~NRS 294A.200 is hereby amended to read as follows:~~

~~294A.200 1. Every candidate for state, district, county or township office at a primary or general election shall, not later than January 15 of each year, for the period from January 1 of the previous year through December 31 of the previous year, report each of the campaign expenses in excess of \$100 incurred and each amount in excess of \$100 disposed of pursuant to NRS 294A.160 or subsection 4 of NRS 294A.286 during the period on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the candidate under penalty of perjury. The provisions of this subsection apply to the candidate:~~

~~(a) Beginning the year of the general election for that office through the year immediately preceding the next general election for that office; and~~

~~(b) Each year immediately succeeding a calendar year during which the candidate disposes of contributions pursuant to NRS 294A.160 or 294A.286.~~

~~2. Every candidate for state, district, county or township office at a primary or general election shall, if the general election for the office for which he or she is a candidate is held on or after January 1 and before the July 1 immediately following that January 1, not later than:~~

~~(a) Seven days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through 12 days before the primary election;~~

~~(b) Seven days before the general election for that office, for the period from 11 days before the primary election through 12 days before the general election; and~~

~~(c) July 15 of the year of the general election for that office, for the period from 11 days before the general election through June 30 of that year,~~

~~→ report each of the campaign expenses in excess of \$100 incurred during the period on the form designed and provided by the Secretary of State~~

~~pursuant to NRS 294A.373. Each form must be signed by the candidate under penalty of perjury.~~

~~3. Every candidate for state, district, county or township office at a primary or general election shall, if the general election for the office for which he or she is a candidate is held on or after July 1 and before the January 1 immediately following that July 1, not later than:~~

~~(a) Seven days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through 12 days before the primary election; and~~

~~(b) Seven days before the general election for that office, for the period from 11 days before the primary election through 12 days before the general election;~~

~~report each of the campaign expenses in excess of \$100 incurred during the period on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the candidate under penalty of perjury.~~

~~4. Except as otherwise provided in subsection 5, every candidate for a district office at a special election shall, not later than:~~

~~(a) Seven days before the special election, for the period from the candidate's nomination through 12 days before the special election; and~~

~~(b) Thirty days after the special election, for the remaining period through the special election;~~

~~report each of the campaign expenses in excess of \$100 incurred during the period on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under penalty of perjury.~~

~~5. Every candidate for state, district, county, municipal or township office at a special election to determine whether a public officer will be recalled shall report each of the campaign expenses in excess of \$100 incurred on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the candidate under penalty of perjury, 30 days after:~~

~~(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or~~

~~(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision;~~

~~6. Reports of campaign expenses must be:~~

~~(a) If the candidate is a candidate for city office, filed with the [officer with whom the candidate filed the declaration of candidacy or acceptance of candidacy. A candidate may mail or transmit] city clerk by transmitting the~~

report to ~~[that officer]~~ **the city clerk** by regular mail, certified mail, facsimile machine, ~~[or] electronic means [.] or personal delivery.~~

~~(b) Except as otherwise provided in section 29 of this act, if the candidate is a candidate for state, county or district office, filed electronically with the Secretary of State.~~

~~7. A report shall be deemed to be filed [with the officer:~~

~~(a) On the date that it was mailed if it was sent by certified mail; or~~

~~(b) On] on the date that it was received by the [officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.~~

~~7. County clerks who receive from candidates for legislative or judicial office, including, without limitation, the office of justice of the peace or municipal judge, reports of campaign expenses pursuant to this section shall file a copy of each report with the] city clerk or Secretary of State [within 10 working days after receiving the report.], as applicable. (Deleted by amendment.)~~

Sec. 53. ~~[NRS 294A.210 is hereby amended to read as follows:~~

~~294A.210 1. Every person who is not under the direction or control of a candidate for an office at a primary election, primary city election, general election or general city election, of a group of such candidates or of any person involved in the campaign of that candidate or group who makes an expenditure on behalf of the candidate or group which is not solicited or approved by the candidate or group, and every committee for political action, political party, committee sponsored by a political party or business entity which makes an expenditure on behalf of such a candidate or group of candidates shall, not later than January 15 of each year that the provisions of this subsection apply to the person, committee, political party or business entity, for the period from January 1 of the previous year through December 31 of the previous year, report each expenditure made during the period on behalf of the candidate, the group of candidates or a candidate in the group of candidates in excess of \$100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee, political party or business entity under penalty of perjury. The provisions of this subsection apply to the person, committee, political party or business entity beginning the year of the general election or general city election for that office through the year immediately preceding the next general election or general city election for that office.~~

~~2. Every person, committee, political party or business entity described in subsection 1 which makes an expenditure on behalf of a candidate for office at a primary election, primary city election, general election or general city election or a group of such candidates shall, if the general election or~~

~~general city election for the office for which the candidate or a candidate in the group of candidates seeks election is held on or after January 1 and before the July 1 immediately following that January 1, not later than:~~

~~(a) Seven days before the primary election or primary city election for that office, for the period from the January 1 immediately preceding the primary election or primary city election through 12 days before the primary election or primary city election;~~

~~(b) Seven days before the general election or general city election for that office, for the period from 11 days before the primary election or primary city election through 12 days before the general election or general city election; and~~

~~(c) July 15 of the year of the general election or general city election for that office, for the period from 11 days before the general election or general city election through the June 30 of that year;~~

~~→ report each expenditure made during the period on behalf of the candidate, the group of candidates or a candidate in the group of candidates in excess of \$100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee, political party or business entity under penalty of perjury.~~

~~3. Every person, committee, political party or business entity described in subsection 1 which makes an expenditure on behalf of a candidate for office at a primary election, primary city election, general election or general city election or on behalf of a group of such candidates shall, if the general election or general city election for the office for which the candidate or a candidate in the group of candidates seeks election is held on or after July 1 and before the January 1 immediately following that July 1, not later than:~~

~~(a) Seven days before the primary election or primary city election for that office, for the period from the January 1 immediately preceding the primary election or primary city election through 12 days before the primary election or primary city election; and~~

~~(b) Seven days before the general election or general city election for that office, for the period from 11 days before the primary election or primary city election through 12 days before the general election or general city election;~~

~~→ report each expenditure made during the period on behalf of the candidate, the group of candidates or a candidate in the group of candidates in excess of \$100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee, political party or business entity under penalty of perjury.~~

~~4. Except as otherwise provided in subsection 5, every person, committee, political party or business entity described in subsection 1 which~~

~~makes an expenditure on behalf of a candidate for office at a special election or on behalf of a group of such candidates shall, not later than:~~

~~(a) Seven days before the special election for the office for which the candidate or a candidate in the group of candidates seeks election, for the period from the nomination of the candidate through 12 days before the special election; and~~

~~(b) Thirty days after the special election, for the remaining period through the special election;~~

~~→ report each expenditure made during the period on behalf of the candidate, the group of candidates or a candidate in the group of candidates in excess of \$100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee, political party or business entity under penalty of perjury.~~

~~5. Every person, committee, political party or business entity described in subsection 1 which makes an expenditure on behalf of a candidate for office at a special election to determine whether a public officer will be recalled or on behalf of a group of such candidates shall list each expenditure made on behalf of the candidate, the group of candidates or a candidate in the group of candidates in excess of \$100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the committee, political party or business entity under penalty of perjury, 30 days after:~~

~~(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or~~

~~(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.~~

~~6. Expenditures made within the State or made elsewhere but for use within the State, including expenditures made outside the State for printing, television and radio broadcasting or other production of the media, must be included in the report.~~

~~7. The reports must be filed with:~~

~~(a) If the candidate is elected from one county, the county clerk of that county;~~

~~(b) →~~

~~(a) If the candidate is [elected from one city,] **a candidate for city office, filed with** the city clerk of that city [; or~~

~~(c) If] **by transmitting the report to the city clerk by regular mail, certified mail, facsimile machine, electronic means or personal delivery.**~~

~~(b) Except as otherwise provided in section 30 of this act, if the candidate is selected from more than one county or city,] a candidate for state, district or county office, filed electronically with the Secretary of State.~~

~~8. If an expenditure is made on behalf of a group of candidates, the reports must be itemized by the candidate. A person may mail or transmit the report to the appropriate officer by regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the appropriate officer [:] pursuant to subsection 7:~~

~~(a) On the date that it was mailed if it was sent by certified mail; or~~

~~(b) On the date that it was received by the officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.~~

~~9. [Each county clerk or city clerk who receives a report pursuant to this section shall file a copy of the report with the Secretary of State within 10 working days after receiving the report.~~

~~10.] Every person, committee, political party or business entity described in subsection 1 shall file a report required by this section even if the person, committee, political party or business entity receives no contributions.]~~
(Deleted by amendment.)

Sec. 54. NRS 294A.220 is hereby amended to read as follows:

294A.220 1. ~~[Except as otherwise provided in NRS 294A.283, every person or group of persons organized formally or informally, including a business entity, who]~~ **Every committee for political action** that advocates the passage or defeat of a question or group of questions on the ballot at a primary election, primary city election, general election or general city election ~~[and who receives or expends money in an amount in excess of \$10,000 to advocate the passage or defeat of such question or group of questions]~~ shall, not later than January 15 of each year that the provisions of this subsection apply to the ~~[person or group of persons,]~~ **committee for political action**, for the period from January 1 of the previous year through December 31 of the previous year, report each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of ~~[\$1,000]~~ **\$100** on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by ~~[the person or]~~ a representative of the ~~[group or business entity]~~ **committee for political action** under penalty of perjury. The provisions of this subsection apply to the ~~[person, group of persons or business entity:]~~ **committee for political action:**

(a) Each year in which ~~[-~~

~~(1) An]~~ **an** election or city election is held for a question for which the ~~[person, group of persons or business entity]~~ **committee for political action** advocates passage or defeat; ~~for~~

(2) ~~A person, group of persons or business entity receives or expends money in excess of \$10,000 to advocate the passage or defeat of a question or group of questions on the ballot at a primary election, primary city election, general election or general city election;~~ and

(b) The year after ~~each~~ **the** year described in paragraph (a).

2. If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after January 1 and before the July 1 immediately following that January 1, every ~~person or group of persons organized formally or informally, including a business entity, who~~ **committee for political action that** advocates the passage or defeat of the question or a group of questions that includes the question ~~and who receives or expends money in an amount in excess of \$10,000 to advocate the passage or defeat of such question or group of questions~~ shall comply with the requirements of this subsection. If a question is on the ballot at a general election or general city election held on or after January 1 and before the July 1 immediately following that January 1, every ~~person or group of persons organized formally or informally, including a business entity, who~~ **committee for political action that** advocates the passage or defeat of the question or a group of questions that includes the question ~~and who receives or expends money in an amount in excess of \$10,000 to advocate the passage or defeat of such question or group of questions~~ shall comply with the requirements of this subsection. A ~~person, group of persons or business entity~~ **committee for political action** described in this subsection shall, not later than:

(a) Seven days before the primary election or primary city election, for the period from the January 1 immediately preceding the primary election or primary city election through 12 days before the primary election or primary city election;

(b) Seven days before the general election or general city election, for the period from 11 days before the primary election or primary city election through 12 days before the general election or general city election; and

(c) July 15 of the year of the general election or general city election, for the period from 11 days before the general election or general city election through the June 30 immediately preceding that July 15,

➤ report each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of ~~\$1,000~~ **\$100** on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by ~~the person or~~ a representative of the ~~group or business entity~~ **committee for political action** under penalty of perjury.

3. If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after July 1 and before the January 1 immediately following that July 1, every ~~{person or group of persons organized formally or informally, including a business entity, who}~~ **committee for political action that** advocates the passage or defeat of the question or a group of questions that includes the question ~~{and who receives or expends money in an amount in excess of \$10,000 to advocate the passage or defeat of such question or group of questions}~~ shall comply with the requirements of this subsection. ~~{Except as otherwise provided in NRS 294A.283, if}~~ **If** a question is on the ballot at a general election or general city election held on or after July 1 and before the January 1 immediately following that July 1, every ~~{person or group of persons organized formally or informally, including a business entity, who}~~ **committee for political action that** advocates the passage or defeat of the question or a group of questions that includes the question ~~{and who receives or expends money in an amount in excess of \$10,000 to advocate the passage or defeat of such question or group of questions}~~ shall comply with the requirements of this subsection. A ~~{person, group of persons or business entity}~~ **committee for political action** described in this subsection shall, not later than:

(a) Seven days before the primary election or primary city election, for the period from the January 1 immediately preceding the primary election or primary city election through 12 days before the primary election or primary city election; and

(b) Seven days before the general election or general city election, for the period from 11 days before the primary election or primary city election through 12 days before the general election or general city election,

➤ report each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of ~~{ \$1,000 }~~ **\$100** on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by ~~{the person or}~~ a representative of the ~~{group or business entity}~~ **committee for political action** under penalty of perjury.

4. Except as otherwise provided in subsection 5, every ~~{person or group of persons organized formally or informally, including a business entity, who}~~ **committee for political action that** advocates the passage or defeat of a question or group of questions on the ballot at a special election shall, not later than:

(a) Seven days before the special election, for the period from the date the question qualified for the ballot through 12 days before the special election; and

(b) Thirty days after the special election, for the remaining period through the special election,

↪ report each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of ~~[\$1,000]~~ **\$100** on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by ~~the person or~~ a representative of the ~~group or business entity~~ **committee for political action** under penalty of perjury.

5. Every ~~person or group of persons organized formally or informally, including a business entity, who~~ **committee for political action that** advocates the passage or defeat of a question or group of questions on the ballot at a special election to determine whether a public officer will be recalled ~~and who receives or expends money in an amount in excess of \$10,000 to advocate the passage or defeat of such question or group of questions~~ shall list each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of ~~[\$1,000]~~ **\$100** on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by ~~the person or~~ a representative of the ~~group or business entity~~ **committee for political action** under penalty of perjury, 30 days after:

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or

(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

6. Expenditures made within the State or made elsewhere but for use within the State, including expenditures made outside the State for printing, television and radio broadcasting or other production of the media, must be included in the report.

7. The reports required pursuant to this section must be filed with:

(a) If the question is submitted to the voters of one county, the county clerk of that county;

(b) If the question is submitted to the voters of one city, the city clerk of that city; or

(c) If the question is submitted to the voters of more than one county or city, the Secretary of State.

8. If an expenditure is made on behalf of a group of questions, the reports must be itemized by question or petition. A person may mail or transmit the report to the appropriate filing officer by regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the filing officer:

(a) On the date that it was mailed if it was sent by certified mail; or
 (b) On the date that it was received by the filing officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

9. Each county clerk or city clerk who receives a report pursuant to this section shall file a copy of the report with the Secretary of State within 10 working days after receiving the report.

Sec. 55. ~~NRS 294A.220 is hereby amended to read as follows:~~

~~294A.220 1. Every committee for political action that advocates the passage or defeat of a question or group of questions on the ballot at a primary election, primary city election, general election or general city election shall, not later than January 15 of each year that the provisions of this subsection apply to the committee for political action, for the period from January 1 of the previous year through December 31 of the previous year, report each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of \$100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by a representative of the committee for political action under penalty of perjury. The provisions of this subsection apply to the committee for political action:~~

~~(a) Each year in which an election or city election is held for a question for which the committee for political action advocates passage or defeat; and
 (b) The year after the year described in paragraph (a).~~

~~2. If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after January 1 and before the July 1 immediately following that January 1, every committee for political action that advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. If a question is on the ballot at a general election or general city election held on or after January 1 and before the July 1 immediately following that January 1, every committee for political action that advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. A committee for political action described in this subsection shall, not later than:~~

~~(a) Seven days before the primary election or primary city election, for the period from the January 1 immediately preceding the primary election or primary city election through 12 days before the primary election or primary city election;~~

~~(b) Seven days before the general election or general city election, for the period from 11 days before the primary election or primary city election through 12 days before the general election or general city election; and~~

~~(c) July 15 of the year of the general election or general city election, for the period from 11 days before the general election or general city election through the June 30 immediately preceding that July 15,~~

~~— report each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of \$100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by a representative of the committee for political action under penalty of perjury.~~

~~3. If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after July 1 and before the January 1 immediately following that July 1, every committee for political action that advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. If a question is on the ballot at a general election or general city election held on or after July 1 and before the January 1 immediately following that July 1, every committee for political action that advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. A committee for political action described in this subsection shall, not later than:~~

~~(a) Seven days before the primary election or primary city election, for the period from the January 1 immediately preceding the primary election or primary city election through 12 days before the primary election or primary city election; and~~

~~(b) Seven days before the general election or general city election, for the period from 11 days before the primary election or primary city election through 12 days before the general election or general city election,~~

~~— report each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of \$100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by a representative of the committee for political action under penalty of perjury.~~

~~4. Except as otherwise provided in subsection 5, every committee for political action that advocates the passage or defeat of a question or group of questions on the ballot at a special election shall, not later than:~~

~~(a) Seven days before the special election, for the period from the date the question qualified for the ballot through 12 days before the special election; and~~

~~(b) Thirty days after the special election, for the remaining period through the special election;~~

~~→ report each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of \$100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by a representative of the committee for political action under penalty of perjury.~~

~~5. Every committee for political action that advocates the passage or defeat of a question or group of questions on the ballot at a special election to determine whether a public officer will be recalled shall list each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of \$100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by a representative of the committee for political action under penalty of perjury, 30 days after:~~

~~(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or~~

~~(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.~~

~~6. Expenditures made within the State or made elsewhere but for use within the State, including expenditures made outside the State for printing, television and radio broadcasting or other production of the media, must be included in the report.~~

~~7. The reports required pursuant to this section must be [filed with:~~

~~(a) If the question is submitted to the voters of one county, the county clerk of that county;~~

~~(b)]→~~

~~(a) If the question is submitted to the voters of one city, filed with the city clerk of that city [; or~~

~~(c) If] by transmitting the report to the city clerk by regular mail, certified mail, facsimile machine, electronic means or personal delivery.~~

~~(b) Except as otherwise provided in section 39 of this act, if the question is submitted to the voters of one county or more than one county or city, filed electronically with the Secretary of State.~~

~~8. [If an expenditure is made on behalf of a group of questions, the reports must be itemized by question or petition. A person may mail or transmit the report to the appropriate filing officer by regular mail, certified mail, facsimile machine or electronic means.] A report shall be deemed to be filed [with the filing officer:~~

~~(a) On the date that it was mailed if it was sent by certified mail; or~~

(b) ~~On the date that it was received by [the filing officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.~~

9. ~~Each county clerk or city clerk who receives a report pursuant to this section shall file a copy of the report with] the city clerk or Secretary of State [within 10 working days after receiving the report.], as applicable. (Deleted by amendment.)~~

Sec. 56. NRS 294A.230 is hereby amended to read as follows:

294A.230 1. Each committee for political action shall, before it engages in any activity in this State, register with the Secretary of State on forms supplied by the Secretary of State.

2. The form must require:

- (a) The name of the committee;
- (b) The purpose for which it was organized;
- (c) The names, addresses and telephone numbers of its officers;
- (d) If the committee for political action is affiliated with any other organizations, the name, address and telephone number of each organization;
- (e) The name, address and telephone number of its registered agent; and
- (f) Any other information deemed necessary by the Secretary of State.

3. A committee for political action shall file with the Secretary of State [an] :

(a) **An** amended form for registration within 30 days after any change in the information contained in the form for registration.

(b) **A form for registration on or before January 15 of each year, regardless of whether there is a change in the information contained in the most recent form for registration filed by the committee for political action with the Secretary of State.**

4. The Secretary of State shall include on the Secretary of State's Internet website the information required pursuant to subsection 2.

Sec. 57. ~~[NRS 294A.270 is hereby amended to read as follows:~~

~~294A.270 1. Except as otherwise provided in subsection 3, each committee for the recall of a public officer shall, not later than:~~

~~(a) Seven days before the special election to recall a public officer, for the period from the filing of the notice of intent to circulate the petition for recall through 12 days before the special election; and~~

~~(b) Thirty days after the election, for the remaining period through the election;~~

~~report each contribution received or made by the committee in excess of \$100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by a representative of the committee under penalty of perjury.~~

~~2. If a petition for the purpose of recalling a public officer is not filed before the expiration of the notice of intent, the committee for the recall of a public officer shall, not later than 30 days after the expiration of the notice of intent, report each contribution received by the committee, and each contribution made by the committee in excess of \$100.~~

~~3. If a court does not order a special election for the recall of the public officer, the committee for the recall of a public officer shall, not later than 30 days after the court determines that an election will not be held, for the period from the filing of the notice of intent to circulate the petition for recall through the day the court determines that an election will not be held, report each contribution received by the committee, and each contribution made by the committee in excess of \$100.~~

~~4. [Each] Except as otherwise provided in section 29 of this act, each report of contributions must be filed electronically with the Secretary of State. [The committee may mail or transmit the report by regular mail, certified mail, facsimile machine or electronic means.] A report shall be deemed to be filed with the Secretary of State [:~~

~~(a) On the date that it was mailed if it was sent by certified mail; or~~

~~(b) On] on the date that it was received by the Secretary of State. [if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.]~~

~~5. The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution, whether from or to a natural person, association or corporation, in excess of \$100 and contributions which a contributor or the committee has made cumulatively in excess of that amount since the beginning of the current reporting period.] (Deleted by amendment.)~~

~~Sec. 58. [NRS 294A.280 is hereby amended to read as follows:~~

~~294A.280 1. Except as otherwise provided in subsection 3, each committee for the recall of a public officer shall, not later than:~~

~~(a) Seven days before the special election to recall a public officer, for the period from the filing of the notice of intent to circulate the petition for recall through 12 days before the special election; and~~

~~(b) Thirty days after the election, for the remaining period through the election;~~

~~report each expenditure made by the committee in excess of \$100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by a representative of the committee under penalty of perjury.~~

~~2. If a petition for the purpose of recalling a public officer is not filed before the expiration of the notice of intent, the committee for the recall of a~~

~~public officer shall, not later than 30 days after the expiration of the notice of intent, report each expenditure made by the committee in excess of \$100.~~

~~3. If a court does not order a special election for the recall of the public officer, the committee for the recall of a public officer shall, not later than 30 days after the court determines that an election will not be held, for the period from the filing of the notice of intent to circulate the petition for recall through the day the court determines that an election will not be held, report each expenditure made by the committee in excess of \$100.~~

~~4. [Each] Except as otherwise provided in section 39 of this act, each report of expenditures must be filed electronically with the Secretary of State. [The committee may mail or transmit the report to the Secretary of State by regular mail, certified mail, facsimile machine or electronic means.] A report shall be deemed to be filed [with] on the date that it was received by the Secretary of State. [:~~

~~(a) On the date that it was mailed if it was sent by certified mail; or~~

~~(b) On the date that it was received by the Secretary of State if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.] (Deleted by amendment.)~~

Sec. 59. NRS 294A.286 is hereby amended to read as follows:

294A.286 1. A person who administers a legal defense fund shall:

(a) Within 5 days after the creation of the legal defense fund, notify the Secretary of State of the creation of the fund on a form provided by the Secretary of State; and

(b) For the same period covered by the report filed pursuant to NRS 294A.120, 294A.200 or 294A.360, report any contribution received by or expenditure made from the legal defense fund.

2. The reports required by paragraph (b) of subsection 1 must be submitted on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the administrator of the legal defense fund under penalty of perjury.

3. The reports required by paragraph (b) of subsection 1 must be filed in the same manner and at the same time as the report filed pursuant to NRS 294A.120, 294A.200 or 294A.360.

4. Not later than the 15th day of the second month after the conclusion of all civil, criminal or administrative claims or proceedings for which a candidate or public officer established a legal defense fund, the candidate or public officer shall:

(a) Return the unspent money to contributors;

(b) Donate the money to any tax-exempt nonprofit entity; or

(c) Dispose of the money in any combination of the methods provided in paragraphs (a) and (b).

Sec. 60. NRS 294A.287 is hereby amended to read as follows:

294A.287 1. A person shall not make **or commit to make** a contribution or contributions to the legal defense fund of a candidate or public officer in an amount which exceeds \$10,000 ~~for~~ during the applicable period prescribed in NRS 294A.100 pertaining to the office the candidate is seeking or that the public officer holds.

2. A candidate or public officer shall not accept a contribution **or commitment to make a contribution** to his or her legal defense fund that is made in violation of subsection 1.

3. A person who willfully violates any provision of this section is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 61. NRS 294A.300 is hereby amended to read as follows:

294A.300 1. It is unlawful for a member of the Legislature, the Lieutenant Governor, the Lieutenant Governor-Elect, the Governor or the Governor-Elect to solicit or accept any monetary contribution, or solicit or accept a commitment to make such a contribution for any political purpose during the period beginning:

(a) Thirty days before a regular session of the Legislature and ending 30 days after the final adjournment of a regular session of the Legislature;

(b) Fifteen days before a special session of the Legislature is set to commence and ending 15 days after the final adjournment of a special session of the Legislature, if the Governor sets a specific date for the commencement of the special session that is more than 15 days after the Governor issues the proclamation calling for the special session; or

(c) The day after the Governor issues a proclamation calling for a special session of the Legislature and ending 15 days after the final adjournment of a special session of the Legislature if the Governor sets a specific date for the commencement of the special session that is 15 or fewer days after the Governor issues the proclamation calling for the special session.

2. ***A person shall not make or commit to make a contribution or commitment prohibited by subsection 1.***

3. This section does not prohibit the payment of a salary or other compensation or income to a member of the Legislature, the Lieutenant Governor or the Governor during a session of the Legislature if it is made for services provided as a part of his or her regular employment or is additional income to which he or she is entitled.

~~{3.}~~ 4. As used in this section, “political purpose” includes, without limitation, the establishment of, or the addition of money to, a legal defense fund.

Sec. 62. NRS 294A.347 is hereby amended to read as follows:

294A.347 1. A statement which:

(a) Is published within 60 days before a general election, general city election or special election or 30 days before a primary election or primary city election;

(b) Expressly advocates the election or defeat of a clearly identified candidate for a state or local office; and

(c) Is published by a person who receives compensation from the candidate, an opponent of the candidate ~~or a person, party, committee or business entity required to report expenditures pursuant to NRS 294A.210,~~ **or committee for political action,**

↪ must contain a disclosure of the fact that the person receives compensation pursuant to paragraph (c) and the name of the person ~~, party, committee or business entity~~ **or committee for political action** providing that compensation.

2. A statement which:

(a) Is published by a candidate within 60 days before a general election, general city election or special election or 30 days before a primary election or primary city election; and

(b) Contains the name of the candidate,

↪ shall be deemed to comply with the provisions of this section.

3. As used in this section, “publish” means the act of:

(a) Printing, posting, broadcasting, mailing or otherwise disseminating; or

(b) Causing to be printed, posted, broadcasted, mailed or otherwise disseminated.

Sec. 63. NRS 294A.360 is hereby amended to read as follows:

294A.360 1. Every candidate for city office at a primary city election or general city election shall file the reports in the manner required by NRS 294A.120, 294A.128 and 294A.200 for other offices not later than January 15 of each year, for the period from January 1 of the previous year through December 31 of the previous year. The provisions of this subsection apply to the candidate:

(a) Beginning the year of the general city election for that office through the year immediately preceding the next general city election for that office; and

(b) Each year immediately succeeding a calendar year during which the candidate disposes of contributions pursuant to NRS 294A.160 ~~or~~ **subsection 4 of NRS 294A.286.**

2. Every candidate for city office at a primary city election or general city election, if the general city election for the office for which he or she is a candidate is held on or after January 1 and before the July 1 immediately following that January 1, shall file the reports in the manner required by NRS 294A.120, 294A.128 and 294A.200 for other offices not later than:

(a) Seven days before the primary city election for that office, for the period from the January 1 immediately preceding the primary city election through 12 days before the primary city election;

(b) Seven days before the general city election for that office, for the period from 11 days before the primary city election through 12 days before the general city election; and

(c) July 15 of the year of the general city election for that office, for the period from 11 days before the general city election through the June 30 of that year.

3. Every candidate for city office at a primary city election or general city election, if the general city election for the office for which he or she is a candidate is held on or after July 1 and before the January 1 immediately following that July 1, shall file the reports in the manner required by NRS 294A.120, 294A.128 and 294A.200 for other offices not later than:

(a) Seven days before the primary city election for that office, for the period from the January 1 immediately preceding the primary city election through 12 days before the primary city election; and

(b) Seven days before the general city election for that office, for the period from 11 days before the primary city election through 12 days before the general city election.

4. Except as otherwise provided in subsection 5, every candidate for city office at a special election shall so file those reports:

(a) Seven days before the special election, for the period from the candidate's nomination through 12 days before the special election; and

(b) Thirty days after the special election, for the remaining period through the special election.

5. Every candidate for city office at a special election to determine whether a public officer will be recalled shall so file those reports 30 days after:

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or

(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

Sec. 64. ~~[NRS 294A.362 is hereby amended to read as follows:~~

~~294A.362 1. In addition to reporting information pursuant to NRS 294A.120, 294A.125, 294A.128, 294A.200 and 294A.360, each candidate who is required to file a report of campaign contributions and expenses pursuant to NRS 294A.120, 294A.125, 294A.128, 294A.200 or 294A.360 shall report on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 goods and services provided in kind for~~

~~which money would otherwise have been paid. The candidate shall list on the form each such campaign contribution in excess of \$100 received during the reporting period, each such campaign contribution from a contributor received during the reporting period which cumulatively exceeds \$100, and each such expense in excess of \$100 incurred during the reporting period.~~

~~2. The Secretary of State and each city clerk shall not require a candidate to list the campaign contributions and expenses described in this section on any form other than the form designed and provided by the Secretary of State pursuant to NRS 294A.373.~~

~~3. The report of campaign contributions and expenses described in this section must be filed in the same manner and at the same time as the candidate files the reports required pursuant to NRS 294A.120, 294A.125, 294A.128, 294A.200 and 294A.360.~~ **(Deleted by amendment.)**

Sec. 65. NRS 294A.365 is hereby amended to read as follows:

294A.365 1. Each report of expenditures required pursuant to NRS 294A.210, 294A.220 ~~[]~~ **and** 294A.280 ~~[and 294A.283]~~ must consist of a list of each expenditure in excess of \$100 ~~for \$1,000, as is appropriate,~~ that was made during the periods for reporting. Each report of expenses required pursuant to NRS 294A.125 and 294A.200 must consist of a list of each expense in excess of \$100 that was incurred during the periods for reporting. The list in each report must state the category and amount of the expense or expenditure and the date on which the expense was incurred or the expenditure was made.

2. The categories of expense or expenditure for use on the report of expenses or expenditures are:

- (a) Office expenses;
- (b) Expenses related to volunteers;
- (c) Expenses related to travel;
- (d) Expenses related to advertising;
- (e) Expenses related to paid staff;
- (f) Expenses related to consultants;
- (g) Expenses related to polling;
- (h) Expenses related to special events;
- (i) Except as otherwise provided in NRS 294A.362, goods and services provided in kind for which money would otherwise have been paid; and
- (j) Other miscellaneous expenses.

3. Each report of expenses or expenditures described in subsection 1 must list the disposition of any unspent campaign contributions using the categories set forth in subsection 2 of NRS 294A.160 ~~[]~~ **or subsection 4 of NRS 294A.286.**

Sec. 66. NRS 294A.373 is hereby amended to read as follows:

294A.373 1. The Secretary of State shall design a single form to be used for all reports of campaign contributions and expenses or expenditures that are required to be filed pursuant to NRS 294A.120, 294A.125, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280, ~~294A.283,~~ 294A.360 and 294A.362 and reports of contributions received by and expenditures made from a legal defense fund that are required to be filed pursuant to NRS 294A.286.

2. The form designed by the Secretary of State pursuant to this section must only request information specifically required by statute.

3. Upon request, the Secretary of State shall provide a copy of the form designed pursuant to this section to each person, committee, political party ~~group~~ and business entity that is required to file a report described in subsection 1.

4. The Secretary of State must obtain the advice and consent of the Legislative Commission before providing a copy of a form designed or revised by the Secretary of State pursuant to this section to a person, committee, political party ~~group~~ or business entity that is required to use the form.

Sec. 67. ~~NRS 294A.373 is hereby amended to read as follows:~~

~~294A.373 1. The Secretary of State shall design ~~a single form~~ forms to be used for all reports of campaign contributions and expenses or expenditures that are required to be filed pursuant to NRS 294A.120, 294A.125, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280, 294A.360 and 294A.362 and reports of contributions received by and expenditures made from a legal defense fund that are required to be filed pursuant to NRS 294A.286.~~

~~2. The ~~form~~ forms designed by the Secretary of State pursuant to this section must only request information specifically required by statute.~~

~~3. ~~Upon request, the~~ The Secretary of State shall provide ~~a~~ to each candidate, person, committee, political party and business entity that is required to file a report described in subsection 1.~~

~~(a) If the candidate, person, committee, political party or business entity is required to submit the report to a city clerk, a copy of the form [designed pursuant to this section to each person, committee, political party, group and business entity that is required to file a report described in subsection 1.]~~

~~(b) If the candidate, person, committee, political party or business entity is required to submit the report electronically to the Secretary of State, access through a secure website to the form; or~~

~~(c) If the candidate, person, committee, political party or business entity is required to submit the report electronically to the Secretary of State and has submitted an affidavit to the Secretary of State pursuant to section 39 or 40 of this act, as applicable, a copy of the form.~~

~~4. If a candidate, person, committee, political party or business entity is required to submit electronically a report described in subsection 1, the form must be signed electronically under penalty of perjury.~~

~~5. The Secretary of State must obtain the advice and consent of the Legislative Commission before providing a copy of, or access to, a form designed or revised by the Secretary of State pursuant to this section to a candidate, person, committee, political party or business entity. [that is required to use the form.]~~

~~6. The Secretary of State may adopt regulations necessary to carry out the provisions of this section.~~ **(Deleted by amendment.)**

Sec. 68. NRS 294A.382 is hereby amended to read as follows:

294A.382 The Secretary of State shall not request or require a candidate, person, ~~[group of persons,]~~ committee, political party or business entity to list each of the expenditures or campaign expenses of \$100 or less on a form designed and provided pursuant to NRS 294A.373.

Sec. 69. NRS 294A.390 is hereby amended to read as follows:

294A.390 The officer from whom a candidate or entity requests a form for:

1. A declaration of candidacy;
2. An acceptance of candidacy;
3. The registration of a committee for political action pursuant to NRS 294A.230, a committee for the recall of a public officer pursuant to NRS 294A.250 or a business entity that wishes to engage in certain political activity pursuant to NRS 294A.377;

4. The reporting of the creation of a legal defense fund pursuant to NRS 294A.286; or

5. The reporting of campaign contributions, expenses or expenditures pursuant to NRS 294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280 ~~[, 294A.283]~~ or 294A.360 and the reporting of contributions received by and expenditures made from a legal defense fund pursuant to NRS 294A.286,

➡ shall furnish the candidate with the necessary forms for reporting and copies of the regulations adopted by the Secretary of State pursuant to this chapter. An explanation of the applicable provisions of NRS 294A.100, 294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280 ~~[, 294A.283]~~ or 294A.360 relating to the making, accepting or reporting of campaign contributions, expenses or expenditures and the penalties for a violation of those provisions as set forth in NRS 294A.100 or 294A.420, and an explanation of NRS 294A.286 and 294A.287 relating to the accepting or reporting of contributions received by and expenditures made from a legal defense fund and the penalties for a violation of those provisions as set forth in NRS 294A.287 and 294A.420,

must be developed by the Secretary of State and provided upon request. The candidate or entity shall acknowledge receipt of the material.

Sec. 70. ~~NRS 294A.390 is hereby amended to read as follows:~~

~~294A.390 The officer from whom a candidate or entity requests a form for:~~

- ~~1. A declaration of candidacy;~~
- ~~2. An acceptance of candidacy; or~~
- ~~3. The registration of a committee for political action pursuant to NRS 294A.230, a committee for the recall of a public officer pursuant to NRS 294A.250 or a business entity that wishes to engage in certain political activity pursuant to NRS 294A.377, [;~~
- ~~4. The reporting of the creation of a legal defense fund pursuant to NRS 294A.286; or~~

~~5. The reporting of campaign contributions, expenses or expenditures pursuant to NRS 294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280 or 294A.360 and the reporting of contributions received by and expenditures made from a legal defense fund pursuant to NRS 294A.286,]~~

~~shall furnish the candidate or entity with [the necessary forms for reporting and copies of the regulations adopted by the Secretary of State pursuant to this chapter. An] an explanation of the applicable provisions of NRS 294A.100, 294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280 or 294A.360 relating to the making, accepting or reporting of campaign contributions, expenses or expenditures and the penalties for a violation of those provisions as set forth in NRS 294A.100 or 294A.420, and an explanation of NRS 294A.286 and 294A.287 relating to the accepting or reporting of contributions received by and expenditures made from a legal defense fund and the penalties for a violation of those provisions as set forth in NRS 294A.287 and 294A.420, must be developed by the Secretary of State and provided upon request. The candidate or entity shall acknowledge receipt of the material.] (Deleted by amendment.)~~

Sec. 71. NRS 294A.400 is hereby amended to read as follows:

294A.400 The Secretary of State shall, within 30 days after receipt of the reports required by NRS 294A.120, 294A.125, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280 ~~[-~~ 294A.283] and 294A.286, prepare and make available for public inspection a compilation of:

1. The total campaign contributions, the contributions which are in excess of \$100 and the total campaign expenses of each of the candidates from whom reports of those contributions and expenses are required.

2. The total amount of loans to a candidate guaranteed by a third party, the total amount of loans made to a candidate that have been forgiven and the total amount of written commitments for contributions received by a candidate.

3. The contributions made to a committee for the recall of a public officer in excess of \$100.

4. The expenditures exceeding \$100 made by a:

(a) Person on behalf of a candidate other than the person.
(b) Group of persons or business entity advocating the election or defeat of a candidate.

(c) Committee for the recall of a public officer.

5. The contributions in excess of \$100 made to:

(a) A person who is not under the direction or control of a candidate or group of candidates or of any person involved in the campaign of the candidate or group who makes an expenditure on behalf of the candidate or group which is not solicited or approved by the candidate or group.

(b) A committee for political action, political party, committee sponsored by a political party or business entity which makes an expenditure on behalf of a candidate or group of candidates.

6. ~~The contributions in excess of \$1,000 made to and the expenditures exceeding \$1,000 made by a:~~

~~(a) Person or group of persons organized formally or informally, including a business entity who advocates the passage or defeat of a question or group of questions on the ballot and who receives or expends money in an amount in excess of \$10,000 for such advocacy, except as otherwise provided in paragraph (b).~~

~~(b) Person or group of persons organized formally or informally, including a business entity, who advocates the passage or defeat of a constitutional amendment or statewide measure proposed by an initiative or referendum, including, without limitation, the initiation or circulation thereof, and who receives or expends money in an amount in excess of \$10,000 for such advocacy.~~

7. The total contributions received by and expenditures made from a legal defense fund.

Sec. 72. NRS 294A.420 is hereby amended to read as follows:

294A.420 1. If the Secretary of State receives information that a person, **committee** or entity that is subject to the provisions of NRS 294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.227, 294A.230, **294A.250**, 294A.270, 294A.280, ~~294A.283,~~ 294A.286 or 294A.360 has not filed a report or form for registration pursuant to the applicable provisions of those sections, the Secretary of State may, after

giving notice to that person , **committee** or entity, cause the appropriate proceedings to be instituted in the First Judicial District Court.

2. Except as otherwise provided in this section, a person , **committee** or entity that violates an applicable provision of NRS 294A.112, 294A.120, 294A.128, 294A.130, 294A.140, 294A.150, 294A.160, 294A.200, 294A.210, 294A.220, 294A.227, 294A.230, **294A.250**, 294A.270, 294A.280, ~~294A.283,~~ 294A.286, 294A.300, 294A.310 or 294A.360 is subject to a civil penalty of not more than \$5,000 for each violation and payment of court costs and attorney's fees. The civil penalty must be recovered in a civil action brought in the name of the State of Nevada by the Secretary of State in the First Judicial District Court and deposited by the Secretary of State for credit to the State General Fund in the bank designated by the State Treasurer.

3. If a civil penalty is imposed because a person , **committee** or entity has reported its contributions, expenses or expenditures after the date the report is due, except as otherwise provided in this subsection, the amount of the civil penalty is:

(a) If the report is not more than 7 days late, \$25 for each day the report is late.

(b) If the report is more than 7 days late but not more than 15 days late, \$50 for each day the report is late.

(c) If the report is more than 15 days late, \$100 for each day the report is late.

↪ A civil penalty imposed pursuant to this subsection against a public officer who by law is not entitled to receive compensation for his or her office or a candidate for such an office must not exceed a total of \$100 if the public officer or candidate received no contributions and made no expenditures during the relevant reporting periods.

4. For good cause shown, the Secretary of State may waive a civil penalty that would otherwise be imposed pursuant to this section. If the Secretary of State waives a civil penalty pursuant to this subsection, the Secretary of State shall:

(a) Create a record which sets forth that the civil penalty has been waived and describes the circumstances that constitute the good cause shown; and

(b) Ensure that the record created pursuant to paragraph (a) is available for review by the general public.

Sec. 73. NRS 306.040 is hereby amended to read as follows:

306.040 1. Upon determining that the number of signatures on a petition to recall is sufficient pursuant to NRS 293.1276 to 293.1279, inclusive, the Secretary of State shall notify the county clerk, the officer with whom the petition is to be filed pursuant to subsection 4 of NRS 306.015 and the public officer who is the subject of the petition.

2. After the verification of signatures is complete, but not later than the date a complaint is filed pursuant to subsection 5 or the date the call for a special election is issued, whichever is earlier, a person who signs a petition to recall may request the Secretary of State to strike the person's name from the petition. If the person demonstrates good cause therefor and the number of such requests received by the Secretary of State could affect the sufficiency of the petition, the Secretary of State shall strike the name of the person from the petition.

3. Not sooner than 10 days nor more than 20 days after the Secretary of State completes the notification required by subsection 1, if a complaint is not filed pursuant to subsection 5, the officer with whom the petition is filed shall issue a call for a special election in the jurisdiction in which the public officer who is the subject of the petition was elected to determine whether the people will recall the public officer.

4. The call for a special election pursuant to subsection 3 or 6 must include, without limitation:

(a) The last day on which a person may register to vote to qualify to vote in the special election; ~~and~~

(b) The last day on which a petition to nominate other candidates for the office may be filed ~~}; and~~

(c) Whether any person is entitled to vote in the special election pursuant to NRS 293.343 to 293.355, inclusive.

5. The legal sufficiency of the petition may be challenged by filing a complaint in district court not later than 5 days, Saturdays, Sundays and holidays excluded, after the Secretary of State completes the notification required by subsection 1. All affidavits and documents in support of the challenge must be filed with the complaint. The court shall set the matter for hearing not later than 30 days after the complaint is filed and shall give priority to such a complaint over all other matters pending with the court, except for criminal proceedings.

6. Upon the conclusion of the hearing, if the court determines that the petition is sufficient, it shall order the officer with whom the petition is filed to issue a call for a special election in the jurisdiction in which the public officer who is the subject of the petition was elected to determine whether the people will recall the public officer. If the court determines that the petition is not sufficient, it shall order the officer with whom the petition is filed to cease any further proceedings regarding the petition.

Sec. 74. ~~[Chapter 281A of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~1. A candidate or public officer who is required to file a statement of financial disclosure with the Secretary of State pursuant to NRS 281A.600 or 281A.610 is not required to file the statement electronically if the~~

~~candidate or public officer has on file with the Secretary of State an affidavit which satisfies the requirements set forth in subsection 2 and which states that:~~

~~(a) The candidate or public officer does not own or have the ability to access the technology necessary to file electronically the statement of financial disclosure; and~~

~~(b) The candidate or public officer does not have the financial ability to purchase or obtain access to the technology necessary to file electronically the statement of financial disclosure.~~

~~2. The affidavit described in subsection 1 must be:~~

~~(a) In the form prescribed by the Secretary of State and signed under penalty of perjury.~~

~~(b) Except as otherwise provided in subsection 4, filed not less than 45 days before the statement is required to be filed.~~

~~3. A candidate or public officer who is not required to file the statement electronically may file the statement by transmitting the statement by regular mail, certified mail, facsimile machine or personal delivery. A report transmitted using one of such methods shall be deemed to be filed on the date that it was received by the Secretary of State.~~

~~4. A person who is appointed to fill the unexpired term of an elected or appointed public officer must file the affidavit described in subsection 1 within 15 days after his or her appointment to be exempted from the requirement of filing a report electronically.] (Deleted by amendment.)~~

Sec. 75. [NRS 281A.240 is hereby amended to read as follows:

281A.240 1. In addition to any other duties imposed upon the Executive Director, the Executive Director shall:

~~(a) Maintain complete and accurate records of all transactions and proceedings of the Commission.~~

~~(b) Receive requests for opinions pursuant to NRS 281A.440.~~

~~(c) Gather information and conduct investigations regarding requests for opinions received by the Commission and submit recommendations to the investigatory panel appointed pursuant to NRS 281A.220 regarding whether there is just and sufficient cause to render an opinion in response to a particular request.~~

~~(d) Recommend to the Commission any regulations or legislation that the Executive Director considers desirable or necessary to improve the operation of the Commission and maintain high standards of ethical conduct in government.~~

~~(e) Upon the request of any public officer or the employer of a public employee, conduct training on the requirements of this chapter, the rules and regulations adopted by the Commission and previous opinions of the Commission. In any such training, the Executive Director shall emphasize~~

~~that the Executive Director is not a member of the Commission and that only the Commission may issue opinions concerning the application of the statutory ethical standards to any given set of facts and circumstances. The Commission may charge a reasonable fee to cover the costs of training provided by the Executive Director pursuant to this subsection.~~

~~(f) Perform such other duties, not inconsistent with law, as may be required by the Commission.~~

~~2. The Executive Director shall, within the limits of legislative appropriation, employ such persons as are necessary to carry out any of the Executive Director's duties relating to:~~

~~(a) The administration of the affairs of the Commission; and~~

~~(b) [The review of statements of financial disclosure; and~~

~~(c)] The investigation of matters under the jurisdiction of the Commission.] (Deleted by amendment.)~~

Sec. 76. [NRS 281A.200 is hereby amended to read as follows:

281A.200 The Commission shall:

1. Adopt procedural regulations:

~~(a) To facilitate the receipt of inquiries by the Commission;~~

~~(b) For the filing of a request for an opinion with the Commission;~~

~~(c) For the withdrawal of a request for an opinion by the person who filed the request; and~~

~~(d) To facilitate the prompt rendition of opinions by the Commission.~~

~~2. Prescribe, by regulation, [forms for the submission of statements of financial disclosure and procedures for the submission of statements of financial disclosure filed pursuant to NRS 281A.600 and] forms and procedures for the submission of statements of acknowledgment filed by public officers pursuant to NRS 281A.500, maintain files of such statements and make the statements available for public inspection.~~

~~3. Cause the making of such investigations as are reasonable and necessary for the rendition of its opinions pursuant to this chapter.~~

~~4. [Except as otherwise provided in NRS 281A.600, inform] **Inform the Attorney General or district attorney of all cases of noncompliance with the requirements of this chapter.**~~

~~5. Recommend to the Legislature such further legislation as the Commission considers desirable or necessary to promote and maintain high standards of ethical conduct in government.~~

~~6. Publish a manual for the use of public officers and employees that contains:~~

~~(a) Hypothetical opinions which are abstracted from opinions rendered pursuant to subsection 1 of NRS 281A.440, for the future guidance of all persons concerned with ethical standards in government;~~

~~(b) Abstracts of selected opinions rendered pursuant to subsection 2 of NRS 281A.440; and~~

~~(c) An abstract of the requirements of this chapter.~~

~~➤ The Legislative Counsel shall prepare annotations to this chapter for inclusion in the Nevada Revised Statutes based on the abstracts and published opinions of the Commission.] (Deleted by amendment.)~~

Sec. 77. ~~[NRS 281A.470 is hereby amended to read as follows:~~

~~281A.470 1. Any department, board, commission or other agency of the State or the governing body of a county or an incorporated city may establish a specialized or local ethics committee to complement the functions of the Commission. A specialized or local ethics committee may:~~

~~(a) Establish a code of ethical standards suitable for the particular ethical problems encountered in its sphere of activity. The standards may not be less restrictive than the statutory ethical standards.~~

~~(b) Render an opinion upon the request of any public officer or employee of its own organization or level seeking an interpretation of its ethical standards on questions directly related to the propriety of the public officer's or employee's own future official conduct or refer the request to the Commission. Any public officer or employee subject to the jurisdiction of the committee shall direct the public officer's or employee's inquiry to that committee instead of the Commission.~~

~~(c) Require the filing of statements of financial disclosure by public officers on forms prescribed by the committee or the city clerk if the form has been:~~

~~(1) Submitted, at least 60 days before its anticipated distribution, to the [Commission] Secretary of State for review; and~~

~~(2) Upon review, approved by the [Commission.] Secretary of State.~~

~~2. A specialized or local ethics committee shall not attempt to interpret or render an opinion regarding the statutory ethical standards.~~

~~3. Each request for an opinion submitted to a specialized or local ethics committee, each hearing held to obtain information on which to base an opinion, all deliberations relating to an opinion, each opinion rendered by a committee and any motion relating to the opinion are confidential unless:~~

~~(a) The public officer or employee acts in contravention of the opinion; or~~

~~(b) The requester discloses the content of the opinion.] (Deleted by amendment.)~~

Sec. 78. ~~[NRS 281A.600 is hereby amended to read as follows:~~

~~281A.600 1. Except as otherwise provided in [subsection 2,] subsections 2 and 3 and section 74 of this act, if a public officer who was appointed to the office for which the public officer is serving is entitled to receive annual compensation of \$6,000 or more for serving in that office, the~~

~~public officer shall file electronically with the [Commission] Secretary of State a statement of financial disclosure, as follows:~~

~~(a) A public officer appointed to fill the unexpired term of an elected or appointed public officer shall file a statement of financial disclosure within 30 days after the public officer's appointment.~~

~~(b) Each public officer appointed to fill an office shall file a statement of financial disclosure on or before January 15 of each year of the term, including the year the term expires.~~

~~→ The statement must disclose the required information for the full calendar year immediately preceding the date of filing.~~

~~2. If a person is serving in a public office for which the person is required to file a statement pursuant to subsection 1, the person may use the statement the person files for that initial office to satisfy the requirements of subsection 1 for every other public office to which the person is appointed and in which the person is also serving.~~

~~3. A judicial officer who is appointed to fill the unexpired term of a predecessor or to fill a newly created judgeship shall file a statement of financial disclosure pursuant to the requirements of Canon 41 of the Nevada Code of Judicial Conduct. Such a statement of financial disclosure must include, without limitation, all information required to be included in a statement of financial disclosure pursuant to NRS 281A.620.~~

~~4. [The Commission shall provide written notification to the Secretary of State of the public officers who failed to file the statements of financial disclosure required by subsection 1 or who failed to file those statements in a timely manner. The notice must be sent within 30 days after the deadlines set forth in subsection 1 and must include:~~

~~(a) The name of each public officer who failed to file a statement of financial disclosure within the period before the notice is sent;~~

~~(b) The name of each public officer who filed a statement of financial disclosure after the deadlines set forth in subsection 1 but within the period before the notice is sent;~~

~~(c) For the first notice sent after the public officer filed a statement of financial disclosure, the name of each public officer who filed a statement of financial disclosure after the deadlines set forth in subsection 1 but within the period before the notice is sent; and~~

~~(d) For each public officer listed in paragraph (c), the date on which the statement of financial disclosure was due and the date on which the public officer filed the statement.~~

~~5. In addition to the notice provided pursuant to subsection 4, the Commission shall notify the Secretary of State of each public officer who files a statement of financial disclosure more than 30 days after the deadlines~~

set forth in subsection 1. The notice must include the information described in paragraphs (c) and (d) of subsection 4.

~~6.] A statement of financial disclosure shall be deemed to be filed [with the Commission:~~

~~(a) On the date that it was mailed if it was sent by certified mail; or~~

~~(b) On] ~~on the date that it was received by the [Commission if the statement was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.] Secretary of State.~~~~

~~5. Except as otherwise provided in section 74 of this act, the Secretary of State shall provide access through a secure website to the statement of financial disclosure to each person who is required to file the statement with the Secretary of State pursuant to this section.~~

~~6. The Secretary of State may adopt regulations necessary to carry out the provisions of this section.] (Deleted by amendment.)~~

Sec. 79. [NRS 281A.610 is hereby amended to read as follows:

~~281A.610 1. Except as otherwise provided in [subsection 2,] subsections 2 and 3 and section 74 of this act, each candidate for public office who will be entitled to receive annual compensation of \$6,000 or more for serving in the office that the candidate is seeking and, except as otherwise provided in subsection 3, each public officer who was elected to the office for which the public officer is serving shall file **electronically** with the Secretary of State a statement of financial disclosure, as follows:~~

~~(a) A candidate for nomination, election or reelection to public office shall file a statement of financial disclosure no later than the 10th day after the last day to qualify as a candidate for the office. The statement must disclose the required information for the full calendar year immediately preceding the date of filing and for the period between January 1 of the year in which the election for the office will be held and the last day to qualify as a candidate for the office. The filing of a statement of financial disclosure for a portion of a calendar year pursuant to this paragraph does not relieve the candidate of the requirement of filing a statement of financial disclosure for the full calendar year pursuant to paragraph (b) in the immediately succeeding year, if the candidate is elected to the office.~~

~~(b) Each public officer shall file a statement of financial disclosure on or before January 15 of each year of the term, including the year the term expires. The statement must disclose the required information for the full calendar year immediately preceding the date of filing.~~

~~2. Except as otherwise provided in this subsection, if a candidate for public office is serving in a public office for which the candidate is required to file a statement pursuant to paragraph (b) of subsection 1 or subsection 1 of NRS 281A.600, the candidate need not file the statement required by subsection 1 for the full calendar year for which the candidate previously~~

~~filed a statement. The provisions of this subsection do not relieve the candidate of the requirement pursuant to paragraph (a) of subsection 1 to file a statement of financial disclosure for the period between January 1 of the year in which the election for the office will be held and the last day to qualify as a candidate for the office.~~

~~3. A person elected pursuant to NRS 548.285 to the office of supervisor of a conservation district is not required to file a statement of financial disclosure relative to that office pursuant to subsection 1.~~

~~4. A candidate for judicial office or a judicial officer shall file a statement of financial disclosure pursuant to the requirements of Canon 4I of the Nevada Code of Judicial Conduct. Such a statement of financial disclosure must include, without limitation, all information required to be included in a statement of financial disclosure pursuant to NRS 281A.620.~~

~~5. A statement of financial disclosure shall be deemed to be filed [with the Secretary of State:~~

~~(a) On the date that it was mailed if it was sent by certified mail; or~~

~~(b) On] on the date that it was received by the Secretary of State. [if the statement was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.~~

~~6. The statement of financial disclosure filed pursuant to this section must be filed on the form prescribed by the Commission pursuant to NRS 281A.290.~~

~~7. The]~~

~~6. **Except as otherwise provided in section 74 of this act, the** Secretary of State shall [prescribe, by regulation, procedures for the submission of statements of financial disclosure filed pursuant to this section, maintain files of such statements and make the statements available for public inspection.] **provide access through a secure website to the statement of financial disclosure to each person who is required to file the statement with the Secretary of State pursuant to this section.**~~

~~7. **The Secretary of State may adopt regulations necessary to carry out the provisions of this section.] (Deleted by amendment.)**~~

~~Sec. 80. [NRS 281A.620 is hereby amended to read as follows:~~

~~281A.620 1. Statements of financial disclosure, as approved pursuant to NRS 281A.470 or in such **electronic** form as the [Commission] **Secretary of State** otherwise prescribes, must contain the following information concerning the candidate for public office or public officer:~~

~~(a) The candidate's or public officer's length of residence in the State of Nevada and the district in which the candidate for public office or public officer is registered to vote.~~

~~(b) Each source of the candidate's or public officer's income, or that of any member of the candidate's or public officer's household who is 18 years~~

~~of age or older. No listing of individual clients, customers or patients is required, but if that is the case, a general source such as "professional services" must be disclosed.~~

~~(c) A list of the specific location and particular use of real estate, other than a personal residence:~~

~~(1) In which the candidate for public office or public officer or a member of the candidate's or public officer's household has a legal or beneficial interest;~~

~~(2) Whose fair market value is \$2,500 or more; and~~

~~(3) That is located in this State or an adjacent state.~~

~~(d) The name of each creditor to whom the candidate for public office or public officer or a member of the candidate's or public officer's household owes \$5,000 or more, except for:~~

~~(1) A debt secured by a mortgage or deed of trust of real property which is not required to be listed pursuant to paragraph (c); and~~

~~(2) A debt for which a security interest in a motor vehicle for personal use was retained by the seller.~~

~~(e) If the candidate for public office or public officer has received gifts in excess of an aggregate value of \$200 from a donor during the preceding taxable year, a list of all such gifts, including the identity of the donor and value of each gift, except:~~

~~(1) A gift received from a person who is related to the candidate for public office or public officer within the third degree of consanguinity or affinity;~~

~~(2) Ceremonial gifts received for a birthday, wedding, anniversary, holiday or other ceremonial occasion if the donor does not have a substantial interest in the legislative, administrative or political action of the candidate for public office or public officer.~~

~~(f) A list of each business entity with which the candidate for public office or public officer or a member of the candidate's or public officer's household is involved as a trustee, beneficiary of a trust, director, officer, owner in whole or in part, limited or general partner, or holder of a class of stock or security representing 1 percent or more of the total outstanding stock or securities issued by the business entity.~~

~~(g) A list of all public offices presently held by the candidate for public office or public officer for which this statement of financial disclosure is required.~~

~~2. The [Commission shall distribute or cause to be distributed the forms required for such a statement to each candidate for public office and public officer who is required to file one. The Commission is not responsible for the costs of producing or distributing a form for filing statements of financial disclosure which is prescribed pursuant to subsection 1 of NRS 281A.470.]~~

~~Secretary of State may adopt any regulations necessary to carry out the provisions of this section.~~

~~3. As used in this section, “member of the candidate’s or public officer’s household” includes:~~

- ~~(a) The spouse of the candidate for public office or public officer;~~
- ~~(b) A person who does not live in the same home or dwelling, but who is dependent on and receiving substantial support from the candidate for public office or public officer; and~~
- ~~(c) A person who lived in the home or dwelling of the candidate for public office or public officer for 6 months or more in the year immediately preceding the year in which the candidate for public office or public officer files the statement of financial disclosure.] (Deleted by amendment.)~~

Sec. 81. [NRS 281A.630 is hereby amended to read as follows:

~~281A.630 1. Except as otherwise provided in subsection 2, statements of financial disclosure required by the provisions of NRS 281A.600, 281A.610 and 281A.620 must be retained by the [Commission or] Secretary of State for 6 years after the date of filing.~~

~~2. For public officers who serve more than one term in either the same public office or more than one public office, the period prescribed in subsection 1 begins on the date of the filing of the last statement of financial disclosure for the last public office held.] (Deleted by amendment.)~~

Sec. 82. [NRS 281A.640 is hereby amended to read as follows:

~~281A.640 1. A list of each public officer who is required to file a statement of financial disclosure must be submitted electronically to the [Commission and to the] Secretary of State, in a form prescribed by the [Commission,] Secretary of State, on or before December 1 of each year by:~~

- ~~(a) Each county clerk for all public officers of the county and other local governments within the county other than cities;~~
- ~~(b) Each city clerk for all public officers of the city;~~
- ~~(c) The Director of the Legislative Counsel Bureau for all public officers of the Legislative Branch; and~~
- ~~(d) The Chief of the Budget Division of the Department of Administration for all public officers of the Executive Branch.~~

~~2. [The Secretary of State, each] **Each** county clerk, or the registrar of voters of the county if one was appointed pursuant to NRS 244.164, and each city clerk shall submit electronically to the [Commission,] **Secretary of State** and each county clerk, or the registrar of voters of the county if one was appointed pursuant to NRS 244.164, and each city clerk shall submit electronically to the Secretary of State, in a form prescribed by the [Commission,] **Secretary of State**, a list of each candidate for public office who filed a declaration of candidacy or acceptance of candidacy with that~~

~~officer within 10 days after the last day to qualify as a candidate for the applicable office.] (Deleted by amendment.)~~

~~Sec. 83. [NRS 281A.650 is hereby amended to read as follows:~~

~~281A.650 The Secretary of State and each county clerk, or the registrar of voters of the county if one was appointed pursuant to NRS 244.164, or city clerk who receives from a candidate for public office a declaration of candidacy, acceptance of candidacy or certificate of candidacy shall give to the candidate:~~

~~1. If the candidate is a candidate for judicial office, the form prescribed by the [Commission] Administrative Office of the Courts for the making of a statement of financial disclosure [,];~~

~~2. If the candidate is not a candidate for judicial office and is required to file electronically the statement of financial disclosure, access to the electronic form prescribed by the Secretary of State; or~~

~~3. If the candidate is not a candidate for judicial office, is required to submit the statement of financial disclosure electronically and has submitted an affidavit to the Secretary of State pursuant to section 74 of this act, the form prescribed by the Secretary of State,~~

~~accompanied by instructions on how to complete the form [, where it must be filed] and the time by which it must be filed.] (Deleted by amendment.)~~

~~Sec. 84. NRS 294A.281, 294A.282, 294A.283 and 294A.284 are hereby repealed.~~

~~Sec. 85. 1. This section, sections 1 to 37, inclusive, 41, 42, 43, 48, 50, 51, 54, 56, 59 to 63, inclusive, 65, 66, 68, 69, 71, 72, 73 and 84 of this act become effective on July 1, 2011.~~

~~2. Sections 38, 39, 40, 44 to 47, inclusive, 49, 52, 53, 55, 57, 58, 64, 67, 70 and 74 to 83, inclusive, of this act become effective on January 16, 2013.~~

LEADLINES OF REPEALED SECTIONS

~~294A.281 Registration.~~

~~294A.282 Registered agent.~~

~~294A.283 Reporting of contributions and expenditures; period covered; deadline; form; filing.~~

~~294A.284 Reporting of certain information concerning compensation of persons to circulate petitions.~~

Assemblyman Segerblom moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 109.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 102.

AN ACT relating to secured transactions; enacting the amendments to Article 9 of the Uniform Commercial Code; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law contains Article 9 of the Uniform Commercial Code, the uniform law governing secured transactions. This bill enacts the 2010 amendments to Article 9.

Sections 2-9 and 25 of this bill provide that the amendments to Article 9 become effective on July 1, 2013, and enact the transitional rules included in those amendments.

Section 10 of this bill enacts the uniform amendments to the definitions of certain terms which are defined for the purposes of Article 9.

Existing law provides that a secured party may perfect a security interest in electronic chattel paper by obtaining control of the electronic chattel paper. **Section 11** of this bill enacts the uniform amendments to the rule governing whether a secured party has such control.

Existing law provides that, in certain circumstances, the law of the jurisdiction in which a debtor is located governs the perfection and priority of a security interest. (NRS 104.9301) **Section 12** of this bill enacts the uniform amendments to the rules for determining the location of an organization that is organized under the law of the United States and the location of a branch or agency of a bank that is not organized under the law of the United States or a state.

Section 13 of this bill enacts the uniform amendments to the rules governing the perfection of a security interest in property covered by a certificate of title.

Section 14 of this bill enacts the uniform amendments governing the perfection of a security interest that attaches before a debtor changes location and the perfection of a security interest when a new debtor becomes bound by a security agreement entered into by another person.

Section 15 of this bill enacts the uniform amendments to certain provisions governing the circumstances under which a buyer of property takes the property free of security interests.

Section 16 of this bill enacts the uniform amendments to provisions concerning the priority of security interests created by a new debtor who becomes bound by a security agreement entered into by another person.

Sections 17 and 18 of this bill enact the uniform amendments to provisions governing the effectiveness of certain contractual terms when a person who has a security interest in certain payment rights enforces the security interest and disposes of the payment rights.

Existing law requires a financing statement to be filed to perfect a security interest in certain circumstances. (NRS 104.9310) To be sufficient, a financing statement must contain the name of the debtor. (NRS 104.9502) **Section 19** of this bill enacts the uniform amendments to the rules for determining whether a financing statement sufficiently provides the name of the debtor. **Section 20** of this bill enacts the uniform amendments to rules governing the effectiveness of a financing statement when, at the time the financing statement was filed, the debtor's name was sufficiently provided but, at a later date, the debtor's name is no longer sufficiently provided.

Existing law provides that, if a financing statement states that the debtor is a transmitting utility, the financing statement does not lapse and is effective until a termination statement is filed. (NRS 104.9515) **Section 21** of this bill provides that such a financing statement does not lapse only if the initial financing statement states that the debtor is a transmitting utility.

Section 22 of this bill enacts the uniform amendments to the circumstances under which a filing office may refuse to accept a financing statement.

Existing law authorizes a debtor to file a correction statement if the debtor believes that a record indexed under the debtor's name is inaccurate or was wrongfully filed. Under existing law, the correction statement is informational and does not affect the effectiveness of a financing statement. (NRS 104.9518) **Section 23** of this bill enacts the uniform amendment that authorizes a secured party to file ~~such~~ a statement of claim under certain circumstances.

Existing law provides for the rights of a secured party upon a default by a debtor. (NRS 104.9601-104.9628) **Section 24** of this bill enacts the uniform amendment to certain rights held by a person who has a security interest in a payment right secured by real property.

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

Section 1. Chapter 104 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 9, inclusive, of this act.

Sec. 2. 1. *Except as otherwise provided in sections 2 to 9, inclusive, of this act, this article as amended applies to a transaction or lien within its scope, even if the transaction or lien was entered into or created before July 1, 2013.*

2. *This article as amended does not affect an action, case or proceeding commenced before July 1, 2013.*

Sec. 3. 1. *A security interest that is a perfected security interest immediately before July 1, 2013, is a perfected security interest under this article if, when this article as amended takes effect, the applicable*

requirements for attachment and perfection under this article as amended are satisfied without further action.

2. *Except as otherwise provided in section 5 of this act, if, immediately before July 1, 2013, a security interest is a perfected security interest, but the applicable requirements for perfection under this article as amended are not satisfied on July 1, 2013, the security interest remains perfected thereafter only if the applicable requirements for perfection under this article as amended are satisfied within 1 year after July 1, 2013.*

Sec. 4. *A security interest that is an unperfected security interest immediately before July 1, 2013, becomes a perfected security interest:*

1. *Without further action, on that date if the applicable requirements for perfection under this article as amended are satisfied before or at that time; or*

2. *When the applicable requirements for perfection are satisfied if the requirements are satisfied after that time.*

Sec. 5. 1. *The filing of a financing statement before July 1, 2013, is effective to perfect a security interest to the extent the filing would satisfy the applicable requirements for perfection under this article as amended.*

2. *This article as amended does not render ineffective an effective financing statement that, before July 1, 2013, is filed and satisfies the applicable requirements for perfection under the law of the jurisdiction governing perfection as provided in this article before amendment. However, except as otherwise provided in subsections 3 and 4 and section 6 of this act, the financing statement ceases to be effective:*

(a) *If the financing statement is filed in this State, at the time the financing statement would have ceased to be effective had this article as amended not taken effect; or*

(b) *If the financing statement is filed in another jurisdiction, at the earlier of:*

(1) *The time the financing statement would have ceased to be effective under the law of that jurisdiction; or*

(2) *June 30, 2018.*

3. *The filing of a continuation statement on or after July 1, 2013, does not continue the effectiveness of the financing statement filed before that date. However, upon the timely filing of a continuation statement on or after July 1, 2013, and in accordance with the law of the jurisdiction governing perfection as provided in this article as amended, the effectiveness of a financing statement filed in the same office in that jurisdiction before July 1, 2013, continues for the period provided by the law of that jurisdiction.*

4. *Subparagraph (2) of paragraph (b) of subsection 2 applies to a financing statement that, before July 1, 2013, is filed against a transmitting*

utility and satisfies the applicable requirements for perfection under the law of the jurisdiction governing perfection as provided in this article before amendment, only to the extent that this article as amended provides that the law of a jurisdiction other than the jurisdiction in which the financing statement is filed governs perfection of a security interest in collateral covered by the financing statement.

5. A financing statement that includes a financing statement filed before July 1, 2013, and a continuation statement filed on or after July 1, 2013, is effective only to the extent that it satisfies the requirements of part 5 for an initial financing statement. A financing statement which indicates that the debtor is a decedent's estate indicates that the collateral is being administered by a personal representative within the meaning of paragraph (b) of subsection 1 of NRS 104.9503. A financing statement which indicates that the debtor is a trust or a trustee acting with respect to property held in trust indicates that the collateral is held in a trust within the meaning of paragraph (c) of subsection 1 of NRS 104.9503.

Sec. 6. 1. The filing of an initial financing statement in the office specified in NRS 104.9501 continues the effectiveness of a financing statement filed before July 1, 2013, if:

- (a) The filing of an initial financing statement in that office would be effective to perfect a security interest under this article as amended;
- (b) The pre-effective-date financing statement was filed in an office in another state; and
- (c) The initial financing statement satisfies subsection 3.

2. The filing of an initial financing statement under subsection 1 continues the effectiveness of the pre-effective-date financing statement:

- (a) If the initial financing statement is filed before July 1, 2013, for the period provided in NRS 104.9515, as it existed before July 1, 2013, with respect to an initial financing statement; and
- (b) If the initial financing statement is filed on or after July 1, 2013, for the period provided in NRS 104.9515 with respect to an initial financing statement.

3. To be effective for purposes of subsection 1, an initial financing statement must:

- (a) Satisfy the requirements of part 5 for an initial financing statement;
- (b) Identify the pre-effective-date financing statement by indicating the office in which the financing statement was filed and providing the dates of filing and file numbers, if any, of the financing statement and of the most recent continuation statement filed with respect to the financing statement; and
- (c) Indicate that the pre-effective-date financing statement remains effective.

Sec. 7. 1. In this section, “pre-effective-date financing statement” means a financing statement filed before July 1, 2013.

2. On or after July 1, 2013, a person may add or delete collateral covered by, continue or terminate the effectiveness of, or otherwise amend the information provided in, a pre-effective-date financing statement only in accordance with the law of the jurisdiction governing perfection as provided in this article as amended. However, the effectiveness of a pre-effective-date financing statement also may be terminated in accordance with the law of the jurisdiction in which the financing statement is filed.

3. Except as otherwise provided in subsection 4, if the law of this State governs perfection of a security interest, the information in a pre-effective-date financing statement may be amended on or after July 1, 2013, only if:

(a) The pre-effective-date financing statement and an amendment are filed in the office specified in NRS 104.9501;

(b) An amendment is filed in the office specified in NRS 104.9501 concurrently with, or after the filing in that office of, an initial financing statement that satisfies subsection 3 of section 6 of this act; or

(c) An initial financing statement that provides the information as amended and satisfies subsection 3 of section 6 of this act is filed in the office specified in NRS 104.9501.

4. If the law of this State governs perfection of a security interest, the effectiveness of a pre-effective-date financing statement may be continued only under subsections 3 and 5 of section 5 of this act or section 6 of this act.

5. Whether or not the law of this State governs perfection of a security interest, the effectiveness of a pre-effective-date financing statement filed in this State may be terminated on or after July 1, 2013, by filing a termination statement in the office in which the pre-effective-date financing statement is filed, unless an initial financing statement that satisfies subsection 3 of section 6 of this act has been filed in the office specified by the law of the jurisdiction governing perfection as provided in this article as amended as the office in which to file a financing statement.

Sec. 8. A person may file an initial financing statement or a continuation statement under this part if:

1. The secured party of record authorizes the filing; and

2. The filing is necessary under this part:

(a) To continue the effectiveness of a financing statement filed before July 1, 2013; or

(b) To perfect or continue the perfection of a security interest.

Sec. 9. This article as amended determines the priority of conflicting claims to collateral. However, if the relative priorities of the claims were

established before July 1, 2013, this article before amendment determines priority.

Sec. 10. NRS 104.9102 is hereby amended to read as follows:

104.9102 1. In this Article:

(a) "Accession" means goods that are physically united with other goods in such a manner that the identity of the original goods is not lost.

(b) "Account," except as used in "account for," means a right to payment of a monetary obligation, whether or not earned by performance; for property that has been or is to be sold, leased, licensed, assigned, or otherwise disposed of; for services rendered or to be rendered; for a policy of insurance issued or to be issued; for a secondary obligation incurred or to be incurred; for energy provided or to be provided; for the use or hire of a vessel under a charter or other contract; arising out of the use of a credit or charge card or information contained on or for use with the card; or as winnings in a lottery or other game of chance operated or sponsored by a state, governmental unit of a state, or person licensed or authorized to operate the game by a state or governmental unit of a state. The term includes health-care-insurance receivables. The term does not include rights to payment evidenced by chattel paper or an instrument; commercial tort claims; deposit accounts; investment property; letter-of-credit rights or letters of credit; or rights to payment for money or funds advanced or sold, other than rights arising out of the use of a credit or charge card or information contained on or for use with the card.

(c) "Account debtor" means a person obligated on an account, chattel paper or general intangible. The term does not include persons obligated to pay a negotiable instrument, even if the instrument constitutes part of chattel paper.

(d) "Accounting," except as used in "accounting for," means a record:

(1) Authenticated by a secured party;

(2) Indicating the aggregate unpaid secured obligations as of a date not more than 35 days earlier or 35 days later than the date of the record; and

(3) Identifying the components of the obligations in reasonable detail.

(e) "Agricultural lien" means an interest, other than a security interest, in farm products:

(1) Which secures payment or performance of an obligation for:

(I) Goods or services furnished in connection with a debtor's farming operation; or

(II) Rent on real property leased by a debtor in connection with its farming operation;

(2) Which is created by statute in favor of a person that:

(I) In the ordinary course of its business furnished goods or services to a debtor in connection with his or her farming operation; or

(II) Leased real property to a debtor in connection with his or her farming operation; and

(3) Whose effectiveness does not depend on the person's possession of the personal property.

(f) "As-extracted collateral" means:

(1) Oil, gas or other minerals that are subject to a security interest that:

(I) Is created by a debtor having an interest in the minerals before extraction; and

(II) Attaches to the minerals as extracted; or

(2) Accounts arising out of the sale at the wellhead or minehead of oil, gas or other minerals in which the debtor had an interest before extraction.

(g) "Authenticate" means:

(1) To sign; or

(2) ~~[To execute or otherwise adopt a symbol, or encrypt or similarly process a record in whole or in part, with the present intent of the authenticating person to identify himself or herself and adopt or accept a record.]~~ **With present intent to adopt or accept a record, to attach to or logically associate with the record an electronic sound, symbol or process.**

(h) "Bank" means an organization that is engaged in the business of banking. The term includes savings banks, savings and loan associations, credit unions and trust companies.

(i) "Cash proceeds" means proceeds that are money, checks, deposit accounts or the like.

(j) "Certificate of title" means a certificate of title with respect to which a statute provides for the security interest in question to be indicated on the certificate as a condition or result of the security interest's obtaining priority over the rights of a lien creditor with respect to the collateral. ***The term includes another record maintained as an alternative to a certificate of title by the governmental unit that issues certificates of title if a statute permits the security interest in question to be indicated on the record as a condition or result of the security interest's obtaining priority over the rights of a lien creditor with respect to the collateral.***

(k) "Chattel paper" means a record or records that evidence both a monetary obligation and a security interest in or a lease of specific goods or of specific goods and software used in the goods, or a security interest in or a lease of specific goods and a license of software used in the goods. The term does not include charters or other contracts involving the use or hire of a vessel, or records that evidence a right to payment arising out of the use of a credit or charge card or information contained on or for use with the card. If a transaction is evidenced by records that include an instrument or series of instruments, the group of records taken together constitutes chattel paper. As used in this paragraph, "monetary obligation" means a monetary obligation

secured by the goods or owed under a lease of the goods and includes a monetary obligation with respect to software used in the goods.

(l) “Collateral” means the property subject to a security interest or agricultural lien. The term includes:

- (1) Proceeds to which a security interest attaches;
- (2) Accounts, chattel paper, payment intangibles and promissory notes that have been sold; and
- (3) Goods that are the subject of a consignment.

(m) “Commercial tort claim” means a claim arising in tort with respect to which:

- (1) The claimant is an organization; or
- (2) The claimant is a natural person and the claim:
 - (I) Arose in the course of the claimant’s business or profession; and
 - (II) Does not include damages arising out of personal injury to or the death of a natural person.

(n) “Commodity account” means an account maintained by a commodity intermediary in which a commodity contract is carried for a commodity customer.

(o) “Commodity contract” means a commodity futures contract, an option on a commodity futures contract, a commodity option or another contract if the contract or option is:

- (1) Traded on or subject to the rules of a board of trade that has been designated as a contract market for such a contract pursuant to federal commodities laws; or
- (2) Traded on a foreign commodity board of trade, exchange or market, and is carried on the books of a commodity intermediary for a commodity customer.

(p) “Commodity customer” means a person for which a commodity intermediary carries a commodity contract on its books.

(q) “Commodity intermediary” means a person that:

- (1) Is registered as a futures commission merchant under federal commodities law; or
- (2) In the ordinary course of its business provides clearance or settlement services for a board of trade that has been designated as a contract market pursuant to federal commodities law.

(r) “Communicate” means:

- (1) To send a written or other tangible record;
- (2) To transmit a record by any means agreed upon by the persons sending and receiving the record; or
- (3) In the case of transmission of a record to or by a filing office, to transmit a record by any means prescribed by filing-office rule.

(s) “Consignee” means a merchant to which goods are delivered in a consignment.

(t) “Consignment” means a transaction, regardless of its form, in which a person delivers goods to a merchant for the purpose of sale and:

(1) The merchant:

(I) Deals in goods of that kind under a name other than the name of the person making delivery;

(II) Is not an auctioneer; and

(III) Is not generally known by its creditors to be substantially engaged in selling the goods of others;

(2) With respect to each delivery, the aggregate value of the goods is \$1,000 or more at the time of delivery;

(3) The goods are not consumer goods immediately before delivery; and

(4) The transaction does not create a security interest that secures an obligation.

(u) “Consignor” means a person that delivers goods to a consignee in a consignment.

(v) “Consumer debtor” means a debtor in a consumer transaction.

(w) “Consumer goods” means goods that are used or bought for use primarily for personal, family or household purposes.

(x) “Consumer-goods transaction” means a consumer transaction to the extent that:

(1) A natural person incurs an obligation primarily for personal, family or household purposes; and

(2) A security interest in consumer goods or in consumer goods and software that is held or acquired primarily for personal, family or household purposes secures the obligation.

(y) “Consumer obligor” means an obligor who is a natural person and who incurred the obligation as part of a transaction entered into primarily for personal, family or household purposes.

(z) “Consumer transaction” means a transaction to the extent that a natural person incurs an obligation primarily for personal, family or household purposes; a security interest secures the obligation; and the collateral is held or acquired primarily for personal, family or household purposes. The term includes consumer-goods transactions.

(aa) “Continuation statement” means a change of a financing statement which:

(1) Identifies, by its file number, the initial financing statement to which it relates; and

(2) Indicates that it is a continuation statement for, or that it is filed to continue the effectiveness of, the identified financing statement.

(bb) “Debtor” means:

(1) A person having an interest, other than a security interest or other lien, in the collateral, whether or not the person is an obligor;

(2) A seller of accounts, chattel paper, payment intangibles or promissory notes; or

(3) A consignee.

(cc) "Deposit account" means a demand, time, savings, passbook or similar account maintained with a bank. The term does not include investment property or accounts evidenced by an instrument.

(dd) "Document" means a document of title or a receipt of the type described in subsection 2 of NRS 104.7201.

(ee) "Electronic chattel paper" means chattel paper evidenced by a record or records consisting of information stored in an electronic medium.

(ff) "Encumbrance" means a right, other than an ownership interest, in real property. The term includes mortgages and other liens on real property.

(gg) "Equipment" means goods other than inventory, farm products or consumer goods.

(hh) "Farm products" means goods, other than standing timber, with respect to which the debtor is engaged in a farming operation and which are:

(1) Crops grown, growing or to be grown, including:

(I) Crops produced on trees, vines and bushes; and

(II) Aquatic goods produced in aquacultural operations;

(2) Livestock, born or unborn, including aquatic goods produced in aquacultural operations;

(3) Supplies used or produced in a farming operation; or

(4) Products of crops or livestock in their unmanufactured states.

(ii) "Farming operation" means raising, cultivating, propagating, fattening, grazing, or any other farming, livestock, or aquacultural operation.

(jj) "File number" means the number assigned to an initial financing statement pursuant to subsection 1 of NRS 104.9519.

(kk) "Filing office" means an office designated in NRS 104.9501 as the place to file a financing statement.

(ll) "Filing-office rule" means a rule adopted pursuant to NRS 104.9526.

(mm) "Financing statement" means a record or records composed of an initial financing statement and any filed record relating to the initial financing statement.

(nn) "Fixture filing" means the filing of a financing statement covering goods that are or are to become fixtures and satisfying subsections 1 and 2 of NRS 104.9502. The term includes the filing of a financing statement covering goods of a transmitting utility which are or are to become fixtures.

(oo) "Fixtures" means goods that have become so related to particular real property that an interest in them arises under real property law.

(pp) “General intangible” means any personal property, including things in action, other than accounts, chattel paper, commercial tort claims, deposit accounts, documents, goods, instruments, investment property, letter-of-credit rights, letters of credit, money, and oil, gas or other minerals before extraction. The term includes payment intangibles and software.

(qq) “Goods” means all things that are movable when a security interest attaches. The term includes fixtures; standing timber that is to be cut and removed under a conveyance or contract for sale; the unborn young of animals; crops grown, growing, or to be grown, even if the crops are produced on trees, vines, or bushes; and manufactured homes. The term also includes a computer program embedded in goods and any supporting information provided in connection with a transaction relating to the program if the program is associated with the goods in such a manner that it customarily is considered part of the goods, or by becoming the owner of the goods, a person acquires a right to use the program in connection with the goods. The term does not include a computer program embedded in goods that consist solely of the medium in which the program is embedded. The term also does not include accounts, chattel paper, commercial tort claims, deposit accounts, documents, general intangibles, instruments, investment property, letter-of-credit rights, letters of credit, money, or oil, gas or other minerals before extraction.

(rr) “Governmental unit” means a subdivision, agency, department, county, parish, municipality, or other unit of the government of the United States, a state, or a foreign country. The term includes an organization having a separate corporate existence if the organization is eligible to issue debt on which interest is exempt from income taxation under the laws of the United States.

(ss) “Health-care-insurance receivable” means an interest in or claim under a policy of insurance which is a right to payment of a monetary obligation for health-care goods or services provided.

(tt) “Instrument” means a negotiable instrument or any other writing that evidences a right to the payment of a monetary obligation, is not itself a security agreement or lease, and is of a type that in ordinary course of business is transferred by delivery with any necessary endorsement or assignment. The term does not include investment property, letters of credit or writings that evidence a right to payment arising out of the use of a credit or charge card or information contained on or for use with the card.

(uu) “Inventory” means goods, other than farm products, which:

- (1) Are leased by a person as lessor;
- (2) Are held by a person for sale or lease or to be furnished under a contract of service;
- (3) Are furnished by a person under a contract of service; or

(4) Consist of raw materials, work in process, or materials used or consumed in a business.

(vv) “Investment property” means a security, whether certificated or uncertificated, security entitlement, securities account, commodity contract, or commodity account.

(ww) “Jurisdiction of organization,” with respect to a registered organization, means the jurisdiction under whose law the organization is **formed or** organized.

(xx) “Letter-of-credit right” means a right to payment or performance under a letter of credit, whether or not the beneficiary has demanded or is at the time entitled to demand payment or performance. The term does not include the right of a beneficiary to demand payment or performance under a letter of credit.

(yy) “Lien creditor” means:

(1) A creditor that has acquired a lien on the property involved by attachment, levy or the like;

(2) An assignee for benefit of creditors from the time of assignment;

(3) A trustee in bankruptcy from the date of the filing of the petition; or

(4) A receiver in equity from the time of appointment.

(zz) “Manufactured home” means a structure, transportable in one or more sections, which in the traveling mode, is 8 feet or more in body width or 40 feet or more in body length, or, when erected on-site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein. The term includes any structure that meets all of the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the United States Secretary of Housing and Urban Development and complies with the standards established under Title 42 of the United States Code.

(aaa) “Manufactured-home transaction” means a secured transaction:

(1) That creates a purchase-money security interest in a manufactured home, other than a manufactured home held as inventory; or

(2) In which a manufactured home, other than a manufactured home held as inventory, is the primary collateral.

(bbb) “Mortgage” means a consensual interest in real property, including fixtures, which is created by a mortgage, deed of trust, or similar transaction.

(ccc) “New debtor” means a person that becomes bound as debtor under subsection 4 of NRS 104.9203 by a security agreement previously entered into by another person.

(ddd) “New value” means money; money’s worth in property, services or new credit; or release by a transferee of an interest in property previously transferred to the transferee. The term does not include an obligation substituted for another obligation.

(eee) “Noncash proceeds” means proceeds other than cash proceeds.

(fff) “Obligor” means a person that, with respect to an obligation secured by a security interest in or an agricultural lien on the collateral, owes payment or other performance of the obligation, has provided property other than the collateral to secure payment or other performance of the obligation, or is otherwise accountable in whole or in part for payment or other performance of the obligation. The term does not include an issuer or a nominated person under a letter of credit.

(ggg) “Original debtor” means, except as used in subsection 3 of NRS 104.9310, a person that, as debtor, entered into a security agreement to which a new debtor has become bound under subsection 4 of NRS 104.9203.

(hhh) “Payment intangible” means a general intangible under which the account debtor’s principal obligation is a monetary obligation.

(iii) “Person related to,” with respect to a natural person, means:

- (1) The person’s spouse;
- (2) The person’s brother, brother-in-law, sister or sister-in-law;
- (3) The person’s or the person’s spouse’s ancestor or lineal descendant;

or

(4) Any other relative, by blood or marriage, of the person or the person’s spouse who shares the same home with him or her.

(jjj) “Person related to,” with respect to an organization, means:

(1) A person directly or indirectly controlling, controlled by or under common control with the organization;

(2) An officer or director of, or a person performing similar functions with respect to, the organization;

(3) An officer or director of, or a person performing similar functions with respect to, a person described in subparagraph (1);

(4) The spouse of a natural person described in subparagraph (1), (2) or (3); or

(5) A person who is related by blood or marriage to a person described in subparagraph (1), (2), (3) or (4) and shares the same home with that person.

(kkk) “Proceeds” means, except as used in subsection 2 of NRS 104.9609, the following property:

(1) Whatever is acquired upon the sale, lease, license, exchange or other disposition of collateral;

(2) Whatever is collected on, or distributed on account of, collateral;

(3) Rights arising out of collateral;

(4) To the extent of the value of collateral, claims arising out of the loss, nonconformity, or interference with the use of, defects or infringement of rights in, or damage to, the collateral; and

(5) To the extent of the value of collateral and to the extent payable to the debtor or the secured party, insurance payable by reason of the loss or nonconformity of, defects or infringement of rights in, or damage to, the collateral.

(lll) “Promissory note” means an instrument that evidences a promise to pay a monetary obligation, does not evidence an order to pay, and does not contain an acknowledgment by a bank that the bank has received for deposit a sum of money or funds.

(mmm) “Proposal” means a record authenticated by a secured party which includes the terms on which the secured party is willing to accept collateral in full or partial satisfaction of the obligation it secures pursuant to NRS 104.9620, 104.9621 and 104.9622.

(nnn) “Public-finance transaction” means a secured transaction in connection with which:

(1) Debt securities are issued;

(2) All or a portion of the securities issued have an initial stated maturity of at least 20 years; and

(3) The debtor, the obligor, the secured party, the account debtor or other person obligated on collateral, the assignor or assignee of a secured obligation, or the assignor or assignee of a security interest is a state or a governmental unit of a state.

(ooo) ***“Public organic record” means a record that is available to the public for inspection and is:***

(1) A record consisting of the record initially filed with or issued by a state or the United States to form or organize an organization and any record filed with or issued by the state or the United States which amends or restates the initial record;

(2) An organic record of a business trust consisting of the record initially filed with a state and any record filed with the state which amends or restates the initial record, if a statute of the state governing business trusts requires that the record be filed with the state; or

(3) A record consisting of legislation enacted by the legislature of a state or the Congress of the United States which forms or organizes an organization, any record amending the legislation and any record filed with or issued by the state or the United States which amends or restates the name of the organization.

(ppp) “Pursuant to commitment,” with respect to an advance made or other value given by a secured party, means pursuant to the secured party’s obligation, whether or not a subsequent event of default or other event not

within the secured party's control has relieved or may relieve the secured party from its obligation.

~~[(ppp)]~~ **(qqq)** "Record," except as used in "for record," "of record," "record or legal title," and "record owner," means information that is inscribed on a tangible medium or which is stored in an electronic or other medium and is retrievable in perceivable form.

~~[(qqq)]~~ **(rrr)** "Registered organization" means an organization **formed or** organized solely under the law of a single state or the United States ~~and as to which the state or the United States must maintain a public record showing the organization to have been organized.~~

~~[(rrr)]~~ **by the filing of a public organic record with, the issuance of a public organic record by, or the enactment of legislation by the state or the United States. The term includes a business trust that is formed or organized under the law of a single state if a statute of the state governing business trusts requires that the business trust's organic record be filed with the state.**

(sss) "Secondary obligor" means an obligor to the extent that:

- (1) The obligor's obligation is secondary; or
- (2) The obligor has a right of recourse with respect to an obligation secured by collateral against the debtor, another obligor or property of either.

~~[(sss)]~~ **(ttt)** "Secured party" means:

- (1) A person in whose favor a security interest is created or provided for under a security agreement, whether or not any obligation to be secured is outstanding;
- (2) A person that holds an agricultural lien;
- (3) A consignor;
- (4) A person to which accounts, chattel paper, payment intangibles or promissory notes have been sold;
- (5) A trustee, indenture trustee, agent, collateral agent or other representative in whose favor a security interest or agricultural lien is created or provided for; or

(6) A person that holds a security interest arising under NRS 104.2401, 104.2505, subsection 3 of NRS 104.2711, NRS 104.4210, 104.5118 or subsection 5 of NRS 104A.2508.

~~[(ttt)]~~ **(uuu)** "Security agreement" means an agreement that creates or provides for a security interest.

~~[(uuu)]~~ **(vvv)** "Send," in connection with a record or notification, means:

- (1) To deposit in the mail, deliver for transmission or transmit by any other usual means of communication, with postage or cost of transmission provided for, addressed to any address reasonable under the circumstances; or

(2) To cause the record or notification to be received within the time that it would have been received if properly sent under subparagraph (1).

~~[(www)]~~ **(www)** “Software” means a computer program and any supporting information provided in connection with a transaction relating to the program. The term does not include a computer program that is contained in goods unless the goods are a computer or computer peripheral.

~~[(www)]~~ **(xxx)** “State” means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

~~[(xxx)]~~ **(yyy)** “Supporting obligation” means a letter-of-credit right or secondary obligation that supports the payment or performance of an account, chattel paper, document, general intangible, instrument or investment property.

~~[(yyy)]~~ **(zzz)** “Tangible chattel paper” means chattel paper evidenced by a record or records consisting of information that is inscribed on a tangible medium.

~~[(zzz)]~~ **(aaaa)** “Termination statement” means a subsequent filing which:

(1) Identifies, by its file number, the initial financing statement to which it relates; and

(2) Indicates either that it is a termination statement or that the identified financing statement is no longer effective.

~~[(aaaa)]~~ **(bbbb)** “Transmitting utility” means a person primarily engaged in the business of:

(1) Operating a railroad, subway, street railway or trolley bus;

(2) Transmitting communications electrically, electromagnetically or by light;

(3) Transmitting goods by pipeline;

(4) Providing sewerage; or

(5) Transmitting or producing and transmitting electricity, steam, gas or water.

2. “Control” as provided in NRS 104.7106 and the following definitions in other Articles apply to this Article:

“Applicant.” NRS 104.5102.

“Beneficiary.” NRS 104.5102.

“Broker.” NRS 104.8102.

“Certificated security.” NRS 104.8102.

“Check.” NRS 104.3104.

“Clearing corporation.” NRS 104.8102.

“Contract for sale.” NRS 104.2106.

“Customer.” NRS 104.4104.

“Entitlement holder.” NRS 104.8102.

“Financial asset.” NRS 104.8102.

“Holder in due course.” NRS 104.3302.
 “Issuer” (with respect to a letter of credit or letter-of-credit right). NRS 104.5102.
 “Issuer” (with respect to a security). NRS 104.8201.
 “Issuer” (with respect to documents of title). NRS 104.7102.
 “Lease.” NRS 104A.2103.
 “Lease agreement.” NRS 104A.2103.
 “Lease contract.” NRS 104A.2103.
 “Leasehold interest.” NRS 104A.2103.
 “Lessee.” NRS 104A.2103.
 “Lessee in ordinary course of business.” NRS 104A.2103.
 “Lessor.” NRS 104A.2103.
 “Lessor’s residual interest.” NRS 104A.2103.
 “Letter of credit.” NRS 104.5102.
 “Merchant.” NRS 104.2104.
 “Negotiable instrument.” NRS 104.3104.
 “Nominated person.” NRS 104.5102.
 “Note.” NRS 104.3104.
 “Proceeds of a letter of credit.” NRS 104.5114.
 “Prove.” NRS 104.3103.
 “Sale.” NRS 104.2106.
 “Securities account.” NRS 104.8501.
 “Securities intermediary.” NRS 104.8102.
 “Security.” NRS 104.8102.
 “Security certificate.” NRS 104.8102.
 “Security entitlement.” NRS 104.8102.
 “Uncertificated security.” NRS 104.8102.

3. Article 1 contains general definitions and principles of construction and interpretation applicable throughout this Article.

Sec. 11. NRS 104.9105 is hereby amended to read as follows:

104.9105 **1.** A secured party has control of electronic chattel paper if ***a system employed for evidencing the transfer of interests in the chattel paper reliably establishes the secured party as the person to which the chattel paper was assigned.***

2. ***A system satisfies subsection 1 if*** the record or records comprising the chattel paper are created, stored and assigned in such a manner that:

~~{1-}~~ **(a)** A single authoritative copy of the record or records exists which is unique, identifiable and, except as otherwise provided in ~~{subsections 4, 5 and 6-}~~ **paragraphs (d), (e) and (f)**, unalterable;

~~{2-}~~ **(b)** The authoritative copy identifies the secured party as the assignee of the record or records;

~~{3.}~~ (c) The authoritative copy is communicated to and maintained by the secured party or its designated custodian;

~~{4.}~~ (d) Copies or ~~{revisions}~~ **amendments** that add or change an identified assignee of the authoritative copy can be made only with the ~~{participation}~~ **consent** of the secured party;

~~{5.}~~ (e) Each copy of the authoritative copy and any copy of a copy is readily identifiable as a copy that is not the authoritative copy; and

~~{6.}~~ (f) Any ~~{revision}~~ **amendment** of the authoritative copy is readily identifiable as ~~{an}~~ authorized or unauthorized ~~{revision}~~.

Sec. 12. NRS 104.9307 is hereby amended to read as follows:

104.9307 1. In this section, “place of business” means a place where a debtor conducts its affairs.

2. Except as otherwise provided in this section, the following rules determine a debtor’s location:

(a) A natural person is located at his or her residence.

(b) Any other debtor having only one place of business is located at its place of business.

(c) Any other debtor having more than one place of business is located at its chief executive office.

3. Subsection 2 applies only if a debtor’s residence, place of business or chief executive office, as applicable, is located in a jurisdiction whose law requires information concerning the existence of a nonpossessory security interest to be made generally available in a filing, recording or registration system as a condition or result of the security interest’s obtaining priority over the rights of a lien creditor with respect to the collateral. If subsection 2 does not apply, the debtor is deemed to be located in the District of Columbia.

4. A person that ceases to exist, have a residence or have a place of business continues to be located in the jurisdiction specified by subsections 2 and 3.

5. A registered organization that is organized under the law of a state is located in that state.

6. Except as otherwise provided in subsection 9, a registered organization that is organized under the law of the United States and a branch or agency of a bank that is not organized under the law of the United States or a state are located or deemed to be located:

(a) In the state that the law of the United States designates, if the law designates a state of location;

(b) In the state that the registered organization, branch or agency designates, if the law of the United States authorizes the registered organization, branch or agency to designate its state of location ~~{ }~~ ,

including by designating its main office, home office or other comparable office; or

(c) In the District of Columbia, if neither paragraph (a) nor paragraph (b) applies.

7. A registered organization continues to be located in the jurisdiction specified by subsection 5 or 6 notwithstanding:

(a) The suspension, revocation, forfeiture or lapse of the registered organization's status as such in its jurisdiction of organization; or

(b) The dissolution, winding up or cancellation of the existence of the registered organization.

8. The United States is deemed to be located in the District of Columbia.

9. A branch or agency of a bank that is not organized under the law of the United States or a state is located in the state in which the branch or agency is licensed, if all branches and agencies of the bank are licensed in only one state.

10. A foreign air carrier under the Federal Aviation Act of 1958, as amended, is located at the designated office of the agent upon which service of process may be made on behalf of the carrier.

11. This section applies only for purposes of this part.

Sec. 13. NRS 104.9311 is hereby amended to read as follows:

104.9311 1. Except as otherwise provided in subsection 4, the filing of a financing statement is not necessary or effective to perfect a security interest in property subject to:

(a) A statute, regulation or treaty of the United States whose requirements for a security interest's obtaining priority over the rights of a lien creditor with respect to the property preempt subsection 1 of NRS 104.9310;

(b) Chapter 105 of NRS, NRS 482.423 to 482.431, inclusive, 488.1793 to 488.1827, inclusive, and 489.501 to 489.581, inclusive; or

(c) A ~~certificate of title~~ statute of another jurisdiction which provides for a security interest to be indicated on ~~the~~ **a certificate of title** as a condition or result of the security interest's obtaining priority over the rights of a lien creditor with respect to the property.

2. Compliance with the requirements of a statute, regulation or treaty described in subsection 1 for obtaining priority over the rights of a lien creditor is equivalent to the filing of a financing statement under this article. Except as otherwise provided in subsection 4, NRS 104.9313 and subsections 4 and 5 of NRS 104.9316 for goods covered by a certificate of title, a security interest in property subject to a statute, regulation or treaty described in subsection 1 may be perfected only by compliance with those requirements, and a security interest so perfected remains perfected notwithstanding a change in the use or transfer of possession of the collateral.

3. Except as otherwise provided in subsection 4 and subsections 4 and 5 of NRS 104.9316, duration and renewal of perfection of a security interest perfected by compliance with the requirements prescribed by a statute, regulation or treaty described in subsection 1 are governed by the statute, regulation or treaty. In other respects, the security interest is subject to this article.

4. During any period in which collateral subject to a statute specified in paragraph (b) of subsection 1 is inventory held for sale or lease by a person or leased by that person as lessor and that person is in the business of selling goods of that kind, this section does not apply to a security interest in that collateral created by that person.

Sec. 14. NRS 104.9316 is hereby amended to read as follows:

104.9316 1. A security interest perfected pursuant to the law of the jurisdiction designated in subsection 1 of NRS 104.9301 or subsection 3 of NRS 104.9305 remains perfected until the earliest of:

(a) The time perfection would have ceased under the law of that jurisdiction;

(b) The expiration of 4 months after a change of the debtor's location to another jurisdiction; or

(c) The expiration of 1 year after a transfer of collateral to a person that thereby becomes a debtor and is located in another jurisdiction.

2. If a security interest described in subsection 1 becomes perfected under the law of the other jurisdiction before the earliest time or event described in that subsection, it remains perfected thereafter. If the security interest does not become perfected under the law of the other jurisdiction before the earliest time or event, it becomes unperfected and is deemed never to have been perfected as against a purchaser of the collateral for value.

3. A possessory security interest in collateral, other than goods covered by a certificate of title and as-extracted collateral consisting of goods, remains continuously perfected if:

(a) The collateral is located in one jurisdiction and subject to a security interest perfected under the law of that jurisdiction;

(b) Thereafter the collateral is brought into another jurisdiction; and

(c) Upon entry into the other jurisdiction, the security interest is perfected under the law of the other jurisdiction.

4. Except as otherwise provided in subsection 5, a security interest in goods covered by a certificate of title which is perfected by any method under the law of another jurisdiction when the goods become covered by a certificate of title from this State remains perfected until the security interest would have become unperfected under the law of the other jurisdiction had the goods not become so covered.

5. A security interest described in subsection 4 becomes unperfected as against a purchaser of the goods for value and is deemed never to have been perfected as against a purchaser of the goods for value if the applicable requirements for perfection under subsection 2 of NRS 104.9311 or under NRS 104.9313 are not satisfied before the earlier of:

(a) The time the security interest would have become unperfected under the law of the other jurisdiction had the goods not become covered by a certificate of title from this State; or

(b) The expiration of 4 months after the goods had become so covered.

6. A security interest in deposit accounts, letter-of-credit rights or investment property which is perfected under the law of the bank's jurisdiction, the issuer's jurisdiction, a nominated person's jurisdiction, the securities intermediary's jurisdiction or the commodity intermediary's jurisdiction, as applicable, remains perfected until the earlier of:

(a) The time the security interest would have become unperfected under the law of that jurisdiction; or

(b) The expiration of 4 months after a change of the applicable jurisdiction to another jurisdiction.

7. If a security interest described in subsection 6 becomes perfected under the law of the other jurisdiction before the earlier of the time or the end of the period described in that subsection, it remains perfected thereafter. If the security interest does not become perfected under the law of the other jurisdiction before the earlier of that time or the end of that period, it becomes unperfected and is deemed never to have been perfected as against a purchaser of the collateral for value.

8. The following rules apply to collateral to which a security interest attaches within 4 months after the debtor changes its location to another jurisdiction:

(a) A financing statement filed before the change pursuant to the law of the jurisdiction designated in subsection 1 of NRS 104.9301 or subsection 3 of NRS 104.9305 is effective to perfect a security interest in the collateral if the financing statement would have been effective to perfect a security interest in the collateral if the debtor had not changed its location.

(b) If a security interest perfected by a financing statement that is effective under paragraph (a) becomes perfected under the law of the other jurisdiction before the earlier of the time the financing statement would have become ineffective under the law of the jurisdiction designated in subsection 1 of NRS 104.9301 or subsection 3 of NRS 104.9305 or the expiration of the 4-month period, it remains perfected thereafter. If the security interest does not become perfected under the law of the other jurisdiction before the earlier time or event, it becomes unperfected and is

deemed never to have been perfected as against a purchaser of the collateral for value.

9. *If a financing statement naming an original debtor is filed pursuant to the law of the jurisdiction designated in subsection 1 of NRS 104.9301 or subsection 3 of NRS 104.9305 and the new debtor is located in another jurisdiction, the following rules apply:*

(a) *The financing statement is effective to perfect a security interest in collateral acquired by the new debtor before, and within 4 months after, the new debtor becomes bound under subsection 4 of NRS 104.9203, if the financing statement would have been effective to perfect a security interest in the collateral had the collateral been acquired by the original debtor.*

(b) *A security interest perfected by the financing statement which becomes perfected under the law of the other jurisdiction before the earlier of the time the financing statement would have become ineffective under the law of the jurisdiction designated in subsection 1 of NRS 104.9301 or subsection 3 of NRS 104.9305 or the expiration of the 4-month period remains perfected thereafter. A security interest that is perfected by the financing statement but which does not become perfected under the law of the other jurisdiction before the earlier time or event becomes unperfected and is deemed never to have been perfected as against a purchaser of the collateral for value.*

Sec. 15. NRS 104.9317 is hereby amended to read as follows:

104.9317 1. A security interest or agricultural lien is subordinate to the rights of:

- (a) A person entitled to priority under NRS 104.9322; and
- (b) A person that becomes a lien creditor before the earlier of the time:

- (1) The security interest or agricultural lien is perfected; or
- (2) One of the conditions specified in paragraph (c) of subsection 2 of NRS 104.9203 is met and a financing statement covering the collateral is filed.

2. Except as otherwise provided in subsection 5, a buyer, other than a secured party, of tangible chattel paper, tangible documents, goods, instruments, or a ~~security certificate~~ **certificated security** takes free of a security interest or agricultural lien if the buyer gives value and receives delivery of the collateral without knowledge of the security interest or agricultural lien and before it is perfected.

3. Except as otherwise provided in subsection 5, a lessee of goods takes free of a security interest or agricultural lien if the lessee gives value and receives delivery of the collateral without knowledge of the security interest or agricultural lien and before it is perfected.

4. A licensee of a general intangible or a buyer, other than a secured party, of ~~accounts, electronic chattel paper, electronic documents, general~~

~~intangibles or investment property]~~ **collateral** other than **tangible chattel paper, tangible documents, goods, instruments or** a certificated security takes free of a security interest if the licensee gives value without knowledge of the security interest and before it is perfected.

5. Except as otherwise provided in NRS 104.9320 and 104.9321, if a person files a financing statement with respect to a purchase-money security interest before or within 20 days after the debtor receives delivery of the collateral, the security interest takes priority over the rights of a buyer, lessee or lien creditor which arise between the time the security interest attaches and the time of filing.

Sec. 16. NRS 104.9326 is hereby amended to read as follows:

104.9326 1. Subject to subsection 2, a security interest **that is** created by a new debtor ~~[which is] in collateral in which the new debtor has or acquires rights and is~~ perfected **solely** by a filed financing statement that ~~is effective solely under NRS 104.9508 in collateral in which a new debtor has or acquires rights]~~ **would be ineffective to perfect the security interest but for the application of paragraph (a) of subsection 9 of NRS 104.9316 or NRS 104.9508** is subordinate to a security interest in the same collateral which is perfected other than by **such** a filed financing statement . ~~[that is effective solely under that section.]~~

2. The other provisions of this part determine the priority among conflicting security interests in the same collateral perfected by filed financing statements ~~[that are effective solely under NRS 104.9508.]~~ **described in subsection 1.** However, if the security agreements to which a new debtor became bound as debtor were not entered into by the same original debtor, the conflicting security interests rank according to priority in time of the new debtor's having become bound.

Sec. 17. NRS 104.9406 is hereby amended to read as follows:

104.9406 1. Subject to subsections 2 to 8, inclusive, an account debtor on an account, chattel paper or a payment intangible may discharge its obligation by paying the assignor until, but not after, the account debtor receives a notification, authenticated by the assignor or the assignee, that the amount due or to become due has been assigned and that payment is to be made to the assignee. After receipt of the notification, the account debtor may discharge its obligation by paying the assignee and may not discharge the obligation by paying the assignor.

2. Subject to subsection 8, notification is ineffective under subsection 1:

- (a) If it does not reasonably identify the rights assigned;
 - (b) To the extent that an agreement between an account debtor and a seller of a payment intangible limits the account debtor's duty to pay a person other than the seller and the limitation is effective under law other than this article;
- or

(c) At the option of an account debtor, if the notification notifies the account debtor to make less than the full amount of any installment or other periodic payment to the assignee, even if:

- (1) Only a portion of the account, chattel paper or payment intangible has been assigned to that assignee;
- (2) A portion has been assigned to another assignee; or
- (3) The account debtor knows that the assignment to that assignee is limited.

3. Subject to subsection 8, if requested by the account debtor, an assignee shall seasonably furnish reasonable proof that the assignment has been made. Unless the assignee complies, the account debtor may discharge its obligation by paying the assignor, even if the account debtor has received a notification under subsection 1.

4. Except as otherwise provided in subsection 5 and NRS 104.9407 and 104A.2303, and subject to subsection 8, a term in an agreement between an account debtor and an assignor or in a promissory note is ineffective to the extent that it:

- (a) Prohibits, restricts or requires the consent of the account debtor or person obligated on the promissory note to the assignment or transfer of, or the creation, attachment, perfection or enforcement of a security interest in, the account, chattel paper, payment intangible or promissory note; or
- (b) Provides that the assignment or transfer, or the creation, attachment, perfection or enforcement of the security interest may give rise to a default, breach, right of recoupment, claim, defense, termination, right of termination, or remedy under the account, chattel paper, payment intangible or promissory note.

5. Subsection 4 does not apply to the sale of a payment intangible or promissory note ~~+~~ , ***other than a sale pursuant to a disposition under NRS 104.9610 or an acceptance of collateral under NRS 104.9620.***

6. Subject to subsections 7 and 8, a rule of law, statute, or regulation, that prohibits, restricts, or requires the consent of a government, governmental body or official, or account debtor to the assignment or transfer of, or creation of a security interest in, an account or chattel paper is ineffective to the extent that the rule of law, statute or regulation:

- (a) Prohibits, restricts, or requires the consent of the government, governmental body or official, or account debtor to the assignment or transfer of, or the creation, attachment, perfection, or enforcement of a security interest in, the account or chattel paper; or
- (b) Provides that the assignment or transfer, or the creation, attachment, perfection, or enforcement of the security interest may give rise to a default, breach, right of recoupment, claim, defense, termination, right of termination, or remedy under the account or chattel paper.

7. Subject to subsection 8, an account debtor may not waive or vary its option under paragraph (c) of subsection 2.

8. This section is subject to law other than this article which establishes a different rule for an account debtor who is ~~an individual~~ **a natural person** and who incurred the obligation primarily for personal, family or household purposes.

9. This section does not apply to an assignment of a health-care-insurance receivable or to a transfer of a right to receive payments pursuant to NRS 42.030.

Sec. 18. NRS 104.9408 is hereby amended to read as follows:

104.9408 1. Except as otherwise provided in subsection 2, a term in a promissory note or in an agreement between an account debtor and a debtor which relates to a health-care-insurance receivable or a general intangible, including a contract, permit, license or franchise, and prohibits, restricts or requires the consent of the person obligated on the promissory note or the account debtor to, the assignment or transfer of, or creation, attachment, or perfection of a security interest in, the promissory note, health-care-insurance receivable or general intangible, is ineffective to the extent that the term:

(a) Would impair the creation, attachment or perfection of a security interest; or

(b) Provides that the assignment or transfer, or the creation, attachment or perfection of the security interest may give rise to a default, breach, right of recoupment, claim, defense, termination, right of termination or remedy under the promissory note, health-care-insurance receivable or general intangible.

2. Subsection 1 applies to a security interest in a payment intangible or promissory note only if the security interest arises out of a sale of the payment intangible or promissory note ~~[-]~~, **other than a sale pursuant to a disposition under NRS 104.9610 or an acceptance of collateral under NRS 104.9620.**

3. A rule of law, statute, or regulation that prohibits, restricts, or requires the consent of a government, governmental body or official, person obligated on a promissory note, or account debtor to the assignment or transfer of, or creation of a security interest in, a promissory note, health-care-insurance receivable or general intangible, including a contract, permit, license or franchise between an account debtor and a debtor, is ineffective to the extent that the rule of law, statute or regulation:

(a) Would impair the creation, attachment or perfection of a security interest; or

(b) Provides that the assignment or transfer, or the creation, attachment or perfection of the security interest may give rise to a default, breach, right of recoupment, claim, defense, termination, right of termination or remedy

under the promissory note, health-care-insurance receivable or general intangible.

4. To the extent that a term in a promissory note or in an agreement between an account debtor and a debtor which relates to a health-care-insurance receivable or general intangible or a rule of law, statute, or regulation described in subsection 3 would be effective under law other than this article but is ineffective under subsection 1 or 3, the creation, attachment or perfection of a security interest in the promissory note, health-care-insurance receivable or general intangible:

(a) Is not enforceable against the person obligated on the promissory note or the account debtor;

(b) Does not impose a duty or obligation on the person obligated on the promissory note or the account debtor;

(c) Does not require the person obligated on the promissory note or the account debtor to recognize the security interest, pay or render performance to the secured party or accept payment or performance from the secured party;

(d) Does not entitle the secured party to use or assign the debtor's rights under the promissory note, health-care-insurance receivable or general intangible, including any related information or materials furnished to the debtor in the transaction giving rise to the promissory note, health-care-insurance receivable or general intangible;

(e) Does not entitle the secured party to use, assign, possess or have access to any trade secrets or confidential information of the person obligated on the promissory note or the account debtor; and

(f) Does not entitle the secured party to enforce the security interest in the promissory note, health-care-insurance receivable or general intangible.

Sec. 18.5. NRS 104.9502 is hereby amended to read as follows:

104.9502 1. Subject to subsection 2, a financing statement is sufficient only if it:

(a) Provides the name of the debtor;

(b) Provides the name of the secured party or a representative of the secured party; and

(c) Indicates the collateral covered by the financing statement.

2. Except as otherwise provided in subsection 2 of NRS 104.9501, to be sufficient, a financing statement that covers as-extracted collateral or timber to be cut, or which is filed as a fixture filing and covers goods that are or are to become fixtures, must satisfy subsection 1 and also:

(a) Indicate that it covers this type of collateral;

(b) Indicate that it is to be filed for record in the real property records;

(c) Provide a description of the real property to which the collateral is related sufficient to give constructive notice of the mortgage under the law of

this State if the description were contained in a mortgage of the real property; and

(d) If the debtor does not have an interest of record in the real property, provide the name of a record owner.

3. A record of a mortgage is effective, from the date of recording, as a financing statement filed as a fixture filing or as a financing statement covering as-extracted collateral or timber to be cut only if:

(a) The record indicates the goods or accounts that it covers;

(b) The goods are or are to become fixtures related to the real property described in the mortgage or the collateral is related to the real property described in the mortgage and is as-extracted collateral or timber to be cut;

(c) The record satisfies the requirements for a financing statement in this section ~~other than an indication~~ **but:**

(1) The record need not indicate that it is to be filed in the real property records; and

(2) The record sufficiently provides the name of a debtor who is a natural person if it provides the individual name of the debtor or the surname and first personal name of the debtor, even if the debtor is a natural person to whom paragraph (d) of subsection 1 of NRS 104.9503 applies; and

(d) The mortgage is recorded.

4. A financing statement may be filed before a security agreement is made or a security interest otherwise attaches.

Sec. 19. NRS 104.9503 is hereby amended to read as follows:

104.9503 1. A financing statement sufficiently provides the name of the debtor:

(a) ~~[[If~~ **Except as otherwise provided in paragraph (c), if** the debtor is a registered organization ~~[[or the collateral is held in a trust that is a registered organization,~~ only if the financing statement provides the name ~~[of the debtor indicated]~~ **that is stated to be the registered organization's name** on the public **organic** record ~~[of]~~ **most recently filed with or issued or enacted by** the ~~[debtor's]~~ **registered organization's** jurisdiction of organization which ~~[shows the debtor to have been organized;]~~ **purports to state, amend or restate the registered organization's name;**

(b) ~~[[If the debtor is a decedent's estate,]~~ **Subject to subsection 6, if the collateral is being administered by the personal representative of a decedent,** only if the financing statement provides , **as the name of the debtor,** the name of the decedent and , **in a separate part of the financing statement,** indicates that the ~~[debtor is an estate;]~~ **collateral is being administered by a personal representative;**

(c) If the ~~[debtor is a trust or a trustee acting with respect to property held in trust, only if the financing statement:~~

(1) Provides the name specified for the trust in its organic documents or, if no name is specified, provides the name of the settlor and additional information sufficient to distinguish the debtor from other trusts having one or more of the same settlors; and

(2) Indicates, in the debtor's name or otherwise, that the debtor is a trust or is a trustee acting with respect to property held in trust; and } ***collateral is held in a trust that is not a registered organization, only if the financing statement:***

(1) Provides, as the name of the debtor:

(I) If the organic record of the trust specifies a name for the trust, the name so specified; or

(II) If the organic record of the trust does not specify a name for the trust, the name of the settlor or testator; and

(2) In a separate part of the financing statement:

(I) If the name is provided in accordance with sub-subparagraph (I) of subparagraph (1), indicates that the collateral is held in a trust; or

(II) If the name is provided in accordance with sub-subparagraph (II) of subparagraph (1), provides additional information sufficient to distinguish the trust from other trusts having one or more of the same settlors or the same testator and indicates that the collateral is held in a trust, unless the additional information so indicates;

(d) ~~##~~ Subject to subsection 7, if the debtor is a natural person ~~f,} to whom this State or any other state has issued a driver's license or identification card that has not expired or to whom the Federal Government has issued an identification card that has not expired, only if the financing statement ~~f,}~~~~

~~(1) Provides the individual name of the debtor;~~

~~(2) Provides the surname and first personal name of the debtor; or~~

~~(3) Subject to subsection 7,} provides the name of the natural person which is indicated on ~~f,} the driver's license or identification card ~~f,} that this State has issued to the person and which has not expired; and} ;~~~~~~

(e) If the debtor is a natural person to whom paragraph (d) does not apply, only if the financing statement provides the individual name of the debtor or the surname and first personal name of the debtor; and

(f) In other cases:

(1) If the debtor has a name, only if ~~##~~ ***the financing statement provides the organizational name of the debtor ; ~~f,} as a natural person or an organization;}~~*** and

(2) If the debtor does not have a name, only if ~~##~~ ***the financing statement provides the names of the partners, members, associates or other persons comprising the debtor ~~f,} , in a manner that each name provided would be sufficient if the person named were the debtor.~~***

2. A financing statement that provides the name of the debtor in accordance with subsection 1 is not rendered ineffective by the absence of:

- (a) A trade name or other name of the debtor; or
- (b) Unless required under subparagraph (2) of paragraph ~~(d)~~ ~~(e)~~ (f) of subsection 1, names of partners, members, associates or other persons comprising the debtor.

3. A financing statement that provides only the debtor's trade name does not sufficiently provide the name of the debtor.

4. Failure to indicate the representative capacity of a secured party or representative of a secured party does not affect the sufficiency of a financing statement.

5. A financing statement may provide the name of more than one debtor and the name of more than one secured party.

6. *The name of the decedent indicated on the order appointing the personal representative of the decedent issued by the court having jurisdiction over the collateral is sufficient as the "name of the decedent" under paragraph (b) of subsection 1.*

7. *If this State, any other state or the Federal Government has issued to a person more than one driver's license or identification card of a kind described in ~~subparagraph (3) of~~ paragraph (d) of subsection 1, or ~~has issued to a~~ if a person has been issued both a driver's license and an identification card ~~of the kind described in paragraph (d) of subsection 1, the one that was issued most recently is the one to which~~ ~~subparagraph (3) of~~ paragraph (d) of subsection 1 refers.*

8. In this section, the "name of the settlor or testator" means:

(a) *If the settlor is a registered organization, the name that is stated to be the settlor's name on the public organic record most recently filed with or issued or enacted by the registered settlor's jurisdiction of organization which purports to state, amend or restate the settlor's name; or*

(b) *In other cases, the name of the settlor or testator indicated in the trust's organic record.*

Sec. 20. NRS 104.9507 is hereby amended to read as follows:

104.9507 1. A filed financing statement remains effective with respect to collateral that is sold, exchanged, leased, licensed or otherwise disposed of and in which a security interest or agricultural lien continues, even if the secured party knows of or consents to the disposition.

2. Except as otherwise provided in subsection 3 and NRS 104.9508, a financing statement is not rendered ineffective if, after the financing statement is filed, the information provided in the financing statement becomes seriously misleading under NRS 104.9506.

3. If ~~the debtor so changes its~~ *the* name that a filed financing statement *provides for a debtor* becomes *insufficient as the name of the debtor under*

subsection 1 of NRS 104.9503 so that the financing statement becomes seriously misleading under NRS 104.9506:

(a) The financing statement is effective to perfect a security interest in collateral acquired by the debtor before, or within 4 months after, the ~~change;~~ **filed financing statement becomes seriously misleading;** and

(b) The financing statement is not effective to perfect a security interest in collateral acquired by the debtor more than 4 months after the ~~change;~~ **filed financing statement becomes seriously misleading,** unless an amendment to the financing statement which renders the financing statement not seriously misleading is filed within 4 months after ~~the change;~~ **the financing statement became seriously misleading.**

Sec. 21. NRS 104.9515 is hereby amended to read as follows:

104.9515 1. Except as otherwise provided in subsections 2, 5, 6 and 7, a filed financing statement is effective for a period of 5 years after the date of filing.

2. Except as otherwise provided in subsections 5, 6 and 7, an initial financing statement filed in connection with a public-finance transaction or manufactured-home transaction is effective for a period of 30 years after the date of filing if it indicates that it is filed in connection with a public-finance transaction or manufactured-home transaction.

3. The effectiveness of a filed financing statement lapses on the expiration of the period of its effectiveness unless before the lapse a continuation statement is filed pursuant to subsection 4. Upon lapse, a financing statement ceases to be effective and any security interest or agricultural lien that was perfected by the financing statement becomes unperfected, unless the security interest is perfected otherwise. If the security interest or agricultural lien becomes unperfected upon lapse, it is deemed never to have been perfected as against a purchaser of the collateral for value.

4. A continuation statement may be filed only within 6 months before the expiration of the 5-year period specified in subsection 1 or the 30-year period specified in subsection 2, whichever is applicable.

5. Except as otherwise provided in NRS 104.9510, upon timely filing of a continuation statement, the effectiveness of the initial financing statement continues for a period of 5 years commencing on the day on which the financing statement would have become ineffective in the absence of the filing. Upon the expiration of the 5-year period, the financing statement lapses in the same manner as provided in subsection 3, unless, before the lapse, another continuation statement is filed pursuant to subsection 4. Succeeding continuation statements may be filed in the same manner to continue the effectiveness of the initial financing statement.

6. If a debtor is a transmitting utility and a filed **initial** financing statement so indicates, the financing statement is effective until a termination statement is filed.

7. A real property mortgage that is effective as a fixture filing under subsection 3 of NRS 104.9502 remains effective as a fixture filing until the mortgage is released or satisfied of record or its effectiveness otherwise terminates as to the real property.

Sec. 22. NRS 104.9516 is hereby amended to read as follows:

104.9516 1. Except as otherwise provided in subsection 2, communication of a record to a filing office and tender of the filing fee or acceptance of the record by the filing office constitutes filing.

2. Filing does not occur with respect to a record that a filing office refuses to accept because:

(a) The record is not communicated by a method or medium of communication authorized by the filing office;

(b) An amount equal to or greater than the applicable filing fee is not tendered;

(c) The filing office is unable to index the record because:

(1) In the case of an initial financing statement, the record does not provide a name for the debtor;

(2) In the case of an amendment or ~~{correction} {information}~~ statement ~~of claim~~, the record:

(I) Does not identify the initial financing statement as required by NRS 104.9512 or 104.9518, as applicable; or

(II) Identifies an initial financing statement whose effectiveness has lapsed under NRS 104.9515;

(3) In the case of an initial financing statement that provides the name of a debtor identified as a natural person or an amendment that provides a name of a debtor identified as a natural person which was not previously provided in the financing statement to which the record relates, the record does not identify the debtor's ~~{last name;} surname;~~ or

(4) In the case of a record filed or recorded in the filing office described in paragraph (a) of subsection 1 of NRS 104.9501, the record does not provide a sufficient description of the real property to which it relates;

(d) In the case of an initial financing statement or an amendment that adds a secured party of record, the record does not provide a name and mailing address for the secured party of record;

(e) In the case of an initial financing statement or an amendment that provides a name of a debtor which was not previously provided in the financing statement to which the amendment relates, the record does not:

(1) Provide a mailing address for the debtor; **or**

(2) Indicate whether the ***name provided as the name of the*** debtor is ***the name of*** a natural person or an organization; ~~for~~

(3) ~~If the financing statement indicates that the debtor is an organization, provide:~~

~~(I) A type of organization for the debtor;~~

~~(II) A jurisdiction of organization for the debtor; or~~

~~(III) An organizational identification number for the debtor or indicate that the debtor has none;]~~

(f) In the case of an assignment reflected in an initial financing statement under subsection 1 of NRS 104.9514 or an amendment filed under subsection 2 of that section, the record does not provide a name and mailing address for the assignee; ~~for~~

(g) In the case of a continuation statement, the record is not filed within the 6-month period prescribed by subsection 4 of NRS 104.9515 ~~]; or~~

(h) The record lists a public official of a governmental unit as a debtor and the public official has not authorized the filing of the information in an authenticated record as required pursuant to NRS 104.9509.

3. For purposes of subsection 2:

(a) A record does not provide information if the filing office is unable to read or decipher the information; and

(b) A record that does not indicate that it is an amendment or identify an initial financing statement to which it relates, as required by NRS 104.9512, 104.9514 or 104.9518, is an initial financing statement.

4. A record that is communicated to the filing office with tender of the filing fee, but which the filing office refuses to accept for a reason other than one set forth in subsection 2, is effective as a filed record except as against a purchaser of the collateral which gives value in reasonable reliance upon the absence of the record from the files.

Sec. 23. NRS 104.9518 is hereby amended to read as follows:

104.9518 1. A person may file in the filing office a ~~correction~~ ~~for information]~~ statement ***of claim*** with respect to a record indexed there under his or her name if the person believes that the record is inaccurate or was wrongfully filed.

2. ~~A correction]~~ ~~(An information]~~ statement ***of claim*** ~~under subsection 1~~ must:

(a) Identify the record to which it relates by:

(1) The file number assigned to the initial financing statement to which the record relates; and

(2) If the ~~correction]~~ ~~(information]~~ statement ***of claim*** relates to a record filed or recorded in a filing office described in paragraph (a) of subsection 1 of NRS 104.9501, the date that the initial financing statement

was filed or recorded and the information specified in subsection 2 of NRS 104.9502;

(b) Indicate that it is a ~~correction~~ ~~an information~~ statement ~~of~~ **claim**; and

(c) Provide the basis for the person's belief that the record is inaccurate and indicate the manner in which the person believes the record should be amended to cure any inaccuracy or provide the basis for his or her belief that the record was wrongfully filed.

3. ***A person may file in the filing office ~~an information~~ a statement of claim with respect to a record filed there if the person is a secured party of record with respect to the financing statement to which the record relates and believes that the person that filed the record was not entitled to do so under subsection 3 of NRS 104.9509.***

4. ~~An information~~ **A statement of claim** under subsection 3 must:

(a) Identify the record to which it relates by:

(1) The file number assigned to the initial financing statement to which the record relates; and

(2) If the ~~information~~ **statement of claim** relates to a record filed or recorded in a filing office described in paragraph (a) of subsection 1 of NRS 104.9501, the date that the initial financing statement was filed or recorded and the information specified in subsection 2 of NRS 104.9502;

(b) Indicate that it is ~~an information~~ **a statement of claim**; and

(c) Provide the basis for the person's belief that the person that filed the record was not entitled to do so under subsection 3 of NRS 104.9509.

5. The filing of a ~~correction~~ ~~an information~~ statement **of claim** does not affect the effectiveness of an initial financing statement or other filed record.

Sec. 24. NRS 104.9607 is hereby amended to read as follows:

104.9607 1. If so agreed, and in any event after default, a secured party:

(a) May notify an account debtor or other person obligated on collateral to make payment or otherwise render performance to or for the benefit of the secured party;

(b) May take any proceeds to which the secured party is entitled under NRS 104.9315;

(c) May enforce the obligations of an account debtor or other person obligated on collateral and exercise the rights of the debtor with respect to the obligation of the account debtor or other person obligated on collateral to make payment or otherwise render performance to the debtor, and with respect to any property that secures the obligations of the account debtor or other person obligated on the collateral;

(d) If it holds a security interest in a deposit account perfected by control under paragraph (a) of subsection 1 of NRS 104.9104, may apply the balance of the deposit account to the obligation secured by the deposit account; and

(e) If it holds a security interest in a deposit account perfected by control under paragraph (b) or (c) of subsection 1 of NRS 104.9104, may instruct the bank to pay the balance of the deposit account to or for the benefit of the secured party.

2. If necessary to enable a secured party to exercise under paragraph (c) of subsection 1 the right of a debtor to enforce a mortgage nonjudicially, the secured party may record in the office in which the mortgage is recorded:

(a) A copy of the security agreement that creates or provides for a security interest in the obligation secured by the mortgage; and

(b) The secured party's sworn affidavit in recordable form stating that:

(1) A default has occurred ~~to~~ **with respect to the obligation secured by the mortgage;** and

(2) The secured party is entitled to enforce the mortgage nonjudicially.

3. A secured party shall proceed in a commercially reasonable manner if the secured party:

(a) Undertakes to collect from or enforce an obligation of an account debtor or other person obligated on collateral; and

(b) Is entitled to charge back uncollected collateral or otherwise to full or limited recourse against the debtor or a secondary obligor.

4. A secured party may deduct from the collections made pursuant to subsection 3 reasonable expenses of collection and enforcement, including reasonable attorney's fees and legal expenses incurred by the secured party.

5. This section does not determine whether an account debtor, bank or other person obligated on collateral owes a duty to a secured party.

Sec. 25. This act becomes effective on July 1, 2013.

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 111.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 156.

AN ACT relating to domestic relations; authorizing certain prospective adoptive parents to attend by telephone hearings concerning a petition for adoption; revising the residency requirements for certain adoptions; ~~revising provisions relating to the hearing required for determining whether to include in a decree of adoption rights~~ **authorizing a court in an adoption proceeding to grant a sibling of the child a right** to visitation ~~with~~

~~siblings;~~ **under certain circumstances;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill authorizes prospective adoptive parents to attend, by telephone or in person, any hearings held by the court concerning a petition for adoption if the prospective adoptive parents reside in another state or jurisdiction and the adoption is of a child who is in the custody of an agency which provides child welfare services ~~or a child-placing agency licensed by the Division of Child and Family Services of the Department of Health and Human Services.~~

Existing law requires prospective adoptive parents to reside in Nevada for a period of at least 6 months before a petition for adoption may be granted. (NRS 127.060) **Section 3** of this bill provides an exception to that requirement for petitions for the adoption of a child who is in the custody of an agency which provides child welfare services ~~or a child-placing agency licensed by the Division.~~ Thus, persons who have lived in Nevada for less than 6 months and residents of another state or jurisdiction are exempt from the residency requirement if the petition for adoption is filed for the adoption of a child who is in the custody of an agency which provides child welfare services ~~or a child-placing agency licensed by the Division.~~

Existing law ~~requires a court to conduct a hearing to determine whether to grant visitation rights with a sibling as part of an adoption decree when the adoption is of a child in the custody of an agency which provides child welfare services. (NRS 127.2827) Section 6 of this bill requires the clerk of the court to give notice of the time and place of the hearing to any interested party in the adoption. Section 6 further requires that the hearing must be held at a date and time that is different from the date and time of the hearing held by the court to enter a decree of adoption or to deny the petition for adoption.~~ **authorizes, with certain exceptions, the court, in an adoption proceeding for a child, to grant the right to visitation only to certain relatives of the child, including siblings of the child, who have previously been granted a similar right of visitation pursuant to NRS 125C.050. (NRS 127.171) Section 4.5 of this bill similarly authorizes the court in such an adoption proceeding to grant a right of visitation to a sibling of a child if the child is in the custody of an agency which provides child welfare services and the sibling has previously been granted a similar right of visitation pursuant to NRS 432B.580. Section 4.5 further requires the agency which provides child welfare services to provide the court with a copy of any such order for visitation.**

Existing law requires the court to hold a hearing to review the placement of a child in need of protection at least semiannually. (NRS

432B.580) Section 6.5 of this bill requires the notice of the hearing to: (1) include a statement indicating that if the child is placed for adoption the right to visitation of the child is subject to the provisions of section 4.5 requiring a previous grant of a similar right of visitation; and (2) be given to a sibling of the child who has been adopted and who has been granted a right to visitation pursuant to section 4.5. Section 6.5 further provides that certain confidential information must not be included in such a notice of hearing.

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

Section 1. Chapter 127 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The prospective adoptive parents may attend by telephone, in lieu of attending in person, any hearings held by the court concerning the petition for adoption if:

~~1.1~~ (a) The prospective adoptive parents reside in another state or jurisdiction; ~~and~~

~~2.1~~ (b) The petition for adoption is filed for the adoption of a child who is in the custody of an agency which provides child welfare services ~~or~~ a child-placing agency licensed by the Division pursuant to this chapter; and

(c) A representative of the agency responsible for supervising the child in the state where the child will be placed appears at the hearing by telephone.

2. The appearance of the prospective adoptive parents and the representative of the agency described in paragraph (c) of subsection 1 must occur at the office of the agency or at the home of the prospective adoptive parents, as determined by the agency.

3. If the prospective adoptive parents are attending a hearing by telephone pursuant to subsection 1, the court shall place the telephone call to a telephone number known to be a telephone number of the agency described in paragraph (c) of subsection 1 or of the prospective adoptive parents.

Sec. 2. NRS 127.005 is hereby amended to read as follows:

127.005 The provisions of NRS 127.010 to 127.1895, inclusive, **and section 1 of this act** govern the adoption of minor children, and the provisions of NRS 127.190, 127.200 and 127.210 and the provisions of NRS 127.010 to 127.1895, inclusive, where not inconsistent with the provisions of NRS 127.190, 127.200 and 127.210, govern the adoption of adults.

Sec. 3. NRS 127.060 is hereby amended to read as follows:

127.060 1. ~~The~~ **Except as otherwise provided in subsection 3, the** petition for adoption shall not be granted unless the petitioners have resided

in the State of Nevada for a period of 6 months prior to the granting of the petition.

2. The same petitioners may, in one petition, petition for the adoption of two or more children, if the children be brothers or sisters or brother and sister.

3. *The provisions of subsection 1 do not apply if the petition for adoption is filed for the adoption of a child who is in the custody of an agency which provides child welfare services ~~for~~ or a child-placing agency licensed by the Division pursuant to this chapter.*

Sec. 4. NRS 127.110 is hereby amended to read as follows:

127.110 1. A petition for adoption of a child who currently resides in the home of the petitioners may be filed at any time after the child has lived in the home for 30 days.

2. The petition for adoption must state, in substance, the following:

(a) The full name and age of the petitioners and , ***unless the petition is a petition for adoption described in subsection 3 of NRS 127.060,*** the period the petitioners have resided in the State of Nevada before the filing of the petition.

(b) The age of the child sought to be adopted and the period that the child has lived in the home of petitioners before the filing of the petition.

(c) That it is the desire of the petitioners that the relationship of parent and child be established between them and the child.

(d) Their desire that the name of the child be changed, together with the new name desired.

(e) That the petitioners are fit and proper persons to have the care and custody of the child.

(f) That they are financially able to provide for the child.

(g) That there has been a full compliance with the law in regard to consent to adoption.

(h) That there has been a full compliance with NRS 127.220 to 127.310, inclusive.

(i) Whether the child is known to be an Indian child.

3. No order of adoption may be entered unless there has been full compliance with the provisions of NRS 127.220 to 127.310, inclusive.

Sec. 4.5. NRS 127.171 is hereby amended to read as follows:

127.171 1. Except as otherwise provided in NRS 127.187 to 127.1895, inclusive, in a proceeding for the adoption of a child, the court may grant a reasonable right to visit to ~~the child~~ :

(a) A sibling of the child if the child is in the custody of an agency which provides child welfare services and a similar right has been granted previously pursuant to NRS 432B.580; and

(b) Certain relatives of the child only if a similar right had been granted previously pursuant to NRS 125C.050.

2. **The agency which provides child welfare services shall provide the court which is conducting the adoption proceedings with a copy of any order for visitation with a sibling of the child that was issued pursuant to NRS 432B.580.**

3. The court may not grant a right to visit the child to any person other than as specified in subsection 1.

Sec. 5. NRS 127.188 is hereby amended to read as follows:

127.188 1. Before a court may enter an order or decree of adoption of a child, the court must address in person:

(a) ~~{Each}~~ ***Except as otherwise provided in subsection 2, each*** prospective adoptive parent of the child to be adopted;

(b) Each director or other authorized representative of the agency which provides child welfare services or the licensed child-placing agency involved in the adoption proceedings concerning the child; and

(c) Each attorney representing a prospective adoptive parent, the child, the agency which provides child welfare services or the licensed child-placing agency in the adoption proceedings concerning the child,

➔ and inquire whether the person has actual knowledge that the prospective adoptive parent or parents of the child and natural parent or parents of the child have entered into an agreement that provides for postadoptive contact pursuant to NRS 127.187.

2. ***The court may for purposes of subsection 1 address a prospective adoptive parent described in section 1 of this act by telephone.***

3. If the court determines that the prospective adoptive parent or parents and the natural parent or parents have entered into an agreement that provides for postadoptive contact, the court shall:

(a) Order the prospective adoptive parent or parents to provide a copy of the agreement to the court; and

(b) Incorporate the agreement into the order or decree of adoption.

Sec. 6. ~~NRS 127.2827 is hereby amended to read as follows:~~

~~127.2827 1. If a child who is in the custody of an agency which provides child welfare services is placed for adoption, the agency must provide the court which is conducting the adoption proceedings with a copy of any order for visitation with a sibling of the child that was issued pursuant to NRS 432B.580 and the court must conduct a hearing to determine whether to include an order for visitation with a sibling in the decree of adoption.~~

~~2. The clerk of the court shall give written notice of the time and place of the hearing described in subsection 1 to any interested party in the adoption, including, without limitation, the adoptive parent, the adoptive~~

~~child, a sibling of the adoptive child, the agency which provides child welfare services or a licensed child placing agency.~~

~~3. Any interested party in the adoption, [including, without limitation, the adoptive parent, the adoptive child, a sibling of the adoptive child, the agency which provides child welfare services or a licensed child placing agency] as described in subsection 2, may petition the court to participate in the determination of whether to include an order of visitation with a sibling in the decree of adoption.~~

~~{3. } 4. The hearing to determine whether to include an order of visitation with a sibling in the decree of adoption must be held at a date and time that is different from the date and time of the hearing held by the court to enter a decree of adoption or to deny the petition for adoption.~~

~~5. The sole consideration of the court in making a determination concerning visitation with a sibling pursuant to this section is the best interest of the child.~~ **(Deleted by amendment.)**

Sec. 6.5. NRS 432B.580 is hereby amended to read as follows:

432B.580 1. Except as otherwise provided in this section and NRS 432B.513, if a child is placed pursuant to NRS 432B.550 other than with a parent, the placement must be reviewed by the court at least semiannually, and within 90 days after a request by a party to any of the prior proceedings. Unless the parent, guardian or the custodian objects to the referral, the court may enter an order directing that the placement be reviewed by a panel appointed pursuant to NRS 432B.585.

2. An agency acting as the custodian of the child shall, before any hearing for review of the placement of a child, submit a report to the court, or to the panel if it has been designated to review the matter, which includes:

(a) An evaluation of the progress of the child and the family of the child and any recommendations for further supervision, treatment or rehabilitation; and

(b) Information concerning the placement of the child in relation to the child's siblings, including, without limitation:

(1) Whether the child was placed together with the siblings;

(2) Any efforts made by the agency to have the child placed together with the siblings;

(3) Any actions taken by the agency to ensure that the child has contact with the siblings; and

(4) If the child is not placed together with the siblings:

(I) The reasons why the child is not placed together with the siblings; and

(II) A plan for the child to visit the siblings, which must be approved by the court.

3. Except as otherwise provided in this subsection, a copy of the report submitted pursuant to subsection 2 must be given to the parents, the guardian ad litem and the attorney, if any, representing the parent or the child. If the child was delivered to a provider of emergency services pursuant to NRS 432B.630 and the parent has not appeared in the action, the report need not be sent to that parent.

4. After a plan for visitation between a child and the siblings of the child submitted pursuant to subparagraph (4) of paragraph (b) of subsection 2 has been approved by the court, the agency which provides child welfare services must request the court to issue an order requiring the visitation set forth in the plan for visitation. If a person refuses to comply with or disobeys an order issued pursuant to this subsection, the person may be punished as for a contempt of court.

5. The court or the panel shall hold a hearing to review the placement, unless the parent, guardian or custodian files a motion with the court to dispense with the hearing. If the motion is granted, the court or panel may make its determination from any report, statement or other information submitted to it.

6. Except as otherwise provided in this subsection and paragraph (c) of subsection 4 of NRS 432B.520, notice of the hearing must be given by registered or certified mail to:

(a) All the parties to any of the prior proceedings; ~~and~~

(b) Any persons planning to adopt the child ~~if~~;

(c) A sibling of the child, if known, who has been granted a right to visitation of the child pursuant to NRS 127.171 and his or her attorney, if any; and

(d) Any other relatives of the child or providers of foster care who are currently providing care to the child.

~~{--Notice}~~

7. The notice of the hearing ~~need~~ **required to be given pursuant to subsection 6:**

(a) Must include a statement indicating that if the child is placed for adoption the right to visitation of the child is subject to the provisions of NRS 127.171;

(b) Must not include any confidential information described in NRS 127.140; and

(c) Need not be given to a parent whose rights have been terminated pursuant to chapter 128 of NRS or who has voluntarily relinquished the child for adoption pursuant to NRS 127.040.

~~{7.}~~ **8.** The court or panel may require the presence of the child at the hearing and shall provide to each person to whom notice was given pursuant to subsection 6 an opportunity to be heard at the hearing.

~~9.9.~~ 9. The court or panel shall review:

- (a) The continuing necessity for and appropriateness of the placement;
- (b) The extent of compliance with the plan submitted pursuant to subsection 2 of NRS 432B.540;
- (c) Any progress which has been made in alleviating the problem which resulted in the placement of the child; and
- (d) The date the child may be returned to, and safely maintained in, the home or placed for adoption or under a legal guardianship.

~~9.10.~~ 10. The provision of notice and an opportunity to be heard pursuant to this section does not cause any person planning to adopt the child, any sibling of the child or any other relative, any adoptive parent of a sibling of the child or a provider of foster care to become a party to the hearing.

Sec. 6.7. NRS 432B.590 is hereby amended to read as follows:

432B.590 1. Except as otherwise provided in NRS 432B.513, the court shall hold a hearing concerning the permanent placement of a child:

(a) Not later than 12 months after the initial removal of the child from the home of the child and annually thereafter.

(b) Within 30 days after making any of the findings set forth in subsection 3 of NRS 432B.393.

➔ Notice of this hearing must be given by registered or certified mail to all the persons to whom notice must be given pursuant to subsection 6 of NRS 432B.580.

2. The court may require the presence of the child at the hearing and shall provide to each person to whom notice was given pursuant to subsection 1 an opportunity to be heard at the hearing.

3. At the hearing, the court shall review any plan for the permanent placement of the child adopted pursuant to NRS 432B.553 and determine:

(a) Whether the agency with legal custody of the child has made the reasonable efforts required by subsection 1 of NRS 432B.553; and

(b) Whether, and if applicable when:

(1) The child should be returned to the parents of the child or placed with other relatives;

(2) It is in the best interests of the child to:

(I) Initiate proceedings to terminate parental rights pursuant to chapter 128 of NRS so that the child can be placed for adoption;

(II) Initiate proceedings to establish a guardianship pursuant to chapter 159 of NRS; or

(III) Establish a guardianship in accordance with NRS 432B.466 to 432B.468, inclusive; or

(3) The agency with legal custody of the child has produced documentation of its conclusion that there is a compelling reason for the placement of the child in another permanent living arrangement.

↪ The court shall prepare an explicit statement of the facts upon which each of its determinations is based. If the court determines that it is in the best interests of the child to terminate parental rights, the court shall use its best efforts to ensure that the procedures required by chapter 128 of NRS are completed within 6 months after the date the court makes that determination, including, without limitation, appointing a private attorney to expedite the completion of the procedures. The provisions of this subsection do not limit the jurisdiction of the court to review any decisions of the agency with legal custody of the child regarding the permanent placement of the child.

4. If a child has been placed outside of the home and has resided outside of the home pursuant to that placement for 14 months of any 20 consecutive months, the best interests of the child must be presumed to be served by the termination of parental rights.

5. This hearing may take the place of the hearing for review required by NRS 432B.580.

6. The provision of notice and an opportunity to be heard pursuant to this section does not cause any person planning to adopt the child, any sibling of the child or any other relative, any adoptive parent of a sibling of the child or a provider of foster care to become a party to the hearing.

Sec. 7. This act becomes effective on July 1, 2011.

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 121.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 63.

AN ACT relating to courts; revising certain provisions relating to the security of court facilities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~Existing law imposes various duties on the Court Administrator regarding the courts of this State. (NRS 1.360) Section 1 of this bill expands such duties by requiring the Court Administrator to perform duties specifically relating to the security of the courts of this State. Additionally, section 6 of this bill authorizes the Supreme Court to employ or appoint persons or to contract with independent contractors to provide security services for the Supreme Court.~~

~~Existing law also provides that certain security officers have the powers of peace officers in certain circumstances. (NRS 289.160) Section 2 of this bill specifies that a security officer who is appointed or employed by the~~

~~Supreme Court has the powers of a peace officer when the security officer is carrying out certain court related duties, and section 3 of this bill revises the definition of a category II peace officer to include such security officers.]~~
Existing law authorizes the Supreme Court, or a majority thereof, to designate as Bailiff of the Supreme Court: (1) certain law clerks employed by the Supreme Court; or (2) the Sheriff of Carson City. (NRS 2.290) Section 2.5 of this bill removes such provisions and instead authorizes the Supreme Court, or a majority thereof, to designate as Bailiff of the Supreme Court certain persons who are appointed and employed by the Supreme Court to provide for the safety and security of the justices and employees of the Supreme Court and to carry out certain police duties at the direction of the Chief Justice of the Supreme Court. Section 2.7 of this bill provides that such persons appointed and employed by the Supreme Court have the powers of a category I peace officer when carrying out duties prescribed by the Chief Justice.

Section 5 of this bill authorizes certain personnel of the Capitol Police Division of the Department of Public Safety to provide, under certain circumstances, security services to the justices ~~and employees~~ of the Supreme Court while such justices ~~and employees~~ are working at ~~locations outside the grounds of the Supreme Court building.] any location in the State of Nevada. Section 6 of this bill authorizes the Supreme Court to contract with independent contractors to provide security services for any facility or building that is owned by or leased to the Supreme Court and occupied by its employees. Section 7 of this bill specifies that nothing in this bill may be construed to abrogate or alter certain existing provisions of law that relate to the jurisdiction of the Chief of the Buildings and Grounds Division of the Department of Administration and the functions and responsibilities of the Capitol Police Division.~~

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

Section 1. ~~[NRS 1.360 is hereby amended to read as follows:~~

~~1.360 Under the direction of the Supreme Court, the Court Administrator shall:~~

~~1. Examine the administrative procedures employed in the offices of the judges, clerks, court reporters and employees of all courts of this State and make recommendations, through the Chief Justice, for the improvement of those procedures;~~

~~2. Examine the condition of the physical security of all courts of this State, assess any threats that endanger the public, court facilities or judicial officers and employees and make recommendations to and carry~~

~~out the directions of the Chief Justice to ensure and maintain security for all persons accessing judicial services;~~

~~3. Examine the condition of the dockets of the courts and determine the need for assistance by any court;~~

~~{3.} 4. Make recommendations to and carry out the directions of the Chief Justice relating to the assignment of district judges where district courts are in need of assistance;~~

~~{4.} 5. Develop a uniform system for collecting and compiling statistics and other data regarding the operation of the State Court System and transmit that information to the Supreme Court so that proper action may be taken in respect thereto;~~

~~{5.} 6. Prepare and submit a budget of state appropriations necessary for the maintenance and operation of the State Court System and make recommendations in respect thereto;~~

~~{6.} 7. Develop procedures for accounting, internal auditing, procurement and disbursement for the State Court System;~~

~~{7.} 8. Collect statistical and other data and make reports relating to the expenditure of all public money for the maintenance and operation of the State Court System and the offices connected therewith;~~

~~{8.} 9. Compile statistics from the information required to be maintained by the clerks of the district courts pursuant to NRS 3.275 regarding criminal and civil cases and make reports as to the cases filed in the district courts;~~

~~{9.} 10. Formulate and submit to the Supreme Court recommendations of policies or proposed legislation for the improvement of the State Court System;~~

~~{10.} 11. On or before January 1 of each year, submit to the Director of the Legislative Counsel Bureau a written report compiling the information submitted to the Court Administrator pursuant to NRS 3.243, 4.175 and 5.045 during the immediately preceding fiscal year;~~

~~{11.} 12. On or before January 1 of each odd-numbered year, submit to the Director of the Legislative Counsel Bureau a written report concerning:~~

~~(a) The distribution of money deposited in the special account created pursuant to NRS 176.0613 to assist with funding and establishing specialty court programs;~~

~~(b) The current status of any specialty court programs to which money from the account was allocated since the last report;~~

~~(c) Statistics compiled from information required to be maintained by clerks of the district courts pursuant to NRS 3.275 concerning specialty courts, including, without limitation, the number of participants in such programs, the nature of the criminal charges that were filed against participants, the number of participants who have completed the programs and the disposition of the cases; and~~

~~(d) Such other related information as the Court Administrator deems appropriate;~~

~~[12.] 13. On or before February 15 of each odd-numbered year, submit to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a written report compiling the information submitted by clerks of courts to the Court Administrator pursuant to NRS 630.307 and 633.533 which includes only aggregate information for statistical purposes and excludes any identifying information related to a particular person; and~~

~~[13.] 14. Attend to such other matters as may be assigned by the Supreme Court or prescribed by law.] (Deleted by amendment.)~~

Sec. 2. ~~[NRS 289.160 is hereby amended to read as follows:~~

~~289.160 1. A security officer employed:~~

~~(a) Pursuant to NRS 244.167 by a board of county commissioners; or~~

~~(b) Pursuant to NRS 266.323 by the governing body of a city;~~

~~→ has the powers of a peace officer when the security officer is carrying out duties prescribed by ordinance.~~

~~2. A security officer appointed or employed by the Supreme Court pursuant to subsection 2 of NRS 333.710 has the powers of a peace officer when the security officer is carrying out duties prescribed by the Court Administrator.~~

~~3. A person appointed pursuant to subsection 1 of NRS 269.235 by a town board or board of county commissioners has the powers of a peace officer.~~

~~[3.] 4. Police officers and special police officers appointed pursuant to subsection 5 of NRS 269.240 have, within the limits of the unincorporated town, the powers of making arrests which are exercised by a peace officer according to the laws of this State.] (Deleted by amendment.)~~

Sec. 2.3. Chapter 2 of NRS is hereby amended by adding thereto a new section to read as follows:

The Supreme Court, or a majority thereof, is authorized to appoint and employ one or more persons to provide for the safety and security of the justices and employees of the Supreme Court and to carry out any necessary police duties at the direction of the Chief Justice to maintain safe and reasonable access to justice for residents of Nevada.

Sec. 2.5.—NRS 2.290 is hereby amended to read as follows:

2.290 The Supreme Court, or a majority thereof, is authorized to designate ~~1:~~

~~1. One of the law clerks employed pursuant to NRS 2.300 to act as Bailiff of the Supreme Court without additional compensation; or~~

~~2. The Sheriff of Carson City to act as Bailiff of the Supreme Court. For his or her services as Bailiff, either in person or by deputy, the Sheriff shall~~

~~receive from the State, in full payment for such services, the sum of \$50 per calendar month when actually in attendance upon the Court, such sum to be paid by the State Treasurer out of the biennial appropriation therefor. The Sheriff, as Bailiff, shall retain to his or her own use all moneys received under the provisions of this subsection.]~~ **any person appointed and employed pursuant to section 2.3 of this act to act as Bailiff of the Supreme Court.**

Sec. 2.7. Chapter 289 of NRS is hereby amended by adding thereto a new section to read as follows:

Any person appointed and employed by the Supreme Court pursuant to section 2.3 of this act has the powers of a peace officer pursuant to NRS 289.460 when the person is carrying out duties prescribed by the Chief Justice.

Sec. 3. NRS 289.470 is hereby amended to read as follows:

289.470 "Category II peace officer" means:

1. ~~{The Bailiff of the Supreme Court;~~

~~2.}~~ **2.}** The bailiffs of the district courts, justice courts and municipal courts whose duties require them to carry weapons and make arrests;

~~{3. Security officers appointed or employed by the Supreme Court who perform the duties prescribed by the Court Administrator;~~

~~4.}~~ **2.}** Constables and their deputies whose official duties require them to carry weapons and make arrests;

~~{4.}~~ ~~{5.}~~ **3.}** Inspectors employed by the Nevada Transportation Authority who exercise those powers of enforcement conferred by chapters 706 and 712 of NRS;

~~{5.}~~ ~~{6.}~~ **4.}** Parole and probation officers;

~~{6.}~~ ~~{7.}~~ **5.}** Special investigators who are employed full-time by the office of any district attorney or the Attorney General;

~~{7.}~~ ~~{8.}~~ **6.}** Investigators of arson for fire departments who are specially designated by the appointing authority;

~~{8.}~~ ~~{9.}~~ **7.}** The assistant and deputies of the State Fire Marshal;

~~{9.}~~ ~~{10.}~~ **8.}** The brand inspectors of the State Department of Agriculture who exercise the powers of enforcement conferred by chapter 565 of NRS;

~~{10.}~~ ~~{11.}~~ **9.}** The field agents and inspectors of the State Department of Agriculture who exercise the powers of enforcement conferred by NRS 561.225;

~~{11.}~~ ~~{12.}~~ **10.}** Investigators for the State Forester Firewarden who are specially designated by the State Forester Firewarden and whose primary duties are related to the investigation of arson;

~~{12.}~~ ~~{13.}~~ **11.}** School police officers employed by the board of trustees of any county school district;

~~{13.}~~ ~~{14.}~~ 12. Agents of the State Gaming Control Board who exercise the powers of enforcement specified in NRS 289.360, 463.140 or 463.1405, except those agents whose duties relate primarily to auditing, accounting, the collection of taxes or license fees, or the investigation of applicants for licenses;

~~{14.}~~ ~~{15.}~~ 13. Investigators and administrators of the Division of Compliance Enforcement of the Department of Motor Vehicles who perform the duties specified in subsection 2 of NRS 481.048;

~~{15.}~~ ~~{16.}~~ 14. Officers and investigators of the Section for the Control of Emissions From Vehicles and the Enforcement of Matters Related to the Use of Special Fuel of the Department of Motor Vehicles who perform the duties specified in subsection 3 of NRS 481.0481;

~~{16.}~~ ~~{17.}~~ 15. Legislative police officers of the State of Nevada;

~~{17.}~~ ~~{18.}~~ 16. The personnel of the Capitol Police Division of the Department of Public Safety appointed pursuant to subsection 2 of NRS 331.140 ;

~~{18.}~~ ~~for acting pursuant to subsection 3 of that section;~~

~~{19.}~~ 17. Parole counselors of the Division of Child and Family Services of the Department of Health and Human Services;

~~{19.}~~ ~~{20.}~~ 18. Juvenile probation officers and deputy juvenile probation officers employed by the various judicial districts in the State of Nevada or by a department of juvenile justice services established by ordinance pursuant to NRS 62G.210 whose official duties require them to enforce court orders on juvenile offenders and make arrests;

~~{20.}~~ ~~{21.}~~ 19. Field investigators of the Taxicab Authority;

~~{21.}~~ ~~{22.}~~ 20. Security officers employed full-time by a city or county whose official duties require them to carry weapons and make arrests;

~~{22.}~~ ~~{23.}~~ 21. The chief of a department of alternative sentencing created pursuant to NRS 211A.080 and the assistant alternative sentencing officers employed by that department;

~~{23.}~~ ~~{24.}~~ 22. Criminal investigators who are employed by the Secretary of State; and

~~{24.}~~ ~~{25.}~~ 23. The Inspector General of the Department of Corrections and any person employed by the Department as a criminal investigator.

Sec. 4. NRS 289.480 is hereby amended to read as follows:

289.480 “Category III peace officer” means a peace officer whose authority is limited to correctional services, including the superintendents and correctional officers of the Department of Corrections. The term does not include a person described in subsection ~~{24.}~~ ~~{25.}~~ 23 of NRS 289.470.

Sec. 5. NRS 331.140 is hereby amended to read as follows:

331.140 1. The Chief shall take proper care to prevent any unlawful activity on or damage to any state property under the supervision and control of the Chief, and to protect the safety of any persons on that property.

2. The Director of the Department of Public Safety shall appoint to the Capitol Police Division of that Department such personnel as may be necessary to assist the Chief of the Buildings and Grounds Division in the enforcement of subsection 1. The salaries and expenses of the personnel appointed pursuant to this subsection must, within the limits of legislative authorization, be paid out of the Buildings and Grounds Operating Fund.

3. *Personnel of the Capitol Police Division who are assigned to protect the safety of ~~persons in the Supreme Court building and~~ the justices ~~and employees~~ of the Supreme Court have the authority to provide any necessary security services, ~~under the direction~~ at the request of the Court Administrator, to the justices ~~and employees~~ of the Supreme Court while the justices ~~and employees~~ are performing work duties at ~~locations outside the grounds of the Supreme Court building.~~ any location in this State. No money may be expended from the Buildings and Grounds Operating Fund for such security services ~~if~~ unless the money has been specifically appropriated for such a purpose.*

Sec. 6. NRS 333.710 is hereby amended to read as follows:

333.710 1. If personnel of the Capitol Police Division of the Department of Public Safety are not available to provide security services for a building, office or other facility of a using agency, the using agency may, pursuant to NRS 333.700, contract with one or more independent contractors to provide such services.

2. *If the ~~Court Administrator~~ Chief Justice of the Supreme Court determines that additional security is needed for the ~~Supreme Court pursuant to the provisions of subsection 2 of NRS 1.360,~~ safe operation of any facility or building that is owned by or leased to the Supreme Court and occupied by its employees, the Supreme Court may ~~employ or appoint one or more persons or~~ contract with one or more independent contractors to provide security services for the ~~Supreme Court and to serve under the direction of the Court Administrator.~~ facility or building. Any contractor with whom the Supreme Court contracts for these services is subject to the oversight of a peace officer who provides security services for the Supreme Court and who is designated and directed by the Chief Justice.*

3. An independent contractor with whom a using agency ~~for the Supreme Court~~ contracts pursuant to subsection 1 ~~(this section)~~ must:

(a) Be licensed as a private patrol officer pursuant to chapter 648 of NRS or employed by a person so licensed; and

(b) Possess the skills required of and meet the same physical requirements as law enforcement personnel certified by the Peace Officers' Standards and Training Commission created pursuant to NRS 289.500.

4. An independent contractor with whom the Supreme Court contracts pursuant to subsection 2 must be licensed as a private patrol officer pursuant to chapter 648 of NRS or employed by a person so licensed.

Sec. 6.5. Nothing in this act may be construed to abrogate or alter the provisions of NRS 331.070 or 480.140.

Sec. 7. This act becomes effective on July 1, 2011.

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 125.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 157.

AN ACT relating to criminal records; revising the crimes against older persons that are required to be reported to the Repository for Information Concerning Crimes Against Older Persons; requiring that certain information be included in the record maintained by the Repository; requiring the annual reporting of statistical data concerning such crimes to the Legislature; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires that the Repository for Information Concerning Crimes Against Older Persons contain a record of all reports of crimes against older persons committed in this State, authorizes the inclusion of certain information in the record maintained by the Repository and requires the Director of the Department of Public Safety to compile, analyze and submit a report to the Legislature that sets forth statistical data on all crimes committed against older persons. (NRS 179A.450) This bill revises the crimes against older persons that are required to be reported to the Repository to include only reports of the abuse, neglect, exploitation or isolation of older persons. ~~[. This bill also]~~ , **and** requires the record maintained by the Repository to include certain information concerning such crimes. ~~Finally, this bill~~ **This bill also** revises the statistical data required to be compiled, analyzed and submitted to the Legislature to include the abuse, neglect, exploitation and isolation of older persons. **Finally, this bill provides that any data and findings generated from the Repository must not contain information that may reveal the identity of an individual victim or a person accused of the abuse, neglect, exploitation or isolation of older persons.**

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

Section 1. NRS 179A.450 is hereby amended to read as follows:

179A.450 1. The Repository for Information Concerning Crimes Against Older Persons is hereby created within the Central Repository.

2. The Repository for Information Concerning Crimes Against Older Persons must contain a complete and systematic record of all reports of ~~{crimes against older persons committed}~~ **the abuse, neglect, exploitation or isolation of older persons** in this State. The record must be prepared in a manner approved by the Director of the Department and ~~{may}~~ **must** include, without limitation, the following information:

- (a) All incidents that are reported to any entity.
- (b) All cases that are currently under investigation and the type of such cases.
- (c) All cases that are referred for prosecution and the type of such cases.
- (d) All cases in which prosecution is declined or dismissed and any reason for such action.
- (e) All cases that are prosecuted and the final disposition of such cases.
- (f) All cases that are resolved by agencies which provide protective services and the type of such cases.

3. The Director of the Department shall compile and analyze the data collected pursuant to this section to assess the incidence of ~~{crimes against}~~ **the abuse, neglect, exploitation or isolation of** older persons.

4. On or before July 1 of each year, the Director of the Department shall prepare and submit a report to the Director of the Legislative Counsel Bureau for transmittal to the Legislature that sets forth statistical data on ~~{crimes against}~~ **the abuse, neglect, exploitation or isolation of** older persons.

5. The data acquired pursuant to this section is confidential and must be used only for the purpose of research. The data and findings generated pursuant to this section must not contain information that may reveal the identity of an individual victim or a person accused of ~~{a crime.}~~ **the abuse, neglect, exploitation or isolation of older persons.**

6. As used in this section ~~{“older”}~~ :

- (a) **“Abuse” has the meaning ascribed to it in NRS 200.5092.**
- (b) **“Exploitation” has the meaning ascribed to it in NRS 200.5092.**
- (c) **“Isolation” has the meaning ascribed to it in NRS 200.5092.**
- (d) **“Neglect” has the meaning ascribed to it in NRS 200.5092.**
- (e) **“Older person” means a person who is 60 years of age or older.**

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 137.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 184.

AN ACT relating to education; requiring the implementation of a school breakfast program at ~~each~~ **certain** public ~~school designated as demonstrating need for improvement for 3 consecutive years or more;~~ **schools;** requiring **the Department of Education to report on the school breakfast program for each public school; requiring** school districts ~~and certain public schools~~ to report on school nutrition programs; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Child Nutrition Act enacted in 1966 established the School Breakfast Program which provides grants to the states to establish school breakfast programs in public schools. (42 U.S.C. 1771 et. seq.) **Federal regulations provide that a public school may elect to operate a school breakfast program pursuant to one of three alternative Provisions and prescribe the requirements by which a public school may operate the program pursuant to one of those Provisions. (7 C.F.R. 245.9) If a school provides a school breakfast program pursuant to Provision 2 of the federal regulations, the school serves those meals free of charge to all pupils enrolled in the school.** Under existing law, the boards of trustees of school districts and the governing bodies of charter schools are authorized to operate or provide for the operation of programs of nutrition in the public schools under their jurisdiction. (NRS 387.090) ~~Existing law also requires the Department of Education to determine whether a public school is making adequate yearly progress in the achievement and proficiency of pupils and a public school that does not make adequate yearly progress is designated as demonstrating need for improvement. (NRS 385.3613, 385.3623)~~ **Section 1** of this bill requires the implementation of a school breakfast program to provide breakfast to pupils enrolled in each public school, including a charter school, that is ~~designated as demonstrating need for improvement for 3 consecutive years or more;~~ **eligible to operate a program of nutrition in accordance with the requirements of Provision 2 set forth in the federal regulations and as authorized by the Department of Education.** **Section 1** also requires the ~~public schools that are required to implement a school breakfast program and each school district to report annually;~~ **Department, on a biennial basis, to prepare a written report on the school breakfast program for each public school in this State and requires the board of trustees of each school district, on a biennial basis, to submit to the Department a report containing** certain information concerning nutrition programs. ~~to the~~ **Section 1 further requires the Department to submit**

compilations of the reports, on or before January 1 of each odd-numbered year, to the Legislative Committee on Health Care, ~~and~~ the Interim Finance Committee, ~~and~~ and the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature.

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

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

1. ~~##~~ Except as otherwise provided in subsection 2, if a public school ~~is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 3 or more consecutive years,~~ is eligible to operate a program of nutrition in accordance with the requirements of Provision 2 set forth in 7 C.F.R. 245.9, and as authorized by the Department, the board of trustees of the school district in which the school is located or the governing body of the charter school, as applicable, shall implement a breakfast program at the school, ~~which offers pupils, including, without limitation, pupils who are eligible for free or reduced-price meals, breakfast after the school day has commenced.~~ The program must provide for the serving of breakfast after the school day has commenced in ~~the~~ the following order of priority:

- (a) The classroom;**
- (b) ~~The cafeteria;~~ A transportable manner; or**
- (c) ~~A transportable manner.~~ The cafeteria.**

2. The board of trustees of a school district in a county whose population is less than 55,000 may submit a request to the State Board for an exemption from the requirements of subsection 1 on a form prescribed by the Department. The State Board shall grant such an exemption if the State Board determines that a fiscal hardship exists for the school district.

3. The ~~principal of each public school at which a school breakfast program is implemented~~ Department shall, on a biennial basis, prepare a written report on the school breakfast program, for each public school in this State, including, without limitation:

(a) The percentage of pupils enrolled in the school who participate in the program, which must be reported for the immediately preceding 4 years as that data is available;

(b) A comparison between the:

(1) Number of pupils who are eligible to receive free or reduced-priced breakfasts;

(2) Number of pupils who participate in the school breakfast program; and

(3) Total enrollment of pupils in the school;

(c) An identification of the method by which the school provides breakfast to pupils;

~~(d) The percentage of pupils enrolled in the school who participate in each method for serving breakfast if the school provides breakfast by more than one method; and~~

~~(e) The number of years that the school has been designated as demonstrating need for improvement pursuant to NRS 385.3623.~~

~~3. The average daily participation in the school breakfast program of pupils who are eligible to receive free or reduced-price breakfasts; and~~

~~(e) The percentage of pupils who are eligible to receive free or reduced-price breakfasts and who participate in the school breakfast program.~~

4. The board of trustees of each school district shall ~~prepare~~, on a biennial basis, submit to the Department a written report on school nutrition programs within the school district, which must be reported for the immediately preceding 4 years as that data is available, including, without limitation:

(a) The percentage of pupils enrolled in the school district who participate in the school breakfast program and the progress made by the school district in increasing that participation;

(b) The percentage of public schools within the school district that participate in the school breakfast program and the progress made by the school district in increasing that participation;

(c) The percentage of pupils who participate in each program of nutrition offered by the school district and the progress made by the school district in increasing that participation;

(d) A list of each public school in the school district that operates a program of nutrition during the summer ~~for~~;

~~(e) If the school district offers a program of nutrition during the summer, a comparison between the:~~

~~(1) Number of pupils who are eligible to participate in the program of nutrition offered during the summer;~~

~~(2) Number of pupils who participate in the program of nutrition offered during the summer; and~~

~~(3) Total enrollment of pupils in each public school identified in paragraph (d);~~

~~(f) If the school district offers a program of nutrition during the summer, the amount of money the school district is eligible to receive from the Federal Government and from other sources for the program and the amount of money the school district receives for that program, if any; , including, without limitation:~~

(1) A list of each sponsor of such a program;

(2) The number of sites at which the sponsor offers the program; and

(3) The number of meals served at each site; and

~~[(9)]~~ **(c) The amount of money the school district is eligible to receive from the Federal Government and from other sources for ~~each~~ the school breakfast program ~~[of nutrition]~~ offered by the school district and the amount of money the school district receives for ~~those programs~~**

4] that program.

5. On or before ~~[August]~~ November 1 of each even-numbered year, the ~~[principal of each public school, the board of trustees of each school district and the governing body of each charter school shall submit]~~ Department shall compile the data for each school district from the reports prepared pursuant to subsections 3 and 4 and submit each school district's compilation to the board of trustees of that school district for review. Upon review, the board of trustees of each school district shall, on or before December 15 of each even-numbered year, submit to the Department a written explanation of any decrease in the number of pupils participating in the school breakfast program and a plan to improve the number of pupils participating.

6. On or before January 1 of each odd-numbered year, the Department shall submit the ~~[report]~~ compilations prepared by the Department pursuant to subsection ~~[2 or 3, as applicable]~~ 5 and the plans to improve prepared by the school districts pursuant to subsection 5 to the:

(a) Legislative Committee on Health Care ~~[; and]~~

(b) Interim Finance Committee.

(c) Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature.

Sec. 2. NRS 387.070 is hereby amended to read as follows:

387.070 As used in NRS 387.070 to 387.105, inclusive, **and section 1 of this act**, "program of nutrition" means a program under which food is served to or nutritional education and assistance are provided for children and adults by any public school, private school or public or private institution on a nonprofit basis, including any such program for which assistance may be made available out of money appropriated by the Congress of the United States. The term includes, but is not limited to, a school lunch program.

Sec. 3. NRS 387.090 is hereby amended to read as follows:

387.090 ~~[The]~~ **In addition to the school breakfast program required by section 1 of this act, the** board of trustees of each school district and the governing body of each charter school may:

1. Operate or provide for the operation of programs of nutrition in the public schools under their jurisdiction.

2. Use therefor money disbursed to them pursuant to the provisions of NRS 387.070 to 387.105, inclusive, **and section 1 of this act**, gifts, donations and other money received from the sale of food under those programs.

3. Deposit the money in one or more accounts in one or more banks or credit unions within the State.

4. Contract with respect to food, services, supplies, equipment and facilities for the operation of the programs.

Sec. 4. 1. Each school district shall increase by 15 percent the number of pupils who are enrolled in the school district and participating in a school breakfast program on or before June 30, 2013, and annually thereafter, so that the school district achieves 100-percent participation in the school breakfast program.

2. ~~{The report submitted by each}~~ **Each** school district ~~{on or before August 1, 2013, pursuant to section 1 of this act must indicate}~~ **shall prepare a report indicating** whether the school district attained the 15 percent increase required by subsection 1 during the 2011-2013 biennium. **On or before August 1, 2013, each school district shall submit the report to the:**

(a) Legislative Committee on Health Care.

(b) Interim Finance Committee.

Sec. 5. This act becomes effective on July 1, 2011.

Assemblyman Bobzien moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to the Concurrent committee on Ways and Means.

Assembly Bill No. 142.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 61.

AN ACT relating to crimes; increasing the monetary threshold for the classification of certain crimes against property; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes certain crimes making it unlawful to take or obtain property, including: (1) exploitation of an older or vulnerable person; (2) theft; (3) issuing a check without sufficient money or credit; (4) larceny; (5) receiving or possessing stolen property; (6) embezzlement; (7) obtaining property by false pretenses; and (8) other similar offenses. (NRS 200.5099, 205.0821-205.0835, 205.130, 205.2175-205.2707, 205.275, 205.300, 205.380) Existing law also imposes penalties for such crimes based on the value of the property or services involved in the crime. This bill increases the threshold amounts that determine whether certain theft and related property offenses are punishable as misdemeanors, gross misdemeanors or felonies.

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

Section 1. NRS 193.167 is hereby amended to read as follows:

193.167 1. Except as otherwise provided in NRS 193.169, any person who commits the crime of:

- (a) Murder;
- (b) Attempted murder;
- (c) Assault;
- (d) Battery;
- (e) Kidnapping;
- (f) Robbery;
- (g) Sexual assault;
- (h) Embezzlement of money or property of a value of ~~[\$250] ~~[\$450] \$650~~~~

or more;

(i) Obtaining money or property of a value of ~~[\$250] ~~[\$450] \$650~~~~ or more by false pretenses; or

(j) Taking money or property from the person of another,
↪ against any person who is 60 years of age or older or against a vulnerable person shall, in addition to the term of imprisonment prescribed by statute for the crime, be punished, if the crime is a misdemeanor or gross misdemeanor, by imprisonment in the county jail for a term equal to the term of imprisonment prescribed by statute for the crime, and, if the crime is a felony, by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years.

2. Except as otherwise provided in NRS 193.169, any person who commits a criminal violation of the provisions of chapter 90 or 91 of NRS against any person who is 60 years of age or older or against a vulnerable person shall, in addition to the term of imprisonment prescribed by statute for the criminal violation, be punished, if the criminal violation is a misdemeanor or gross misdemeanor, by imprisonment in the county jail for a term equal to the term of imprisonment prescribed by statute for the criminal violation, and, if the criminal violation is a felony, by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years.

3. In determining the length of the additional penalty imposed pursuant to this section, the court shall consider the following information:

- (a) The facts and circumstances of the crime or criminal violation;
- (b) The criminal history of the person;
- (c) The impact of the crime or criminal violation on any victim;
- (d) Any mitigating factors presented by the person; and
- (e) Any other relevant information.

↪ The court shall state on the record that it has considered the information described in paragraphs (a) to (e), inclusive, in determining the length of the additional penalty imposed.

4. The sentence prescribed by this section must run consecutively with the sentence prescribed by statute for the crime or criminal violation.

5. This section does not create any separate offense but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.

6. As used in this section, “vulnerable person” has the meaning ascribed to it in subsection 7 of NRS 200.5092.

Sec. 2. NRS 197.150 is hereby amended to read as follows:

197.150 A public officer, or person holding or discharging the duties of any public office or place of trust under the State or in any county, town or city, a part of whose duty it is to audit, allow or pay, or take part in auditing, allowing or paying claims or demands upon the State or a county, town or city, who knowingly audits, allows or pays, or directly or indirectly consents to or in any way connives in the audit, allowance or payment of any claim or demand against the State, county, town or city, which is false or fraudulent or contains any charge, item or claim which is false or fraudulent, shall be punished:

1. Where the amount of the false or fraudulent charge, claim, item or demand is ~~[\$250,] [\$450,] \$650~~ or more, for a category D felony as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

2. Where the amount of the fraudulent charge, claim, item or demand is less than ~~[\$250,] [\$450,] \$650~~, for a misdemeanor.

Sec. 3. NRS 197.210 is hereby amended to read as follows:

197.210 An officer who fraudulently appropriates to his or her own use or to the use of another person, or secretes with the intent to appropriate to such a use, any money, evidence of debt or other property entrusted to the officer by virtue of his or her office, shall be punished:

1. Where the amount of the money or the actual value of the property fraudulently appropriated or secreted with the intent to appropriate is ~~[\$250,] [\$450,] \$650~~ or more, for a category D felony as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

2. Where the amount of the money or the actual value of the property fraudulently appropriated or secreted with the intent to appropriate is less than ~~[\$250,] [\$450,] \$650~~, for a misdemeanor.

Sec. 4. NRS 200.5099 is hereby amended to read as follows:

200.5099 1. Except as otherwise provided in subsection 6, any person who abuses an older person or a vulnerable person is guilty:

(a) For the first offense, of a gross misdemeanor; or

(b) For any subsequent offense or if the person has been previously convicted of violating a law of any other jurisdiction that prohibits the same

or similar conduct, of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 6 years, unless a more severe penalty is prescribed by law for the act or omission which brings about the abuse.

2. Except as otherwise provided in subsection 7, any person who has assumed responsibility, legally, voluntarily or pursuant to a contract, to care for an older person or a vulnerable person and who:

(a) Neglects the older person or vulnerable person, causing the older person or vulnerable person to suffer physical pain or mental suffering;

(b) Permits or allows the older person or vulnerable person to suffer unjustifiable physical pain or mental suffering; or

(c) Permits or allows the older person or vulnerable person to be placed in a situation where the older person or vulnerable person may suffer physical pain or mental suffering as the result of abuse or neglect,

➡ is guilty of a gross misdemeanor unless a more severe penalty is prescribed by law for the act or omission which brings about the abuse or neglect.

3. Except as otherwise provided in subsection 4, any person who exploits an older person or a vulnerable person shall be punished, if the value of any money, assets and property obtained or used:

(a) Is less than ~~(\$250,)~~ ~~(\$450,)~~ \$650, for a misdemeanor by imprisonment in the county jail for not more than 1 year, or by a fine of not more than \$2,000, or by both fine and imprisonment;

(b) Is at least ~~(\$250,)~~ ~~(\$450,)~~ \$650 but less than \$5,000, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, or by a fine of not more than \$10,000, or by both fine and imprisonment; or

(c) Is \$5,000 or more, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years, or by a fine of not more than \$25,000, or by both fine and imprisonment,

➡ unless a more severe penalty is prescribed by law for the act which brought about the exploitation. The monetary value of all of the money, assets and property of the older person or vulnerable person which have been obtained or used, or both, may be combined for the purpose of imposing punishment for an offense charged pursuant to this subsection.

4. If a person exploits an older person or a vulnerable person and the monetary value of any money, assets and property obtained cannot be determined, the person shall be punished for a gross misdemeanor by imprisonment in the county jail for not more than 1 year, or by a fine of not more than \$2,000, or by both fine and imprisonment.

5. Any person who isolates an older person or a vulnerable person is guilty:

(a) For the first offense, of a gross misdemeanor; or

(b) For any subsequent offense, of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than \$5,000.

6. A person who violates any provision of subsection 1, if substantial bodily or mental harm or death results to the older person or vulnerable person, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years, unless a more severe penalty is prescribed by law for the act or omission which brings about the abuse.

7. A person who violates any provision of subsection 2, if substantial bodily or mental harm or death results to the older person or vulnerable person, shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 6 years, unless a more severe penalty is prescribed by law for the act or omission which brings about the abuse or neglect.

8. In addition to any other penalty imposed against a person for a violation of any provision of NRS 200.5091 to 200.50995, inclusive, the court shall order the person to pay restitution.

9. As used in this section:

(a) “Allow” means to take no action to prevent or stop the abuse or neglect of an older person or a vulnerable person if the person knows or has reason to know that the older person or vulnerable person is being abused or neglected.

(b) “Permit” means permission that a reasonable person would not grant and which amounts to a neglect of responsibility attending the care and custody of an older person or a vulnerable person.

(c) “Substantial mental harm” means an injury to the intellectual or psychological capacity or the emotional condition of an older person or a vulnerable person as evidenced by an observable and substantial impairment of the ability of the older person or vulnerable person to function within his or her normal range of performance or behavior.

Sec. 5. NRS 204.010 is hereby amended to read as follows:

204.010 Every public officer or other person who has in his or her possession, control or custody any public money belonging to this state, or to any county, town, city, district or municipal corporation within this state, or to whom any such public money is entrusted for safekeeping, or for transmission to any treasurer, other officer or person entitled to receive it, who uses any of the public money for his or her own private purposes, or for any purpose other than one authorized by law, shall, if the amount so

unlawfully used is less than ~~[\$250,] [\$450,]~~ \$650, be punished for a misdemeanor.

Sec. 6. NRS 204.020 is hereby amended to read as follows:

204.020 A public officer or other person who has in his or her possession, control or custody any public money belonging to this state, or to any county, town, city, district or municipal corporation within this state, or to whom any such public money is entrusted for safekeeping or for transmission to any treasurer or other officer, or other person entitled to receive it, who uses any of the public money for his or her own private purposes, or for any purpose other than one authorized by law, if the amount unlawfully used is ~~[\$250] [\$450]~~ \$650 or more, is guilty of a category D felony and shall be punished as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

Sec. 7. NRS 204.030 is hereby amended to read as follows:

204.030 1. It is unlawful for any public officer, and any other person receiving money on behalf of, or for or on account of, this State or of any department of the State Government or of any bureau or fund created by law in which the State is directly or indirectly interested, or for or on account of any county, city, town, municipal corporation or any school or district:

(a) Knowingly to keep any false account, or make any false entry or erasure in any account, of or relating to any money so received;

(b) Fraudulently to alter, falsify, conceal, destroy or obliterate any such account; or

(c) Willfully to omit or refuse to pay over to the State, its officer or agent authorized by law to receive the money, or to the county, city, town or the school, municipal corporation, or district or to the proper officer or authority empowered to demand and receive it, any money received by him or her as such an officer when it is a legal duty to pay over and account for the money.

2. A person who violates any of the provisions of subsection 1 shall be punished:

(a) Where the amount involved is ~~[\$250] [\$450]~~ \$650 or more, for a category D felony as provided in NRS 193.130.

(b) Where the amount involved is less than ~~[\$250,] [\$450,]~~ \$650, for a misdemeanor.

Sec. 8. NRS 204.050 is hereby amended to read as follows:

204.050 A state, county, city or town treasurer who willfully misappropriates any money, funds or securities received by or deposited with the treasurer, or who is guilty of any other malfeasance or willful neglect of duty in office, shall be punished:

1. Where the amount misappropriated is ~~[\$250] [\$450]~~ \$650 or more, for a category D felony as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

2. Where the amount misappropriated is less than ~~[\$250,] [\$450,]~~ \$650, for a misdemeanor.

Sec. 9. NRS 205.08345 is hereby amended to read as follows:

205.08345 1. A person who participates in an organized retail theft ring is guilty of a category B felony and shall be punished by imprisonment in the state prison for:

(a) If the aggregated value of the property or services involved in all thefts committed by the organized retail theft ring in this State during a period of 90 days is at least ~~[\$2,500]~~ \$3,500 but less than \$10,000, a minimum term of not less than 1 year and a maximum term of not more than 10 years, and by a fine of not more than \$10,000.

(b) If the aggregated value of the property or services involved in all thefts committed by the organized retail theft ring in this State during a period of 90 days is \$10,000 or more, a minimum term of not less than 2 years and a maximum term of not more than 15 years, and by a fine of not more than \$20,000.

2. In addition to any other penalty, the court shall order a person who violates this section to pay restitution.

3. For the purposes of this section, in determining the aggregated value of the property or services involved in all thefts committed by an organized retail theft ring in this State during a period of 90 days:

(a) The amount involved in a single theft shall be deemed to be the highest value, by any reasonable standard, of the property or services which are obtained; and

(b) The amounts involved in all thefts committed by all participants in the organized retail theft ring must be aggregated.

4. In any prosecution for a violation of this section, the violation shall be deemed to have been committed and may be prosecuted in any jurisdiction in this State in which any theft committed by any participant in an organized retail theft ring was committed, regardless of whether the defendant was ever physically present in that jurisdiction.

5. As used in this section:

(a) “Merchant” has the meaning ascribed to it in NRS 597.850.

(b) “Organized retail theft ring” means three or more persons who associate for the purpose of engaging in the conduct of committing a series of thefts of retail merchandise against more than one merchant in this State or against one merchant but at more than one location of a retail business of the merchant in this State.

Sec. 10. NRS 205.0835 is hereby amended to read as follows:

205.0835 1. Unless a greater penalty is imposed by a specific statute and unless the provisions of NRS 205.08345 apply under the circumstances, a person who commits theft in violation of any provision of NRS 205.0821 to

205.0835, inclusive, shall be punished pursuant to the provisions of this section.

2. If the value of the property or services involved in the theft is less than ~~[\$250,] [\$450,]~~ \$650, the person who committed the theft is guilty of a misdemeanor.

3. If the value of the property or services involved in the theft is ~~[\$250] [\$450]~~ \$650 or more but less than ~~[\$2,500,] \$3,500~~, the person who committed the theft is guilty of a category C felony and shall be punished as provided in NRS 193.130.

4. If the value of the property or services involved in the theft is ~~[\$2,500]~~ \$3,500 or more, the person who committed the theft is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and by a fine of not more than \$10,000.

5. In addition to any other penalty, the court shall order the person who committed the theft to pay restitution.

Sec. 11. NRS 205.130 is hereby amended to read as follows:

205.130 1. Except as otherwise provided in this subsection and subsections 2 and 3, a person who willfully, with an intent to defraud, draws or passes a check or draft to obtain:

- (a) Money;
- (b) Delivery of other valuable property;
- (c) Services;
- (d) The use of property; or
- (e) Credit extended by any licensed gaming establishment,

↪ drawn upon any real or fictitious person, bank, firm, partnership, corporation or depository, when the person has insufficient money, property or credit with the drawee of the instrument to pay it in full upon its presentation, is guilty of a misdemeanor. If that instrument, or a series of instruments passed in the State during a period of 90 days, is in the amount of ~~[\$250] [\$450]~~ \$650 or more, the person is guilty of a category D felony and shall be punished as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

2. A person who was previously convicted three times of a misdemeanor under the provisions of this section, or of an offense of a similar nature, in this State or any other state, or in a federal jurisdiction, who violates this section is guilty of a category D felony and shall be punished as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

3. A person who willfully issues any check or draft for the payment of wages in excess of ~~[\$250,] [\$450,]~~ \$650, when the person knows he or she

has insufficient money or credit with the drawee of the instrument to pay the instrument in full upon presentation is guilty of a gross misdemeanor.

4. For the purposes of this section, “credit” means an arrangement or understanding with a person, firm, corporation, bank or depository for the payment of a check or other instrument.

Sec. 12. NRS 205.134 is hereby amended to read as follows:

205.134 1. A notice in boldface type which is clearly legible and is in substantially the following form must be posted in a conspicuous place in every principal and branch office of every bank and in every place of business in which retail selling is conducted:

The issuance of a check or draft without sufficient money or with intent to defraud is punishable by imprisonment in the county jail for not more than 6 months, or by a fine of not more than \$1,000, or by both fine and imprisonment, and the issuance of such a check or draft in an amount of ~~[\$250] ~~[\$450]~~ \$650~~ or more or by a person who previously has been convicted three times of this or a similar offense is punishable as a category D felony as provided in NRS 193.130.

2. Failure of the owner, operator or manager of a bank or other place of business to post the sign required by this section is not a defense to charge of a violation of NRS 205.130.

Sec. 13. NRS 205.220 is hereby amended to read as follows:

205.220 Except as otherwise provided in NRS 205.226 and 205.228, a person commits grand larceny if the person:

1. Intentionally steals, takes and carries away, leads away or drives away:

(a) Personal goods or property, with a value of ~~[\$250] ~~[\$450]~~ \$650~~ or more, owned by another person;

(b) Bedding, furniture or other property, with a value of ~~[\$250] ~~[\$450]~~ \$650~~ or more, which the person, as a lodger, is to use in or with his or her lodging and which is owned by another person; or

(c) Real property, with a value of ~~[\$250] ~~[\$450]~~ \$650~~ or more, that the person has converted into personal property by severing it from real property owned by another person.

2. Uses a card or other device for automatically withdrawing or transferring money in a financial institution to obtain intentionally money to which the person knows he or she is not entitled.

3. Intentionally steals, takes and carries away, leads away, drives away or entices away:

(a) One or more head of livestock owned by another person; or

(b) One or more domesticated animals or domesticated birds, with an aggregate value of ~~[\$250] ~~[\$450]~~ \$650~~ or more, owned by another person.

4. With the intent to defraud, steal, appropriate or prevent identification:

(a) Marks or brands, causes to be marked or branded, alters or defaces a mark or brand, or causes to be altered or defaced a mark or brand upon one or more head of livestock owned by another person;

(b) Sells or purchases the hide or carcass of one or more head of livestock owned by another person that has had a mark or brand cut out or obliterated;

(c) Kills one or more head of livestock owned by another person but running at large, whether or not the livestock is marked or branded; or

(d) Kills one or more domesticated animals or domesticated birds, with an aggregate value of ~~[\$250] [\$450] \$650~~ or more, owned by another person but running at large, whether or not the animals or birds are marked or branded.

Sec. 14. NRS 205.222 is hereby amended to read as follows:

205.222 1. Unless a greater penalty is imposed by a specific statute, a person who commits grand larceny in violation of NRS 205.220 shall be punished pursuant to the provisions of this section.

2. If the value of the property involved in the grand larceny is less than ~~[\$2,500]~~ **\$3,500**, the person who committed the grand larceny is guilty of a category C felony and shall be punished as provided in NRS 193.130.

3. If the value of the property involved in the grand larceny is ~~[\$2,500]~~ **\$3,500** or more, the person who committed the grand larceny is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and by a fine of not more than \$10,000.

4. In addition to any other penalty, the court shall order the person who committed the grand larceny to pay restitution.

5. If the grand larceny involved a sale in violation of subsection 3 or 4 of NRS 205.220, all proceeds from the sale are subject to forfeiture.

Sec. 15. NRS 205.228 is hereby amended to read as follows:

205.228 1. A person who intentionally steals, takes and carries away, drives away or otherwise removes a motor vehicle owned by another person commits grand larceny of a motor vehicle.

2. Except as otherwise provided in subsection 3, a person who commits grand larceny of a motor vehicle is guilty of a category C felony and shall be punished as provided in NRS 193.130.

3. If the prosecuting attorney proves that the value of the motor vehicle involved in the grand larceny is ~~[\$2,500]~~ **\$3,500** or more, the person who committed the grand larceny of the motor vehicle is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and by a fine of not more than \$10,000.

4. In addition to any other penalty, the court shall order the person who committed the grand larceny of the motor vehicle to pay restitution.

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

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

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

(1) Personal goods or property, with a value of less than ~~[\$250,] [\$450,]~~ \$650, owned by another person;

(2) Bedding, furniture or other property, with a value of less than ~~[\$250,] [\$450,]~~ \$650, which the person, as a lodger, is to use in or with his or her lodging and which is owned by another person; or

(3) Real property, with a value of less than ~~[\$250,] [\$450,]~~ \$650, that the person has converted into personal property by severing it from real property owned by another person.

(b) Intentionally steals, takes and carries away, leads away, drives away or entices away one or more domesticated animals or domesticated birds, with an aggregate value of less than ~~[\$250,] [\$450,]~~ \$650, owned by another person.

2. Unless a greater penalty is provided pursuant to NRS 205.267, a person who commits petit larceny is guilty of a misdemeanor. In addition to any other penalty, the court shall order the person to pay restitution.

Sec. 17. NRS 205.267 is hereby amended to read as follows:

205.267 1. A person who intentionally steals, takes and carries away scrap metal with a value of less than ~~[\$250] [\$450]~~ \$650 within a period of 90 days is guilty of a misdemeanor.

2. A person who intentionally steals, takes and carries away scrap metal with a value of ~~[\$250] [\$450]~~ \$650 or more within a period of 90 days is guilty of:

(a) If the value of the property taken is less than ~~[\$2,500,] \$3,500~~, a category C felony and shall be punished as provided in NRS 193.130; or

(b) If the value of the property taken is ~~[\$2,500] \$3,500~~ or more, a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and by a fine of not more than \$10,000.

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

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

5. As used in this section, "scrap metal" has the meaning ascribed to it in NRS 647.017.

Sec. 18. NRS 205.270 is hereby amended to read as follows:

205.270 1. A person who, under circumstances not amounting to robbery, with the intent to steal or appropriate to his or her own use, takes

property from the person of another, without the other person's consent, is guilty of:

(a) If the value of the property taken is less than ~~[\$2,500,] \$3,500~~, a category C felony and shall be punished as provided in NRS 193.130; or

(b) If the value of the property taken is ~~[\$2,500] \$3,500~~ or more, a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and by a fine of not more than \$10,000.

2. In addition to any other penalty, the court shall order the person to pay restitution.

3. The court shall not grant probation to or suspend the sentence of any person convicted of violating subsection 1 if the person from whom the property was taken has any infirmity caused by age or other physical condition.

Sec. 19. NRS 205.2707 is hereby amended to read as follows:

205.2707 1. A person who intentionally steals, takes and carries away property of the value of ~~[\$250] ~~[\$450] \$650~~~~ or more from vending machines within a period of 1 week is guilty of:

(a) If the value of the property taken is less than ~~[\$2,500,] \$3,500~~, a category C felony and shall be punished as provided in NRS 193.130; or

(b) If the value of the property taken is ~~[\$2,500] \$3,500~~ or more, a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and by a fine of not more than \$10,000.

2. In addition to any other penalty, the court shall order the person to pay restitution.

3. In determining the value of the property taken, the cost of repairing damaged vending machines and replacing any machine, if necessary, must be added to the value of the property.

Sec. 20. NRS 205.273 is hereby amended to read as follows:

205.273 1. A person commits an offense involving a stolen vehicle if the person:

(a) With the intent to procure or pass title to a motor vehicle which the person knows or has reason to believe has been stolen, receives or transfers possession of the vehicle from or to another person; or

(b) Has in his or her possession a motor vehicle which the person knows or has reason to believe has been stolen.

2. The provisions of subsection 1 do not apply to an officer of the law if the officer is engaged in the performance of his or her duty as an officer at the time of the receipt, transfer or possession of the stolen vehicle.

3. Except as otherwise provided in subsection 4, a person who violates the provisions of subsection 1 is guilty of a category C felony and shall be punished as provided in NRS 193.130.

4. If the prosecuting attorney proves that the value of the vehicle involved is ~~[\$2,500]~~ **\$3,500** or more, the person who violated the provisions of subsection 1 is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and by a fine of not more than \$10,000.

5. In addition to any other penalty, the court shall order the person to pay restitution.

6. For the purposes of this section, the value of a vehicle shall be deemed to be the highest value attributable to the vehicle by any reasonable standard.

Sec. 21. NRS 205.275 is hereby amended to read as follows:

205.275 1. A person commits an offense involving stolen property if the person, for his or her own gain or to prevent the owner from again possessing the owner's property, buys, receives, possesses or withholds property:

(a) Knowing that it is stolen property; or

(b) Under such circumstances as should have caused a reasonable person to know that it is stolen property.

2. A person who commits an offense involving stolen property in violation of subsection 1:

(a) If the value of the property is less than ~~[\$250,] [\$450,]~~ **\$650**, is guilty of a misdemeanor;

(b) If the value of the property is ~~[\$250] [\$450]~~ **\$650** or more but less than ~~[\$2,500,] \$3,500~~, is guilty of a category C felony and shall be punished as provided in NRS 193.130; or

(c) If the value of the property is ~~[\$2,500]~~ **\$3,500** or more or if the property is a firearm, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and by a fine of not more than \$10,000.

3. In addition to any other penalty, the court shall order the person to pay restitution.

4. A person may be prosecuted and convicted pursuant to this section whether or not the principal is or has been prosecuted or convicted.

5. Possession by any person of three or more items of the same or a similar class or type of personal property on which a permanently affixed manufacturer's serial number or manufacturer's identification number has been removed, altered or defaced, is prima facie evidence that the person has violated this section.

6. For the purposes of this section, the value of the property involved shall be deemed to be the highest value attributable to the property by any reasonable standard.

7. As used in this section, "stolen property" means property that has been taken from its owner by larceny, robbery, burglary, embezzlement, theft or any other offense that is a crime against property, whether or not the person who committed the taking is or has been prosecuted or convicted for the offense.

Sec. 22. NRS 205.365 is hereby amended to read as follows:

205.365 A person, after once selling, bartering or disposing of any tract of land, town lot, or executing any bond or agreement for the sale of any land or town lot, who again, knowingly and fraudulently, sells, barter or disposes of the same tract of land or lot, or any part thereof, or knowingly and fraudulently executes any bond or agreement to sell, barter or dispose of the same land or lot, or any part thereof, to any other person, for a valuable consideration, shall be punished:

1. Where the value of the property involved is ~~[\$250] [\$450]~~ \$650 or more, for a category C felony as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

2. Where the value of the property is less than ~~[\$250.] [\$450.]~~ \$650, for a misdemeanor.

Sec. 23. NRS 205.370 is hereby amended to read as follows:

205.370 A person who, by false representations of his or her own wealth, or mercantile correspondence and connections, obtains a credit thereby and defrauds any person of money, goods, chattels or any valuable thing, or if a person causes or procures another to report falsely of his or her wealth or mercantile character, and by thus imposing upon any person obtains credit and thereby fraudulently gets into the possession of goods, wares or merchandise, or other valuable thing, is a swindler, and must be sentenced to return the property fraudulently obtained, if it can be done, or to pay restitution and shall be punished:

1. Where the amount of money or the value of the chattels, goods, wares or merchandise, or other valuable thing so obtained is ~~[\$250] [\$450]~~ \$650 or more, for a category C felony as provided in NRS 193.130.

2. Otherwise, for a misdemeanor.

Sec. 24. NRS 205.377 is hereby amended to read as follows:

205.377 1. A person shall not, in the course of an enterprise or occupation, knowingly and with the intent to defraud, engage in an act, practice or course of business or employ a device, scheme or artifice which operates or would operate as a fraud or deceit upon a person by means of a false representation or omission of a material fact that:

(a) The person knows to be false or omitted;

(b) The person intends another to rely on; and

(c) Results in a loss to any person who relied on the false representation or omission,

➡ in at least two transactions that have the same or similar pattern, intents, results, accomplices, victims or methods of commission, or are otherwise interrelated by distinguishing characteristics and are not isolated incidents within 4 years and in which the aggregate loss or intended loss is more than ~~[\$250,] ~~[\$450,] \$650.~~~~

2. Each act which violates subsection 1 constitutes a separate offense.

3. A person who violates subsection 1 is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years, and may be further punished by a fine of not more than \$10,000.

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

5. A violation of this section constitutes a deceptive trade practice for the purposes of NRS 598.0903 to 598.0999, inclusive.

6. As used in this section, “enterprise” has the meaning ascribed to it in NRS 207.380.

Sec. 25. NRS 205.380 is hereby amended to read as follows:

205.380 1. A person who knowingly and designedly by any false pretense obtains from any other person any chose in action, money, goods, wares, chattels, effects or other valuable thing, including rent or the labor of another person not his or her employee, with the intent to cheat or defraud the other person, is a cheat, and, unless otherwise prescribed by law, shall be punished:

(a) If the value of the thing or labor fraudulently obtained was ~~[\$250] ~~[\$450,] \$650~~~~ or more, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than \$10,000, or by both fine and imprisonment. In addition to any other penalty, the court shall order the person to pay restitution.

(b) If the value of the thing or labor fraudulently obtained was less than ~~[\$250,] ~~[\$450,] \$650,~~~~ for a misdemeanor, and must be sentenced to restore the property fraudulently obtained, if it can be done, or tender payment for rent or labor.

2. For the purposes of this section, it is prima facie evidence of an intent to defraud if the drawer of a check or other instrument given in payment for:

(a) Property which can be returned in the same condition in which it was originally received;

(b) Rent; or

(c) Labor performed in a workmanlike manner whenever a written estimate was furnished before the labor was performed and the actual cost of the labor does not exceed the estimate,

↪ stops payment on that instrument and fails to return or offer to return the property in that condition, or to specify in what way the labor was deficient within 5 days after receiving notice from the payee that the instrument has not been paid by the drawee.

3. The notice must be sent to the drawer by certified mail, return receipt requested, at the address shown on the instrument. The notice must include a statement of the penalties set forth in this section. Return of the notice because of nondelivery to the drawer raises a rebuttable presumption of the intent to defraud.

4. A notice in boldface type clearly legible and in substantially the following form must be posted in a conspicuous place in every principal and branch office of every bank and in every place of business in which retail selling is conducted or labor is performed for the public and must be furnished in written form by a landlord to a tenant:

The stopping of payment on a check or other instrument given in payment for property which can be returned in the same condition in which it was originally received, rent or labor which was completed in a workmanlike manner, and the failure to return or offer to return the property in that condition or to specify in what way the labor was deficient within 5 days after receiving notice of nonpayment is punishable:

1. If the value of the property, rent or labor fraudulently obtained was ~~[\$250]~~ ~~[\$450]~~ \$650 or more, as a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than \$10,000, or by both fine and imprisonment.

2. If the value of the property, rent or labor so fraudulently obtained was less than ~~[\$250]~~ ~~[\$450]~~ \$650, as a misdemeanor by imprisonment in the county jail for not more than 6 months, or by a fine of not more than \$1,000, or by both fine and imprisonment.

Sec. 26. NRS 205.415 is hereby amended to read as follows:

205.415 A person who sells one or more tickets to any ball, benefit or entertainment, or asks or receives any subscription or promise thereof, for the benefit or pretended benefit of any person, association or order, without being authorized thereto by the person, association or order for whose benefit or pretended benefit it is done, shall be punished:

1. Where the amount received from such sales, subscriptions or promises totals ~~[\$250]~~ ~~[\$450]~~ \$650 or more, for a category C felony as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

2. Otherwise, for a misdemeanor.

Sec. 27. NRS 205.445 is hereby amended to read as follows:

205.445 1. It is unlawful for a person:

(a) To obtain food, foodstuffs, lodging, merchandise or other accommodations at any hotel, inn, trailer park, motor court, boardinghouse, rooming house, lodging house, furnished apartment house, furnished bungalow court, furnished automobile camp, eating house, restaurant, grocery store, market or dairy, without paying therefor, with the intent to defraud the proprietor or manager thereof;

(b) To obtain credit at a hotel, inn, trailer park, motor court, boardinghouse, rooming house, lodging house, furnished apartment house, furnished bungalow court, furnished automobile camp, eating house, restaurant, grocery store, market or dairy by the use of any false pretense; or

(c) After obtaining credit, food, lodging, merchandise or other accommodations at a hotel, inn, trailer park, motor court, boardinghouse, rooming house, lodging house, furnished apartment house, furnished bungalow court, furnished automobile camp, eating house, restaurant, grocery store, market or dairy, to abscond or surreptitiously, or by force, menace or threats, to remove any part of his or her baggage therefrom, without paying for the food or accommodations.

2. A person who violates any of the provisions of subsection 1 shall be punished:

(a) Where the total value of the credit, food, foodstuffs, lodging, merchandise or other accommodations received from any one establishment is ~~is \$250~~ ~~is \$450~~ \$650 or more, for a category D felony as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

(b) Otherwise, for a misdemeanor.

3. Proof that lodging, food, foodstuffs, merchandise or other accommodations were obtained by false pretense, or by false or fictitious show or pretense of any baggage or other property, or that the person refused or willfully neglected to pay for the food, foodstuffs, lodging, merchandise or other accommodations, or that the person gave in payment for the food, foodstuffs, lodging, merchandise or other accommodations negotiable paper on which payment was refused, or that the person absconded without paying or offering to pay for the food, foodstuffs, lodging, merchandise or other accommodations, or that the person surreptitiously removed or attempted to remove his or her baggage, is prima facie evidence of the fraudulent intent mentioned in this section.

4. This section does not apply where there has been an agreement in writing for delay in payment for a period to exceed 10 days.

Sec. 28. NRS 205.520 is hereby amended to read as follows:

205.520 A bailee, or any officer, agent or servant of a bailee, who issues or aids in issuing a document of title, knowing that the goods covered by the document of title have not been received by him or her, or are not under his or her control at the time the document is issued, shall be punished:

1. Where the value of the goods purported to be covered by the document of title is ~~[\$250] ~~[\$450]~~ \$650~~ or more, for a category D felony as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

2. Where the value is less than ~~[\$250,] ~~[\$450,]~~ \$650~~, for a misdemeanor.

Sec. 29. NRS 205.540 is hereby amended to read as follows:

205.540 Except as otherwise provided in chapter 104 of NRS, a bailee, or any officer, agent or servant of a bailee, who issues or aids in issuing a duplicate or additional negotiable document of title, knowing that a former negotiable document for the same goods or any part of them is outstanding and uncanceled, shall be punished:

1. Where the value of the goods purported to be covered by the document of title is ~~[\$250] ~~[\$450]~~ \$650~~ or more, for a category D felony as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

2. Where the value is less than ~~[\$250,] ~~[\$450,]~~ \$650~~, for a misdemeanor.

Sec. 30. NRS 205.570 is hereby amended to read as follows:

205.570 A person who, with the intent to defraud, obtains a negotiable document of title for goods to which the person does not have title, or which are subject to a security interest, and negotiates the document for value, without disclosing the want of title or the existence of the security interest, shall be punished:

1. Where the value of the goods purported to be covered by the document of title is ~~[\$250] ~~[\$450]~~ \$650~~ or more, for a category D felony as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

2. Where the value is less than ~~[\$250,] ~~[\$450,]~~ \$650~~, for a misdemeanor.

Sec. 31. NRS 205.580 is hereby amended to read as follows:

205.580 A person who, with the intent to defraud, secures the issue by a bailee of a negotiable document of title, knowing at the time of issue that any or all of the goods are not in possession of the bailee, by inducing the bailee to believe that the goods are in the bailee's possession, shall be punished:

1. Where the value of the goods purported to be covered by the document of title is ~~[\$250] ~~[\$450]~~ \$650~~ or more, for a category D felony as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

2. Where the value is less than ~~[\$250,] ~~[\$450,]~~ \$650~~, for a misdemeanor.

Sec. 32. NRS 205.590 is hereby amended to read as follows:

205.590 A person who, with the intent to defraud, negotiates or transfers for value a document of title, which by the terms thereof represents that goods are in possession of the bailee who issued the document, knowing that the bailee is not in possession of the goods or any part thereof, without disclosing this fact, shall be punished:

1. Where the value of the goods purported to be covered by the document of title is ~~[\$250;] [\$450;]~~ \$650 or more, for a category D felony as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

2. Where the value is less than ~~[\$250;] [\$450;]~~ \$650, for a misdemeanor.

Sec. 33. NRS 205.950 is hereby amended to read as follows:

205.950 1. It is unlawful for a person to receive an advance fee, salary, deposit or money to obtain a loan for another unless the person places the advance fee, salary, deposit or money in escrow pending completion of the loan or a commitment for the loan.

2. Advance payments to cover reasonably estimated costs paid to third persons are excluded from the provisions of subsection 1 if the person making them first signs a written agreement which specifies the estimated costs by item and the estimated aggregate cost, and which recites that money advanced for costs will not be refunded. If an itemized service is not performed and the estimated cost thereof is not refunded, the recipient of the advance payment is subject to the penalties provided in subsection 3.

3. A person who violates the provisions of this section:

(a) Is guilty of a misdemeanor if the amount is less than ~~[\$250;] [\$450;]~~ \$650;

(b) Is guilty of a gross misdemeanor if the amount is ~~[\$250;] [\$450;]~~ \$650 or more but less than \$1,000; or

(c) Is guilty of a category D felony if the amount is \$1,000 or more and shall be punished as provided in NRS 193.130.

Sec. 34. NRS 207.340 is hereby amended to read as follows:

207.340 1. As used in this section, unless the context otherwise requires:

(a) “Access device” means any card, plate, account number or other means of access that can be used, alone or in conjunction with another access device, to obtain payments, allotments, benefits, money, goods or other things of value, or that can be used to initiate a transfer of funds pursuant to the Act.

(b) “Act” means the Food Stamp Act of 1977, as amended (7 U.S.C. 2011 et seq.) and regulations adopted thereunder.

(c) “Authorization to purchase” means a document issued by the United States Department of Agriculture or by a state agency which permits the holder to purchase coupons or otherwise receive benefits under the Act.

(d) "Coupon" means a food stamp, coupon, certificate or access device issued by the United States Department of Agriculture as provided in the Act.

2. A person who knowingly uses, transfers, sells, purchases, acquires, alters or possesses coupons and who is not authorized by the Act to do so, or who knowingly presents or causes to be presented coupons which are received, transferred or used in a manner not authorized by the Act, shall be punished:

(a) If the value of the coupons is less than ~~[\$250,] ~~[\$450,] \$650,~~~~ for a misdemeanor, and be sentenced to restore the amount of the value so obtained.

(b) If the value of the coupons is ~~[\$250] ~~[\$450] \$650~~~~ or more, for a category E felony as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

3. A district attorney or the Attorney General may commence proceedings to enforce the provisions of this section in any court of competent jurisdiction.

4. If a person is convicted of violating any of the provisions of this section, the prosecuting attorney shall report the sentence imposed by the court for that person to the Division of Welfare and Supportive Services of the Department of Health and Human Services within 60 days after the imposition of the sentence.

5. The value of all coupons misappropriated in separate acts of fraud involving coupons must be combined for the purposes of imposing punishment for the offense charged if:

(a) The separate acts were committed within 6 months before the offense;

(b) None of the individual acts is punishable as a felony; and

(c) The cumulative value of all the coupons misappropriated is sufficient to make the offense punishable as a felony.

6. At the time of sentencing, a court may accept as a partial mitigation of the offense satisfactory evidence that a person convicted of violating any of the provisions of this section sold or transferred the coupons for cash to buy necessities which may not be lawfully obtained with coupons.

Sec. 35. NRS 207.360 is hereby amended to read as follows:

207.360 "Crime related to racketeering" means the commission of, attempt to commit or conspiracy to commit any of the following crimes:

1. Murder;

2. Manslaughter, except vehicular manslaughter as described in NRS 484B.657;

3. Mayhem;

4. Battery which is punished as a felony;

5. Kidnapping;

6. Sexual assault;

7. Arson;
8. Robbery;
9. Taking property from another under circumstances not amounting to robbery;
10. Extortion;
11. Statutory sexual seduction;
12. Extortionate collection of debt in violation of NRS 205.322;
13. Forgery;
14. Any violation of NRS 199.280 which is punished as a felony;
15. Burglary;
16. Grand larceny;
17. Bribery or asking for or receiving a bribe in violation of chapter 197 or 199 of NRS which is punished as a felony;
18. Battery with intent to commit a crime in violation of NRS 200.400;
19. Assault with a deadly weapon;
20. Any violation of NRS 453.232, 453.316 to 453.3395, inclusive, or 453.375 to 453.401, inclusive;
21. Receiving or transferring a stolen vehicle;
22. Any violation of NRS 202.260, 202.275 or 202.350 which is punished as a felony;
23. Any violation of subsection 2 or 3 of NRS 463.360 or chapter 465 of NRS;
24. Receiving, possessing or withholding stolen goods valued at ~~[\$250]~~ ~~[\$450]~~ \$650 or more;
25. Embezzlement of money or property valued at ~~[\$250]~~ ~~[\$450]~~ \$650 or more;
26. Obtaining possession of money or property valued at ~~[\$250]~~ ~~[\$450]~~ \$650 or more, or obtaining a signature by means of false pretenses;
27. Perjury or subornation of perjury;
28. Offering false evidence;
29. Any violation of NRS 201.300 or 201.360;
30. Any violation of NRS 90.570, 91.230 or 686A.290, or insurance fraud pursuant to NRS 686A.291;
31. Any violation of NRS 205.506, 205.920 or 205.930;
32. Any violation of NRS 202.445 or 202.446; or
33. Any violation of NRS 205.377.

Sec. 36. NRS 281.230 is hereby amended to read as follows:

281.230 1. Except as otherwise provided in this section and NRS 218A.970, 281A.530 and 332.800, the following persons shall not, in any manner, directly or indirectly, receive any commission, personal profit or compensation of any kind resulting from any contract or other significant transaction in which the employing state, county, municipality, township,

district or quasi-municipal corporation is in any way directly interested or affected:

(a) State, county, municipal, district and township officers of the State of Nevada;

(b) Deputies and employees of state, county, municipal, district and township officers; and

(c) Officers and employees of quasi-municipal corporations.

2. A member of any board, commission or similar body who is engaged in the profession, occupation or business regulated by the board, commission or body may, in the ordinary course of his or her business, bid on or enter into a contract with any governmental agency, except the board or commission of which he or she is a member, if the member has not taken part in developing the contract plans or specifications and the member will not be personally involved in opening, considering or accepting offers.

3. A full- or part-time faculty member or employee of the Nevada System of Higher Education may bid on or enter into a contract with a governmental agency, or may benefit financially or otherwise from a contract between a governmental agency and a private entity, if the contract complies with the policies established by the Board of Regents of the University of Nevada pursuant to NRS 396.255.

4. A public officer or employee, other than an officer or employee described in subsection 2 or 3, may bid on or enter into a contract with a governmental agency if the contracting process is controlled by rules of open competitive bidding, the sources of supply are limited, the public officer or employee has not taken part in developing the contract plans or specifications and the public officer or employee will not be personally involved in opening, considering or accepting offers. If a public officer who is authorized to bid on or enter into a contract with a governmental agency pursuant to this subsection is a member of the governing body of the agency, the public officer, pursuant to the requirements of NRS 281A.420, shall disclose his or her interest in the contract and shall not vote on or advocate the approval of the contract.

5. A person who violates any of the provisions of this section shall be punished as provided in NRS 197.230 and:

(a) Where the commission, personal profit or compensation is ~~[\$250]~~ ~~[\$450]~~ \$650 or more, for a category D felony as provided in NRS 193.130.

(b) Where the commission, personal profit or compensation is less than ~~[\$250.]~~ ~~[\$450.]~~ \$650. for a misdemeanor.

6. A person who violates the provisions of this section shall pay any commission, personal profit or compensation resulting from the contract or transaction to the employing state, county, municipality, township, district or quasi-municipal corporation as restitution.

Sec. 37. NRS 422.540 is hereby amended to read as follows:

422.540 1. A person, with the intent to defraud, commits an offense if with respect to the Plan the person:

(a) Makes a claim or causes it to be made, knowing the claim to be false, in whole or in part, by commission or omission;

(b) Makes or causes to be made a statement or representation for use in obtaining or seeking to obtain authorization to provide specific goods or services, knowing the statement or representation to be false, in whole or in part, by commission or omission;

(c) Makes or causes to be made a statement or representation for use by another in obtaining goods or services pursuant to the Plan, knowing the statement or representation to be false, in whole or in part, by commission or omission; or

(d) Makes or causes to be made a statement or representation for use in qualifying as a provider, knowing the statement or representation to be false, in whole or in part, by commission or omission.

2. A person who commits an offense described in subsection 1 shall be punished for a:

(a) Category D felony, as provided in NRS 193.130, if the amount of the claim or the value of the goods or services obtained or sought to be obtained was greater than or equal to ~~[\$250.]~~ ~~[\$450.]~~ \$650.

(b) Misdemeanor if the amount of the claim or the value of the goods or services obtained or sought to be obtained was less than ~~[\$250.]~~ ~~[\$450.]~~ \$650.

↪ Amounts involved in separate violations of this section committed pursuant to a scheme or continuing course of conduct may be aggregated in determining the punishment.

3. In addition to any other penalty for a violation of the commission of an offense described in subsection 1, the court shall order the person to pay restitution.

Sec. 38. NRS 422.560 is hereby amended to read as follows:

422.560 1. Except as otherwise provided in subsection 2, a person shall not:

(a) While acting on behalf of a provider, purchase or lease goods, services, materials or supplies for which payment may be made, in whole or in part, pursuant to the Plan, and solicit or accept anything of additional value in return for or in connection with the purchase or lease;

(b) Sell or lease to or for the use of a provider goods, services, materials or supplies for which payment may be made, in whole or in part, pursuant to the Plan, and offer, transfer or pay anything of additional value in connection with or in return for the sale or lease; or

(c) Refer a person to a provider for goods or services for which payment may be made, in whole or in part, pursuant to the Plan, and solicit or accept anything of value in connection with the referral.

2. Paragraphs (a) and (b) of subsection 1 do not apply if the additional value transferred is:

- (a) A refund or discount made in the ordinary course of business;
- (b) Reflected by the books and records of the person transferring or receiving it; and
- (c) Reflected in the billings submitted to the Plan.

3. A person shall not, while acting on behalf of a provider providing goods or services to a recipient pursuant to the Plan, charge, solicit, accept or receive anything of additional value in addition to the amount legally payable pursuant to the Plan in connection with the provision of the goods or services.

4. A person who violates this section, if the value of the thing or any combination of things unlawfully solicited, accepted, offered, transferred, paid, charged or received:

- (a) Is less than ~~[\$250,] [\$450,] \$650~~, is guilty of a gross misdemeanor.
- (b) Is ~~[\$250] [\$450] \$650~~ or more, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

Sec. 39. NRS 475.105 is hereby amended to read as follows:

475.105 A person who steals a device intended for use in preventing, controlling, extinguishing or giving warning of a fire:

- 1. If the device has a value of less than ~~[\$250,] [\$450,] \$650~~, is guilty of a gross misdemeanor.
- 2. If the device has a value of ~~[\$250] [\$450] \$650~~ or more, is guilty of grand larceny and shall be punished as provided in NRS 205.222.

Sec. 40. NRS 482.547 is hereby amended to read as follows:

482.547 1. It is unlawful for a person to sell, offer to sell or display for sale any vehicle unless the person is:

- (a) The lienholder, owner or registered owner of the vehicle;
- (b) A reposessor of the vehicle, or holder of a statutory lien on the vehicle, selling the vehicle on a bid basis; or
- (c) A manufacturer, distributor, rebuilder, lessor or dealer licensed under the provisions of this chapter.

2. The provisions of this section do not apply to any executor, administrator, sheriff or other person who sells a vehicle pursuant to powers or duties granted or imposed by law.

3. A person who violates any of the provisions of this section shall be punished:

- (a) If the value of the vehicle sold, offered or displayed is ~~[\$250] [\$450] \$650~~ or more, for a category D felony as provided in NRS 193.130. In

addition to any other penalty, the court shall order the person to pay restitution.

(b) If the value of the vehicle is less than ~~[\$250,] [\$450,]~~ \$650, for a misdemeanor.

Sec. 41. NRS 487.840 is hereby amended to read as follows:

487.840 1. A person shall not remove, cause to be removed or conceal a marking on:

(a) A salvage title or other title which indicates that the vehicle is a salvage vehicle; or

(b) A certificate of title or other title for a rebuilt vehicle which indicates that the vehicle is a rebuilt vehicle.

2. A person who knowingly violates subsection 1 with the intent to defraud:

(a) If the fair market value of the vehicle involved is ~~[\$250] [\$450]~~ \$650 or more, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

(b) If the fair market value of the vehicle involved is less than ~~[\$250,] [\$450,]~~ \$650, is guilty of a misdemeanor.

➔ In addition to any other penalty, the court shall order the person to pay restitution to the victim.

Sec. 42. NRS 487.870 is hereby amended to read as follows:

487.870 1. A person shall not remove a total loss salvage vehicle from this State to sell that vehicle unless the title has been forwarded to the state agency pursuant to subsection 1 of NRS 487.800.

2. A person who violates the provisions of this section:

(a) If the value of the vehicle removed from this State is less than ~~[\$250,] [\$450,]~~ \$650, is guilty of a misdemeanor.

(b) If the value of the vehicle removed from this State is ~~[\$250] [\$450]~~ \$650 or more, is guilty of a gross misdemeanor.

Sec. 43. NRS 612.445 is hereby amended to read as follows:

612.445 1. A person shall not make a false statement or representation, knowing it to be false, or knowingly fail to disclose a material fact in order to obtain or increase any benefit or other payment under this chapter, including, without limitation, by failing to properly report earnings or by filing a claim for benefits using the social security number, name or other personal identifying information of another person. A person who violates the provisions of this subsection commits unemployment insurance fraud.

2. When the Administrator finds that a person has committed unemployment insurance fraud pursuant to subsection 1, the person shall repay to the Administrator for deposit in the Fund a sum equal to all of the benefits received by or paid to the person for each week with respect to which the false statement or representation was made or to which the person

failed to disclose a material fact in addition to any interest, penalties and costs related to that sum.

3. Except as otherwise provided in this subsection and subsection 8, the person is disqualified from receiving unemployment compensation benefits under this chapter:

(a) For a period beginning with the first week claimed in violation of subsection 1 and ending not more than 52 consecutive weeks after the week in which it is determined that a claim was filed in violation of subsection 1; or

(b) Until the sum described in subsection 2, in addition to any interest, penalties or costs related to that sum, is repaid to the Administrator, ➡ whichever is longer. The Administrator shall fix the period of disqualification according to the circumstances in each case.

4. It is a violation of subsection 1 for a person to file a claim, or to cause or allow a claim to be filed on his or her behalf, if:

(a) The person is incarcerated in the state prison or any county or city jail or detention facility or other correctional facility in this State; and

(b) The claim does not expressly disclose his or her incarceration.

5. A person who obtains benefits of ~~1~~~~\$2501~~ ~~1~~~~\$4501~~ \$650 or more in violation of subsection 1 shall be punished in the same manner as theft pursuant to subsection 3 or 4 of NRS 205.0835.

6. In addition to the repayment of benefits required pursuant to subsection 2, if the amount of benefits which must be repaid is greater than \$1,000, the Administrator may impose a penalty equal to not more than:

(a) If the amount of such benefits is greater than \$1,000 but not greater than \$2,500, 25 percent; or

(b) If the amount of such benefits is greater than \$2,500, 50 percent, ➡ of the total amount of benefits received by the person in violation of subsection 1 or any other provision of this chapter.

7. Except as otherwise provided in subsection 8, a person may not pay benefits as required pursuant to subsection 2 by using benefits which would otherwise be due and payable to the person if he or she was not disqualified.

8. The Administrator may waive the period of disqualification prescribed in subsection 3 for good cause shown or if the person adheres to a repayment schedule authorized by the Administrator that is designed to fully repay benefits received from an improper claim, in addition to any related interest, penalties and costs, within 18 months. If the Administrator waives the period of disqualification pursuant to this subsection, the person may repay benefits as required pursuant to subsection 2 by using any benefits which are due and payable to the person, except that benefits which are due and payable to the person may not be used to repay any related interest, penalties and costs.

9. The Administrator may recover any money required to be paid pursuant to this section in accordance with the provisions of NRS 612.365 and may collect interest on any such money in accordance with the provisions of NRS 612.620.

Sec. 44. NRS 616D.370 is hereby amended to read as follows:

616D.370 1. A person shall not, by any act or omission:

(a) Make a charge or cause it to be made knowing the charge to be false, in whole or in part;

(b) Make or cause to be made a statement or representation for use in obtaining or seeking to obtain authorization to provide specific accident benefits pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS, knowing the statement or representation to be false, in whole or in part; or

(c) Make or cause to be made a statement or representation for use by another person to obtain accident benefits pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS, knowing the statement or representation to be false, in whole or in part.

2. A person who violates any of the provisions of this section shall be punished:

(a) If the amount of the charge or the value of the accident benefits obtained or sought to be obtained was ~~[\$250]~~ ~~[\$450]~~ \$650 or more, for a category D felony as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

(b) If the amount of the charge or the value of the accident benefits obtained or sought to be obtained was less than ~~[\$250]~~ ~~[\$450]~~ \$650, for a misdemeanor, and must be sentenced to restore any accident benefits so obtained, if it can be done, or tender payment for rent or labor.

Sec. 45. NRS 616D.390 is hereby amended to read as follows:

616D.390 1. Except as otherwise provided in subsection 2, a person shall not:

(a) While acting on behalf of a provider of health care, purchase or lease goods, services, materials or supplies for which payment may be made, in whole or in part, pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS, and solicit or accept anything of additional value in return for or in connection with the purchase or lease;

(b) Sell or lease to or for the use of a provider of health care goods, services, materials or supplies for which payment may be made, in whole or in part, pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS, and offer, transfer or pay anything of additional value in connection with or in return for the sale or lease; or

(c) Refer a person to a provider of health care for accident benefits for which payment may be made, in whole or in part, pursuant to chapters 616A

to 616D, inclusive, or chapter 617 of NRS, and solicit or accept anything of value in connection with the referral.

2. Paragraphs (a) and (b) of subsection 1 do not apply if the additional value transferred is:

- (a) A refund or discount made in the ordinary course of business;
- (b) Reflected by the books and records of the person transferring or receiving it; and
- (c) Reflected in the charges submitted to the insurer.

3. A provider of health care shall not offer, transfer or pay anything of value in connection with or in return for the referral to the provider of a patient for whom payment of accident benefits may be made, in whole or in part, pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS.

4. A person shall not, while acting on behalf of a provider of health care pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS, charge, solicit, accept or receive anything of value in addition to the amount legally payable pursuant to any of those chapters in connection with the provision of the accident benefits.

5. A person who violates any provision of this section, if the value of the thing or any combination of things unlawfully solicited, accepted, offered, transferred, paid, charged or received:

- (a) Is less than ~~[\$250,] [\$450,]~~ \$650, is guilty of a gross misdemeanor.
- (b) Is ~~[\$250] [\$450]~~ \$650 or more, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

Sec. 46. NRS 645B.960 is hereby amended to read as follows:

645B.960 1. A person, or any general partner, director, officer, agent or employee of a person, who violates any provision of NRS 645B.165 to 645B.180, inclusive, is guilty of:

- (a) A misdemeanor if the amount involved is less than ~~[\$250,] [\$450,]~~ \$650;
- (b) A gross misdemeanor if the amount involved is ~~[\$250] [\$450]~~ \$650 or more but less than \$1,000; or
- (c) A category D felony if the amount involved is \$1,000 or more, and shall be punished as provided in NRS 193.130.

2. In addition to any other penalty, if a person is convicted of or enters a plea of nolo contendere to a violation described in subsection 1, the court shall order the person to pay:

- (a) Court costs; and
- (b) Reasonable costs of the investigation and prosecution of the violation.

Sec. 47. NRS 645E.960 is hereby amended to read as follows:

645E.960 A person, or any general partner, director, officer, agent or employee of a person, who violates any provision of NRS 645E.420, 645E.430 or 645E.440 is guilty of:

1. A misdemeanor if the amount involved is less than ~~[\$250;] [\$450;]~~ \$650;

2. A gross misdemeanor if the amount involved is ~~[\$250] [~~\$450~~]~~ \$650 or more but less than \$1,000; or

3. A category D felony if the amount involved is \$1,000 or more, and shall be punished as provided in NRS 193.130.

Sec. 48. NRS 668.055 is hereby amended to read as follows:

668.055 A president, director, manager, cashier, teller, clerk, officer or agent of any bank who embezzles, abstracts or willfully misapplies any money, funds, securities or credits of any bank, or who issues or puts forth any certificate of deposit, draws any draft, bill of exchange or mortgage, or who makes use of any bank in any manner, with the intent to injure or defraud any bank or person, or to deceive any bank, or officer of any bank, and any natural person who, with like intent, aids or abets any officer, clerk or agent in any violation of this section, shall be punished:

1. Where the amount involved is ~~[\$250] [~~\$450~~]~~ \$650 or more, for a category C felony as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

2. Where the amount involved is less than ~~[\$250;] [~~\$450;]~~ \$650, for a misdemeanor.~~

Sec. 49. NRS 688C.450 is hereby amended to read as follows:

688C.450 It is a category D felony, and the offender shall be punished as provided in NRS 193.130, for any person, knowingly or with intent to defraud, to do any of the following acts in order to deprive another of property or for the person's own pecuniary gain:

1. Present, cause to be presented or prepare with knowledge or belief that it will be presented, false information to or by an investment agent or a provider or broker of viatical settlements, a financing agent, an insurer, a provider of insurance or any other person, or to conceal information, as part of, in support of or concerning a fact material to:

- (a) An application for the issuance of a policy or viatical settlement;
- (b) The underwriting of a policy or viatical settlement;
- (c) A claim for payment or other benefit under a policy, viatical settlement or agreement to purchase a viatical settlement;
- (d) A premium paid on a policy or as a result of an agreement to purchase a viatical settlement;
- (e) A payment or change of beneficiary or ownership pursuant to a policy or viatical settlement;
- (f) The reinstatement or conversion of a policy;
- (g) The solicitation, offer or effectuation of a policy, viatical settlement or agreement to purchase a viatical settlement; or

(h) The issuance of written evidence of a policy, viatical settlement or agreement to purchase a viatical settlement.

2. In furtherance of a fraud or to prevent detection of a fraud:

(a) Remove, conceal, alter, destroy or sequester from the Commissioner assets or records of a licensee under this chapter or other person engaged in the business of viatical settlements;

(b) Misrepresent or conceal the financial condition of a licensee, a financing agent, an insurer or other person;

(c) Transact the business of viatical settlements in violation of this chapter; or

(d) File with the Commissioner or analogous officer of another jurisdiction a document containing false information or otherwise conceal information about a material fact from the Commissioner or other officer.

3. Present, cause to be presented or prepare with knowledge or belief that it will be presented to or by a provider or broker of viatical settlements, an investment agent, a financing agent, an insurer, a provider of insurance or any other person, in connection with a viatical settlement or transaction of insurance, a policy fraudulently by the insured or owner or an agent of either.

4. Embezzle, steal, misappropriate or convert money, premiums, credits or other property in an amount or having a value of less than ~~[\$250] ~~[\$450]~~~~ \$650 of a provider of viatical settlements, a viator, an insurer, an insured, an owner of a policy or other person engaged in the business of viatical settlements or insurance.

5. Attempt to commit, assist, aid, abet or conspire to commit an act or omission described in subsections 1 to 4, inclusive.

6. Under no circumstances is a violation of this section considered or intended to be a lesser included offense of a violation of the provisions of NRS 90.570.

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 160.

Bill read second time.

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

Amendment No. 136.

AN ACT relating to medical facilities; revising provisions governing the form and publication of financial reports of certain medical facilities; requiring hospitals to include certain information in the financial reports submitted by the hospitals; ~~requiring the Legislative Committee on Health Care to review such information included in the financial reports of hospitals;~~

~~providing a civil penalty;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires certain medical facilities to file financial information with the Department of Health and Human Services. (NRS 449.490) **Section 2** of this bill requires that financial statements filed by certain hospitals include additional financial information ~~[concerning the finances of]~~ **about** the ~~hospital and the corporate home office allocations of those~~ hospitals. ~~[The additional information includes the net revenues of the hospital before and after the corporate home office allocations, the amounts of such allocations which were disallowed by the Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services, the taxes paid in other states by the corporate home office which are attributable to allocations paid by hospitals in this State and other information relating to such allocations. These]~~ **Section 2 further requires these** reports and other related reports from medical institutions ~~[must]~~ **to** be in a form which is readily understandable by members of the general public ~~[.]~~ and ~~[the reports will be]~~ included on an Internet website maintained by the Nevada Department of Health and Human Services. **In addition, section 1 of this bill specifies additional information that must be included on the Internet website.** Under existing law, the Director of the Department is authorized to impose an administrative penalty of not more than \$500 per day for a violation of these reporting requirements. (NRS 449.530)

Existing law requires the Director of the Department to submit a report to the Legislative Committee on Health Care and the Interim Finance Committee of the Department's operations and activities for the preceding fiscal year. (NRS 449.520) Section 3 of this bill [requires the Legislative Committee on Health Care to review the information relating to the corporate home office allocations of hospitals. Section 4 of this bill requires the Committee, for the 2011-2013 interim, to report the findings of that review and authorizes the Committee to recommend the establishment of a tax based on that review.] requires that the report include an analysis of the methodologies used to determine the corporate home office allocation of hospitals in this State.

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

Section 1. NRS 439A.270 is hereby amended to read as follows:

439A.270 1. The Department shall establish and maintain an Internet website that includes the information concerning the charges imposed and the quality of the services provided by the hospitals and surgical centers for

ambulatory patients in this State as required by the programs established pursuant to NRS 439A.220 and 439A.240. The information must:

(a) Include, for each hospital in this State, the total number of patients discharged, the average length of stay and the average billed charges, reported for the 50 most frequent diagnosis-related groups for inpatients and 50 medical treatments for outpatients that the Department determines are most useful for consumers;

(b) Include, for each surgical center for ambulatory patients in this State, the total number of patients discharged and the average billed charges, reported for 50 medical treatments for outpatients that the Department determines are most useful for consumers;

(c) Be presented in a manner that allows a person to view and compare the information for the hospitals by:

- (1) Geographic location of each hospital;
- (2) Type of medical diagnosis; and
- (3) Type of medical treatment;

(d) Be presented in a manner that allows a person to view and compare the information for the surgical centers for ambulatory patients by:

- (1) Geographic location of each surgical center for ambulatory patients;
- (2) Type of medical diagnosis; and
- (3) Type of medical treatment;

(e) Be presented in a manner that allows a person to view and compare the information separately for:

- (1) The inpatients and outpatients of each hospital; and
- (2) The outpatients of each surgical center for ambulatory patients;

(f) Be readily accessible and understandable by a member of the general public;

(g) Include the annual summary of reports of sentinel events prepared pursuant to paragraph (d) of subsection 1 of NRS 439.840; ~~and~~

(h) ***Include a link to electronic copies of all reports, summaries, compilations and supplementary reports required by NRS 449.450 to 449.530, inclusive; ~~and~~***

(i) ***Include, for each hospital in this State, a summary of financial information which is readily understandable by a member of the general public and which includes, without limitation, a summary of:***

(1) The expenses of the hospital which are attributable to providing community benefits and in-kind services as reported pursuant to NRS 449.490;

(2) The capital improvement report submitted to the Department pursuant to NRS 449.490;

(3) The net income of the hospital;

(4) The net income of the consolidated corporation, if the hospital is owned by such a corporation and if that information is publicly available;

(5) The operating margin of the hospital;

(6) The ratio of the cost of providing care to patients covered by Medicare to the charges for such care;

(7) The ratio of the total costs to charges of the hospital; and

(8) The average daily occupancy of the hospital; and

(i) Provide any other information relating to the charges imposed and the quality of the services provided by the hospitals and surgical centers for ambulatory patients in this State which the Department determines is:

- (1) Useful to consumers;
- (2) Nationally recognized; and
- (3) Reported in a standard and reliable manner.

2. The Department shall:

(a) Publicize the availability of the Internet website;

(b) Update the information contained on the Internet website at least quarterly;

(c) Ensure that the information contained on the Internet website is accurate and reliable;

(d) Ensure that the information contained on the Internet website is aggregated so as not to reveal the identity of a specific inpatient or outpatient of a hospital;

(e) Post a disclaimer on the Internet website indicating that the information contained on the website is provided to assist with the comparison of hospitals and is not a guarantee by the Department or its employees as to the charges imposed by the hospitals in this State or the quality of the services provided by the hospitals in this State, including, without limitation, an explanation that the actual amount charged to a person by a particular hospital may not be the same charge as posted on the website for that hospital;

(f) Provide on the Internet website established pursuant to this section a link to the Internet website of the Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services; and

(g) Upon request, make the information that is contained on the Internet website available in printed form.

3. As used in this section, “diagnosis-related group” means groupings of medical diagnostic categories used as a basis for hospital payment schedules by Medicare and other third-party health care plans.

Sec. 2. NRS 449.490 is hereby amended to read as follows:

449.490 1. Every institution which is subject to the provisions of NRS 449.450 to 449.530, inclusive, shall file with the Department the following

financial statements or reports in a form and at intervals specified by the Director but at least annually:

(a) A balance sheet detailing the assets, liabilities and net worth of the institution for its fiscal year; and

(b) A statement of income and expenses for the fiscal year.

2. Each hospital with 100 or more beds shall file with the Department, in a form and at intervals specified by the Director but at least annually, a capital improvement report which includes, without limitation, any major service line that the hospital has added or is in the process of adding since the previous report was filed, any major expansion of the existing facilities of the hospital that has been completed or is in the process of being completed since the previous report was filed, and any major piece of equipment that the hospital has acquired or is in the process of acquiring since the previous report was filed.

3. In addition to the information required to be filed pursuant to subsections 1 and 2, each hospital with 100 or more beds shall file with the Department, in a form and at intervals specified by the Director but at least annually:

~~(a) [The net revenue of the hospital which, if applicable, must be calculated before the hospital pays the allocation due the corporate home office of the hospital and the net revenue of the hospital calculated after the hospital pays the allocation due the corporate home office. The Director may prescribe the manner in which the net revenue of a hospital must be calculated for purposes of this paragraph.]~~

~~(b) If applicable, information relating to the corporate home office allocation] [methodology] [of the hospital,] [if any.~~

~~(b)] [including, without limitation:~~

~~(1) The amount of the corporate home office allocation;~~

~~(2) The methodology used to determine the corporate home office allocation, which must be the same methodology that was allowed by the Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services for that reporting period;~~

~~(3) Any amount of the corporate home office allocation which was disallowed by the Centers for Medicare and Medicaid Services;~~

~~(4) The taxes paid by the corporate home office in other states which are attributable to allocations paid by hospitals in this State; and~~

~~(5) The percentage of the corporate home office budget that was paid by the hospital and the percentage of the corporate home office budget that was paid by each institution of the corporation.~~

~~(c)]~~ The expenses that the hospital has incurred for providing community benefits and the in-kind services that the hospital has provided to the community in which it is located. ***These expenses must be reported as the***

total amount expended for community benefits and in-kind services and reported as a percentage of the total net revenues of the hospital. For the purposes of this paragraph, “community benefits” includes, without limitation, goods, services and resources provided by a hospital to a community to address the specific needs and concerns of that community, services provided by a hospital to the uninsured and underserved persons in that community, training programs for employees in a community and health care services provided in areas of a community that have a critical shortage of such services, for which the hospital does not receive full reimbursement.

~~[(e)]~~ ~~[(d)]~~ ***(b)*** A statement of its policies and procedures for providing discounted services to, or reducing charges for services provided to, persons without health insurance that are in addition to any reduction or discount required to be provided pursuant to NRS 439B.260.

~~[(d)]~~ ~~[(e)]~~ ***(c) A list of the services which the hospital purchased from its corporate home office;***

(d) A report of the cost to the hospital of providing services to patients covered by Medicare;

(e) Financial information from the consolidated corporation, if the hospital is owned by such a corporation and if that information is publicly available, including, without limitation, the annual report of the consolidated corporation;

(f) A statement of its policies regarding patients’ account receivables, including, without limitation, the manner in which a hospital collects or makes payment arrangements for patients’ account receivables, the factors that initiate collections and the method by which unpaid account receivables are collected.

4. A complete current charge master must be available at each hospital during normal business hours for review by the Director, any payor that has a contract with the hospital to pay for services provided by the hospital, any payor that has received a bill from the hospital and any state agency that is authorized to review such information. The complete and current charge master must be made available to the Department, at the request of the Director, in an electronic format specified by the Department. The Department may use the electronic copy of the charge master to review and analyze the data contained in the charge master and, except as otherwise provided in NRS 439A.200 to 439A.290, inclusive, shall not release or publish the information contained in the charge master.

5. The Director shall require the certification of specified financial reports by an independent certified public accountant and may require attestations from responsible officers of the institution that the reports are, to the best of their knowledge and belief, accurate and complete to the extent that the certifications and attestations are not required by federal law.

6. The Director shall require ~~the~~ :

(a) **The** filing of all reports by specified dates, and may adopt regulations which assess penalties for failure to file as required ~~[-, but the Director shall not require the]~~ ; and

(b) **The** submission of a final annual report ~~[sooner]~~ **not later** than 6 months after the close of the fiscal year,

↪ and may grant extensions to institutions which can show that the required information is not available on the required reporting date.

7. All reports, except privileged medical information, filed under any provisions of NRS 449.450 to 449.530, inclusive ~~[-are]~~ :

(a) **Are** open to public inspection ~~[and must]~~ ;

(b) **Must be in a form which is readily understandable by a member of the general public;**

(c) **Must, as soon as practicable after those reports become available, be posted on the Internet website maintained pursuant to NRS 439A.270; and**

(d) **Must be** available for examination at the office of the Department during regular business hours.

Sec. 3. NRS 449.520 is hereby amended to read as follows:

449.520 1. On or before October 1 of each year, the Director shall prepare and transmit to the Governor, the Legislative Committee on Health Care and the Interim Finance Committee a report of the Department's operations and activities for the preceding fiscal year.

2. The report prepared pursuant to subsection 1 must include:

(a) Copies of all **reports**, summaries, compilations and supplementary reports required by NRS 449.450 to 449.530, inclusive, together with such facts, suggestions and policy recommendations as the Director deems necessary;

(b) A summary of the trends of the audits of hospitals in this State that the Department required or performed during the previous year;

(c) An analysis of the trends in the costs, expenses and profits of hospitals in this State;

(d) An analysis of the **methodologies used to determine the** corporate home office allocation ~~[methodologies]~~ of hospitals in this State : ~~[- including, without limitation, the amounts allocated and the methodologies used to determine those allocations and the taxes paid in other states which are attributable to allocations by hospitals in this State;-]~~

(e) An examination and analysis of the manner in which hospitals are reporting the information that is required to be filed pursuant to NRS 449.490, including, without limitation, an examination and analysis of whether that information is being reported in a standard and consistent manner, which fairly reflect the operations of each hospital;

(f) A review and comparison of the policies and procedures used by hospitals in this State to provide discounted services to, and to reduce charges for services provided to, persons without health insurance;

(g) A review and comparison of the policies and procedures used by hospitals in this State to collect unpaid charges for services provided by the hospitals; and

(h) A summary of the status of the programs established pursuant to NRS 439A.220 and 439A.240 to increase public awareness of health care information concerning the hospitals and surgical centers for ambulatory patients in this State, including, without limitation, the information that was posted in the preceding fiscal year on the Internet website maintained for those programs pursuant to NRS 439A.270.

3. The Legislative Committee on Health Care shall develop a comprehensive plan concerning the provision of health care in this State which includes, without limitation:

(a) A review of the health care needs in this State as identified by state agencies, local governments, providers of health care and the general public; and

(b) A review of the capital improvement reports submitted by hospitals pursuant to subsection 2 of NRS 449.490 ~~and~~

~~(c) A review of the reports submitted by hospitals in this State pursuant to subsection 3 of NRS 449.490 concerning the corporate home office allocations and the taxes paid in other states which are attributable to allocations paid by hospitals in this State.]~~

~~Sec. 4. [1. During the 2011-2013 interim, the Legislative Committee on Health Care shall review reports submitted by hospitals in this State pursuant to subsection 3 of NRS 449.490, as amended by section 2 of this act, concerning the corporate home office allocations of those hospitals and the taxes paid in other states which are attributable to corporate home office allocations paid by hospitals in this State.~~

~~2. On or before February 1, 2013, the Legislative Committee on Health Care shall prepare a report of the results of its review pursuant to subsection 1 and may, as a result of the review, recommend to the 77th Session of the Nevada Legislature a system for collecting a tax from hospitals in this State and a plan for using the revenue resulting from that tax.] (Deleted by amendment.)~~

Assemblywoman Pierce moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 170.

Bill read second time.

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

Amendment No. 275.

AN ACT relating to public health; requiring each retail establishment in which cigarettes are sold or offered for sale to post a sign regarding the dangers of smoking tobacco during pregnancy; providing a civil penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires food establishments in which alcoholic beverages are sold for consumption on the premises to post at least one sign in a location conspicuous to the patrons of the establishment regarding the dangers of drinking alcoholic beverages during pregnancy. (NRS 446.842) Existing law also requires the owner of a retail establishment in which cigarettes or smokeless tobacco products are sold or offered for sale to display prominently at the point of sale a notice indicating that the sale of cigarettes and other tobacco products to minors is prohibited by law and that the retailer may ask for proof of age to comply with the prohibition. (NRS 202.2493)

This bill requires each retail establishment in which cigarettes are sold or offered for sale to post at least one sign regarding the dangers of smoking tobacco during pregnancy in a location conspicuous to the patrons of the establishment. A person who fails to post the sign is subject to a civil fine of not more than \$100.

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

Section 1. Chapter 442 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Each retail establishment in which cigarettes are sold or offered for sale shall post at least one sign that meets the requirements of this section in a location conspicuous to the patrons of the establishment. The contents of the warning may be included on any other sign which the retail establishment is required to post in a location conspicuous to the patrons of the establishment.*

2. *Each sign required by subsection 1 must be not less than 8 1/2 by 11 inches in size and must contain a notice in boldface type that is clearly legible and, except as otherwise provided in paragraph (a) of subsection 4, is in substantially the following form:*

HEALTH WARNING

Smoking tobacco during pregnancy can cause birth defects, premature birth and low birth weight.

¡ADVERTENCIA!

Fumar tabaco durante el embarazo puede causar daño a su bebé al nacer, que nazca prematuro y que nazca bajo de peso.

3. The letters in the words “HEALTH WARNING” and “¡ADVERTENCIA!” in the sign must be written in not less than ~~{40}~~ 28-point type, and the letters in all other words in the sign must be written in not less than ~~{30}~~ 24-point type.

4. The Health Division may:

(a) Provide by regulation for one or more alternative forms for the language of the warning to be included on the signs required by subsection 1 to increase the effectiveness of the signs. Each alternative form must contain substantially the same message as is stated in subsection 2.

(b) Solicit and accept donations of signs that satisfy the requirements of this section from a nonprofit organization or any other source. To the extent that such signs are donated, the Health Division shall distribute the signs upon request to retail establishments that are required to post signs.

Sec. 2. NRS 202.2493 is hereby amended to read as follows:

202.2493 1. A person shall not sell, distribute or offer to sell cigarettes or smokeless products made from tobacco in any form other than in an unopened package which originated with the manufacturer and bears any health warning required by federal law. A person who violates this subsection shall be punished by a fine of \$100 and a civil penalty of \$100.

2. Except as otherwise provided in subsections 3, 4 and 5, it is unlawful for any person to sell, distribute or offer to sell cigarettes, cigarette paper, tobacco of any description or products made from tobacco to any child under the age of 18 years. A person who violates this subsection shall be punished by a fine of not more than \$500 and a civil penalty of not more than \$500.

3. A person shall be deemed to be in compliance with the provisions of subsection 2 if, before the person sells, distributes or offers to sell to another, cigarettes, cigarette paper, tobacco of any description or products made from tobacco, the person:

(a) Demands that the other person present a valid driver’s license or other written or documentary evidence which shows that the other person is 18 years of age or older;

(b) Is presented a valid driver’s license or other written or documentary evidence which shows that the other person is 18 years of age or older; and

(c) Reasonably relies upon the driver’s license or written or documentary evidence presented by the other person.

4. The employer of a child who is under 18 years of age may, for the purpose of allowing the child to handle or transport tobacco or products made from tobacco in the course of the child’s lawful employment, provide tobacco or products made from tobacco to the child.

5. With respect to any sale made by an employee of a retail establishment, the owner of the retail establishment shall be deemed to be in compliance with the provisions of subsection 2 if the owner:

- (a) Had no actual knowledge of the sale; and
- (b) Establishes and carries out a continuing program of training for employees which is reasonably designed to prevent violations of subsection 2.

6. The owner of a retail establishment shall, whenever any product made from tobacco is being sold or offered for sale at the establishment, display prominently at the point of sale ~~the~~ :

(a) A notice indicating that:

~~the~~ (1) The sale of cigarettes and other tobacco products to minors is prohibited by law; and

~~the~~ (2) The retailer may ask for proof of age to comply with this prohibition ~~the~~ ; and

(b) ***At least one sign that complies with the requirements of section 1 of this act.***

↪ A person who violates this subsection shall be punished by a fine of not more than \$100.

7. It is unlawful for any retailer to sell cigarettes through the use of any type of display:

(a) Which contains cigarettes and is located in any area to which customers are allowed access; and

(b) From which cigarettes are readily accessible to a customer without the assistance of the retailer,

↪ except a vending machine used in compliance with NRS 202.2494. A person who violates this subsection shall be punished by a fine of not more than \$500.

8. Any money recovered pursuant to this section as a civil penalty must be deposited in a separate account in the State General Fund to be used for the enforcement of this section and NRS 202.2494.

Assemblywoman Pierce moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 188.

Bill read second time and ordered to third reading.

Assembly Bill No. 211.

Bill read second time and ordered to third reading.

Assembly Bill No. 232.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 123.

AN ACT relating to motor carriers; authorizing the payment ~~in installments~~ of certain fees for annual permits issued by the Department of Transportation to operators of certain combination vehicles to be made during certain registration cycles; requiring the Department to adopt regulations establishing the ~~amount and due date of such installment payments~~; registration cycles; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the operator of a combination of vehicles which exceeds 70 feet in length and which weighs more than 80,000 pounds to obtain a special permit from the Department of Transportation to operate the vehicles in this State and requires the operator to pay the annual fee for the permit at the time the permit is issued ~~it~~, except that the fee is to be reduced one-twelfth for each month that has elapsed since the beginning of the calendar year. (NRS 484D.615, 706.531) This bill requires the Department to adopt regulations providing for the payment of the annual fee ~~in installments by operators of longer combination vehicles.~~ in certain registration cycles established by the Department and requires the reduction of the fee by one-twelfth for each month that has elapsed since the beginning of the registration cycle of the operator.

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

Section 1. NRS 706.531 is hereby amended to read as follows:

706.531 1. The Department of Transportation shall approve an application for a permit pursuant to the provisions of subsection 5 of NRS 484D.615. The permit must be carried and displayed in such a manner as the Department determines on every combination so operating. The permit issued may be transferred from one combination to another, under such conditions as the Department may by regulation prescribe, but must not be transferred from one person or operator to another without prior approval of the Department. The permit may be used only on motor vehicles regularly licensed pursuant to the provisions of NRS 482.482.

2. The annual fee for each permit for a combination of vehicles is \$60 for each 1,000 pounds or fraction thereof of gross weight in excess of 80,000 pounds. The fee must be reduced one-twelfth for each month that has elapsed since the beginning of each ~~calendar year.~~ registration cycle rounded to the nearest dollar, but must not be less than \$50. The annual fee for each permit for a combination of vehicles not exceeding 80,000 pounds is \$10. The fee

~~[must be paid]~~ **required pursuant to this subsection is** in addition to all other fees required by the provisions of this chapter. ~~[Except as otherwise provided in subsections 3 and 4, the annual fee for a permit to operate a longer combination vehicle may be paid in installments.]~~ **The Department of Transportation shall adopt regulations establishing** ~~[the amount of such installment payments and the dates on which they are due.]~~ **registration cycles for permits issued pursuant to this section and establishing procedures for assigning a person applying for a permit pursuant to this section to a particular registration cycle.**

3. Any person operating a combination of vehicles licensed pursuant to the provisions of subsection 2 who is apprehended operating a combination in excess of the gross weight for which the fee in subsection 2 has been paid is, in addition to all other penalties provided by law, liable for the difference between the fee for the load being carried and the fee paid, for the full licensing period.

4. Any person apprehended operating a combination of vehicles without having complied with the provisions of this section and NRS 484D.615 is, in addition to all other penalties provided by law, liable for the payment of the fee which would be due pursuant to the provisions of subsection 2 for the balance of the ~~[calendar year]~~ **registration cycle** for the gross load being carried at the time of apprehension.

5. The holder of an original permit may, upon surrendering the permit to the Department or upon delivering to the Department a signed and notarized statement that the permit was lost or stolen and such other documentation as the Department may require, apply to the Department:

(a) For a refund of an amount equal to that portion of the fees paid for the permit that is attributable, on a pro rata monthly basis, to the remainder of the ~~[calendar year]~~ **registration cycle**; or

(b) To have that amount credited against excise taxes due pursuant to the provisions of chapter 366 of NRS.

~~[6. As used in this section:~~

~~(a) "Longer combination vehicle" means a combination of vehicles composed of a truck tractor and two or more trailers or semitrailers which exceeds 70 feet in length and for which the Department of Transportation has issued a permit to operate at a declared gross weight of more than 80,000 pounds but not more than 129,000 pounds.~~

~~(b) "Truck tractor" has the meaning ascribed to it in NRS 482.130.]~~

Sec. 2. This act becomes effective upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act, and on January 1, 2012, for all other purposes.

Assemblywoman Dondero Loop moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 233.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 185.

AN ACT relating to education; revising provisions governing the requirements for a pupil to receive credit for a course of study without attending the classes for the course; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a pupil may be granted credit for a course of study without attending the classes for the course if the pupil passes an examination prescribed by the State Board of Education and thereby demonstrates competency in the subject area of the course. (NRS 389.171; NAC 389.670) This bill ~~requires the State Board to prescribe by regulation alternative proof that a pupil may submit to demonstrate proficiency in the subject area of a course in lieu of course attendance, including: (1) a portfolio of the pupil's work or other assessments; (2) documentation of equivalent work outside the classroom; and (3) documentation of previous educational activities or experiences.~~ provides that a pupil may also be granted credit in lieu of course attendance if the pupil: (1) demonstrates proficiency on an examination developed by the principal and the pupil's teacher who provides instruction in the course; or (2) passes an examination that the principal determines is as rigorous or more rigorous than the examination prescribed by the State Board.

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

Section 1. NRS 389.171 is hereby amended to read as follows:

389.171 1. A pupil may be granted credit for a specific course of study without having attended the regularly scheduled classes in the course if the pupil demonstrates his or her ~~competence~~ **proficiency** to meet the ~~objectives~~ :

(a) Objectives of the course ~~through his or her~~ ~~for~~

~~(a) Through~~ the pupil's performance on an examination prescribed by the State Board ~~for~~ ; ~~for~~

~~(b) By submitting alternative proof of the pupil's proficiency, as prescribed by the State Board pursuant to subsection 2, including, without limitation:~~

~~(1) A portfolio of work or other assessments;~~
~~(2) Documentation of equivalent work performed outside the classroom; and~~

~~(3) Documentation of previous educational activities or experiences, or any combination of an examination and the alternative proof.]~~
Objectives of a particular area or areas of the course in which the pupil is deficient through the pupil's performance on an examination developed by the principal and the pupil's teacher who provides instruction in the course that is designed to measure the proficiency of the pupil in that particular area or areas; or

(c) Objectives of the course through the pupil's performance on an examination that the principal determines is as rigorous or more rigorous than the examination prescribed by the State Board pursuant to paragraph (a), including, without limitation, an advanced placement examination in the subject area of the course.

2. The State Board shall adopt regulations that prescribe the:

(a) Form on which a pupil may apply to the board of trustees of a school district in which the pupil attends school to ~~take an examination~~ **be granted credit** pursuant to subsection 1;

(b) Courses of study for which pupils may ~~take an examination~~ **be granted credit** pursuant to subsection 1; and

(c) Minimum score on ~~each such~~ ~~an~~ the examination **prescribed pursuant to paragraph (a) of subsection 1** that is required to demonstrate ~~competency~~ **proficiency** in a course ~~;~~ and

~~(d) Alternative proof of a pupil's proficiency in a course.]~~

Sec. 2. On or before December 31, 2011, the State Board of Education shall adopt the regulations required by NRS 389.171, as amended by section 1 of this act.

Sec. 3. This act becomes effective on July 1, 2011.

Assemblyman Bobzien moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 237.

Bill read second time and ordered to third reading.

Assembly Bill No. 261.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 158.

AN ACT relating to courts; increasing the monetary limit in actions for small claims adjudicated in a justice court; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the jurisdiction of a justice court includes actions for small claims in which the amount claimed does not exceed \$5,000 and in which the defendant is within the personal jurisdiction of the justice court. (NRS 73.010) ~~[This]~~ **Section 1 of this bill increases this monetary limit for small claims from \$5,000 to ~~[\$9,000]~~ \$7,500. Existing law also requires each justice of the peace to charge and collect certain fees. (NRS 4.060) Section 2 of this bill establishes the fee that each justice of the peace must charge and collect for the preparation and filing of an affidavit and order in an action for small claims in which the sum claimed exceeds \$5,000 but does not exceed \$7,500.**

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

Section 1. NRS 73.010 is hereby amended to read as follows:

73.010 In all cases arising in the justice court for the recovery of money only, where the amount claimed does not exceed ~~[\$5,000]~~ ~~[\$9,000]~~ **\$7,500** and the defendant named:

1. Is a resident of;
2. Does business in; or
3. Is employed in,

↪ the township in which the action is to be maintained, the justice of the peace may proceed as provided in this chapter and by rules of court.

Sec. 2. NRS 4.060 is hereby amended to read as follows:

4.060 1. Except as otherwise provided in this section and NRS 33.017 to 33.100, inclusive, each justice of the peace shall charge and collect the following fees:

(a) On the commencement of any action or proceeding in the justice court, other than in actions commenced pursuant to chapter 73 of NRS, to be paid by the party commencing the action:

If the sum claimed does not exceed \$1,000 \$28.00

If the sum claimed exceeds \$1,000 but does not exceed \$2,500 50.00

If the sum claimed exceeds \$2,500 but does not exceed \$4,500 100.00

If the sum claimed exceeds \$4,500 but does not exceed \$6,500 125.00

If the sum claimed exceeds \$6,500 but does not exceed \$7,500 150.00

If the sum claimed exceeds \$7,500 but does not exceed \$10,000 175.00

In all other civil actions 28.00

(b) For the preparation and filing of an affidavit and order in an action commenced pursuant to chapter 73 of NRS:

If the sum claimed does not exceed \$1,000 \$25.00

If the sum claimed exceeds \$1,000 but does not exceed
\$2,500 45.00

If the sum claimed exceeds \$2,500 but does not exceed

\$5,000 ~~(\$9,000)~~ 65.00

If the sum claimed exceeds \$5,000 but does not exceed

\$7,500 125.00

(c) On the appearance of any defendant, or any number of defendants answering jointly, to be paid by the defendant or defendants on filing the first paper in the action, or at the time of appearance:

In all civil actions \$12.00

For every additional defendant, appearing separately 6.00

(d) No fee may be charged where a defendant or defendants appear in response to an affidavit and order issued pursuant to the provisions of chapter 73 of NRS.

(e) For the filing of any paper in intervention \$6.00

(f) For the issuance of any writ of attachment, writ of garnishment, writ of execution or any other writ designed to enforce any judgment of the court \$6.00

(g) For filing a notice of appeal, and appeal bonds \$12.00

One charge only may be made if both papers are filed at the same time.

(h) For issuing supersedeas to a writ designed to enforce a judgment or order of the court \$12.00

(i) For preparation and transmittal of transcript and papers on appeal \$12.00

(j) For celebrating a marriage and returning the certificate to the county recorder or county clerk \$50.00

(k) For entering judgment by confession \$6.00

(l) For preparing any copy of any record, proceeding or paper, for each page \$.30

(m) For each certificate of the clerk, under the seal of the court \$3.00

(n) For searching records or files in his or her office, for each year \$1.00

(o) For filing and acting upon each bail or property bond \$40.00

2. A justice of the peace shall not charge or collect any of the fees set forth in subsection 1 for any service rendered by the justice of the peace to the county in which his or her township is located.

3. A justice of the peace shall not charge or collect the fee pursuant to paragraph (j) of subsection 1 if the justice of the peace performs a marriage ceremony in a commissioner township.

4. Except as otherwise provided by an ordinance adopted pursuant to the provisions of NRS 244.207, the justice of the peace shall, on or before the fifth day of each month, account for and pay to the county treasurer all fees collected during the preceding month, except for the fees the justice of the peace may retain as compensation and the fees the justice of the peace is required to pay to the State Controller pursuant to subsection 5.

5. The justice of the peace shall, on or before the fifth day of each month, pay to the State Controller:

(a) An amount equal to \$5 of each fee collected pursuant to paragraph (j) of subsection 1 during the preceding month. The State Controller shall deposit the money in the Account for Aid for Victims of Domestic Violence in the State General Fund.

(b) One-half of the fees collected pursuant to paragraph (o) of subsection 1 during the preceding month. The State Controller shall deposit the money in the Fund for the Compensation of Victims of Crime.

Sec. 3. The amendatory provisions of this act apply only to an action filed on or after July 1, 2011.

Sec. 4. This act becomes effective on July 1, 2011.

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 271.

Bill read second time and ordered to third reading.

Assembly Bill No. 295.

Bill read second time.

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

Amendment No. 178.

AN ACT relating to human remains; authorizing certain persons who are designated by a member of the Armed Forces of the United States, a reserve component thereof or the National Guard to order the burial or cremation of the human remains of the member upon his or her death ~~or~~ **on active duty;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes certain persons to order the burial or cremation of human remains of a deceased person and establishes the order of priority in which such persons may direct the disposition of a decedent. (NRS 451.024, 451.650) **Sections 1 and 2** of this bill authorize a person who was designated by a member of the Armed Forces of the United States, a reserve component thereof or the National Guard in the United States Department of Defense Record of Emergency Data, DD Form 93, or its successor form, to order the burial or cremation of the human remains of the member upon his or her death ~~or~~ **on active duty.**

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

Section 1. NRS 451.024 is hereby amended to read as follows:

451.024 1. The following persons, in the following order of priority, may order the burial of human remains of a deceased person:

(a) A person designated as the person with authority to order the burial of the human remains of the decedent in a legally valid document or in an affidavit executed in accordance with subsection 5;

(b) ***If the decedent was, at the time of death, on active duty as a member of the Armed Forces of the United States, a reserve component thereof or the National Guard, a person designated by the decedent in the United States Department of Defense Record of Emergency Data, DD Form 93, or its successor form, as the person authorized to direct disposition of the human remains of the decedent;***

(c) The spouse of the decedent;

~~[(c)]~~ (d) An adult son or daughter of the decedent;

~~[(d)]~~ (e) Either parent of the decedent;

~~[(e)]~~ (f) An adult brother or sister of the decedent;

~~[(f)]~~ (g) A grandparent of the decedent;

~~[(g)]~~ (h) A guardian of the person of the decedent at the time of death; and

~~[(h)]~~ (i) A person who held the primary domicile of the decedent in joint tenancy with the decedent at the time of death.

2. If the deceased person was an indigent or other person for whom the final disposition of the decedent's remains is a responsibility of a county or the State, the appropriate public officer may order the burial of the remains and provide for the respectful disposition of the remains.

3. If the deceased person donated his or her body for scientific research or, before the person's death, a medical facility was made responsible for the final disposition of the person, a representative of the scientific institution or medical facility may order the burial of his or her remains.

4. A living person may order the burial of human remains removed from his or her body or the burial of his or her body after death. In the latter case, any person acting pursuant to his or her instructions is an authorized agent.

5. A person 18 years of age or older wishing to authorize another person to order the burial of his or her human remains in the event of the person's death may execute an affidavit before a notary public in substantially the following form:

State of Nevada }

}ss

County of }

(Date)

I, ..., (person authorizing another person to order the burial of his or her human remains in the event of his or her death) do hereby designate (person who is being authorized to order the

burial of the human remains of a person in the event of his or her death) to order the burial of my human remains upon my death.

Subscribed and sworn to before me this

day of the month of of the year

(Notary Public)

Sec. 2. NRS 451.650 is hereby amended to read as follows:

451.650 1. The following persons, in the following order of priority, may order the cremation of human remains of a deceased person:

(a) A person designated as the person with authority to order the cremation of the human remains of the decedent in a legally valid document or in an affidavit executed in accordance with subsection 5;

(b) ***If the decedent was, at the time of death, on active duty as a member of the Armed Forces of the United States, a reserve component thereof or the National Guard, a person designated by the decedent in the United States Department of Defense Record of Emergency Data, DD Form 93, or its successor form, as the person authorized to direct disposition of the human remains of the decedent;***

(c) The spouse of the decedent;

~~{{(e)}}~~ (d) An adult son or daughter of the decedent;

~~{{(d)}}~~ (e) Either parent of the decedent;

~~{{(e)}}~~ (f) An adult brother or sister of the decedent;

~~{{(f)}}~~ (g) A grandparent of the decedent;

~~{{(g)}}~~ (h) A guardian of the person of the decedent at the time of death; and

~~{{(h)}}~~ (i) A person who held the primary domicile of the decedent in joint tenancy with the decedent at the time of death.

2. If the deceased person was an indigent or other person for the final disposition of whose remains a county or the State is responsible, the appropriate public officer may order cremation of the remains and provide for the respectful disposition of the cremated remains.

3. If the deceased person donated his or her body for scientific research or, before the person's death, a medical facility was made responsible for the final disposition of the person, a representative of the scientific institution or medical facility may order cremation of the remains of the person.

4. A living person may order the cremation of human remains removed from his or her body or the cremation of the body of the person after the person's death. In the latter case, any person acting pursuant to his or her instructions is an authorized agent.

5. A person 18 years of age or older wishing to give authority to another person to order the cremation of his or her human remains upon the person's death may execute an affidavit before a notary public in substantially the following form:

State of Nevada }

}ss

County of }

(Date)

I, ..., (person authorizing another person to order the cremation of his or her human remains upon his or her death) do hereby designate (person who is being authorized to order the cremation of the human remains of another person in the event of his or her death) to order the cremation of my human remains upon my death.

Subscribed and sworn to before me this

day of the month of of the year

(Notary Public)

Assemblywoman Pierce moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 309.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 114.

AN ACT relating to insurance; creating the Office of the Consumer Advocate within the Division of Insurance of the Department of Business and Industry; requiring the Governor to appoint a Consumer Advocate as the executive head of the office; requiring the Consumer Advocate to intervene in and represent the public interest in public hearings relating to rates for certain policies, contracts or plans of health insurance; requiring an insurer to provide certain information to the Consumer Advocate **and the Division** and publish on an Internet website maintained by the insurer certain information concerning each policy, contract or plan of health insurance offered by the insurer in this State; requiring the Commissioner of Insurance to publish on an Internet website maintained by the Division certain information relating to health insurance rates and public hearings relating to rates for certain policies, contracts or plans of health insurance; authorizing an insurer and the Consumer Advocate to request a public hearing on any rate or proposed rate increase or decrease of a policy, contract or plan of health insurance filed by the insurer with the Commissioner; authorizing a consumer of health insurance to request a public hearing on certain rates and proposed rate increases or decreases of a policy, contract or plan of health insurance filed by an insurer with the Commissioner; authorizing the Commissioner to hold a public hearing on a rate or proposed rate increase or decrease of a policy, contract or plan of health insurance filed by an insurer; removing certain

provisions relating to trade secrets of insurers; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Commissioner of Insurance has exclusive authority to regulate insurers in this State and to approve or disapprove rates or proposed rate increases of insurers. (Chapters 679B, 680A and 686B of NRS) **Section 2** of this bill creates the Office of the Consumer Advocate within the Division of Insurance of the Department of Business and Industry and requires the Governor to appoint a Consumer Advocate to serve as executive head of the office and to intervene in and represent the public interest in certain public hearings relating to rates or proposed rate increases or decreases for certain policies, contracts or plans of health insurance. **Section 3** of this bill requires an insurer to provide certain information to the Consumer Advocate ~~and~~ and the Division, and **section 6** of this bill requires an insurer to publish on an Internet website maintained by the insurer the provisions, terms, rates, premiums, certificates of coverage and actual and projected loss ratios of each policy, contract or plan of health insurance offered by the insurer to consumers in this State. **Section 6** also requires the Division to maintain a link to the Internet website of the insurer on an Internet website maintained by the Division.

Section 7 of this bill authorizes the Commissioner to hold a public hearing before approving or denying a rate or proposed rate increase or decrease of a policy, contract or plan of health insurance. **Section 7** also authorizes an insurer, the Consumer Advocate or a consumer of health insurance to request such a public hearing. **Section 7** further requires the insurer and Commissioner to publish on an Internet website maintained by the insurer or Division, respectively, certain information relating to a request for approval of a rate or proposed rate increase or decrease, including the date by which a person must request a public hearing concerning a rate or proposed rate increase. **Section 12** of this bill requires that certain information be filed with the Commissioner and provides that the information which is filed by certain insurers is available to the public upon a written request.

Existing law prohibits the Commissioner from disclosing to a third party certain proprietary information of an insurer. (NRS 689A.695, 689B.115, 689C.250) **Sections 18-20** of this bill delete those provisions.

An insurer that violates the provisions of **section 3, 6, 7 or 21** of this bill is guilty of a misdemeanor. (NRS 679A.180)

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

Section 1. Chapter 679B of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. 1. *The Office of the Consumer Advocate is hereby created within the Division. The Governor shall appoint the Consumer Advocate as the executive head of the office. The Consumer Advocate is not subject to the supervision or control of the Division or the Commissioner in carrying out his or her duties.*

2. *The Governor shall appoint the Consumer Advocate for a term of 4 years. The Consumer Advocate is in the unclassified service of the State.*

3. *The Consumer Advocate shall intervene in and represent the public interest in all public hearings conducted by the Commissioner pursuant to section 7 of this act.*

4. *The Commissioner may apply for any available grants and may accept any gifts, grants and donations from any source to defray the costs of the Consumer Advocate in carrying out his or her duties.*

5. *To the extent money is available for this purpose, the Commissioner may employ in the unclassified service of the State any personnel necessary to assist with the duties and responsibilities of the Consumer Advocate.*

6. *The Governor may remove the Consumer Advocate from office for inefficiency, neglect of duty or malfeasance in office.*

Sec. 3. *An insurer that offers any policy, contract or plan of health insurance in this State shall provide the Consumer Advocate and the Division with copies of any proposed changes in rates and any other information used to calculate a rate or proposed rate increase or decrease. Information provided to the Consumer Advocate and the Division pursuant to this section must be submitted in an electronic format prescribed by the Commissioner.*

Sec. 4. NRS 679B.510 is hereby amended to read as follows:

679B.510 As used in NRS 679B.510 to 679B.560, inclusive, *and sections 2 and 3 of this act*, unless the context otherwise requires, the words and terms defined in NRS 679B.520, 679B.530 and 679B.540 have the meanings ascribed to them in those sections.

Sec. 5. Chapter 686B of NRS is hereby amended by adding thereto the provisions set forth as sections 6, ~~and 7~~ and 7.5 of this act.

Sec. 6. 1. *An insurer shall, on or before a date established by the Commissioner, publish on an Internet website maintained by the insurer the provisions, terms, rates, premiums, certificates of coverage, projected loss ratio for the current fiscal year and the next following fiscal year of each policy, contract or plan of health insurance offered by the insurer in this State, and actual loss ratio of each policy, contract or plan of health insurance offered by the insurer in this State for the immediately preceding fiscal year. An insurer shall update the information published pursuant to this subsection each time the insurer changes or modifies any provision, term, rate or premium of such a policy, contract or plan ~~and~~ and shall*

ensure that the information published pursuant to this subsection does not include any personally identifying information or confidential medical information.

2. The Division shall publish on an Internet website maintained by the Division a link to the Internet website maintained by each insurer on which information is published as required by subsection 1.

3. As used in this section, “loss ratio” has the meaning ascribed to it in section 2718(b)(1)(A) of the Public Health Service Act, as amended by Public Law 111-148.

Sec. 7. 1. Upon the filing of a rate or proposed rate increase or decrease pursuant to NRS 686B.070 for a policy, contract or plan of health insurance, and upon a determination by the Commissioner that the proposal is complete, the insurer and Commissioner shall publish on an Internet website maintained by the insurer and Division, respectively, notice of the filing, any information relating to the rate or proposed rate increase or decrease, other than confidential medical information, and the date by which a request for a public hearing on the rate or proposed rate increase or decrease must be submitted pursuant to subsection 2.

2. Upon the filing of a rate or proposed rate increase or decrease pursuant to NRS 686B.070 for a policy, contract or plan of health insurance:

(a) The insurer or rate service organization that files the rate or proposed rate increase or decrease or the Consumer Advocate may request that the Commissioner conduct a public hearing on the rate or proposed rate increase or decrease; and

(b) A consumer of health insurance may request that the Commissioner conduct a public hearing on the rate or proposed rate increase or decrease if:

(1) The proposed rate increase or decrease is more than 10 percent of the current rate; or

(2) The policy, contract or plan of health insurance represents more than 5 percent of its market segment in the State,

↪ by submitting to the Commissioner a written request for a public hearing not later than 30 days after the date of first publication of the notice of the rate or proposed rate increase or decrease pursuant to subsection 1.

3. Upon the filing of a rate or proposed rate increase or decrease pursuant to NRS 686B.070 for a policy, contract or plan of health insurance or upon a request for a public hearing pursuant to subsection 2, the Commissioner may conduct a public hearing on the rate or proposed rate increase or decrease.

4. If the Commissioner determines that a public hearing should be held pursuant to subsection 3, the Commissioner shall provide notice to the insurer or rate service organization of the public hearing not later than 15 days before the date of the public hearing and shall conduct the public hearing not later than ~~60~~ 45 days after a determination by the Commissioner that the filing of the rate or proposed rate increase or decrease is complete.

5. Upon receipt of the notice of a public hearing from the Commissioner, an insurer or rate service organization shall provide notice to its policyholders who would be affected by the proposed change not later than 10 days before the date of the public hearing.

6. To the extent practicable, a public hearing that is conducted pursuant to this section on a weekday must be conducted after 5 p.m.

7. If a public hearing is conducted pursuant to subsection 3, the Commissioner shall publish on an Internet website maintained by the Division:

(a) A transcript of the public hearing not later than ~~30~~ 15 days after the date of the hearing; and

(b) Any finding, decision or order of the Commissioner not later than ~~30~~ 15 days after the date of issuance of the finding, decision or order.

8. As used in this section, "Consumer Advocate" means the Consumer Advocate appointed by the Governor pursuant to section 2 of this act.

Sec. 7.5. The provisions of sections 6 and 7 of this act do not apply to a contract or policy of group or blanket health insurance.

Sec. 8. NRS 686B.010 is hereby amended to read as follows:

686B.010 1. The Legislature intends that NRS 686B.010 to 686B.1799, inclusive, **and sections 6, ~~and~~ 7 and 7.5 of this act** be liberally construed to achieve the purposes stated in subsection 2, which constitute an aid and guide to interpretation but not an independent source of power.

2. The purposes of NRS 686B.010 to 686B.1799, inclusive, **and sections 6, ~~and~~ 7 and 7.5 of this act** are to:

(a) Protect policyholders and the public against the adverse effects of excessive, inadequate or unfairly discriminatory rates;

(b) Encourage, as the most effective way to produce rates that conform to the standards of paragraph (a), independent action by and reasonable price competition among insurers;

(c) Provide formal regulatory controls for use if independent action and price competition fail;

(d) Authorize cooperative action among insurers in the rate-making process, and to regulate such cooperation in order to prevent practices that tend to bring about monopoly or to lessen or destroy competition;

(e) Encourage the most efficient and economic marketing practices; and

(f) Regulate the business of insurance in a manner that will preclude application of federal antitrust laws.

Sec. 9. NRS 686B.020 is hereby amended to read as follows:

686B.020 As used in NRS 686B.010 to 686B.1799, inclusive, ***and sections 6, ~~and~~ 7 and 7.5 of this act***, unless the context otherwise requires:

1. “Advisory organization,” except as limited by NRS 686B.1752, means any person or organization which is controlled by or composed of two or more insurers and which engages in activities related to rate making. For the purposes of this subsection, two or more insurers with common ownership or operating in this State under common ownership constitute a single insurer.

An advisory organization does not include:

- (a) A joint underwriting association;
- (b) An actuarial or legal consultant; or
- (c) An employee or manager of an insurer.

2. “Market segment” means any line or kind of insurance or, if it is described in general terms, any subdivision thereof or any class of risks or combination of classes.

3. “Rate service organization” means any person, other than an employee of an insurer, who assists insurers in rate making or filing by:

- (a) Collecting, compiling and furnishing loss or expense statistics;
- (b) Recommending, making or filing rates or supplementary rate information; or
- (c) Advising about rate questions, except as an attorney giving legal advice.

4. “Supplementary rate information” includes any manual or plan of rates, statistical plan, classification, rating schedule, minimum premium, policy fee, rating rule, rule of underwriting relating to rates and any other information prescribed by regulation of the Commissioner.

Sec. 10. NRS 686B.030 is hereby amended to read as follows:

686B.030 1. Except as otherwise provided in subsection 2 ~~+~~ ***and sections 6, ~~and~~ 7 and 7.5 of this act, the provisions of*** NRS 686B.010 to 686B.1799, inclusive, ***and sections 6, ~~and~~ 7 and 7.5 of this act*** apply to all kinds and lines of direct insurance written on risks or operations in this State by any insurer authorized to do business in this State, except:

- (a) Ocean marine insurance;
- (b) Contracts issued by fraternal benefit societies;
- (c) Life insurance and credit life insurance;
- (d) Variable and fixed annuities;
- (e) Group and blanket health insurance and credit health insurance;
- (f) Property insurance for business and commercial risks;

(g) Casualty insurance for business and commercial risks other than insurance covering the liability of a practitioner licensed pursuant to chapters 630 to 640, inclusive, of NRS; and

(h) Surety insurance.

2. The exclusions set forth in paragraphs (f) and (g) of subsection 1 extend only to issues related to the determination or approval of premium rates.

Sec. 11. NRS 686B.040 is hereby amended to read as follows:

686B.040 1. Except as otherwise provided in subsection 2, the Commissioner may by rule exempt any person or class of persons or any market segment from any or all of the provisions of NRS 686B.010 to 686B.1799, inclusive, **and sections 6, ~~and~~ 7 and 7.5 of this act** if and to the extent that the Commissioner finds their application unnecessary to achieve the purposes of those sections.

2. The Commissioner may not, by rule or otherwise, exempt an insurer from the provisions of NRS 686B.010 to 686B.1799, inclusive, **and sections 6, ~~and~~ 7 and 7.5 of this act** with regard to insurance covering the liability of a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS for a breach of the practitioner's professional duty toward a patient.

Sec. 12. NRS 686B.070 is hereby amended to read as follows:

686B.070 1. Every authorized insurer and every rate service organization licensed under NRS 686B.140 which has been designated by any insurer for the filing of rates under subsection 2 of NRS 686B.090 shall file with the Commissioner ~~all~~ **for approval:**

- (a) ~~Rates~~ **All rates** and proposed **rate** increases ~~thereof~~ **or decreases;**
 - (b) ~~Forms~~ **All forms** of policies to which the rates apply;
 - (c) ~~Supplementary~~ **All supplementary** rate information; and
 - (d) ~~Changes and amendments thereof,~~
- ~~made by it for use in this state.~~ **Any formula, supporting data or other information used to calculate the rate or proposed rate increase or decrease filed pursuant to paragraph (a).**

2. If an insurer makes a filing for a proposed increase in a rate for insurance covering the liability of a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS for a breach of the practitioner's professional duty toward a patient, the insurer shall not include in the filing any component that is directly or indirectly related to the following:

(a) Capital losses, diminished cash flow from any dividends, interest or other investment returns, or any other financial loss that is materially outside of the claims experience of the professional liability insurance industry, as determined by the Commissioner.

(b) Losses that are the result of any criminal or fraudulent activities of a director, officer or employee of the insurer.

↪ If the Commissioner determines that a filing includes any such component, the Commissioner shall, pursuant to NRS 686B.110, disapprove the proposed increase, in whole or in part, to the extent that the proposed increase relies upon such a component.

3. A rate or proposed rate increase or decrease filed pursuant to subsection 1 must not go into effect until approved pursuant to NRS 686B.110.

4. Except for the filing of a rate or proposed rate increase or decrease of a policy, contract or plan of health insurance issued to a group pursuant to NRS 689B.026, the information submitted with the filing of a rate or proposed rate or rate increase pursuant to subsection 1, other than confidential medical information or any information relating to the amount, terms or conditions of reimbursement pursuant to a contract between the insurer and a third party, is public and must be provided to any person upon written request.

Sec. 13. NRS 686B.090 is hereby amended to read as follows:

686B.090 1. An insurer shall establish rates and supplementary rate information for any market segment based on the factors in NRS 686B.060. If an insurer has insufficient creditable loss experience, it may use rates and supplementary rate information prepared by a rate service organization, with modification for its own expense and loss experience.

2. ~~{An}~~ **Except as otherwise provided in section 7 of this act, an** insurer may discharge its obligation under subsection 1 of NRS 686B.070 by giving notice to the Commissioner that it uses rates and supplementary rate information prepared by a designated rate service organization, with such information about modifications thereof as are necessary fully to inform the Commissioner. The insurer's rates and supplementary rate information shall be deemed those filed from time to time by the rate service organization, including any amendments thereto as filed, subject to the modifications filed by the insurer.

Sec. 14. NRS 686B.110 is hereby amended to read as follows:

686B.110 1. The Commissioner shall consider each **rate or** proposed increase or decrease in the rate of any kind or line of insurance or subdivision thereof filed with the Commissioner pursuant to subsection 1 of NRS 686B.070. If the Commissioner finds that a proposed increase will result in a rate which is not in compliance with NRS 686B.050 or subsection 2 of NRS 686B.070, the Commissioner shall disapprove the proposal. The Commissioner shall approve or disapprove each proposal ~~filed~~:

(a) If the Commissioner conducts a public hearing on the proposal pursuant to section 7 of this act, not later than ~~60~~ 30 days after ~~it is determined by~~ the date of the public hearing; or

(b) If no public hearing is held on the proposal pursuant to section 7 of this act, not later than ~~60~~ 30 days after the date on which the Commissioner determines the proposal to be complete pursuant to subsection ~~4~~ 5.

2. If the Commissioner fails to approve or disapprove the proposal within ~~that~~ the period ~~1~~ specified in subsection 1, the proposal shall be deemed approved.

~~2~~ 3. Whenever an insurer has no legally effective rates as a result of the Commissioner's disapproval of rates or other act, the Commissioner shall on request specify interim rates for the insurer that are high enough to protect the interests of all parties and may order that a specified portion of the premiums be placed in an escrow account approved by the Commissioner. When new rates become legally effective, the Commissioner shall order the escrowed funds or any overcharge in the interim rates to be distributed appropriately, except that refunds to policyholders that are de minimis must not be required.

~~3~~ 4. If the Commissioner disapproves a **rate or** proposed rate **increase or decrease** and an insurer requests a hearing to determine the validity of the action of the Commissioner, the insurer has the burden of showing compliance with the applicable standards for rates established in NRS 686B.010 to 686B.1799, inclusive ~~1~~, **and sections 6, ~~and~~ 7 and 7.5 of this act.** Any such hearing must be held:

(a) Within 30 days after the request for a hearing has been submitted to the Commissioner; or

(b) Within a period agreed upon by the insurer and the Commissioner.

↪ If the hearing is not held within the period specified in paragraph (a) or (b), or if the Commissioner fails to issue an order concerning the **rate or** proposed rate **increase or decrease** for which the hearing is held within 45 days after the hearing, the proposed rate **or proposed rate increase or decrease** shall be deemed approved.

~~4~~ 5. The Commissioner shall by regulation specify the documents or any other information which must be included in a proposal for a rate or to increase or decrease a rate ~~submitted to~~ **filed with** the Commissioner pursuant to subsection 1 ~~1~~ **of NRS 686B.070.** Each such proposal shall be deemed complete upon its filing with the Commissioner, unless the Commissioner, within 15 business days after the proposal is filed with the Commissioner, determines that the proposal is incomplete because the proposal does not comply with the regulations adopted by the Commissioner pursuant to this subsection.

Sec. 15. NRS 686B.117 is hereby amended to read as follows:

686B.117 If a filing made with the Commissioner pursuant to ~~paragraph (a) of~~ subsection 1 of NRS 686B.070 pertains to insurance covering the

liability of a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS for a breach of the practitioner's professional duty toward a patient, any interested person, and any association of persons or organization whose members may be affected, may intervene as a matter of right in any hearing or other proceeding conducted to determine whether the applicable rate or proposed increase thereto:

1. Complies with the standards set forth in NRS 686B.050 and subsection 2 of NRS 686B.070.

2. Should be approved or disapproved.

Sec. 16. NRS 687B.120 is hereby amended to read as follows:

687B.120 1. No life or health insurance policy or contract, annuity contract form, policy form, health care plan or plan for dental care, whether individual, group or blanket, including those to be issued by a health maintenance organization, organization for dental care or prepaid limited health service organization, or application form where a written application is required and is to be made a part of the policy or contract, or printed rider or endorsement form or form of renewal certificate, or form of individual certificate or statement of coverage to be issued under group or blanket contracts, or by a health maintenance organization, organization for dental care or prepaid limited health service organization, may be delivered or issued for delivery in this state, unless the form has been filed with and approved by the Commissioner. ~~{This subsection does not apply to any special rider or endorsement which relates to the manner of distribution of benefits or to the reservation of rights and benefits under life or health insurance policies, which special riders or endorsements are used at the request of the individual policyholder, contract holder or certificate holder.}~~ As to group insurance policies effectuated and delivered outside this state but covering persons resident in this state, the group certificates to be delivered or issued for delivery in this state must be filed, for informational purposes only, with the Commissioner at the request of the Commissioner.

2. Every ~~{such}~~ filing **made pursuant to subsection 1** must be made not less than 45 days in advance of any ~~{such}~~ delivery ~~{-}~~ **pursuant to subsection 1**. At the expiration of 45 days the form so filed shall be deemed approved unless prior thereto it has been affirmatively approved or disapproved by order of the Commissioner. Approval of any such form by the Commissioner constitutes a waiver of any unexpired portion of such waiting period. The Commissioner may extend by not more than an additional 30 days the period within which the Commissioner may so affirmatively approve or disapprove any such form, by giving notice to the insurer of the extension before expiration of the initial 45-day period. At the expiration of any such period as so extended, and in the absence of prior affirmative approval or disapproval, any such form shall be deemed

approved. The Commissioner may at any time, after notice and for cause shown, withdraw any such approval.

3. Any order of the Commissioner disapproving any such form or withdrawing a previous approval must state the grounds therefor and the particulars thereof in such detail as reasonably to inform the insurer thereof. Any such withdrawal of a previously approved form is effective at the expiration of such a period, not less than 30 days after the giving of notice of withdrawal, as the Commissioner in such notice prescribes.

4. The Commissioner may, by order, exempt from the requirements of this section for so long as the Commissioner deems proper any insurance document or form or type thereof specified in the order, to which, in the opinion of the Commissioner, this section may not practicably be applied, or the filing and approval of which are, in the opinion of the Commissioner, not desirable or necessary for the protection of the public.

5. Appeals from orders of the Commissioner disapproving any such form or withdrawing a previous approval may be taken as provided in NRS 679B.310 to 679B.370, inclusive.

Sec. 17. ~~NRS 687B.350 is hereby amended to read as follows:~~

~~687B.350 1. Except as otherwise provided in subsection 2, an insurer shall not renew a policy on different terms, including different rates, unless the insurer notifies the insured in writing of the different terms or rates at least [30] 60 days before the expiration of the policy. If the insurer fails to provide adequate and timely notice, the insurer shall renew the policy at the expiring terms and rates.~~

~~(a) For a period that is equal to the expiring term if the agreed term is 1 year or less; or~~

~~(b) For 1 year if the agreed term is more than 1 year.~~

~~2. The provisions of this section do not apply to a change in the rate for a policy of industrial insurance which is based on:~~

~~(a) A change to a prospective loss cost filed by the Advisory Organization pursuant to NRS 686B.177 that is applicable to the risk; or~~

~~(b) A correction based on the experience that is applicable to the risk in accordance with the Uniform Plan for Rating Experience filed with the Commissioner pursuant to NRS 686B.177.~~ **(Deleted by amendment.)**

Sec. 18. NRS 689A.695 is hereby amended to read as follows:

689A.695 An individual carrier shall make the information and documents described in NRS 689A.680 to 689A.700, inclusive, available to the Commissioner upon request. ~~Except in cases of violations of the provisions of this chapter, the information, other than the premium rates charged by the individual carrier, is proprietary, constitutes a trade secret and is not subject to disclosure by the Commissioner to persons outside of the~~

~~Division except as agreed to by the individual carrier or as ordered by a court of competent jurisdiction.]~~

Sec. 19. NRS 689B.115 is hereby amended to read as follows:

689B.115 An insurer providing blanket health insurance shall make all information concerning rates available to the Commissioner upon request. ~~[The information is proprietary, constitutes a trade secret, and may not be disclosed by the Commissioner to any person outside the Division except as agreed by the insurer or ordered by a court of competent jurisdiction.]~~

Sec. 20. NRS 689C.250 is hereby amended to read as follows:

689C.250 A carrier serving small employers shall make the information and documents described in NRS 689C.210 to 689C.240, inclusive, available to the Commissioner upon request. ~~[Except in cases of violations of NRS 689C.015 to 689C.355, inclusive, the information is proprietary, constitutes a trade secret, and is not subject to disclosure by the Commissioner to persons outside of the Division except as agreed to by the carrier or as ordered by a court of competent jurisdiction.]~~

Sec. 21. Section 7 of this act is hereby amended to read as follows:

Sec. 7. 1. Upon the filing of a rate or proposed rate increase or decrease pursuant to NRS 686B.070 for a policy, contract or plan of health insurance, and upon a determination by the Commissioner that the proposal is complete, the insurer and Commissioner shall publish on an Internet website maintained by the insurer and Division, respectively, notice of the filing, any information relating to the rate or proposed rate increase or decrease, other than confidential medical information, and the date by which a request for a public hearing on the rate or proposed rate increase or decrease must be submitted pursuant to subsection 2.

2. Upon the filing of a rate or proposed rate increase or decrease pursuant to NRS 686B.070 for a policy, contract or plan of health insurance:

(a) The insurer or rate service organization that files the rate or proposed rate increase or decrease ~~for the Consumer Advocate~~ may request that the Commissioner conduct a public hearing on the rate or proposed rate increase or decrease; and

(b) A consumer of health insurance may request that the Commissioner conduct a public hearing on the rate or proposed rate increase or decrease if:

(1) The proposed rate increase or decrease is more than 10 percent of the current rate; or

(2) The policy, contract or plan of health insurance represents more than 5 percent of its market segment in the State,

➤ by submitting to the Commissioner a written request for a public hearing not later than 30 days after the date of first publication of the notice of the rate or proposed rate increase or decrease pursuant to subsection 1.

3. Upon the filing of a rate or proposed rate increase or decrease pursuant to NRS 686B.070 for a policy, contract or plan of health insurance or upon a request for a public hearing pursuant to subsection 2, the Commissioner may conduct a public hearing on the rate or proposed rate increase or decrease.

4. If the Commissioner determines that a public hearing should be held pursuant to subsection 3, the Commissioner shall provide notice to the insurer or rate service organization of the public hearing not later than 15 days before the date of the public hearing and shall conduct the public hearing not later than ~~160~~ 45 days after a determination by the Commissioner that the filing of the rate or proposed rate increase or decrease is complete.

5. Upon receipt of the notice of a public hearing from the Commissioner, an insurer or rate service organization shall provide notice to its policyholders not later than 10 days before the date of the public hearing.

6. To the extent practicable, a public hearing that is conducted pursuant to this section on a weekday must be conducted after 5 p.m.

7. If a public hearing is conducted pursuant to subsection 3, the Commissioner shall publish on an Internet website maintained by the Division:

(a) A transcript of the public hearing not later than ~~130~~ 15 days after the date of the hearing; and

(b) Any finding, decision or order of the Commissioner not later than ~~130~~ 15 days after the date of issuance of the finding, decision or order.

~~{8. As used in this section, "Consumer Advocate" means the Consumer Advocate appointed by the Governor pursuant to section 2 of this act.}~~

Sec. 22. Section 14 of this act is hereby amended to read as follows:

Sec. 14. NRS 686B.110 is hereby amended to read as follows:

686B.110 1. The Commissioner shall consider each rate or proposed increase or decrease in the rate of any kind or line of insurance or subdivision thereof filed with the Commissioner pursuant to subsection 1 of NRS 686B.070. If the Commissioner finds that a proposed increase will result in a rate which is not in compliance with NRS 686B.050 or subsection 2 of NRS 686B.070, the Commissioner shall disapprove the proposal. The Commissioner shall approve or disapprove each proposal:

(a) If the Commissioner conducts a public hearing on the proposal pursuant to section ~~17~~ 21 of this act, not later than ~~160~~ 30 days after the date of the public hearing; or

(b) If no public hearing is held on the proposal pursuant to section ~~17~~ 21 of this act, not later than ~~160~~ 30 days after the date on which the Commissioner determines the proposal to be complete pursuant to subsection 5.

2. If the Commissioner fails to approve or disapprove the proposal within the period specified in subsection 1, the proposal shall be deemed approved.

3. Whenever an insurer has no legally effective rates as a result of the Commissioner's disapproval of rates or other act, the Commissioner shall on request specify interim rates for the insurer that are high enough to protect the interests of all parties and may order that a specified portion of the premiums be placed in an escrow account approved by the Commissioner. When new rates become legally effective, the Commissioner shall order the escrowed funds or any overcharge in the interim rates to be distributed appropriately, except that refunds to policyholders that are de minimis must not be required.

4. If the Commissioner disapproves a rate or proposed rate increase or decrease and an insurer requests a hearing to determine the validity of the action of the Commissioner, the insurer has the burden of showing compliance with the applicable standards for rates established in NRS 686B.010 to 686B.1799, inclusive, and sections 6 and ~~17~~ 21 of this act. Any such hearing must be held:

(a) Within 30 days after the request for a hearing has been submitted to the Commissioner; or

(b) Within a period agreed upon by the insurer and the Commissioner.

➡ If the hearing is not held within the period specified in paragraph (a) or (b), or if the Commissioner fails to issue an order concerning the rate or proposed rate increase or decrease for which the hearing is held within 45 days after the hearing, the proposed rate or proposed rate increase or decrease shall be deemed approved.

5. The Commissioner shall by regulation specify the documents or any other information which must be included in a proposal for a rate or to increase or decrease a rate filed with the Commissioner pursuant to subsection 1 of NRS 686B.070. Each such proposal shall be deemed complete upon its filing with the Commissioner, unless the Commissioner, within 15 business days after the proposal is filed with the Commissioner, determines that the proposal is incomplete because the proposal does not comply with the regulations adopted by the Commissioner pursuant to this subsection.

Sec. 23. 1. This section and sections 1 to 20, inclusive, of this act become effective on July 1, 2011.

2. Sections 2, 3, 7, 13 and 14 of this act expire by limitation on the date on which the Governor by proclamation declares that the money for funding the Office of the Consumer Advocate will no longer be available.

3. Sections 21 and 22 of this act become effective on the date on which the Governor by proclamation declares that the money for funding the Office of the Consumer Advocate will no longer be available.

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 313.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 154.

AN ACT relating to child custody; providing for the expiration by operation of law of certain orders modifying custody and visitation of children for persons who are members of the military; authorizing a court to delegate the visitation rights of a member of the military to a family member of the member of the military under certain circumstances; requiring a court, under certain circumstances, to provide an expedited hearing concerning custody or visitation matters to allow participation in such a hearing by affidavit or electronic means, or to both hold an expedited hearing and allow such participation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that an award of child custody or visitation may only be made by considering the best interest of the child. (NRS 125.480, 125C.010) Existing law further provides that the court is authorized, with certain exceptions, to modify its order at any time. (NRS 125.510) **Section 10** of this bill prohibits a court from entering a final order modifying the terms of an existing custody or visitation order of a parent or legal guardian who is a member of the military and who has received mandatory written orders for deployment until 90 days after the deployment ends. **Section 11** of this bill provides that deployment or the potential for future deployment of a parent or legal guardian must not, by itself, constitute a substantial change sufficient to justify a permanent modification of a custody or visitation order.

Section 12 of this bill authorizes a court to modify a custody or visitation order to reasonably accommodate the deployment of a parent or legal guardian and deems any such modification to be a temporary order. **Section 13** of this bill provides, with certain exceptions, that such a temporary order expires automatically upon the completion of the deployment and the custody or visitation order that was in place before the order was modified by the temporary order is automatically reinstated.

Section 15 of this bill authorizes a court to delegate the visitation rights of the parent or legal guardian who is deployed to a family member of the parent or legal guardian under certain circumstances.

Section 14 of this bill requires a court, upon a motion of a parent or legal guardian who is deployed or has received mandatory written orders for deployment and who is prevented by military duties from appearing in

person at a regularly scheduled hearing concerning custody or visitation matters, to: (1) hold an expedited hearing; (2) allow the parent or legal guardian to present testimony and evidence by affidavit or electronic means; or (3) both hold an expedited hearing and allow testimony and evidence to be presented by affidavit or electronic means.

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

Section 1. NRS 125.510 is hereby amended to read as follows:

125.510 1. In determining the custody of a minor child in an action brought pursuant to this chapter, the court may, except as otherwise provided in this section and chapter 130 of NRS ~~to~~ **and sections 3 to 20, inclusive, of this act:**

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

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

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

2. Any order for joint custody may be modified or terminated by the court upon the petition of one or both parents or on the court's own motion if it is shown that the best interest of the child requires the modification or termination. The court shall state in its decision the reasons for the order of modification or termination if either parent opposes it.

3. Any order for custody of a minor child or children of a marriage entered by a court of another state may, subject to **the provisions of sections 3 to 20, inclusive, of this act and to** the jurisdictional requirements in chapter 125A of NRS, be modified at any time to an order of joint custody.

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

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

6. All orders authorized by this section must be made in accordance with the provisions of chapter 125A of NRS ***and sections 3 to 20, inclusive, of this act*** and must contain the following language:

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

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

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

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

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

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

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

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

10. As used in this section, a parent has “significant commitments in a foreign country” if the parent:

- (a) Is a citizen of a foreign country;
- (b) Possesses a passport in his or her name from a foreign country;
- (c) Became a citizen of the United States after marrying the other parent of the child; or
- (d) Frequently travels to a foreign country.

Sec. 2. Chapter 125C of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 20, inclusive, of this act.

Sec. 3. *As used in sections 3 to 20, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 4 to 9, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 4. *“Custody or visitation order” means:*

1. A judgment, decree or order issued by a court of competent jurisdiction in this State which provides for custody or visitation with respect to a child; and

2. A judgment, decree or order issued by a court of another state which provides for custody or visitation with respect to a child if the judgment, decree or order has been registered in this State pursuant to NRS 125A.465.

Sec. 5. *“Deployment” means the transfer or reassignment of a member of the military, unaccompanied by any family member, on active duty status in support of combat or another military operation, including, without limitation, temporary duty. The term does not include annual training of a reserve component of the Armed Forces of the United States or of the National Guard.*

Sec. 6. *“Member of the military” means a person who is presently serving in the Armed Forces of the United States, a reserve component thereof or the National Guard.*

Sec. 7. *“Parent” means a parent or legal guardian of a child under the age of 18 years.*

Sec. 8. *“Parent who received orders for deployment” means a parent who has received mandatory written orders for deployment and who is awaiting deployment or has been deployed pursuant to those orders.*

Sec. 9. *“Temporary duty” means the transfer of a member of the military, unaccompanied by any family member, from a military base to a different location, including, without limitation, another military base, for a limited time to accomplish training or to assist in the performance of a combat mission.*

Sec. 10. 1. *Except as otherwise provided in subsection 2, if a parent who is a member of the military and who has been awarded sole or joint custody or visitation of a child receives mandatory written orders for deployment, the court shall not enter a final order modifying the terms of the existing custody or visitation order until 90 days after the termination of the parent's deployment.*

2. *If the matter was fully adjudicated by a court before the parent's deployment, the court may enter such a final order at any time.*

Sec. 11. *Deployment or the potential for future deployment must not, by itself, constitute a substantial change in circumstances sufficient to warrant a permanent modification of a custody or visitation order.*

Sec. 12. 1. *The court may temporarily modify a custody or visitation order to reasonably accommodate the deployment of a parent. Any such modification by the court of a custody or visitation order shall be deemed a temporary order.*

2. *A temporary order issued pursuant to subsection 1 must:*

(a) *Unless the court determines it is not in the best interest of the child, grant the parent who received orders for deployment reasonable custody or visitation during periods of approved military leave if the existing custody or visitation order granted that parent custody or visitation before deployment;*

(b) *Include any restrictions concerning custody or visitation set forth in the existing custody or visitation order;*

(c) *Specify that deployment is the reason for the modification of the existing custody or visitation order; and*

(d) *Require the other parent to provide the court and the parent who received orders for deployment with written notice of any change of his or her address or telephone number ~~[at least]~~ as soon as practicable but not later than 30 days before after such change.*

Sec. 13. 1. *Except as otherwise provided in subsection 2, a temporary order issued pursuant to section 12 of this act expires by operation of law upon the completion of the parent's deployment and the previous custody or visitation order is reinstated.*

2. *The court may, upon a motion alleging immediate danger of irreparable harm to the child, hold an expedited hearing concerning custody or visitation upon the completion of the parent's deployment.*

Sec. 14. 1. *If military duties prevent a parent who received orders for deployment from appearing in person at a regularly scheduled hearing concerning any custody or visitation matters, the court shall, upon a motion of that parent and for good cause shown:*

(a) *Hold an expedited hearing;*

(b) Allow the parent who received orders for deployment to present testimony and evidence by affidavit or electronic means; or

(c) Both hold an expedited hearing pursuant to paragraph (a) and allow testimony and evidence to be presented pursuant to paragraph (b).

2. As used in this section, “electronic means” includes, without limitation, telephone, videoconference or the Internet.

Sec. 15. 1. Upon a motion by the parent who received orders for deployment, the court may delegate his or her visitation rights, or a portion of those rights, to a family member of that parent who has a substantial relationship with the child if the court determines that such delegated visitation is in the best interest of the child.

2. In determining whether visitation rights should be delegated to a family member pursuant to subsection 1, the court shall consider the factors set forth in paragraphs (a) to (i), inclusive, of subsection 6 of NRS 125C.050.

3. Any visitation rights delegated to a family member pursuant to subsection 1 terminate upon:

(a) The expiration of a temporary order pursuant to section 13 of this act; or

(b) A showing that the delegated visitation is no longer in the best interest of the child.

4. Nothing in this section increases the authority of a family member who is delegated visitation rights pursuant to subsection 1 to seek separate visitation rights of the child pursuant to NRS 125C.050.

Sec. 16. If a custody or visitation order has not been issued and a parent’s deployment is imminent, the court shall, upon a motion of either parent, hold an expedited hearing for the purpose of issuing a temporary order establishing the custody and visitation arrangement in accordance with sections 3 to 20, inclusive, of this act.

Sec. 17. 1. If military necessity precludes court adjudication before deployment, the parent who received orders for deployment and the other parent shall cooperate with and provide information to each other in an effort to reach a mutually agreeable resolution with regard to custody and visitation matters.

2. Except as otherwise provided in this subsection, the parent who received orders for deployment shall, within 10 days after receiving the orders, provide a copy of the orders to the other parent. If the date of deployment is less than 10 days after receipt of the orders, a copy of the orders must be provided immediately to the other parent.

Sec. 18. 1. If a court in this State has issued a custody or visitation order, the absence of a child from this State during the deployment of a parent shall be deemed a temporary absence for the purposes of

NRS 125A.085 and 125A.135 and this State retains exclusive, continuing jurisdiction as provided in NRS 125A.315.

2. The deployment of a parent may not be used as a basis to assert the issue of inconvenient forum pursuant to NRS 125A.365.

Sec. 19. In making a determination pursuant to sections 3 to 20, inclusive, of this act, a court may award costs and reasonable attorney's fees against any parent:

- 1. Who the court determines caused unreasonable delays;*
- 2. Who failed to provide any information required pursuant to sections 3 to 20, inclusive, of this act; and*
- 3. In such other circumstances as the court deems proper.*

Sec. 20. The provisions of sections 3 to 20, inclusive, of this act do not apply to any custody or visitation arrangement requested in a verified application for a temporary or extended order for protection against domestic violence filed pursuant to NRS 33.020.

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 319.

Bill read second time.

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

Amendment No. 177.

AN ACT relating to dead bodies; authorizing certain persons who assume legal and ~~final~~ **financial** responsibility for the final disposition of the human remains of a deceased person to order the burial of those human remains; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes certain persons to order the burial of the human remains of a deceased person ~~_. If and this bill authorizes, in the absence of any such person, any person who~~ **This bill authorizes additional persons, in the absence of a person authorized by existing law, to order the burial of the remains of the deceased person if the additional person: (1) is 18 years of age or older ; (2) executes an affidavit affirming certain facts; and** ~~who~~ **(3) assumes legal and financial responsibility for the human remains of the deceased person_.** ~~to order the burial of the remains of the deceased person.~~ (NRS 451.024)

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

Section 1. NRS 451.024 is hereby amended to read as follows:

451.024 1. The following persons, in the following order of priority, may order the burial of human remains of a deceased person:

(a) A person designated as the person with authority to order the burial of the human remains of the decedent in a legally valid document or in an affidavit executed in accordance with subsection ~~5-1~~ 7;

(b) The spouse of the decedent;

(c) An adult son or daughter of the decedent;

(d) Either parent of the decedent;

(e) An adult brother or sister of the decedent;

(f) A grandparent of the decedent;

(g) A guardian of the person of the decedent at the time of death; ~~and~~

(h) A person who held the primary domicile of the decedent in joint tenancy with the decedent at the time of death ~~and~~ ; and

(i) ~~In the absence of any~~ A person who meets the requirements of subsection 2.

2. If, 30 days or more after the death of a decedent, the coroner or sheriff, as applicable, has conducted an investigation to determine whether a person specified in paragraphs (a) to (h), inclusive, of subsection 1 exists and, upon completion of that investigation, is unable to identify or locate a person specified in those paragraphs, any other person ~~18 years of age or older who assumes legal and financial responsibility for the final disposition~~ may order the burial of the human remains of the decedent ~~and~~ if the person:

(a) Is at least 18 years of age; and

(b) Executes an affidavit affirming:

(1) That he or she knew the decedent;

(2) The length of time that he or she knew the decedent;

(3) That he or she does not know the whereabouts of any of the persons specified in paragraphs (a) to (h), inclusive, of subsection 1; and

(4) That he or she willingly accepts legal and financial responsibility for the burial of the human remains of the decedent.

3. A person who accepts legal and financial responsibility for the burial of the human remains of a decedent as described in subparagraph (4) of paragraph (b) of subsection 2 does not have a claim against the estate of the decedent or against any other person for the cost of the burial.

4. If the deceased person was an indigent or other person for whom the final disposition of the decedent's remains is a responsibility of a county or the State, the appropriate public officer may order the burial of the remains and provide for the respectful disposition of the remains.

~~5.~~ 5. If the deceased person donated his or her body for scientific research or, before the person's death, a medical facility was made responsible for the final disposition of the person, a representative of the

scientific institution or medical facility may order the burial of his or her remains.

~~4.1.6.~~ A living person may order the burial of human remains removed from his or her body or the burial of his or her body after death. In the latter case, any person acting pursuant to his or her instructions is an authorized agent.

~~5.1.7.~~ A person 18 years of age or older wishing to authorize another person to order the burial of his or her human remains in the event of the person's death may execute an affidavit before a notary public in substantially the following form:

State of Nevada }

}ss

County of }

(Date)

I, ..., (person authorizing another person to order the burial of his or her human remains in the event of his or her death) do hereby designate (person who is being authorized to order the burial of the human remains of a person in the event of his or her death) to order the burial of my human remains upon my death.

Subscribed and sworn to before me this

day of the month of of the year

(Notary Public)

Sec. 2. This act becomes effective upon passage and approval.

Assemblywoman Pierce moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 323.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 220.

AN ACT relating to consumer fraud; requiring the Director of the Department of Business and Industry to establish and maintain an Internet website to provide information concerning consumer fraud in this State; requiring various state entities to provide information to the Director for inclusion on the Internet website; requiring biennial reporting concerning the Internet website; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill requires the Director of the Department of Business and Industry to establish and maintain an Internet website to provide information concerning consumer fraud in this State. The Director is required to place on

the Internet website information relating to deception, fraud and misrepresentation that is received by the Director from various state agencies, offices and licensing boards. Each such agency, office and licensing board is required to provide to the Director such information as required by the Director for inclusion on the Internet website. The Director is required to submit biennial reports concerning the Internet website and its effect on reducing the incidence of consumer fraud in this State to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the Legislature.

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

Section 1. Chapter 598 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Director of the Department of Business and Industry shall establish and maintain an Internet website to provide information concerning consumer fraud in this State.*

2. *The Director shall place on the Internet website information received by the Director from:*

(a) *The Department of Business and Industry concerning deception, fraud and misrepresentation relating to:*

(1) *Common-interest communities, condominium hotels, credit service organizations, employment agencies, financial institutions, high-interest loans, housing assistance, manufactured housing sales and service, mortgage lending, real estate appraisal and sales, time shares and insurance, including, without limitation, industrial insurance; and*

(2) *Licensed real estate brokers, real estate salespersons, mortgage brokers and mortgage agents.*

(b) *The Department of Employment, Training and Rehabilitation concerning deception, fraud and misrepresentation relating to the payment of unemployment contributions and benefits.*

(c) *The Department of Health and Human Services concerning deception, fraud and misrepresentation relating to public assistance programs, including, without limitation, the Children's Health Insurance Program, Food Stamp Assistance, Low-Income Home Energy Assistance, Medicaid, the Program for Child Care and Development, and Temporary Assistance for Needy Families.*

(d) *The Department of Motor Vehicles concerning deception, fraud and misrepresentation relating to the alteration of vehicle odometers, sales and leases of new and used vehicles, sales of vehicle parts, the disposal of vehicles and the registration of vehicles.*

(e) *The Department of Taxation concerning deception, fraud and misrepresentation relating to taxes, including, without limitation, business taxes, fuel taxes, property taxes, real property transfer taxes, sales and use taxes, intoxicating liquor taxes and tobacco taxes.*

(f) *The Office of the Attorney General concerning fraud within the primary jurisdiction of the Attorney General, including, without limitation, Medicaid fraud, insurance fraud and industrial insurance fraud.*

(g) *The Office of the Secretary of State concerning deception, fraud and misrepresentation relating to the use of electronic signatures, the sale of securities and commodities, and notaries public.*

(h) *The ~~Public Utilities Commission of Nevada~~ Bureau of Consumer Protection in the Office of the Attorney General concerning deception, fraud and misrepresentation relating to the provision of telecommunication services by incumbent local exchange carriers and competitive local exchange carriers.*

(i) *The State Department of Agriculture concerning deception, fraud and misrepresentation relating to the sale of agricultural commodities and products, livestock and motor vehicle fuels, and the sale of goods and services by weight, measure or count.*

(j) *The State Registrar of Vital Statistics concerning deception, fraud and misrepresentation relating to vital statistics, including, without limitation, certificates of birth.*

(k) *The following boards concerning deception, fraud and misrepresentation relating to professional and occupational licensing:*

(1) *The Board of Dental Examiners of Nevada.*

(2) *The Board of Examiners for Social Workers.*

(3) *The Board of Massage Therapists.*

(4) *The Board of Medical Examiners.*

(5) *The Chiropractic Physicians' Board of Nevada.*

(6) *The Nevada State Board of Accountancy.*

(7) *The Nevada State Board of Veterinary Medical Examiners.*

(8) *The State Barbers' Health and Sanitation Board.*

(9) *The State Board of Architecture, Interior Design and Residential Design.*

(10) *The State Board of Cosmetology.*

(11) *The State Board of Nursing.*

(12) *The State Board of Osteopathic Medicine.*

(13) *The State Board of Pharmacy.*

(14) *The State Board of Professional Engineers and Land Surveyors.*

(15) *The State Contractors' Board.*

3. *An entity specified in subsection 2 shall provide to the Director such information as required from that entity by the Director for inclusion on the Internet website, including, without limitation, information:*

(a) To assist consumers in determining whether sellers or providers of goods or services have obtained all required state licenses and permits and paid all assessments, fees and taxes due;

(b) To instruct consumers on the reporting of suspected deception, fraud or misrepresentation, including, without limitation, the reporting of a person who is operating without a required license; and

(c) To provide consumers with educational materials on consumer fraud, cautions and warnings concerning fraudulent schemes and deceptive trade practices, reports on confirmed acts of consumer fraud, and public information on all violations of the laws of this State relating to deception, fraud and misrepresentation that have been committed within the immediately preceding 10 years, including, without limitation, the name of the natural person or entity that committed the violation and the penalty imposed for the violation.

4. *The Director shall, on or before December 30, 2012, and on or before December 30 of every even-numbered year thereafter, submit to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a report evaluating the Internet website and its effect on reducing the incidence of consumer fraud in this State.*

Sec. 2. The Director of the Department of Business and Industry shall, on or before June 30, 2012, establish the Internet website to provide information concerning consumer fraud in this State which is required by section 1 of this act.

Sec. 3. This act becomes effective upon passage and approval.

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 331.

Bill read second time and ordered to third reading.

Assembly Bill No. 348.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 165.

SUMMARY—~~Repeals~~ **Revises** provisions governing the apportionment of federal transfer taxes upon the death of a person. (BDR 12-569)

AN ACT relating to estates; ~~repealing~~ **revising** provisions governing the apportionment of federal transfer taxes upon the death of a person; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires that upon the death of a person, if the person's estate is insufficient to pay all federal gift taxes or federal generation-skipping transfer taxes due, the unpaid tax must be paid on a pro rata basis by those persons receiving the transfers which triggered the tax in the proportion that the value of the property, interest or benefit of each such person bears to the total value of the property subject to the federal tax, unless the donor or decedent provided otherwise in writing. (NRS 150.400) This bill ~~repeals the~~ **provides that notwithstanding such** provisions of law relating to the apportionment of federal transfer taxes upon the death of a person ~~1. : (1)~~ **such provisions must not be construed to allow the apportionment or enforcement of the collection of any tax to the extent such tax has not been paid and the collection thereof is no longer enforceable under applicable federal law; and (2) a recipient of a transfer is not required to pay tax in an amount that exceeds the value of the property received by the recipient or the maximum amount payable by the recipient under federal law, whichever is less.**

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

Section 1. ~~NRS 150.400 is hereby repealed.~~ **(Deleted by amendment.)**

Sec. 2. NRS 150.400 is hereby amended to read as follows:

150.400 **1.** Except as otherwise provided by the donor or decedent in writing:

~~1. (a)~~ **(a)** Except as otherwise provided in ~~subsection 3, paragraph (c),~~ for gifts that were made subject to the federal gift tax and in cases where the decedent's estate is insufficient to pay all federal gift taxes due at the time of the decedent's death, the unpaid federal gift tax must be borne on a pro rata basis by those receiving the transfers that triggered the tax in the proportion that the value of the property, interest or benefit of each such person bears to the total value of the property subject to the federal gift tax.

~~2. (b)~~ **(b)** The federal generation-skipping transfer tax must be borne on a pro rata basis by those persons receiving the transfers that triggered the tax in the proportion that the value of the property, interest or benefit of each such person bears to the total value of the property subject to the federal generation-skipping transfer tax.

~~3.~~ (c) The application of exclusions, exemptions, deferrals or other provisions of the law available at the time of each transfer must be applied in chronological order to the transfers to which they relate.

~~4.~~ (d) To the extent issues remain unresolved after applying the principles set forth in ~~subsections 1, 2 and 3,~~ paragraphs (a), (b) and (c), the provisions of NRS 150.290 to 150.380, inclusive:

~~(a)~~ (1) Must be applied to determine the allocation, apportionment and collection of federal transfer taxes other than the federal estate tax, including, without limitation, the federal gift tax and the federal generation-skipping transfer tax; and

~~(b)~~ (2) Must be applied to determine the procedures for the judicial determination of the apportionment of federal transfer taxes other than the federal estate tax, including, without limitation, the federal gift tax and the federal generation-skipping transfer tax.

2. Notwithstanding the provisions of subsection 1:

(a) This section must not be construed to allow the apportionment or enforcement of the collection of any tax to the extent such tax has not been paid and the collection thereof is no longer enforceable under applicable federal law; and

(b) A recipient of a transfer is not required to pay tax in an amount that exceeds the value of the property received by the recipient or the maximum amount payable by the recipient under federal law, whichever is less.

3. As used in this section, "estate" means all property included for federal estate tax purposes in determining the federal estate tax pursuant to the federal estate tax law.

†

TEXT OF REPEALED SECTION

~~150.400—Apportionment.—Except as otherwise provided by the donor or decedent in writing:~~

~~1.—Except as otherwise provided in subsection 3, for gifts that were made subject to the federal gift tax and in cases where the decedent's estate is insufficient to pay all federal gift taxes due at the time of the decedent's death, the unpaid federal gift tax must be borne on a pro rata basis by those receiving the transfers that triggered the tax in the proportion that the value of the property, interest or benefit of each such person bears to the total value of the property subject to the federal gift tax.~~

~~2.—The federal generation skipping transfer tax must be borne on a pro rata basis by those persons receiving the transfers that triggered the tax in the proportion that the value of the property, interest or benefit of each such person bears to the total value of the property subject to the federal generation skipping transfer tax.~~

~~2. The application of exclusions, exemptions, deferrals or other provisions of the law available at the time of each transfer must be applied in chronological order to the transfers to which they relate.~~

~~4. To the extent issues remain unresolved after applying the principles set forth in subsections 1, 2 and 3, the provisions of NRS 150.290 to 150.380, inclusive:~~

~~(a) Must be applied to determine the allocation, apportionment and collection of federal transfer taxes other than the federal estate tax, including, without limitation, the federal gift tax and the federal generation skipping transfer tax; and~~

~~(b) Must be applied to determine the procedures for the judicial determination of the apportionment of federal transfer taxes other than the federal estate tax, including, without limitation, the federal gift tax and the federal generation skipping transfer tax.]~~

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 355

Bill read second time and ordered to third reading.

Assembly Bill No. 390.

Bill read second time and ordered to third reading.

Assembly Bill No. 395.

The following amendment was proposed by the Committee on Education:

Amendment No. 186.

AN ACT relating to educational personnel; creating a separate category of licensure to teach special education; **revising provisions governing the reciprocal licensure of educational personnel;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law designates the following kinds of licenses for teachers and other educational personnel in this State: (1) a license to teach elementary education; (2) a license to teach middle school or junior high school; (3) a license to teach secondary education; (4) a special license authorizing the holder to teach or perform other educational functions; and (5) a special qualifications license authorizing the holder to teach only in the grades and subject areas designated in the license. (NRS 391.031) Existing law also requires the Commission on Professional Standards in Education to adopt regulations requiring teachers to obtain an endorsement in a field of specialization to be eligible to teach in that field. (NRS 391.019) Existing administrative regulations of the Commission require teachers to obtain

endorsements to their teaching licenses to teach special education. (NAC 391.340-391.398) **Section 1** of this bill creates a separate category of licensure to teach special education.

Existing law requires the Commission to adopt regulations which provide for the reciprocal licensure of educational personnel from other states. (NRS 391.032) Section 2 of this bill requires those regulations to include provisions providing for the reciprocal licensure of persons who hold a license to teach special education.

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

Section 1. NRS 391.031 is hereby amended to read as follows:

391.031 There are the following kinds of licenses for teachers and other educational personnel in this State:

1. A license to teach elementary education, which authorizes the holder to teach in any elementary school in the State.

2. A license to teach middle school or junior high school education, which authorizes the holder to teach in his or her major or minor field of preparation or in both fields in grades 7, 8 and 9 at any middle school or junior high school. He or she may teach only in these fields unless an exception is approved pursuant to regulations adopted by the Commission.

3. A license to teach secondary education, which authorizes the holder to teach in his or her major or minor field of preparation or in both fields in any secondary school. He or she may teach only in these fields unless an exception is approved pursuant to regulations adopted by the Commission.

4. ***A license to teach special education, which authorizes the holder to teach pupils with disabilities or gifted and talented pupils, or both.***

5. A special license, which authorizes the holder to teach or perform other educational functions in a school or program as designated in the license.

~~{5.}~~ 6. A special license designated as a special qualifications license, which authorizes the holder to teach only in the grades and subject areas designated in the license. A special qualifications license is valid for 3 years and may be renewed in accordance with the applicable regulations of the Commission adopted pursuant to subparagraph (7) or (10) of paragraph (a) of subsection 1 of NRS 391.019.

Sec. 2. NRS 391.032 is hereby amended to read as follows:

391.032 1. Except as otherwise provided in NRS 391.027, the Commission shall:

(a) Consider and may adopt regulations which provide for the issuance of conditional licenses to teachers and other educational personnel before

completion of all courses of study or other requirements for a license in this State.

(b) Adopt regulations which provide for the reciprocal licensure of educational personnel from other states ~~and~~ **including, without limitation, for the reciprocal licensure of persons who hold a license to teach special education.**

2. The regulations adopted pursuant to paragraph (b) of subsection 1 may provide an exemption from the examinations required for initial licensure for teachers and other educational personnel from another state if the Commission determines that the examinations required for initial licensure for teachers and other educational personnel in that state are comparable to the examinations required for initial licensure in this State.

3. A person who is issued a conditional license must complete all courses of study and other requirements for a license in this State which is not conditional within 3 years after the date on which a conditional license is issued.

~~{Sec. 2.}~~ **Sec. 3.** NRS 391.166 is hereby amended to read as follows:

391.166 1. There is hereby created the Grant Fund for Incentives for Licensed Educational Personnel to be administered by the Department. The Department may accept gifts and grants from any source for deposit in the Grant Fund.

2. The board of trustees of each school district shall establish a program of incentive pay for licensed teachers, school psychologists, school librarians, school counselors and administrators employed at the school level which must be designed to attract and retain those employees. The program must be negotiated pursuant to chapter 288 of NRS and must include, without limitation, the attraction and retention of:

(a) Licensed teachers, school psychologists, school librarians, school counselors and administrators employed at the school level who have been employed in that category of position for at least 5 years in this State or another state and who are employed in schools which are at-risk, as determined by the Department pursuant to subsection 8; and

(b) Teachers who hold ~~an~~ **a license or** endorsement in the field of mathematics, science, special education, English as a second language or other area of need within the school district, as determined by the Superintendent of Public Instruction.

3. A program of incentive pay established by a school district must specify the type of financial incentives offered to the licensed educational personnel. Money available for the program must not be used to negotiate the salaries of individual employees who participate in the program.

4. If the board of trustees of a school district wishes to receive a grant of money from the Grant Fund, the board of trustees shall submit to the

Department an application on a form prescribed by the Department. The application must include a description of the program of incentive pay established by the school district.

5. The Superintendent of Public Instruction shall compile a list of the financial incentives recommended by each school district that submitted an application. On or before December 1 of each year, the Superintendent shall submit the list to the Interim Finance Committee for its approval of the recommended incentives.

6. After approval of the list of incentives by the Interim Finance Committee pursuant to subsection 5 and within the limits of money available in the Grant Fund, the Department shall provide grants of money to each school district that submits an application pursuant to subsection 4 based upon the amount of money that is necessary to carry out each program. If an insufficient amount of money is available to pay for each program submitted to the Department, the amount of money available must be distributed pro rata based upon the number of licensed employees who are estimated to be eligible to participate in the program in each school district that submitted an application.

7. An individual employee may not receive as a financial incentive pursuant to a program an amount of money that is more than \$3,500 per year.

8. The Department shall, in consultation with representatives appointed by the Nevada Association of School Superintendents and the Nevada Association of School Boards, develop a formula for identifying at-risk schools for purposes of this section. The formula must be developed on or before July 1 of each year and include, without limitation, the following factors:

(a) The percentage of pupils who are eligible for free or reduced-price lunches pursuant to 42 U.S.C. 1751 et seq.;

(b) The transiency rate of pupils;

(c) The percentage of pupils who are limited English proficient;

(d) The percentage of pupils who have individualized education programs;

(e) The percentage of pupils who score in the bottom two quarters on the mathematics portion or the reading portion, or both, of the high school proficiency examination; and

(f) The percentage of pupils who drop out of high school before graduation.

9. The board of trustees of each school district that receives a grant of money pursuant to this section shall evaluate the effectiveness of the program for which the grant was awarded. The evaluation must include, without limitation, an evaluation of whether the program is effective in recruiting and retaining the personnel as set forth in subsection 2. On or before December 1

of each year, the board of trustees shall submit a report of its evaluation to the:

- (a) Governor;
- (b) State Board;
- (c) Interim Finance Committee;
- (d) If the report is submitted in an even-numbered year, Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature; and
- (e) Legislative Committee on Education.

~~{Sec. 3.}~~ **Sec. 4.** This act becomes effective on July 1, 2011.

Assemblyman Bobzien moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 453.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 234.

SUMMARY—Requires a supplier of motor vehicle fuel to provide certain ~~{warnings}~~ **statements** relating to the presence or possible presence of manganese in any motor vehicle fuel sold or distributed by the supplier. (BDR 51-689)

AN ACT relating to motor vehicle fuel; requiring a supplier of motor vehicle fuel to disclose certain information and provide certain ~~{warnings}~~ **statements** concerning the presence or possible presence of manganese in any motor vehicle fuel sold or distributed by the supplier; requiring the State Sealer of Weights and Measures to adopt regulations specifying the format, size, wording and placement of certain ~~{warning}~~ labels a supplier of motor vehicle fuel must place on a pump or handle of a pump used to draw motor vehicle fuel; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the regulation and inspection of petroleum products, including motor vehicle fuel, in this State by the State Board of Agriculture and the State Sealer of Weights and Measures. (NRS 590.010-590.150) This bill applies to motor vehicle fuel which contains or may contain manganese. **Section 1** of this bill requires a supplier of motor vehicle fuel to ensure that all documents relating to the transfer and sale of any such motor vehicle fuel include a disclosure concerning the presence or possible presence of manganese in the motor vehicle fuel. **Section 1** also requires a supplier to affix a ~~{warning}~~ label to each pump or handle of a pump from

which any such motor vehicle fuel is drawn. **Section 3** of this bill requires the State Sealer of Weights and Measures to adopt regulations to ensure compliance with **section 1** and to specify the format, size, wording and placement of the ~~label~~ labels. At a minimum, **section 3** requires the labels to include ~~the following:~~ ~~(1) a warning of~~ **statement indicating** the presence or possible presence of manganese ~~in the motor vehicle fuel.~~ **Section 3 authorizes the State Sealer of Weights and Measures to require by regulation that the label also include:** **(1)** a statement that manganese may cause damage to a motor vehicle's engine or emission control system; ~~(2) a warning statement~~ **(2)** a **statement** that the use of fuel containing manganese may void a manufacturer's warranty on a motor vehicle; and ~~(3) a recommendation to consult the owner's manual for the motor vehicle before using the fuel.~~ **(3)** a recommendation to consult the owner's manual for the motor vehicle before using the fuel.

Existing law requires the district attorney of each county to prosecute any violations of the provisions relating to the regulation and inspection of gasoline and other petroleum products in this State and makes such violations a misdemeanor. (NRS 590.140, 590.150) **Section 4** of this bill requires the district attorney to prosecute any violation of **section 1**, and **section 5** of this bill makes such a violation a misdemeanor.

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

Section 1. Chapter 590 of NRS is hereby amended by adding thereto a new section to read as follows:

A supplier shall:

1. Ensure that all documents relating to the transfer, distribution and sale of any motor vehicle fuel that contains or may contain manganese include a disclosure concerning the presence or possible presence of manganese in the motor vehicle fuel; and

2. Affix a ~~warning~~ label on each pump or handle of a pump from which any motor vehicle fuel sold or distributed by the supplier is drawn if the motor vehicle fuel contains or may contain manganese. Any ~~warning~~ label attached to a pump or handle of a pump by a supplier pursuant to this section must comply with the regulations adopted by the State Sealer of Weights and Measures pursuant to paragraph (b) of subsection 6 of NRS 590.100.

Sec. 2. NRS 590.020 is hereby amended to read as follows:

590.020 As used in NRS 590.010 to 590.330, inclusive, **and section 1 of this act**, unless the context otherwise requires:

1. "Additives" means a substance to be added to a motor oil or lubricating oil to impart or improve desirable properties or to suppress undesirable properties.

2. "Advertising medium" means any sign, printed or written matter, or device for oral or visual communication.

3. "Alternative fuel" includes, without limitation, premium diesel fuel, B-5 diesel fuel, B-10 diesel fuel, B-20 diesel fuel, B-100 diesel fuel, M-85, M-100, E-85, E-100, liquefied petroleum gas, natural gas, reformulated gasoline, gasohol and oxygenated fuel.

4. "Brand name" means a name or logo that is used to identify a business or company.

5. "Grade" means:

(a) "Regular," "midgrade," "plus," "super," "premium" or words of similar meaning when describing a grade designation for gasoline.

(b) "Diesel" or words of similar meaning, including, without limitation, any specific type of diesel, when describing a grade designation for diesel motor fuel.

(c) "M-85," "M-100," "E-85," "E-100" or words of similar meaning when describing a grade designation for alternative fuel.

(d) "Propane," "liquefied petroleum gas," "compressed natural gas," "liquefied natural gas" or words of similar meaning when describing pressurized gases.

6. "Motor vehicle fuel" means a petroleum product or alternative fuel used for internal combustion engines in motor vehicles.

7. "Performance rating" means the system adopted by the American Petroleum Institute for the classification of uses for which an oil is designed.

8. "Petroleum products" means gasoline, diesel fuel, burner fuel kerosene, lubricating oil, motor oil or any product represented as motor oil or lubricating oil. The term does not include liquefied petroleum gas, natural gas or motor oil additives.

9. "Recycled oil" means a petroleum product which is prepared from used motor oil or used lubricating oil. The term includes rerefined oil.

10. "Rerefined oil" means used oil which is refined after its previous use to remove from the oil any contaminants acquired during the previous use.

11. ***"Supplier" means a person who:***

(a) Imports or acquires immediately upon importation into this State motor vehicle fuel, from within or without a state, territory or possession of the United States or the District of Columbia into a terminal located in this State;

(b) Otherwise acquires for distribution in this State motor vehicle fuel with respect to which there has been no previous taxable sale or use; or

(c) Produces, manufactures or refines motor vehicle fuel in this State.

12. "Used oil" means any oil which has been refined from crude or synthetic oil and, as a result of use, has become unsuitable for its original purpose because of a loss of its original properties or the presence of

impurities, but which may be suitable for another use or economically recycled.

~~{12.}~~ **13.** “Viscosity grade classification” means the measure of an oil’s resistance to flow at a given temperature according to the grade classification system of the Society of Automotive Engineers or other grade classification.

Sec. 3. NRS 590.100 is hereby amended to read as follows:

590.100 The State Sealer of Weights and Measures is charged with the proper enforcement of NRS 590.010 to 590.150, inclusive, **and section 1 of this act** and has the following powers and duties:

1. The State Sealer of Weights and Measures may publish reports relating to petroleum products and motor vehicle fuel in such form and at such times as he or she deems necessary.

2. The State Sealer of Weights and Measures, or the appointees thereof, shall inspect and check the accuracy of all measuring devices for petroleum products and motor vehicle fuel maintained in this State, and shall seal all such devices whose tolerances are found to be within those prescribed by the National Institute of Standards and Technology.

3. The State Sealer of Weights and Measures, or the appointees thereof, or any member of the Nevada Highway Patrol, may take such samples as he or she deems necessary of any petroleum product or motor vehicle fuel that is kept, transported or stored within the State of Nevada. It is unlawful for any person, or any officer, agent or employee thereof, to refuse to permit the State Sealer of Weights and Measures, or the appointees thereof, or any member of the Nevada Highway Patrol, in the State of Nevada, to take such samples, or to prevent or to attempt to prevent the State Sealer of Weights and Measures, or the appointees thereof, or any member of the Nevada Highway Patrol, from taking them. If the person, or any officer, agent or employee thereof, from which a sample is taken at the time of taking demands payment, then the person taking the sample shall pay the reasonable market price for the quantity taken.

4. The State Sealer of Weights and Measures, or the appointees thereof, may close and seal the outlets of any unlabeled or mislabeled containers, pumps, dispensers or storage tanks connected thereto or which contain any petroleum product or motor vehicle fuel which, if sold, would violate any of the provisions of NRS 590.010 to 590.150, inclusive, **and section 1 of this act** and shall post, in a conspicuous place on the premises where those containers, pumps, dispensers or storage tanks have been sealed, a notice stating that the action of sealing has been taken in accordance with the provisions of NRS 590.010 to 590.150, inclusive, **and section 1 of this act** and giving warning that it is unlawful to break, mutilate or destroy the seal or seals thereof under penalty as provided in NRS 590.110.

5. The State Sealer of Weights and Measures, or the appointees thereof, shall, upon at least 24 hours' notice to the owner, manager, operator or attendant of the premises where a container, pump, dispenser or storage tank has been sealed, and at the time specified in the notice, break the seal for the purpose of permitting the removal of the contents of the container, pump, dispenser or storage tank. If the contents are not immediately and completely removed, the container, pump, dispenser or storage tank must be again sealed.

6. The State Sealer of Weights and Measures shall adopt regulations ~~[which]~~ :

(a) *Which* are necessary for the enforcement of NRS 590.010 to 590.150, inclusive, **and section 1 of this act**, including standard procedures for testing petroleum products or motor vehicle fuel which are based on sources such as those approved by ASTM International, and may adopt specifications for any fuel for use in internal combustion engines which is sold or offered for sale and contains any alcohol or other combustible chemical that is not a petroleum product or motor vehicle fuel.

(b) *Which specify the format, size, wording and placement of the ~~[warning]~~ labels for manganese that a supplier must place on a pump or handle of a pump pursuant to section 1 of this act. The regulations must ~~[ensure]~~ require that the ~~[warning]~~ labels include, without limitation, ~~[~~*

~~(1) A warning], a statement that the motor vehicle fuel contains or may contain manganese.~~

~~(2)] The regulations may require that the labels include, without limitation:~~

~~(1) A statement that the use of the motor vehicle fuel may damage the engine and emission control system of a vehicle;~~

~~(2)] (2) A ~~[warning]~~ statement that use of the motor vehicle fuel may void the manufacturer's warranty for a vehicle; and~~

~~(4)] (3) A recommendation to consult the owner's manual for a vehicle before using the motor vehicle fuel.~~

(c) *To ensure compliance with section 1 of this act.*

Sec. 4. NRS 590.140 is hereby amended to read as follows:

590.140 The district attorney of each county shall prosecute all violations of the provisions of NRS 590.010 to 590.150, inclusive, **and section 1 of this act** occurring within the county.

Sec. 5. NRS 590.150 is hereby amended to read as follows:

590.150 1. Any person, or any officer, agent or employee thereof, who violates any of the provisions of NRS 590.010 to 590.140, inclusive, **and section 1 of this act** is guilty of a misdemeanor.

2. Each such person, or any officer, agent or employee thereof, is guilty of a separate offense for each day during any portion of which any violation

of any provision of NRS 590.010 to 590.140, inclusive, **and section 1 of this act** is committed, continued or permitted by such person, or any officer, agent or employee thereof, and shall be punished as provided in this section.

3. The selling and delivery of any petroleum product or motor vehicle fuel mentioned in NRS 590.010 to 590.140, inclusive, **and section 1 of this act** is prima facie evidence of the representation on the part of the vendor that the quality sold and delivered was the quality bought by the vendee.

Sec. 6. The State Sealer of Weights and Measures shall adopt any regulations required to carry out the amendatory provisions of this act before October 1, 2011.

Sec. 7. This act becomes effective:

1. Upon passage and approval for the purposes of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On October 1, 2011, for all other purposes.

Assemblywoman Carlton moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 456.

Bill read second time and ordered to third reading.

Assembly Bill No. 459.

Bill read second time and ordered to third reading.

Assembly Bill No. 478

Bill read second time.

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

Amendment No. 199.

AN ACT relating to the Nevada System of Higher Education; increasing the total principal amount of bonds and other securities that may be issued by the Board of Regents of the University of Nevada to finance certain projects at the University of Nevada, Reno; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Board of Regents of the University of Nevada to issue bonds and other securities to finance certain projects at the University of Nevada, Reno, in a total principal amount not exceeding \$312,695,000. This bill increases the authorized amount of such bonds to ~~[\$348,430,000.]~~ **\$348,360,000.**

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

Section 1. Section 5 of chapter 501, Statutes of Nevada 1991, as last amended by chapter 307, Statutes of Nevada 2009, at page 1321, is hereby amended to read as follows:

Sec. 5. 1. The board, on behalf and in the name of the university, is authorized by this act, as supplemented by the provisions of the University Securities Law:

(a) To finance the project by the issuance of bonds and other securities of the university in a total principal amount not exceeding ~~the sum of \$312,695,000 and \$348,430,000~~ \$348,360,000 for facilities at the University of Nevada, Reno, and in a total principal amount not exceeding \$422,155,000 for facilities at the University of Nevada, Las Vegas, \$35,000,000 of which may be used for the construction, other acquisition and improvement of a dental school and other structures and clinics associated with the dental school;

(b) To issue such bonds and other securities in connection with the project in one series or more at any time or from time to time on or before January 1, 2029, as the board may determine, and consisting of special obligations of the university payable from the net pledged revenues authorized by this act and possibly subsequently other net pledged revenues, secured by a pledge thereof and a lien thereon, subject to existing contractual limitations, and subject to the limitation in paragraph (a);

(c) To employ legal, fiscal and other expert services and to defray the costs thereof with any money available therefor, including, proceeds of securities authorized by this act; and

(d) To exercise the incidental powers provided in the University Securities Law in connection with the powers authorized by this act, except as otherwise expressly provided in this act.

2. If the board determines to sell the bonds authorized by subsection 1 at a discount from their face amount, the principal amount of bonds which the board is authorized to issue provided in subsection 1 is increased by an amount equal to the discount at which the bonds are sold.

3. This act does not limit the board in funding, refunding or reissuing any securities of the university or the board at any time as provided in the University Securities Law.

Sec. 2. This act becomes effective on July 1, 2011.

Assemblywoman Smith moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 504.

Bill read second time and ordered to third reading.

Assembly Bill No. 524.

Bill read second time and ordered to third reading.

Assembly Bill No. 533.

Bill read second time and ordered to third reading.

Assembly Joint Resolution No. 6.

Bill read second time and ordered to third reading.

Assembly Joint Resolution No. 7.

Bill read second time and ordered to third reading.

Senate Bill No. 220.

Bill read second time and ordered to third reading.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Resolution No. 7 and Senate Concurrent Resolution 6.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Kate Parr and Andrew Parr.

On request of Assemblywoman Dondero Loop, the privilege of the floor of the Assembly Chamber for this day was extended to Jim Hicks, Marith Hicks, Kaleb Hicks, and Brittany Shipp.

On request of Assemblyman Ellison, the privilege of the floor of the Assembly Chamber for this day was extended to Matthew Weber.

On request of Assemblyman Goedhart, the privilege of the floor of the Assembly Chamber for this day was extended to Leslie Beach.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Darlene Adamson and Jeff Adamson.

On request of Assemblyman Hambrick, the privilege of the floor of the Assembly Chamber for this day was extended to Joseph Tuzzolino.

On request of Assemblyman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Cory Lequieu and Elsie Newman.

On request of Assemblyman Hickey, the privilege of the floor of the Assembly Chamber for this day was extended to Mike Bryant and Jane Lyon.

On request of Assemblyman Kirner, the privilege of the floor of the Assembly Chamber for this day was extended to Ken Koepp, Michael Ford, Lynn Ford, and Leslie Newman.

On request of Assemblyman Kite, the privilege of the floor of the Assembly Chamber for this day was extended to Tom Deputy, Marty Deputy, and Carol Fineburg.

On request of Assemblyman Livermore, the privilege of the floor of the Assembly Chamber for this day was extended to Jim Cooley, Fred Webb, and Melinda Webb.

Assemblyman Conklin moved that the Assembly adjourn until Monday, April 18, 2011, at 11 a.m.

Motion carried.

Assembly adjourned at 1:34 p.m.

Approved:

JOHN OCEGUERA
Speaker of the Assembly

Attest: SUSAN FURLONG

Chief Clerk of the Assembly