

Amendment No. 872

Senate Amendment to Assembly Bill No. 374 Second Reprint	(BDR 20-520)
Proposed by: Senator Parks	
Amendment Box: Conflicts with Amendment No. 758.	
Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	☐	Lost	☐	_____	Adopted	☐	Lost	☐	_____
Concurred In	☐	Not	☐	_____	Concurred In	☐	Not	☐	_____
Receded	☐	Not	☐	_____	Receded	☐	Not	☐	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold underlining* is newly added transitory language.

SJA/HAC



Date: 5/24/2013

A.B. No. 374—Revises provisions relating to the authority of a board of county commissioners to regulate certain assemblies, events or activities. (BDR 20-520)



ASSEMBLY BILL NO. 374—ASSEMBLYMEN BOBZIEN; AIZLEY, ELLIOT ANDERSON, BENITEZ-THOMPSON, BUSTAMANTE ADAMS, CARLTON, DALY, DONDERO LOOP, EISEN, FIORE, FRIERSON, HEALEY, HICKEY, KIRKPATRICK, MARTIN, PIERCE, SPIEGEL AND SPRINKLE

MARCH 18, 2013

JOINT SPONSORS: SENATORS KIHUEN, SMITH,
SEGERBLOM, PARKS; AND KIECKHEFER

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to ~~the authority of a board of county commissioners to regulate certain assemblies, events or activities,~~ **counties.** (BDR 20-520)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: No.

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

AN ACT relating to counties; ~~prohibiting, with certain exceptions,~~ **authorizing** a board of county commissioners ~~from regulating or licensing, or requiring a permit or fee relating to,~~ **to enter into agreements exempting certain persons, organizations and** assemblies, ~~events or activities,~~ occurring on federal lands, ~~providing, under certain circumstances, that~~ **from** certain requirements and prohibitions relating to assemblies ~~do not apply to assemblies that occur on federal lands;~~ **requiring such agreements to include certain provisions; prohibiting certain actions regarding such agreements and the application of certain requirements and prohibitions relating to certain assemblies occurring on federal lands;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each board of county commissioners to adopt an ordinance regulating and licensing outdoor assemblies, requires certain persons to obtain a license for an assembly and prohibits certain conduct and activities relating to certain assemblies. (NRS 244.354, 244.3542, 244.3548)

~~Sections 1 and 2~~ of this bill ~~prohibit, with certain exceptions,~~ **authorizes** a board of county commissioners ~~from regulating, licensing, or requiring any type of permit or fee for organizing, managing or attending, any assembly, event or activity occurring on certain federal land if a federal agency has issued a license or permit, or otherwise authorized, the assembly, event or activity.~~

~~Sections 2 and 4 of this bill provide, under certain circumstances, that the licensing requirement for certain assemblies and the prohibition on certain conduct and activities relating to assemblies do not apply to any assembly, event or activity occurring on federal land if a federal agency has issued a license or permit, or otherwise authorized, the assembly, event or activity.~~ to enter into an agreement with a person or organization that organizes an outdoor assembly occurring on federal land for which a federal agency issues a license or permit or otherwise authorizes the assembly. The agreement may exempt the assembly, and the person or organization that organizes the assembly, from the provisions of the ordinance adopted by the board regulating and licensing outdoor assemblies and also from the statutory provisions regulating outdoor assemblies. The agreement may be rescinded only by mutual agreement of the parties. For the duration of the agreement, a future board of county commissioners may not require the application of the statutory provisions regulating outdoor assemblies or make any changes to the terms of the agreement. The agreement must contain certain provisions relating to the services of a coroner if a death occurs at the assembly. Also, the parties may enter into a separate agreement for the county to provide reasonable and necessary services for the assembly and to receive compensation for those services.

Existing law prohibits a board of county commissioners from entering into certain contracts and other transactions beyond the term of office of any member of the board unless the board appropriates money to pay for the duration of the contract. Sections 1 and 1.5 of this bill provide that any agreement entered into pursuant to section 1 is not subject to such limitations.

Section 1 provides that the provisions thereof shall not be construed to prohibit, prevent or limit the power of the Legislature.

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

Section 1. Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~Except as otherwise provided in subsection 2, a~~ **A board of county commissioners** ~~shall not regulate or license, or require any type of permit or fee for organizing, managing or attending, any~~ may enter into an agreement with any person or organization described in paragraph (b) to exempt from the provisions of any ordinance adopted by that board of county commissioners pursuant to NRS 244.354 and the provisions of NRS 244.354 to 244.3548, inclusive;

(a) ~~Any assembly, event or activity~~ occurring on federal land ~~if~~ **for which a federal agency** ~~has issued~~ **issues a license or permit** ~~for the assembly, event or activity~~ **or** ~~has~~ **otherwise** ~~authorized~~ **authorizes the assembly,** ~~event or activity.~~

~~2. A board of county commissioners may:~~

~~(a) Enter into an agreement, with a person or organization which has been issued a license or permit by a federal agency for an assembly, event or activity occurring on federal land, for; and~~

~~(b) The person or organization that permits, maintains, promotes, conducts, advertises, operates, undertakes, organizes, manages or sells or gives away tickets to any such assembly.~~

2. **In determining whether to enter into an agreement pursuant to subsection 1, a board of county commissioners may consider, without limitation, whether a person or organization described in paragraph (b) of subsection 1 has demonstrated to the satisfaction of the board that:**

(a) **The federal agency that issues a license or permit for or otherwise authorizes an assembly described in paragraph (a) of subsection 1 has ensured**

1 that conditions which otherwise may be imposed by the board pursuant to NRS
2 244.3545 are addressed during the process of issuing the license or permit for or
3 otherwise authorizing the assembly; and

4 (b) The assembly will not present an unreasonable danger to the health or
5 safety of any resident of the county.

6 3. Except as otherwise provided in subsection 6, an agreement entered into
7 pursuant to subsection 1 may be rescinded only by mutual agreement of the
8 parties to the agreement. For the duration of the agreement, no future board of
9 county commissioners of that county may adopt an ordinance requiring, or in
10 any other way require:

11 (a) The application of the provisions of NRS 244.354 to 244.3548, inclusive,
12 to the assembly that is the subject of the agreement, the person or organization
13 with whom the board enters into the agreement, or any other person who permits,
14 maintains, promotes, conducts, advertises, operates, undertakes, organizes,
15 manages or sells or gives away tickets to the assembly; or

16 (b) Any changes to the terms of the agreement.

17 4. If a board of county commissioners enters into an agreement pursuant to
18 subsection 1:

19 (a) The agreement must require the person or organization described in
20 paragraph (b) of subsection 1 to call upon the services of the office of the county
21 coroner if a death of a person occurs at the assembly;

22 (b) The agreement must provide for the office of the county coroner to
23 receive compensation for such services, including, without limitation,
24 compensation:

25 (1) For the expenses of any travel and subsistence incurred in the
26 provisions of such services;

27 (2) For the expenses relating to an autopsy and the transportation and
28 storage of the body of the deceased; and

29 (3) For any other reasonable expenses relating to the provision of such
30 services; and

31 (c) The board of county commissioners or any board of county
32 commissioners that takes office after the effective date of the agreement may
33 enter into a separate agreement with the person or organization described in
34 paragraph (b) of subsection 1 which provides for the county to provide
35 reasonable and necessary ~~law enforcement~~ services for the assembly ~~, event or~~
36 ~~activity~~ and to receive compensation for the provision of such services ~~, and~~

37 ~~(b) Regulate or license, or require any type of permit or fee for organizing,~~
38 ~~managing or attending, any assembly, event or activity occurring on federal land~~
39 ~~that is the subject of a:~~

40 ~~(1) Lease between the Federal Government and the county; or~~

41 ~~(2) License for recreational or other public purposes from the Federal~~
42 ~~Government to the county;.~~

43 5. Notwithstanding the provisions of NRS 244.320, any agreement entered
44 into pursuant to this section may extend beyond the terms of the county
45 commissioners in office and voting on the agreement regardless of whether the
46 board appropriates money for the agreement beyond the terms of office.

47 6. Nothing contained in this section shall be construed to prohibit, prevent
48 or limit the power of the Legislature.

49 Sec. 1.5. NRS 244.320 is hereby amended to read as follows:

50 244.320 1. A board of county commissioners may enter into any
51 agreement, contract, lease, franchise, exchange of property or other transaction
52 which extends beyond the terms of the county commissioners then in office and
53 voting on the matter, but except as otherwise provided by law, the agreement,

contract, lease, franchise, exchange or other transaction is binding beyond those terms of office only to the extent that money is appropriated therefor, or for a like item or service.

2. This section does not affect any agreement, contract, lease, franchise, exchange of property or other transaction which does not extend beyond the term of office of any member of the board who is part of the quorum voting thereon.

Sec. 2. ~~NRS 244.354 is hereby amended to read as follows:~~

~~244.354 [The] Except as otherwise provided in section 1 of this act, the board of county commissioners of each county shall adopt an ordinance regulating and licensing outdoor assemblies. The minimum requirements set forth in NRS 244.354 to 244.3548, inclusive, and section 1 of this act may be incorporated in such ordinance. (Deleted by amendment.)~~

Sec. 3. NRS 244.3542 is hereby amended to read as follows:

244.3542 ~~Every~~

~~1-1~~ Except as otherwise provided in ~~subsection 2,~~ section 1 of this act, every person who permits, maintains, promotes, conducts, advertises, operates, undertakes, organizes, manages, sells or gives away tickets to an actual or reasonably anticipated assembly of 1,000 or more individuals shall obtain a license from the board of county commissioners of the county in which such assembly is proposed, in accordance with the provisions of NRS 244.354 to 244.3548, inclusive ~~1, and section 1 of this act.~~

~~2. The provisions of this section do not apply to a person who permits, maintains, promotes, conducts, advertises, operates, undertakes, organizes, manages, sells or gives away tickets to an actual or reasonably anticipated assembly that is held on federal land if:~~

~~(a) A federal agency has issued a license or permit for the assembly or has otherwise authorized the assembly; and~~

~~(b) The federal land is not the subject of a:~~

~~(1) Lease for recreational or other public purposes between the Federal Government and the county; or~~

~~(2) License for recreational or other public purposes from the Federal Government to the county.~~

Sec. 4. NRS 244.3548 is hereby amended to read as follows:

244.3548 ~~It~~

~~1-1~~ Except as otherwise provided in ~~subsection 2,~~ section 1 of this act, it is unlawful for any licensee or any employee, agent or associate of a licensee to:

1. ~~(a)~~ Hold an actual or reasonably anticipated assembly of 1,000 or more persons without first procuring a license to do so.

2. ~~(b)~~ Sell tickets to such an assembly without a license first having been obtained.

3. ~~(c)~~ Hold such an assembly in such a manner as to create a public or private nuisance.

4. ~~(d)~~ Exhibit, show or conduct within the place of such an assembly any obscene, indecent, vulgar or lewd exhibition, show, play, entertainment or exhibit, no matter by what name designated.

5. ~~(e)~~ Allow any person on the premises of the licensed assembly to cause or create a disturbance in, around or near any place of the assembly, by offensive or disorderly conduct.

6. ~~(f)~~ Knowingly allow any person to consume, sell or be in possession of intoxicating liquor while in such assembly except where the consumption or possession is expressly authorized by the board and under the laws of the State of Nevada.

1 ~~7. (g)~~ Knowingly allow any person at the licensed assembly to use, sell or be
2 in possession of any controlled substance while in, around or near a place of the
3 assembly.

4 ~~2. The provisions of this section do not apply to an assembly, or conduct or~~
5 ~~activity at or during an assembly, that is held on federal land if:~~

6 ~~(a) A federal agency has issued a license or permit for the assembly or has~~
7 ~~otherwise authorized the assembly; and~~

8 ~~(b) The federal land is not the subject of a:~~

9 ~~(1) Lease for recreational or other public purposes between the Federal~~
10 ~~Government and the county; or~~

11 ~~(2) License for recreational or other public purposes from the Federal~~
12 ~~Government to the county.]~~

13 Sec. 5. This act becomes effective on July 1, 2013.