

THE SEVENTY-EIGHTH DAY

CARSON CITY (Monday), April 22, 2013

Assembly called to order at 11:34 a.m.

Madam Speaker presiding.

Roll called.

All present and one vacant.

Prayer by the Chaplain, Pastor Dixie Jennings-Teats. The Assembly observed a moment of silence for the victims of the Boston bombing.

This week reminds us we have neighbors in Boston. Earth Day reminds us we are neighbors with all the Earth. In compassion we pray for all the peoples of the Earth. Remove from our minds fear, hatred, prejudice, and contempt for those who are not of our own race or color, class or creed. Keep our hearts focused on unity of the spirit in the bond of peace.

We pray for relief of suffering of people affected by the bombing in Boston one week ago today. Grant the survivors peace of mind. Protect us all from the violence of others; keep us safe from the weapons of hate and restore us to tranquility and peace. Help us learn how to foster deep unity and peace in light of the whole of the Earth's being: human, animal, plant and mineral; water, air, and the ground itself. In the heart of love, we pray.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Horne 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.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 326, 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*

Madam Speaker:

Your Committee on Education, to which were referred Assembly Bills Nos. 17, 161, 163, 205, 210, 230, 272, 288, 386, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELLIOT T. ANDERSON, *Chair*

Madam Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 50, 251, 333, 382, 418, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DINA NEAL, *Vice Chair*

Madam Speaker:

Your Committee on Health and Human Services, to which were referred Assembly Bills Nos. 215, 287, 348, 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*

Madam Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 91, 113, 184, 207, 223, 248, 332, 360, 367, 370, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JASON FRIERSON, *Chair*

Madam Speaker:

Your Committee on Legislative Operations and Elections, to which were referred Assembly Bills Nos. 35, 48, 150, 227, 440, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JAMES OHRENSCHALL, *Chair*

Madam Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 125, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SKIP DALY, *Chair*

Madam Speaker:

Your Committee on Taxation, to which were referred Assembly Bills Nos. 61, 410, 413, 496, 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 Taxation, to which were referred Assembly Bills Nos. 26, 38, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, without recommendation, and rerefer to the Committee on Ways and Means.

IRENE BUSTAMANTE ADAMS, *Chair*

Madam Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 189, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

RICHARD CARRILLO, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 18, 2013

To the Honorable the Assembly:

It is my pleasure to inform your esteemed body that the Senate on this day adopted Assembly Concurrent Resolution No. 5.

Also, it is my pleasure to inform your esteemed body that the Senate on this day passed Senate Bills Nos. 2, 356, 440, 470, 476.

Also, it is my pleasure to inform your esteemed body that the Senate on this day passed, as amended, Senate Bills Nos. 27, 45, 47, 60, 65, 101, 106, 122, 131, 134, 143, 177, 198, 235, 236, 258, 268, 272, 273, 287, 305, 313, 315, 436, 508; Senate Joint Resolution No. 1.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, April 19, 2013

To the Honorable the Assembly:

It is my pleasure to inform your esteemed body that the Senate on this day passed, as amended, Senate Bills Nos. 36, 41, 74, 140, 269.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

April 18, 2013

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Senate Bill No. 510.

MARK KRMPOTIC
Fiscal Analysis Division

Senate Joint Resolution No. 1.

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

Motion carried.

Assemblyman Horne moved that Assembly Bills Nos. 395 and 459 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Assemblyman Horne moved that Assembly Bill No. 345 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 2.

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

Motion carried.

Senate Bill No. 27.

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

Motion carried.

Senate Bill No. 36.

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

Motion carried.

Senate Bill No. 41.

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

Motion carried.

Senate Bill No. 45.

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

Motion carried.

Senate Bill No. 47.

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

Motion carried.

Senate Bill No. 59.

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

Motion carried.

Senate Bill No. 60.

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

Motion carried.

Senate Bill No. 65.

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

Motion carried.

Senate Bill No. 74.

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

Motion carried.

Senate Bill No. 101.

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

Motion carried.

Senate Bill No. 106.

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

Motion carried.

Senate Bill No. 122.

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

Motion carried.

Senate Bill No. 131.

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

Motion carried.

Senate Bill No. 134.

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

Motion carried.

Senate Bill No. 140.

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

Motion carried.

Senate Bill No. 143.

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

Motion carried.

Senate Bill No. 176.

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

Motion carried.

Senate Bill No. 177.

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

Motion carried.

Senate Bill No. 198.

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

Motion carried.

Senate Bill No. 235.

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

Motion carried.

Senate Bill No. 236.

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

Motion carried.

Senate Bill No. 258.

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

Motion carried.

Senate Bill No. 268.

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

Motion carried.

Senate Bill No. 269.

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

Motion carried.

Senate Bill No. 272.

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

Motion carried.

Senate Bill No. 273.

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

Motion carried.

Senate Bill No. 276.

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

Motion carried.

Senate Bill No. 287.

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

Motion carried.

Senate Bill No. 305.

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

Motion carried.

Senate Bill No. 309.

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

Motion carried.

Senate Bill No. 313.

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

Motion carried.

Senate Bill No. 315.

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

Motion carried.

Senate Bill No. 344.

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

Motion carried.

Senate Bill No. 345.

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

Motion carried.

Senate Bill No. 356.

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

Motion carried.

Senate Bill No. 382.

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

Motion carried.

Senate Bill No. 436.

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

Motion carried.

Senate Bill No. 440.

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

Motion carried.

Senate Bill No. 442.

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

Motion carried.

Senate Bill No. 470.

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

Motion carried.

Senate Bill No. 476.

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

Motion carried.

Senate Bill No. 505.

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

Motion carried.

Senate Bill No. 508.

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

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that Assembly Bill No. 117 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

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

Assembly in recess at 12:10 p.m.

ASSEMBLY IN SESSION

At 12:14 p.m.

Madam Speaker presiding.

Quorum present.

Assemblywoman Carlton moved that Assembly Bills Nos. 58, 186, 213, 226, 291, 336, 414, and 435 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Horne moved that Assembly Bills Nos. 17, 26, 35, 38, 48, 50, 61, 91, 113, 125, 150, 161, 163, 184, 189, 205, 207, 210, 215, 223, 227, 230, 248, 251, 272, 287, 288, 326, 332, 333, 348, 360, 367, 370, 382, 386, 410, 413, 418, 440, and 496, just reported out of committee, be placed on the Second Reading File.

Motion carried.

Assemblyman Horne moved that Assembly Bills Nos. 202 and 321 be placed at the top of the General File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 17.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 261.

SUMMARY—Revises provisions governing ~~interagency panels convened when~~ **the conditions under which the access of** a school district employee operating a program of education for incarcerated persons ~~is excluded from~~ **at** a facility or institution operated by the Department of Corrections. ~~It may be restricted.~~ (BDR 34-319)

AN ACT relating to ~~education~~; **governmental administration**; revising provisions governing ~~interagency panels convened when~~ **the conditions under which the access of** a school district employee operating a program of education for incarcerated persons ~~is excluded from~~ **at** a facility or institution operated by the Department of Corrections. ~~It may be restricted; revising provisions governing the interagency panel convened to conduct a hearing on the matter; requiring the Director of the Department to take proper measures to protect the health and safety of school district employees operating such a program;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Education to establish a statewide program of education for incarcerated persons. (NRS 388.575) Existing law also requires that if a manager or warden excludes from a facility or institution operated by the Department of Corrections a person employed by a school district to operate a program of education for incarcerated persons in the facility or institution, an interagency panel must be convened to conduct a hearing to determine whether to uphold the exclusion. (NRS 388.583) ~~Instead of having the panel render a final decision, this bill requires the Director of the Department of Corrections to render a written decision affirming or disaffirming, in whole or in part, the determination of the~~

~~interagency panel within 10 business days after such a hearing is conducted and provides that the decision of the Director is not subject to appeal.]~~
Section 1 of this bill removes the reference to a manager or warden excluding a school district employee from a facility or institution and instead authorizes the Director of the Department of Corrections, upon good cause shown, to restrict the access of such an employee to a facility or institution for not more than 30 days. During the 30-day period, the interagency panel must be convened to conduct a hearing and render a final decision on the matter. Section 1 also defines “good cause shown” to include the failure of a school district employee to adhere to rules or regulations of the Director pertaining to health and safety and to exclude disagreements over the courses of study for the program of education.

Under existing law, the Director of the Department is required to take proper measures to protect the health and safety of the staff and offenders in the institutions. (NRS 209.131) Section 2 of this bill requires the Director to take proper measures to protect the health and safety of school district employees who operate a program of education for incarcerated persons in an institution or facility.

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

Section 1. NRS 388.583 is hereby amended to read as follows:

388.583 1. ~~If a manager or warden excludes from the facility or institution.]~~ **The Director of the Department of Corrections may, upon good cause shown, restrict the access of** a person employed by a school district to operate a program of education for incarcerated persons ~~in the] to a~~ facility or institution ~~in which the program is operated for not more than 30 days. Within the 30-day period,~~ **in which the program is operated for not more than 30 days. Within the 30-day period,** an interagency panel must be convened ~~in] to conduct a hearing and render a final decision pursuant to subsection 2.~~

2. The interagency panel must:

(a) Consist of:

~~(1)~~ The Director of the Department of Corrections or the Director’s designee;

(2) The Superintendent of Public Instruction or the Superintendent’s designee; and

(3) The immediate supervisor of the person employed by the school district.

(b) Conduct a hearing in compliance with all applicable provisions of chapter 233B of NRS.

3. ~~Upon conclusion of the hearing conducted pursuant to subsection 2, the Director shall render a written decision affirming or disaffirming, in whole or in part, the determination made by the interagency panel within~~

~~10 business days after the hearing.] The decision of the interagency panel [Director] is a final decision in a contested case. ~~and is not subject to appeal.]~~~~

4. For purposes of subsection 1, "good cause shown":

(a) May include the failure of a person employed by a school district to adhere to rules or regulations established by the Director of the Department of Corrections to protect the health and safety of staff of the facility or institution, offenders in the facility or institution and employees of the school district who operate a program of education for incarcerated persons in a facility or institution.

(b) May not include disagreements over the content of the courses of study for such a program of education.

Sec. 2. NRS 209.131 is hereby amended to read as follows:

209.131 The Director shall:

1. Administer the Department under the direction of the Board.
2. Supervise the administration of all institutions and facilities of the Department.

3. Receive, retain and release, in accordance with law, offenders sentenced to imprisonment in the state prison.

4. Be responsible for the supervision, custody, treatment, care, security and discipline of all offenders under his or her jurisdiction.

5. Ensure that any person employed by the Department whose primary responsibilities are:

(a) The supervision, custody, security, discipline, safety and transportation of an offender;

(b) The security and safety of the staff; and

(c) The security and safety of an institution or facility of the Department,
↪ is a correctional officer who has the powers of a peace officer pursuant to subsection 1 of NRS 289.220.

6. Establish regulations with the approval of the Board and enforce all laws governing the administration of the Department and the custody, care and training of offenders.

7. Take proper measures to protect the health and safety of the staff and offenders in the institutions and facilities of the Department.

8. Take proper measures to protect the health and safety of persons employed by a school district to operate a program of education for incarcerated persons in an institution or facility pursuant to NRS 388.573 to 388.583, inclusive.

9. Cause to be placed from time to time in conspicuous places about each institution and facility copies of laws and regulations relating to visits and correspondence between offenders and others.

~~[9-]~~ 10. Provide for the holding of religious services in the institutions and facilities and make available to the offenders copies of appropriate religious materials.

~~[Sec. 2-]~~ **Sec. 3.** This act becomes effective upon passage and approval.

Assemblyman Elliot Anderson moved the adoption of the amendment.

Remarks by Assemblyman Elliot Anderson.

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 Taxation:

Amendment No. 454.

AN ACT relating to the taxation of property; reducing the statutory rate of depreciation applicable to improvements made on real property for the purpose of determining the taxable value of the property; **making an appropriation for a study;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under current law, the taxable value of an improvement made on real property must be determined by subtracting from the cost of replacement of the improvement all applicable depreciation and obsolescence. That depreciation is required to be calculated at the rate of 1.5 percent of the cost of replacement of the improvement for each year that the improvement has aged, up to a maximum of 50 years. (NRS 361.227) The application of this formula for the entire 50-year period results in a maximum rate of depreciation of 75 percent of the cost of replacement.

~~[This]~~ **Section 1 of this** bill reduces the future rate of depreciation for an improvement made on real property to 1 percent of the cost of replacement of the improvement for each year that the improvement ages after 2012. ~~[This bill]~~ **Section 1** does not affect the maximum rate of depreciation allowed under current law. The change in the rate of depreciation pursuant to ~~[this bill]~~ **section 1** does not affect the determination of the taxable value of any improvements for the purposes of any property taxes imposed before July 1, 2014.

Section 1.5 of this bill makes an appropriation for the purpose of conducting a study of the effect of reducing the depreciation rate applicable to improvements made to real property for property tax purposes.

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

Section 1. NRS 361.227 is hereby amended to read as follows:

361.227 1. Any person determining the taxable value of real property shall appraise:

(a) The full cash value of:

(1) Vacant land by considering the uses to which it may lawfully be put, any legal or physical restrictions upon those uses, the character of the terrain, and the uses of other land in the vicinity.

(2) Improved land consistently with the use to which the improvements are being put.

(b) Any improvements made on the land by subtracting from the cost of replacement of the improvements all applicable depreciation and obsolescence. Depreciation of an improvement made on real property must be calculated at :

(1) The rate of 1.5 percent of the cost of replacement for each year of adjusted actual age of the improvement ~~that ends on or before December 31, 2012;~~ and

(2) The rate of 1 percent of the cost of replacement for each year of adjusted actual age of the improvement that ends on or after January 1, 2013,

↪ up to a maximum rate of depreciation of ~~{50-years.}~~ 75 percent of the cost of replacement of the improvement.

2. The unit of appraisal must be a single parcel unless:

(a) The location of the improvements causes two or more parcels to function as a single parcel;

(b) The parcel is one of a group of contiguous parcels which qualifies for valuation as a subdivision pursuant to the regulations of the Nevada Tax Commission; or

(c) In the professional judgment of the person determining the taxable value, the parcel is one of a group of parcels which should be valued as a collective unit.

3. The taxable value of a leasehold interest, possessory interest, beneficial interest or beneficial use for the purpose of NRS 361.157 or 361.159 must be determined in the same manner as the taxable value of the property would otherwise be determined if the lessee or user of the property was the owner of the property and it was not exempt from taxation, except that the taxable value so determined must be reduced by a percentage of the taxable value that is equal to the:

(a) Percentage of the property that is not actually leased by the lessee or used by the user during the fiscal year; and

(b) Percentage of time that the property is not actually leased by the lessee or used by the user during the fiscal year, which must be determined in accordance with NRS 361.2275.

4. The taxable value of other taxable personal property, except a mobile or manufactured home, must be determined by subtracting from the cost of replacement of the property all applicable depreciation and obsolescence. Depreciation of a billboard must be calculated at 1.5 percent of the cost of replacement for each year after the year of acquisition of the billboard, up to a maximum of 50 years.

5. The computed taxable value of any property must not exceed its full cash value. Each person determining the taxable value of property shall reduce it if necessary to comply with this requirement. A person determining whether taxable value exceeds that full cash value or whether obsolescence is a factor in valuation may consider:

(a) Comparative sales, based on prices actually paid in market transactions.

(b) A summation of the estimated full cash value of the land and contributory value of the improvements.

(c) Capitalization of the fair economic income expectancy or fair economic rent, or an analysis of the discounted cash flow.

↪ A county assessor is required to make the reduction prescribed in this subsection if the owner calls to his or her attention the facts warranting it, if the county assessor discovers those facts during physical reappraisal of the property or if the county assessor is otherwise aware of those facts.

6. The Nevada Tax Commission shall, by regulation, establish:

(a) Standards for determining the cost of replacement of improvements of various kinds.

(b) Standards for determining the cost of replacement of personal property of various kinds. The standards must include a separate index of factors for application to the acquisition cost of a billboard to determine its replacement cost.

(c) Schedules of depreciation for personal property based on its estimated life.

(d) Criteria for the valuation of two or more parcels as a subdivision.

7. In determining, for the purpose of computing taxable value, the cost of replacement of:

(a) Any personal property, the cost of all improvements of the personal property, including any additions to or renovations of the personal property, but excluding routine maintenance and repairs, must be added to the cost of acquisition of the personal property.

(b) An improvement made on land, a county assessor may use any final representations of the improvement prepared by the architect or builder of the

improvement, including, without limitation, any final building plans, drawings, sketches and surveys, and any specifications included in such representations, as a basis for establishing any relevant measurements of size or quantity.

8. The county assessor shall, upon the request of the owner, furnish within 15 days to the owner a copy of the most recent appraisal of the property, including, without limitation, copies of any sales data, materials presented on appeal to the county board of equalization or State Board of Equalization and other materials used to determine or defend the taxable value of the property.

9. The provisions of this section do not apply to property which is assessed pursuant to NRS 361.320.

Sec. 1.5. 1. There is hereby appropriated from the State General Fund to the Legislative Fund the sum of \$150,000 for the purpose of contracting with a consultant to conduct a study of the effect of reducing the statutory rate of depreciation applicable to improvements made on real property for the purpose of determining the taxable value of property.

2. Any remaining balance of the appropriation made by subsection 1 of this act must not be committed for expenditure after June 30, 2015, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2015, and must be reverted to the State General Fund on or before September 18, 2015.

Sec. 2. The amendatory provisions of section 1 of this act do not apply to or affect the determination pursuant to NRS 361.227 of the taxable value of any property for any fiscal year beginning before July 1, 2014.

~~Sec. 3. [This act becomes effective.]~~

1. This section and sections 1.5 and 2 of this act become effective upon passage and approval.

2. Section 1 of this act becomes effective:

(a) Upon passage and approval for the purposes of adopting regulations and determining the taxable value of real property for the fiscal year beginning on July 1, 2014; and

~~{2-}~~ (b) On July 1, 2014, for all other purposes.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Remarks by Assemblywoman Bustamante Adams.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 35.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 505.

AN ACT relating to elections; revising requirements for reporting contributions, expenditures and campaign expenses relating to special elections; revising provisions governing the disposition of unspent contributions; establishing a procedure for a candidate to end his or her campaign; clarifying the existence of certain remedies and penalties relating to campaign finance; making various other changes relating to campaign finance; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires candidates and certain other persons, committees and political parties to file reports with the Secretary of State concerning campaign contributions, loans, campaign expenses and expenditures. (NRS 294A.120, 294A.125, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280, 294A.360, 294A.362) Currently, separate reporting requirements exist for: (1) primary or general elections; and (2) special elections. (NRS 294A.120, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.360, 294A.362) **Section 5** of this bill provides that, if a special election is held on the same day as a primary election or general election, any candidate, person, committee or political party that is otherwise required to file a report relating to the special election must instead comply with the reporting requirements for the primary election or general election, as applicable.

Existing law also establishes separate reporting requirements based on whether a general election occurs before July 1 or on or after July 1. (NRS 294A.120, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.360) **Sections 11, 15, 16, 18-20 and 38** of this bill remove those separate provisions, and **sections 11, 15, 18 and 19** also expand the reporting requirements to recall elections.

Existing law requires expenditures made on behalf of a candidate or a group of candidates by a person who is not acting under the direction or control of the candidate or group of candidates, and other expenditures that are made on behalf of the candidate or group of candidates, to be reported to the Secretary of State. (NRS 294A.140, 294A.210) **Sections 15 and 19** provide that certain contributions received and expenditures which are: (1) made for or against a candidate or a group of candidates; ~~for~~ and (2) not coordinated with a candidate or a group of candidates, must be reported. **Section 4.5 of this bill sets forth the circumstances under which an expenditure will or will not be considered to be coordinated with a candidate or a group of candidates.**

A committee for political action that advocates the passage or defeat of a ballot question or a group of questions is required by existing law to report contributions received and expenditures made. (NRS 294A.150, 294A.220) **Sections 16 and 20** of this bill make these reporting requirements applicable even if the question or group of questions is removed from the ballot by court order.

Existing law governs the disposition of unspent contributions. (NRS 294A.160) **Section 17** of this bill expands the application of those provisions to: (1) a candidate who is removed from the ballot by court order or is otherwise not elected to office; and (2) a public officer who resigns from his or her office, is not a candidate for any other office and has unspent contributions.

Under existing law, a candidate is required to file reports of contributions and expenses even if the candidate withdraws his or her candidacy, receives no contributions, has no expenses, is removed from the ballot by court order or is the subject of a recall petition and the special election is not held. (NRS 294A.350) **Section 27** of this bill expands this requirement to include a candidate who: (1) ends his or her campaign without formally withdrawing his or her candidacy; (2) is not opposed in an election; or (3) is defeated in the primary election. **Section 27** also prescribes a process by which a candidate under certain circumstances may end his or her campaign.

If a person, committee or entity that is required to file a report or register pursuant to chapter 294A of NRS fails to do so in accordance with the applicable provisions of that chapter, existing law provides that such a person, committee or entity is subject to a civil penalty. (NRS 294A.420) **Section 37** of this bill provides that this and any other remedies and penalties provided by chapter 294A of NRS are cumulative and supplement any other legal or equitable remedies and penalties that may exist, including any applicable criminal penalties.

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

Section 1. 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 **chapter 294A of NRS . [294A.120, 294A.125, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280, 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. 2. Chapter 294A of NRS is hereby amended by adding thereto the provisions set forth as sections 3, ~~4 and 5~~ **to 5, inclusive**, of this act.

Sec. 3. “General election” includes:

1. A general election, as defined in NRS 293.060; and
2. A general city election, as defined in NRS 293.059.

Sec. 4. “Primary election” includes:

1. A primary election, as defined in NRS 293.080; and
2. A primary city election, as defined in NRS 293.079.

Sec. 4.5. 1. For the purposes of this chapter, an expenditure is coordinated with a candidate or group of candidates if the expenditure is made, without limitation:

(a) With the cooperation of or in consultation with the candidate or group of candidates for whose benefit the expenditure is made;

(b) Pursuant to any formal, informal, oral or written contract or arrangement with a candidate or group of candidates;

(c) With the involvement of a candidate or group of candidates in any decision regarding, for any communication paid for by the expenditure:

(1) The content, intended audience, timing, frequency, size or prominence of the communication;

(2) The means or mode of making the communication; or

(3) The specific media outlet used to make the communication; or

(d) By a person to whom is conveyed, during a discussion with a candidate or group of candidates, information regarding plans, projects, activities or needs of the campaign of the candidate or group of candidates

which is material to the creation, production or distribution of any communication paid for by the expenditure.

2. For the purposes of this chapter, an expenditure is not considered to be coordinated with a candidate or group of candidates if the expenditure is made:

(a) To pay for a communication that uses an image of or information about a candidate or group of candidates if the image or information is obtained from publicly available sources, including, without limitation, Internet websites, newspapers or public records, and is not obtained because of any suggestion, direction, solicitation, cooperation or consultation between the person making the expenditure and the candidate or group of candidates or the opponent or opponents of the candidate or group of candidates; and

(b) By a person who makes an inquiry regarding the position of the candidate or group of candidates on a legislative or policy issue if the response of the candidate or group of candidates to the inquiry does not include any information regarding plans, projects, activities or needs of the campaign of the candidate or group of candidates.

3. As used in this section, "candidate or group of candidates" includes, without limitation:

(a) Any person under the direction or control of a candidate or group of candidates or otherwise involved in the campaign of a candidate or group of candidates;

(b) Any person related to a candidate within the second degree of consanguinity or affinity; and

(c) An agent of a candidate or group of candidates.

Sec. 5. If a special election is held on the same day as a primary election or general election, any candidate, person, committee or political party that is otherwise required to file a report with the Secretary of State pursuant to NRS 294A.120, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220 or 294A.362 shall, in lieu of complying with the requirements of those sections relating to a special election, comply with the requirements of those sections relating to the primary election or general election, as applicable, except that:

1. A candidate, person, committee or political party is not required to file a report pursuant to NRS 294A.120, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220 or 294A.362 that was due on or before the date on which the call for the special election was issued; and

2. If the special election is held on the same day as a primary election, the final report for the special election that is required pursuant to NRS 294A.120, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220 or

294A.362 is due on or before the 15th day of the second month after the primary election.

Sec. 6. NRS 294A.002 is hereby amended to read as follows:

294A.002 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 294A.0025 to 294A.009, inclusive, **and sections 3 and 4 of this act** have the meanings ascribed to them in those sections.

Sec. 7. NRS 294A.0025 is hereby amended to read as follows:

294A.0025 “Advocates expressly” or “expressly advocates” means that a communication, taken as a whole, is susceptible to no other reasonable interpretation other than as an appeal to vote for or against a clearly identified candidate or group of candidates or a question or group of questions on the ballot at a primary election, ~~primary city election,~~ general election ~~general city election,~~ or special election. A communication does not have to include the words “vote for,” “vote against,” “elect,” “support” or other similar language to be considered a communication that expressly advocates the passage or defeat of a candidate or a question.

Sec. 8. 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 election, ~~primary city election,~~ general 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. 9. 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~~ a candidate or group who makes an expenditure ~~on behalf of~~ for

~~(I) For the~~ for or against a candidate or group which is not solicited ~~for~~ by, approved by or coordinated with ~~the~~ a candidate or group; ~~for~~

~~(II) Against any other candidate or group which is not solicited by, approved by or coordinated with the candidate or group;~~ or

(3) Committee for political action, political party or committee sponsored by a political party which makes an expenditure ~~on behalf of~~ for or against a candidate or group of candidates,

↪ 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. 10. 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, ~~for primary city election,~~ regardless of the number of candidates for the office, and \$5,000 for the general election, ~~for general city election,~~ regardless of the number of candidates for the office, during the period:

(a) Beginning from 30 days before the regular session of the Legislature immediately following the last **general** election for the office and ending 30 days before the regular session of the Legislature immediately following the next **general** 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~~ after 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. 11. 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 **election** 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:

(a) Each ~~{campaign}~~ contribution in excess of \$100 received during the period;

(b) Contributions received during the period from a contributor which cumulatively exceed \$100; and

(c) The total of all contributions received during the period which are \$100 or less and which are not otherwise required to be reported pursuant to paragraph (b).

↪ 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 **election** 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) Twenty-one days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through 25 days before the primary election;

(b) Four days before the primary election for that office, for the period from 24 days before the primary election through 5 days before the primary election;

(c) Twenty-one days before the general election for that office, for the period from 4 days before the primary election through 25 days before the general election; and

(d) Four days before the general election for that office, for the period from 24 days before the general election through 5 days before the general election,

↪ report each ~~{campaign}~~ contribution described in subsection 1 received during the period. ~~{The report must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form 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) Twenty-one days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through 25 days before the primary election;~~

~~— (b) Four days before the primary election for that office, for the period from 24 days before the primary election through 5 days before the primary election;~~

~~— (c) Twenty-one days before the general election for that office, for the period from 4 days before the primary election through 25 days before the general election; and~~

~~— (d) Four days before the general election for that office, for the period from 24 days before the general election through 5 days before the general election;~~

~~↪ report each campaign contribution described in subsection 1 received during the period. The report must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.~~

~~— 4.} 3. Except as otherwise provided in {subsection 5,} **subsections 4 and 5 and section 5 of this act**, every candidate for {a district} office at a special election shall, not later than:~~

~~(a) Seven days before the beginning of early voting by personal appearance for the special election, for the period from the candidate's nomination through 12 days before the beginning of early voting by personal appearance for the special election; and~~

~~(b) Thirty days after the special election, for the remaining period through **the date of** the special election,~~

~~↪ report each {campaign} contribution described in subsection 1 received during the period. {The report must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.~~

~~— 5. Every}~~

4. Except as otherwise provided in subsection 5 and section 5 of this act, 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 made available by the Secretary of State pursuant to NRS 294A.373 and signed by the candidate under an oath to God or penalty of perjury, 30 days after:~~

~~—(a) The special election,], not later than:~~

(a) Seven days before the beginning of early voting by personal appearance for the special election, for the period from the ~~the filing of~~ date the notice of intent to circulate the petition for recall **is filed pursuant to NRS 306.015 through 12 days before the beginning of early voting by personal appearance for the special election;** ~~for] and~~

(b) [A] Thirty days after the special election, for the remaining period through the date of the special election,

↪ report each contribution described in subsection 1 received during the period.

5. If a district court determines that ~~the] a~~ petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, **every candidate for office at a special election to determine whether a public officer will be recalled shall, not later than 30 days after the district court orders the officer with whom the petition is filed to cease any further proceedings regarding the petition,** for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's ~~decision.~~

~~↪ A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.] order,~~ **report each contribution described in subsection 1 received during the period.**

6. Except as otherwise provided in NRS 294A.3733, reports of ~~[campaign]~~ contributions must be filed electronically with the Secretary of State.

7. A report shall be deemed to be filed on the date that it was received by the Secretary of State.

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.

9. The reports required pursuant to this section must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath

to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.

Sec. 12. 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 ~~[-]~~ and 294A.200 , ~~[and 294A.360,]~~ a candidate who receives contributions in any year before the year in which the general election ~~for 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:

(1) Each of the contributions received and the expenditures in excess of \$100 made in that year; and

(2) The total of all contributions received and expenditures which are \$100 or less.

(b) Each year after the year in which the candidate received contributions in excess of \$10,000, until the year of the general election ~~for general city election~~ in which the candidate intends to seek election to public office is held, list:

(1) Each of the contributions received and the expenditures in excess of \$100 made in that year; and

(2) The total of all contributions received and expenditures which are \$100 or less.

2. The reports required by subsection 1 must be submitted on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form 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. Except as otherwise provided in NRS 294A.3733, the report must be filed electronically with the Secretary of State.

5. A report shall be deemed to be filed on the date it was received by the Secretary of State.

Sec. 13. 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 ~~[-]~~ and 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 ~~or~~ 294A.200, ~~for 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 made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.

3. Except as otherwise provided in NRS 294A.3733, 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 ~~or~~ 294A.200. ~~for 294A.360.~~

Sec. 14. NRS 294A.130 is hereby amended to read as follows:

294A.130 1. Every candidate ~~for state, district, county, city or township office~~ shall, not later than 1 week after receiving minimum ~~campaign~~ contributions of \$100, open and maintain a separate account in a financial institution for the deposit of any ~~campaign~~ contributions received. The candidate shall not commingle the money in the account with money collected for other purposes.

2. The candidate may close the separate account if the candidate:

(a) Was a candidate in a special election, after that election;

(b) Lost in the primary election, after the primary election; or

(c) Won the primary election, after the general election,

➔ and as soon as all payments of money committed have been made.

Sec. 15. NRS 294A.140 is hereby amended to read as follows:

294A.140 1. ~~Every~~ **The provisions of this section apply to:**

(a) **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~~ **a** candidate or group **and** who makes an expenditure ~~on behalf of the~~ **for**

~~(1) For the~~ **for or against a** candidate or group which is not solicited ~~for~~ **by**, approved by **or coordinated with** ~~the~~ **a** candidate or group ~~for~~ **for**

~~—(2) Against any other candidate or group which is not solicited by, approved by or coordinated with the candidate or group; and [every]~~

(b) Every committee for political action, political party and committee sponsored by a political party which receives contributions in excess of \$100 or makes an expenditure ~~[on behalf of such]~~ **for or against** a candidate **for office** or a group of **such** candidates .

2. Every person, committee and political party described in subsection 1 shall, not later than January 15 of each year that the provisions of this subsection apply , ~~[to the person, committee or political party,]~~ 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 or political party 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.}~~ 3. Every person, committee or political party 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,]~~ **shall**, not later than:

(a) Twenty-one 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 25 days before the primary election ; ~~[or primary city election;]~~

(b) Four days before the primary election ~~[or primary city election]~~ for that office, for the period from 24 days before the primary election ~~[or primary city election]~~ through 5 days before the primary election ; ~~[or primary city election;]~~

(c) Twenty-one days before the general election ~~[or general city election]~~ for that office, for the period from 4 days before the primary election ~~[or primary city election]~~ through 25 days before the general election ; ~~[or general city election;]~~ and

(d) Four days before the general election ~~[or general city election]~~ for that office, for the period from 24 days before the general election ~~[or general city election]~~ through 5 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 made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee or political party under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form 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 or political party 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) Twenty one 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 25 days before the primary election or primary city election;~~

~~—(b) Four days before the primary election or primary city election for that office, for the period from 24 days before the primary election or primary city election through 5 days before the primary election or primary city election;~~

~~—(c) Twenty one days before the general election or general city election for that office, for the period from 4 days before the primary election or primary city election through 25 days before the general election or general city election; and~~

~~—(d) Four days before the general election or general city election for that office, for the period from 24 days before the general election or general city election through 5 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 made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee or political party under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.~~

~~—5.—~~ **4.** Except as otherwise provided in ~~{subsection}~~ **subsections 5 and 6** ~~{}~~ **and section 5 of this act**, every person, committee or political party described in subsection 1 which makes an expenditure ~~{on behalf of}~~ **for or against** a candidate for office at a special election or ~~{on behalf of}~~ **for or against** a group of such candidates shall, not later than:

(a) Seven days before the beginning of early voting by personal appearance for 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 beginning of early voting by personal appearance for the special election; and

(b) Thirty days after the special election, for the remaining period through the **date of 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 made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee or political party under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.}~~

~~—6.— Every}~~

5. *Except as otherwise provided in subsection 6 and section 5 of this act*, every person, committee or political party described in subsection 1 which makes an expenditure ~~{on behalf of}~~ **for or against** a candidate for office at a special election to determine whether a public officer will be recalled or ~~{on behalf of}~~ **for or against** a group of candidates for offices at such special elections shall, **not later than:**

(a) *Seven days before the beginning of early voting by personal appearance for the special election, for the period from the date the notice of intent to circulate a petition to recall is filed pursuant to NRS 306.015 through 12 days before the beginning of early voting by personal appearance for the special election; and*

(b) *Thirty days after the special election, for the remaining period through the date of the special election,*

↪ 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 made available by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the committee or political party under an oath to God or penalty of perjury, 30 days after:~~

~~—(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or~~

~~—(b))~~

6. If ~~the special election is not held because~~ a district court determines that ~~the~~ a petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, ***every person, committee and political party described in subsection 1 which makes an expenditure for or against a candidate for office at a special election to determine whether a public officer will be recalled or for or against a group of candidates for offices at such a special election shall, not later than 30 days after the district court orders the officer with whom the petition is filed to cease any further proceedings regarding the petition,*** for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's ~~decision.~~

~~↪ A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.]~~
order, report each contribution in excess of \$100 received during the period and contributions received during the period from a contributor which cumulatively exceed \$100.

7. Except as otherwise provided in NRS 294A.3737, the reports of contributions required pursuant to this section must be filed electronically with the Secretary of State.

8. A report shall be deemed to be filed on the date that it was received by the Secretary of State.

9. Every person, committee or political party described in ~~subsection 4]~~ ***this section*** shall file a report required by this section even if the person, committee or political party receives no contributions.

10. 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.

11. The reports required pursuant to this section must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the person or a representative of the committee or political party under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.

Sec. 16. 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,] or 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 \$1,000 received during that period and contributions received during the period from a contributor which cumulatively exceed \$1,000. ~~[The report must be completed on the form designed and made available 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 an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form 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 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 1 shall, not later than:

(a) Twenty-one 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 25 days before the primary election ; ~~[or primary city election;]~~

(b) Four days before the primary election , ~~[or primary city election,]~~ for the period from 24 days before the primary election ~~[or primary city election]~~ through 5 days before the primary election ; ~~[or primary city election;]~~

(c) Twenty-one days before the general election , ~~[or general city election,]~~ for the period from 4 days before the primary election ~~[or primary city election]~~ through 25 days before the general election ; ~~[or general city election;]~~ and

(d) Four days before the general election , ~~[or general city election,]~~ for the period from 24 days before the general election ~~[or general city election]~~ through 5 days before the general election , ~~[or general city election,]~~

↪ report each ~~campaign~~ contribution in excess of \$1,000 received during the period and contributions received during the period from a contributor which cumulatively exceed \$1,000. ~~{The report must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373 and signed by a representative of the committee for political action under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form 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 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) Twenty one 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 25 days before the primary election or primary city election;~~

~~— (b) Four days before the primary election or primary city election, for the period from 24 days before the primary election or primary city election through 5 days before the primary election or primary city election;~~

~~— (c) Twenty one days before the general election or general city election, for the period from 4 days before the primary election or primary city election through 25 days before the general election or general city election; and~~

~~— (d) Four days before the general election or general city election, for the period from 24 days before the general election or general city election through 5 days before the general election or general city election;~~

↪ report each campaign contribution in excess of \$1,000 received during the period and contributions received during the period from a contributor which

~~cumulatively exceed \$1,000. The report must be completed on the form designed and made available 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 an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.~~

~~—5.— Except as otherwise provided in subsection 6, every~~

3. Except as otherwise provided in section 5 of this act, 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 beginning of early voting by personal appearance for the special election, for the period from the date that the question qualified for the ballot through 12 days before the beginning of early voting by personal appearance for the special election; and

(b) Thirty days after the special election, for the remaining period through the **date of the** special election,

➤ report each ~~campaign~~ contribution in excess of \$1,000 received during the period and contributions received during the period from a contributor which cumulatively exceed \$1,000. ~~{The report must be completed on the form designed and made available 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 an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form 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 made available by the Secretary of State pursuant to NRS 294A.373 and signed by a representative of the committee for political action under an oath to God or penalty of perjury, 30 days after:~~

~~—(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or~~

~~—(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 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.~~

➤ A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.

~~—7.—~~ **4. The provisions of this section apply to a committee for political action even if the question or group of questions on the ballot that the**

committee for political action advocates the passage or defeat of is removed from the ballot by a court order.

5. Except as otherwise provided in NRS 294A.3737, the reports required pursuant to this section must be filed electronically with the Secretary of State.

~~18.1~~ 6. A report shall be deemed to be filed on the date that it was received by the Secretary of State.

~~19.1~~ 7. 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.

8. *The reports required by this section must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by a representative of the committee for political action under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.*

Sec. 17. 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. Notwithstanding the provisions of NRS 294A.286, a candidate or public officer may use ~~campaign~~ contributions to pay for any legal expenses that the candidate or public officer incurs in relation to a campaign or serving in public office without establishing a legal defense fund. Any such candidate or public officer shall report any expenditure of ~~campaign~~ contributions to pay for legal expenses in the same manner and at the same time as the report filed pursuant to NRS 294A.120 ~~1.1~~ or 294A.200 . ~~for 294A.360.1~~ A candidate or public officer shall not use ~~campaign~~ contributions to satisfy a civil or criminal penalty imposed by law.

3. Every candidate for ~~in a state, district, county, city or township~~ office at a primary ~~1.1~~ **election**, general ~~1. primary city, general city~~ **election** or special election who is elected to that office and received contributions that were not spent or committed for expenditure before the primary ~~1.1~~ **election**, general ~~1. primary city, general city~~ **election** or special election shall dispose of the money through one or any combination of the following methods:

(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) Any combination of persons or groups set forth in subparagraphs (1) and (2);

(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. A candidate who donates money pursuant to this paragraph may request that the money be used for a specific purpose.

4. Every candidate for ~~[a state, district, county, city or township]~~ office at a primary ~~[]~~ **election**, general ~~[primary city, general city]~~ **election** or special election who withdraws **pursuant to NRS 293.202 or 293C.195** after filing a declaration of candidacy or an acceptance of candidacy, **is removed from the ballot by court order** or is defeated for **or otherwise not elected to** that office and who received contributions that were not spent or committed for expenditure before the primary ~~[]~~ **election**, general ~~[primary city, general city]~~ **election** or special election shall, not later than the 15th day of the second month after the election, dispose of the money through one or any combination of the following methods:

(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) Any combination of persons or groups set forth in subparagraphs (1) and (2);

(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. A candidate who donates money pursuant to this paragraph may request that the money be used for a specific purpose.

5. Every candidate for ~~[a state, district, county, city or township]~~ office who withdraws after filing a declaration of candidacy or an acceptance of candidacy, **is removed from the ballot by court order before the general election** or is defeated for that office at a primary ~~[or primary city]~~ election and **who** received a contribution from a person in excess of \$5,000 shall, not later than the 15th day of the second month after the election, return any money in excess of \$5,000 to the contributor.

6. Except as otherwise provided in ~~[subsection]~~ **subsections 7 ~~[]~~ and 8**, every public officer who:

(a) ~~[Holds a state, district, county, city or township office;~~

~~—(b)]~~ Does not run for reelection to ~~[that]~~ **the office which he or she holds** and is not a candidate for any other office; and

~~[(c)]~~ **(b)** 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.}~~ **4.**

7. **A public officer who:**

(a) **Resigns from his or her office;**

(b) **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 effective date of the resignation, dispose of those contributions in the manner provided in subsection 4.**

8. A public officer who:

(a) ~~{Holds a state, district, county, city or township office;~~

~~{b)}~~ Does not run for reelection to ~~{that}~~ **the office which he or she holds** and is a candidate for any other office; and

~~{(c)}~~ **(b)** 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.

~~{8.}~~ **9.** In addition to the methods for disposing the unspent money set forth in subsections 3, 4, 5 ~~{and 7.}~~ , **7 and 8**, a Legislator may donate not more than \$500 of that money to the Nevada Silver Haired Legislative Forum created pursuant to NRS 427A.320.

~~{9.}~~ **10.** Any contributions received before a candidate for ~~{a state, district, county, city or township}~~ office at a primary ~~{}~~ **election**, general ~~{}~~ **election** 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.}~~

~~{10.}~~ **4.**

11. 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.

~~{11.}~~ **12.** As used in this section, "contributions" include any interest and other income earned thereon.

Sec. 18. 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 **election** 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:

(a) Each of the campaign expenses in excess of \$100 incurred during the period;

(b) Each amount in excess of \$100 disposed of pursuant to NRS 294A.160 or subsection 4 of NRS 294A.286 during the period;

(c) The total of all campaign expenses incurred during the period which are \$100 or less; and

(d) The total of all amounts disposed of during the period pursuant to NRS 294A.160 or subsection 4 of NRS 294A.286 which are \$100 or less . ~~[- on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.]~~

2. The provisions of subsection 1 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.

3. Every candidate for ~~[state, district, county or township]~~ office at a primary **election** 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) Twenty-one days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through 25 days before the primary election;

(b) Four days before the primary election for that office, for the period from 24 days before the primary election through 5 days before the primary election;

(c) Twenty-one days before the general election for that office, for the period from 4 days before the primary election through 25 days before the general election; and

(d) Four days before the general election for that office, for the period from 24 days before the general election through 5 days before the general election,

➤ report each of the campaign expenses described in subsection 1 incurred during the period . ~~[on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.]~~

~~— 4. 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) Twenty one days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through 25 days before the primary election;~~

~~—(b) Four days before the primary election for that office, for the period from 24 days before the primary election through 5 days before the primary election;~~

~~—(c) Twenty one days before the general election for that office, for the period from 4 days before the primary election through 25 days before the general election; and~~

~~—(d) Four days before the general election for that office, for the period from 24 days before the general election through 5 days before the general election;~~

~~→ report each of the campaign expenses described in subsection 1 incurred during the period on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.~~

~~—5.} 4. Except as otherwise provided in {subsection 6,} **subsections 5 and 6 and section 5 of this act**, every candidate for {a district} office at a special election shall, not later than:~~

(a) Seven days before the beginning of early voting by personal appearance for the special election, for the period from the candidate's nomination through 12 days before the beginning of early voting by personal appearance for the special election; and

(b) Thirty days after the special election, for the remaining period through **the date of** the special election,

→ report each of the campaign expenses described in subsection 1 incurred during the period . ~~{on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.~~

~~—6. Every}~~

5. Except as otherwise provided in subsection 6 and section 5 of this act, 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 described in subsection 1 incurred on the form designed and made available by the Secretary of State~~

pursuant to NRS 294A.373 and signed by the candidate under an oath to God or penalty of perjury, 30 days after:

—(a) ~~The~~, **not later than:**

(a) *Seven days before the beginning of early voting by personal appearance for the special election*, for the period from the ~~filing of~~ date the notice of intent to circulate the petition for recall **is filed pursuant to NRS 306.015 through 12 days before the beginning of early voting by personal appearance for the special election; ~~or~~ and**

(b) ~~Thirty~~ **Thirty days after the special election ~~is not held because~~, for the remaining period through the date of the special election,**
↪ report each of the campaign expenses described in subsection 1 incurred during the period.

6. **If a district court determines that ~~the~~ a petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, every candidate for office at a special election to determine whether a public officer will be recalled shall, not later than 30 days after the district court orders the officer with whom the petition is filed to cease any further proceedings regarding the petition,** for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's ~~decision.~~

↪ ~~A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.~~ **order, report each of the campaign expenses described in subsection 1 during the period.**

7. Except as otherwise provided in NRS 294A.3733, reports of campaign expenses must be filed electronically with the Secretary of State.

8. A report shall be deemed to be filed on the date that it was received by the Secretary of State.

9. **The reports required by this section must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.**

Sec. 19. NRS 294A.210 is hereby amended to read as follows:

294A.210 1. **The provisions of this section apply to:**

(a) 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~~ **a** candidate or group **and** who makes an expenditure ~~on behalf of the~~ **for**

~~— (1) For the~~ **for or against a** candidate or group which is not solicited ~~for~~ by, approved by **or coordinated with the** ~~the~~ **a** candidate or group ~~and every~~ ; ~~for~~

~~— (2) Against any other candidate or group which is not solicited by, approved by or coordinated with the candidate or group;~~ **and**

(b) Every committee for political action, political party or committee sponsored by a political party which receives contributions in excess of \$100 or makes an expenditure ~~on behalf of such~~ **for or against** a candidate **for office** or **a** group of **such** candidates .

2. Every person, committee or political party described in subsection 1 shall, not later than January 15 of each year that the provisions of this subsection apply to the person, committee or political party, 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 made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee or political party under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.~~ **and expenditures made during the period to one recipient which cumulatively exceed \$100.** The provisions of this subsection apply to the person, committee or political party beginning the year of the general election ~~for general city election~~ for that office through the year immediately preceding the next general election ~~for general city election~~ for that office.

~~{2.}~~ **3.** Every person, committee or political party 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,~~ **shall**, not later than:

(a) Twenty-one days before the primary election ~~for primary city election~~ for that office, for the period from the January 1 immediately preceding the primary election ~~for primary city election~~ through 25 days before the primary election ; ~~for primary city election;~~

(b) Four days before the primary election ~~for primary city election~~ for that office, for the period from 24 days before the primary election ~~for primary city election~~ through 5 days before the primary election ; ~~for primary city election;~~

(c) Twenty-one days before the general election ~~{or general city election}~~ for that office, for the period from 4 days before the primary election ~~{or primary city election}~~ through 25 days before the general election ; ~~{or general city election;}~~ and

(d) Four days before the general election ~~{or general city election}~~ for that office, for the period from 24 days before the general election ~~{or general city election}~~ through 5 days before the general election , ~~{or general city election;}~~

➤ report each expenditure *in excess of \$100* made during the period ~~for~~ on behalf of the candidate, the group of candidates or a candidate in the group of candidates in excess of ~~and expenditures made during the period to one recipient which cumulatively exceed \$100 .~~ ~~{on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee or political party under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.~~

— 3. — Every person, committee or political party 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) Twenty one 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 25 days before the primary election or primary city election;

— (b) Four days before the primary election or primary city election for that office, for the period from 24 days before the primary election or primary city election through 5 days before the primary election or primary city election;

— (c) Twenty one days before the general election or general city election for that office, for the period from 4 days before the primary election or primary city election through 25 days before the general election or general city election; and

— (d) Four days before the general election or general city election for that office, for the period from 24 days before the general election or general city election through 5 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 made available by the Secretary of State

~~pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee or political party under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.~~

4. Except as otherwise provided in ~~subsection~~ **subsections 5 ~~1~~ and 6 and section 5 of this act**, every person, committee or political party described in subsection 1 which makes an expenditure ~~on behalf of~~ **for or against** a candidate for office at a special election or ~~on behalf of~~ **for or against** a group of such candidates shall, not later than:

(a) Seven days before the beginning of early voting by personal appearance for 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 beginning of early voting by personal appearance for the special election; and

(b) Thirty days after the special election, for the remaining period through the **date of the** special election,

→ report each expenditure **in excess of \$100** 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 made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee or political party under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.~~ **and expenditures made during the period to one recipient which cumulatively exceed \$100.**

5. ~~Every~~ **Except as otherwise provided in subsection 6 and section 5 of this act, every** person, committee or political party described in subsection 1 which makes an expenditure ~~on behalf of~~ **for or against** a candidate for office at a special election to determine whether a public officer will be recalled or ~~on behalf of~~ **for or against** 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 made available by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the committee or political party under an oath to God or penalty of perjury, 30 days after:~~

—(a) ~~The~~, **not later than:**

(a) **Seven days before the beginning of early voting by personal appearance for the** special election, for the period from the ~~filing of~~ **date** the notice of intent to circulate the petition for recall **is filed pursuant to NRS 306.015** through **12 days before the beginning of early voting by personal appearance for** the special election; ~~or~~ **and**

(b) *Thirty days after the special election, for the remaining period through the date of the special election,*

↪ report each expenditure in excess of \$100 made during the period and expenditures made during the period to one recipient which cumulatively exceed \$100.

6. 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, *every person, committee and political party described in subsection 1 which makes an expenditure for or against a candidate for office at a special election to determine whether a public officer will be recalled or for or against a group of such candidates shall, not later than 30 days after the district court orders the officer with whom the petition is filed to cease any further proceedings regarding the petition,* for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's ~~{decision}~~.

~~↪ A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.~~

~~—6.↪~~ *order, report each expenditure in excess of \$100 made during the period and expenditures made during the period to one recipient which cumulatively exceed \$100.*

7. 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.↪}~~ 8. Except as otherwise provided in NRS 294A.3737, the reports must be filed electronically with the Secretary of State.

~~{8.↪}~~ 9. If an expenditure is made ~~{on behalf of}~~ *for or against* a group of candidates, the reports must be itemized by the candidate.

~~{9.↪}~~ 10. A report shall be deemed to be filed on the date that it was received by the Secretary of State. Every person, committee or political party described in subsection 1 shall file a report required by this section even if the person, committee or political party receives no contributions.

11. *The reports required pursuant to this section must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the person or a representative of the committee or political party under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.*

Sec. 20. 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,] or~~ general election ~~for 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 ~~for~~ ~~on behalf of~~ **for** or against the question, the group of questions or a question in the group of questions on the ballot in excess of \$1,000 ~~on the form designed and made available 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 an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.]~~ **and such expenditures made during the period to one recipient that cumulatively exceed \$1,000.** The provisions of this subsection apply to the committee for political action:

(a) Each year in which an election ~~for 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 1 shall, not later than:

(a) Twenty-one days before the primary election , ~~for primary city election,]~~ for the period from the January 1 immediately preceding the primary election ~~for primary city election]~~ through 25 days before the primary election ; ~~for primary city election;]~~

(b) Four days before the primary election , ~~for primary city election,]~~ for the period from 24 days before the primary election ~~for primary city election]~~ through 5 days before the primary election ; ~~for primary city election;]~~

(c) Twenty-one days before the general election , ~~for general city election,]~~ for the period from 4 days before the primary election ~~for primary city election]~~ through 25 days before the general election ; ~~for general city election;]~~ and

(d) Four days before the general election , ~~{or general city election,}~~ for the period from 24 days before the general election ~~{or general city election}~~ through 5 days before the general election , ~~{or general city election,}~~

➡ report each expenditure made during the period ~~{on behalf of}~~ **for** or against the question, the group of questions or a question in the group of questions on the ballot in excess of \$1,000 ~~{on the form designed and made available by the Secretary of State pursuant to NRS 294A.373 and signed by a representative of the committee for political action under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form 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) ~~Twenty one 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 25 days before the primary election or primary city election;~~

— (b) ~~Four days before the primary election or primary city election, for the period from 24 days before the primary election or primary city election through 5 days before the primary election or primary city election;~~

— (c) ~~Twenty one days before the general election or general city election, for the period from 4 days before the primary election or primary city election through 25 days before the general election or general city election; and~~

— (d) ~~Four days before the general election or general city election, for the period from 24 days before the general election or general city election through 5 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 on the form designed and made available 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 an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.

~~— 4. Except as otherwise provided in subsection 5, every} and such expenditures made during the period to one recipient that cumulatively exceed \$1,000.~~

3. Except as otherwise provided in section 5 of this act, 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 beginning of early voting by personal appearance for the special election, for the period from the date the question qualified for the ballot through 12 days before the beginning of early voting by personal appearance for the special election; and

(b) Thirty days after the special election, for the remaining period through the **date of the** special election,

➤ report each expenditure made during the period ~~for~~ ~~on behalf of~~ **for** or against the question, the group of questions or a question in the group of questions on the ballot in excess of \$1,000 ~~on the form designed and made available 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 an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form 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 \$1,000 on the form designed and made available by the Secretary of State pursuant to NRS 294A.373 and signed by a representative of the committee for political action under an oath to God or penalty of perjury, 30 days after:~~

~~— (a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or~~

~~— (b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 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.~~

➤ ~~A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.} and such expenditures made during the period to one recipient that cumulatively exceed \$1,000.~~

~~{6-}~~ 4. 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-}~~ 5. *The provisions of this section apply to a committee for political action even if the question or group of questions on the ballot that the committee for political action advocates the passage or defeat of is removed from the ballot by a court order.*

6. Except as otherwise provided in NRS 294A.3737, reports required pursuant to this section must be filed electronically with the Secretary of State.

~~{8-}~~ 7. If an expenditure is made ~~for or against~~ ~~for or against~~ a group of questions, the reports must be itemized by question or petition.

~~{9-}~~ 8. A report shall be deemed to be filed on the date that it was received by the Secretary of State.

9. *The reports required by this section must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by a representative of the committee for political action under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.*

Sec. 21. NRS 294A.225 is hereby amended to read as follows:

294A.225 1. A nonprofit corporation shall, before it engages in any of the following activities in this State, submit the names, addresses and telephone numbers of its officers to the Secretary of State:

(a) Soliciting or receiving contributions from any other person, group or entity;

(b) Making contributions to candidates or other persons; or

(c) Making expenditures,

➔ designed to affect the outcome of any primary ~~{-}~~ **election**, general **election** or special election or question on the ballot.

2. The Secretary of State shall include on the Secretary of State's Internet website the information submitted pursuant to subsection 1.

Sec. 22. NRS 294A.270 is hereby amended to read as follows:

294A.270 1. Except as otherwise provided in ~~{subsection 3,}~~ **subsections 3 and 4**, each committee for the recall of a public officer shall, not later than:

(a) Seven days before the beginning of early voting by personal appearance for the special election to recall a public officer, for the period from the ~~{filing of}~~ **date** the notice of intent to circulate the petition for recall **is filed pursuant to NRS 306.015**, through 12 days before the beginning of early voting by personal appearance for the special election; and

(b) Thirty days after the *special* election, for the remaining period through *the date of the special* election,

↪ report each contribution received or made by the committee *for the recall of a public officer during the period* in excess of \$100 ~~on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by a representative of the committee under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.~~ *and contributions received from a contributor or made to one recipient which cumulatively exceed \$100.*

2. If a petition for the ~~purpose of recalling~~ *recall of* 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 ~~for~~ *for the recall of a public officer*, and each contribution made by the committee *for the recall of a public officer* in excess of \$100 ~~and contributions received from a contributor or made to one recipient which cumulatively exceed \$100.~~

3. If a *district* court ~~does not order a special election~~ *determines that the petition for the recall of the public officer is legally insufficient pursuant to subsection 6 of NRS 306.040*, the committee for the recall of a public officer shall, not later than 30 days after the *district* court ~~determines that an election will not be held,~~ *orders the officer with whom the petition is filed to cease any further proceedings regarding the petition*, for the period from the filing of the notice of intent to circulate the petition for recall through the day *of the* ~~court determines that an election will not be held,~~ *district court's order*, report each contribution received *or made* by the committee ~~and each contribution made by the committee~~ *for the recall of a public officer* in excess of \$100 ~~and contributions received from a contributor or made to one recipient which cumulatively exceed \$100.~~

4. *If the special election is held on the same day as a primary election or general election, the committee for the recall of a public officer shall, not later than:*

(a) *Twenty-one days before the special election, for the period from the filing of the notice of intent to circulate the petition for recall through 25 days before the special election;*

(b) *Four days before the special election, for the period from 24 days before the special election through 5 days before the special election; and*

(c) *The 15th day of the second month after the special election, for the remaining period through the date of the special election,*

↪ **report each contribution received or made by the committee for the recall of a public officer in excess of \$100 and contributions received from a contributor or made to one recipient which cumulatively exceed \$100.**

5. Except as otherwise provided in NRS 294A.3737, each report of contributions must be filed electronically with the Secretary of State.

~~{5.}~~ 6. A report shall be deemed to be filed on the date that it was received by the Secretary of State.

~~{6.}~~ 7. 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.

8. The reports required by this section must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by a representative of the committee for the recall of a public officer under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.

Sec. 23. NRS 294A.280 is hereby amended to read as follows:

294A.280 1. Except as otherwise provided in ~~{subsection 3,}~~ **subsections 3 and 4**, each committee for the recall of a public officer shall, not later than:

(a) Seven days before the beginning of early voting by personal appearance for the special election to recall a public officer, for the period from the ~~{filing of}~~ **date** the notice of intent to circulate the petition for recall **is filed pursuant to NRS 306.015** through 12 days before the beginning of early voting by personal appearance for the special election; and

(b) Thirty days after the **special** election, for the remaining period through **the date of the special** election,

↪ **report each expenditure made by the committee for the recall of a public officer during the period** in excess of \$100 ~~{on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by a representative of the committee under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.}~~ **and expenditures made to one recipient which cumulatively exceed \$100.**

2. If a petition for the ~~{purpose of recalling}~~ **recall** of 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 *for the recall of a public officer* in excess of \$100 ~~and expenditures made to one recipient which cumulatively exceed \$100.~~

3. If a **district** court ~~{does not order a special election}~~ **determines that a petition** for the recall of the public officer ~~{is legally insufficient pursuant to subsection 6 of NRS 306.040,~~ the committee for the recall of a public officer shall, not later than 30 days after the **district** court ~~{determines that an election will not be held,}~~ **orders the officer with whom the petition is filed to cease any further proceedings regarding the petition,** for the period from the filing of the notice of intent to circulate the petition for recall through the day of the ~~{court determines that an election will not be held,}~~ **district court's order,** report each expenditure made by the committee *for the recall of a public officer* in excess of \$100 ~~and expenditures made to one recipient which cumulatively exceed \$100.~~

4. *If the special election is held on the same day as a primary election or general election, the committee for the recall of a public officer shall, not later than:*

(a) *Twenty-one days before the special election, for the period from the filing of the notice of intent to circulate the petition for recall through 25 days before the special election;*

(b) *Four days before the special election, for the period from 24 days before the special election through 5 days before the special election; and*

(c) *The 15th day of the second month after the special election, for the remaining period through the date of the special election,*

↪ report each expenditure made by the committee for the recall of a public officer in excess of \$100 and expenditures made to one recipient which cumulatively exceed \$100.

5. Except as otherwise provided in NRS 294A.3737, each report of expenditures must be filed electronically with the Secretary of State.

~~{5.}~~ 6. A report shall be deemed to be filed on the date that it was received by the Secretary of State.

7. *The name and address of the recipient and the date on which the expenditure was made must be included on the report for each expenditure, whether to a natural person, association or corporation.*

8. *The reports required pursuant to this section must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by a representative of the committee for the recall of a public officer under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.*

Sec. 24. NRS 294A.286 is hereby amended to read as follows:

294A.286 1. Any candidate or public officer may establish a legal defense fund. 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 ~~or~~ 294A.200 , ~~for 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 made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the administrator of the legal defense fund under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.

3. Except as otherwise provided in NRS 294A.3733, 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 ~~or~~ 294A.200 . ~~for 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 dispose of unspent money through one or any combination of the following methods:

(a) Return the unspent money to contributors; or

(b) Donate the money to any tax-exempt nonprofit entity.

Sec. 25. NRS 294A.325 is hereby amended to read as follows:

294A.325 1. A foreign national shall not, directly or indirectly, make a contribution or a commitment to make a contribution to:

(a) A candidate;

(b) A committee for political action;

(c) A committee for the recall of a public officer;

(d) A person who is not under the direction or control of a candidate, of a group of candidates or of any person involved in the campaign of the candidate or group who makes an expenditure that is not solicited ~~or~~ **by**, approved by **or coordinated with** the candidate or group;

(e) A political party or committee sponsored by a political party that makes an expenditure ~~on behalf of~~ **for or against** a candidate or group of candidates;

(f) An organization made up of legislative members of a political party whose primary purpose is to provide support for their political efforts;

(g) A personal campaign committee or the personal representative of a candidate who receives contributions or makes expenditures that are reported as contributions or expenditures by the candidate; or

(h) A nonprofit corporation that is registered or required to be registered pursuant to NRS 294A.225.

2. Except as otherwise provided in subsection 3, a candidate, person, group, committee, political party, organization or nonprofit corporation described in subsection 1 shall not knowingly solicit, accept or receive a contribution or a commitment to make a contribution from a foreign national.

3. For the purposes of subsection 2, if a candidate, person, group, committee, political party, organization or nonprofit corporation is aware of facts that would lead a reasonable person to inquire whether the source of a contribution is a foreign national, the candidate, person, group, committee, political party, organization or nonprofit corporation shall be deemed to have not knowingly solicited, accepted or received a contribution in violation of subsection 2 if the candidate, person, group, committee, political party, organization or nonprofit corporation requests and obtains from the source of the contribution a copy of current and valid United States passport papers. This subsection does not apply to any candidate, person, group, committee, political party, organization or nonprofit corporation if the candidate, person, group, committee, political party, organization or nonprofit corporation has actual knowledge that the source of the contribution solicited, accepted or received is a foreign national.

4. If a candidate, person, group, committee, political party, organization or nonprofit corporation discovers that the candidate, person, group, committee, political party, organization or nonprofit corporation received a contribution in violation of this section, the candidate, person, group, committee, political party, organization or nonprofit corporation shall, if at the time of discovery of the violation:

(a) Sufficient money received as contributions is available, return the contribution received in violation of this section not later than 30 days after such discovery.

(b) Except as otherwise provided in paragraph (c), sufficient money received as contributions is not available, return the contribution received in violation of this section as contributions become available for this purpose.

(c) Sufficient money received as contributions is not available and contributions are no longer being solicited or accepted, not be required to return any amount of the contribution received in violation of this section that exceeds the amount of contributions available for this purpose.

5. A violation of any provision of this section is a gross misdemeanor.

6. As used in this section:

(a) “Foreign national” has the meaning ascribed to it in 2 U.S.C. § 441e.

(b) “Knowingly” means that a candidate, person, group, committee, political party, organization or nonprofit corporation:

(1) Has actual knowledge that the source of the contribution solicited, accepted or received is a foreign national;

(2) Is aware of facts which would lead a reasonable person to conclude that there is a substantial probability that the source of the contribution solicited, accepted or received is a foreign national; or

(3) Is aware of facts which would lead a reasonable person to inquire whether the source of the contribution solicited, accepted or received is a foreign national, but failed to conduct a reasonable inquiry.

Sec. 26. 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 ; ~~↳ 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, **political** party 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, **political** party 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 ; ~~↳ 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. 27. NRS 294A.350 is hereby amended to read as follows:

294A.350 1. ~~Every~~ **Except as otherwise provided in subsection 2,** every candidate for ~~state, district, county, municipal or township~~ office shall file the reports ~~of campaign contributions and expenses~~ required by NRS 294A.120, **294A.125**, 294A.128, 294A.200 and ~~294A.360 and reports of contributions received by and expenditures made from a legal defense fund required by NRS~~ 294A.286, even though the candidate:

(a) Withdraws his or her candidacy ~~↳~~ **pursuant to NRS 293.202 or 293C.195;**

(b) *Ends his or her campaign without withdrawing his or her candidacy pursuant to NRS 293.202 or 293C.195;*

(c) Receives no ~~{campaign}~~ contributions;

~~{(c)}~~ (d) Has no campaign expenses;

~~{(d)}~~ (e) *Is not opposed in the election by another candidate;*

(f) *Is defeated in the primary election;*

(g) Is removed from the ballot by court order; or

~~{(e)}~~ (h) Is the subject of a petition to recall and the special election is not held.

2. ~~{A}~~ *Except as otherwise provided in subsection 3, a candidate {who withdraws his or her candidacy pursuant to NRS 293.202 may file} described in paragraph (a), (b), (f) or (g) of subsection 1 {is not required to file the reports otherwise required by NRS 294A.120, 294A.125, 294A.128, 294A.200 and 294A.286 that are due after the candidate disposes of any unspent or excess contributions as provided in subsections 4 and 5 of NRS 294A.160, as applicable, and closes the separate account established pursuant to NRS 294A.130, and thereafter:*

~~—(a) Files} may simultaneously file all the reports {of campaign contributions and expenses} required by NRS 294A.120, 294A.125, 294A.128, 294A.200 and {294A.360 and the report of contributions received by and expenditures made from a legal defense fund required by NRS} 294A.286, {so long as each report is filed on or before the last day for filing the respective report pursuant to NRS 294A.120, 294A.125 or 294A.200} {or 294A.360.} {; and~~

~~—(b) Gives} that are due after the candidate disposes of any unspent or excess contributions as provided in subsections 4 and 5 of NRS 294A.160, as applicable, if the candidate gives written notice to the Secretary of State, on the form prescribed by the Secretary of State, that the candidate is ending his or her campaign and will not accept any additional contributions. If the candidate has submitted a withdrawal of candidacy pursuant to NRS 293.202 or 293C.195 to an officer other than the Secretary of State, the candidate must enclose with the notice a copy of the withdrawal of candidacy. A form submitted to the Secretary of State pursuant to this {subparagraph} subsection must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.~~

3. This section does not exempt a person whose name appears on the ballot and who is elected to office from any reporting requirement of this chapter.

Sec. 28. 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 ~~[-] and 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 ~~[-] or 294A.200 [or 294A.360]~~ shall report on the form designed and made available 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:

(a) Each such ~~[campaign]~~ contribution in excess of \$100 received during the reporting period;

(b) Each such ~~[campaign]~~ contribution from a contributor received during the reporting period which cumulatively exceeds \$100;

(c) Each such **campaign** expense in excess of \$100 incurred during the reporting period;

(d) The total of all such ~~[campaign]~~ contributions received during the reporting period which are \$100 or less and which are not otherwise required to be reported pursuant to paragraph (b); and

(e) The total of all such **campaign** expenses incurred during the reporting period which are \$100 or less.

2. The Secretary of State ~~[and each city clerk]~~ shall not require a candidate to list the ~~[campaign]~~ contributions and **campaign** expenses described in this section on any form other than the form designed and made available by the Secretary of State pursuant to NRS 294A.373.

3. Except as otherwise provided in NRS 294A.373, the report 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.125, 294A.128 ~~[-] or 294A.200 . [or 294A.360.]~~

Sec. 29. 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 must consist of a list of each expenditure in excess of \$100 or \$1,000, as is appropriate, that was made during the periods for reporting. Each report ~~[of expenses]~~ required pursuant to NRS 294A.125 and 294A.200 must consist of a list of each **campaign** 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 **campaign** expense or expenditure and the date on which the **campaign** expense was incurred or the expenditure was made.

2. The categories of **campaign** expense or expenditure for use on the report of **campaign** 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) Expenses related to a legal defense fund;
- (j) Except as otherwise provided in NRS 294A.362, goods and services provided in kind for which money would otherwise have been paid;
- (k) Contributions made to another candidate, a nonprofit corporation that is registered or required to be registered pursuant to NRS 294A.225, a committee for political action that is registered or required to be registered pursuant to NRS 294A.230 or a committee for the recall of a public officer that is registered or required to be registered pursuant to NRS 294A.250; and
- (l) Other miscellaneous expenses.

3. Each report of **campaign** expenses or expenditures described in subsection 1 must list the disposition of any unspent ~~{campaign}~~ contributions using the categories set forth in subsection 3 of NRS 294A.160 or subsection 4 of NRS 294A.286 ~~{ }~~, **as applicable**.

Sec. 30. NRS 294A.370 is hereby amended to read as follows:

294A.370 1. A newspaper, radio broadcasting station, outdoor advertising company, television broadcasting station, direct mail advertising company, printer or other person or group of persons which accepts, broadcasts, disseminates, prints or publishes:

- (a) Advertising ~~for or against~~ ~~for or against~~ any candidate or ~~a~~ group of **such** candidates;
- (b) Political advertising for any person other than a candidate; or
- (c) Advertising for the passage or defeat of a question or group of questions on the ballot,

➔ shall, during the period beginning at least 10 days before each primary election ~~{ primary city election }~~ **or** general election ~~{ or general city election }~~ and ending at least 30 days after the election, make available for inspection information setting forth the cost of all such advertisements accepted and broadcast, disseminated or published. The person or entity shall make the information available at any reasonable time and not later than 3 days after it has received a request for such information.

2. For purposes of this section, the necessary cost information is made available if a copy of each bill, receipt or other evidence of payment made out for any such advertising is kept in a record or file, separate from the other business records of the enterprise and arranged alphabetically by name of the candidate or the person or group which requested the advertisement, at the principal place of business of the enterprise.

Sec. 31. NRS 294A.373 is hereby amended to read as follows:

294A.373 1. The Secretary of State shall design 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.]~~ **this chapter.**

2. The forms designed by the Secretary of State pursuant to this section must only request information specifically required by statute.

3. The Secretary of State shall make available to each candidate, person, committee ~~for~~ **and** political party that is required to file a report ~~[described in subsection 1.]~~ **pursuant to this chapter:**

(a) If the candidate, person, committee or political party has submitted an affidavit to the Secretary of State pursuant to NRS 294A.3733 or 294A.3737, as applicable, a copy of the form; or

(b) If the candidate, person, committee or political party is required to submit the report electronically to the Secretary of State, access through a secure website to the form.

4. If the candidate, person, committee or political party is required to submit electronically a report described in subsection 1, the form must be signed electronically under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.

5. The Secretary of State must obtain the advice and consent of the Legislative Commission before making a copy of, or access to, a form designed or revised by the Secretary of State pursuant to this section available to a candidate, person, committee or political party.

Sec. 32. NRS 294A.3733 is hereby amended to read as follows:

294A.3733 1. A candidate who is required to file a report ~~[described in subsection 1 of NRS 294A.373]~~ **pursuant to this chapter** 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 an oath to God or penalty of perjury. A candidate who signs the affidavit under an oath to God is subject to the same penalties as if the candidate had signed the affidavit under penalty of perjury.

(b) Filed not later than 15 days before the candidate is required to file a report ~~{described in subsection 1 of NRS 294A.373}~~ **pursuant to this chapter.**

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.

Sec. 33. NRS 294A.3737 is hereby amended to read as follows:

294A.3737 1. A person, committee or political party that is required to file a report ~~{described in subsection 1 of NRS 294A.373}~~ **pursuant to this chapter** is not required to file the report electronically if the person, committee or political party:

(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 or political party 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 or political party 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 an oath to God or penalty of perjury. A person who signs the affidavit under an oath to God is subject to the same penalties as if the person had signed the affidavit under penalty of perjury.

(b) Filed:

(1) At least 15 days before any report ~~{described in subsection 1 of NRS 294A.373}~~ is required to be filed **pursuant to this chapter** by the person, committee or political party.

(2) Not earlier than January 1 and not later than January 15 of each year, regardless of whether or not the person, committee or political party was required to file any report ~~{described in subsection 1 of NRS 294A.373}~~ **pursuant to this chapter** in the previous year.

3. A person, committee or political party 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.

Sec. 34. 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 or a committee for the recall of a public officer pursuant to NRS 294A.250; or
4. The reporting of the creation of a legal defense fund pursuant to NRS 294A.286,

➡ shall furnish the candidate or entity with the necessary forms for reporting and copies of the regulations adopted by the Secretary of State pursuant to this chapter. An explanation of the applicable provisions of NRS 294A.100, 294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270 ~~1~~ or 294A.280 ~~for 294A.360~~ relating to the making, accepting or reporting of ~~campaign~~ contributions, **campaign** 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. 35. 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.286 ~~1~~, ~~294A.360~~ and 294A.362, 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 **campaign** 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 ~~for or against~~ **for or against** a candidate other than the person.
- (b) Group of persons 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~~ **a** candidate or group who makes an expenditure ~~for or against~~ **for**

~~for~~ **(1) For the** ~~for or against a~~ candidate or group which is not solicited ~~for~~ **by**, approved by **or coordinated with** ~~the~~ **a** candidate or group ~~for or~~

~~(2) Against any other candidate or group which is not solicited by, approved by or coordinated with the candidate or group.~~

(b) A committee for political action, political party or committee sponsored by a political party which makes an expenditure ~~for or against~~ **for or against** a candidate or group of candidates.

6. The total contributions received by and expenditures made from a legal defense fund.

Sec. 36. NRS 294A.410 is hereby amended to read as follows:

294A.410 1. If it appears that the provisions of this chapter have been violated, the Secretary of State may:

(a) Conduct an investigation concerning the alleged violation and cause the appropriate proceedings to be instituted and prosecuted in the First Judicial District Court; or

(b) Refer the alleged violation to the Attorney General. The Attorney General shall investigate the alleged violation and institute and prosecute the appropriate proceedings in the First Judicial District Court without delay.

2. A person who believes that any provision of this chapter has been violated may notify the Secretary of State, in writing, of the alleged violation. The notice must be signed by the person alleging the violation and include:

- (a) The full name and address of the person alleging the violation;
- (b) A clear and concise statement of facts sufficient to establish that the alleged violation occurred;
- (c) Any evidence substantiating the alleged violation;
- (d) A certification by the person alleging the violation that the facts alleged in the notice are true to the best knowledge and belief of that person; and
- (e) Any other information in support of the alleged violation.

3. As soon as practicable after receiving a notice of an alleged violation pursuant to subsection 2, the Secretary of State shall provide a copy of the notice and any accompanying information to the person, if any, alleged in the notice to have committed the violation. Any response submitted to the notice must be accompanied by a short statement of the grounds, if any, for objecting to the alleged violation and include any evidence substantiating the objection.

4. If the Secretary of State determines, based on a notice of an alleged violation received pursuant to subsection 2, that reasonable suspicion exists that a violation of this chapter has occurred, the Secretary of State may conduct an investigation of the alleged violation.

5. If a notice of an alleged violation is received pursuant to subsection 2 not later than 180 days after the general election ~~[, general city election]~~ or special election for the office or ballot question to which the notice pertains, the Secretary of State, when conducting an investigation of the alleged violation pursuant to subsection 4, may subpoena witnesses and require the production by subpoena of any books, papers, correspondence, memoranda, agreements or other documents or records that the Secretary of State or a designated officer or employee of the Secretary of State determines are relevant or material to the investigation and are in the possession of:

- (a) Any person alleged in the notice to have committed the violation; or
- (b) If the notice does not include the name of a person alleged to have committed the violation, any person who the Secretary of State or a designated officer or employee of the Secretary of State has reasonable cause to believe produced or disseminated the materials that are the subject of the notice.

6. If a person fails to testify or produce any documents or records in accordance with a subpoena issued pursuant to subsection 5, the Secretary of State or designated officer or employee may apply to the court for an order compelling compliance. A request for an order of compliance may be addressed to:

- (a) The district court in and for the county where service may be obtained on the person refusing to testify or produce the documents or records, if the person is subject to service of process in this State; or
- (b) A court of another state having jurisdiction over the person refusing to testify or produce the documents or records, if the person is not subject to service of process in this State.

Sec. 37. NRS 294A.420 is hereby amended to read as follows:

294A.420 1. If the Secretary of State receives information that a ***candidate***, 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.230, 294A.250, 294A.270, 294A.280 ~~§~~ or 294A.286 ~~for~~

~~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 ***candidate***, 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 ***candidate***, person, committee or entity that violates an applicable provision of this chapter 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 ***candidate***, person, committee or entity has reported its contributions, ***campaign*** 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.

5. ***The remedies and penalties provided by this chapter are cumulative, do not abrogate and are in addition to any other remedies and penalties that may exist at law or in equity, including, without limitation, any criminal penalty that may be imposed pursuant to this chapter or NRS 199.120, 199.145 or 239.330.***

Sec. 38. NRS 294A.360 is hereby repealed.

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

TEXT OF REPEALED SECTION**294A.360 Time when candidate for city office must file reports.**

1. Except as otherwise provided in NRS 294A.3733, 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. Except as otherwise provided in NRS 294A.3733, 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) Twenty-one days before the primary city election for that office, for the period from the January 1 immediately preceding the primary city election through 25 days before the primary city election;

(b) Four days before the primary city election for that office, for the period from 24 days before the primary city election through 5 days before the primary city election;

(c) Twenty-one days before the general city election for that office, for the period from 4 days before the primary city election through 25 days before the general city election; and

(d) Four days before the general city election for that office, for the period from 24 days before the general city election through 5 days before the general city election.

3. Except as otherwise provided in NRS 294A.3733, 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) Twenty-one days before the primary city election for that office, for the period from the January 1 immediately preceding the primary city election through 25 days before the primary city election;

(b) Four days before the primary city election for that office, for the period from 24 days before the primary city election through 5 days before the primary city election;

(c) Twenty-one days before the general city election for that office, for the period from 4 days before the primary city election through 25 days before the general city election; and

(d) Four days before the general city election for that office, for the period from 24 days before the general city election through 5 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 beginning of early voting by personal appearance for the special election, for the period from the candidate's nomination through 12 days before the beginning of early voting by personal appearance for 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.

Assemblyman Ohrenschall moved the adoption of the amendment.

Remarks by Assemblyman Ohrenschall.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 38.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 455.

AN ACT relating to economic development; revising the provisions governing the partial abatement of certain taxes imposed on a new or expanded business; revising the provisions governing a deferment of the payment of the sales and use taxes due on certain property purchased by a new or expanded business; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Office of Economic Development to grant a partial abatement of property taxes, business taxes and sales and use taxes to a business that locates or expands in this State and meets certain qualifications for the abatement. (NRS 274.310, 274.320, 360.750, 361.0687, 363B.120, 374.357, 701A.210) **Section 2** of this bill repeals those qualifications that apply solely to a business that furthers the development and refinement of intellectual property, a patent or a copyright into a commercial product. **Sections 3, 4, 8 and 9** of this bill make various changes to those qualifications, including changes in the number of employees required and a requirement that any employees or capital investments used to qualify for the abatement must be retained at the location of the business for the first 5 years. **Section 5** of this bill, which expires by limitation on June 30, 2017, temporarily extends the maximum duration and amount of the property tax abatement available to a business that is or will be located in a foreign trade zone in this State.

Existing law authorizes the Office of Economic Development to grant to a new or expanded business in this State a deferment of the payment of sales and use taxes due on purchases of capital goods for a sales price of \$100,000 or more. (NRS 372.397, 374.402) **Sections 6 and 7** of this bill make various changes to the qualifications for such a deferment, including ~~the addition of a description of the eligible property,~~ an increase in the required sales price to \$1 million and a requirement to retain the property at the location of the business in this State for the 5-year duration of the deferment, and require the taxpayer to begin making partial payments of the deferred taxes within 1 year after the deferment is granted.

Existing law authorizes the Director of the Office of Energy, in consultation with the Office of Economic Development, to grant a partial abatement of property taxes and local sales and use taxes to certain renewable energy facilities that locate in this State and meet certain qualifications for the abatement. (NRS 701A.300-701A.390) **Section 10** of this bill revises those qualifications to require that the capital investments used to qualify for the abatement must be retained at the location of the facility for the first 5 years.

Section 13 of this bill causes the tax abatements authorized pursuant to the amendatory provisions of this bill to cease to be effective on July 1, 2032.

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

Section 1. NRS 360.225 is hereby amended to read as follows:

360.225 1. During the course of an investigation undertaken pursuant to NRS 360.130 of a person claiming:

- (a) A partial abatement of property taxes pursuant to NRS 361.0687;
- (b) An exemption from taxes pursuant to NRS 363B.120;
- (c) A deferral of the payment of taxes on the sale of ~~capital goods~~ **eligible property** pursuant to NRS 372.397 or 374.402; or
- (d) An abatement of taxes on the gross receipts from the sale, storage, use or other consumption of eligible machinery or equipment pursuant to NRS 374.357,

→ the Department shall investigate whether the person meets the eligibility requirements for the abatement, partial abatement, exemption or deferral that the person is claiming.

2. If the Department finds that the person does not meet the eligibility requirements for the abatement, exemption or deferral which the person is claiming, the Department shall report its findings to the Office of Economic Development and take any other necessary actions.

Sec. 2. NRS 360.750 is hereby amended to read as follows:

360.750 1. A person who intends to locate or expand a business in this State may apply to the Office of Economic Development for a partial abatement of one or more of the taxes imposed on the new or expanded business pursuant to chapter 361, 363B or 374 of NRS.

2. The Office of Economic Development shall approve an application for a partial abatement if the Office makes the following determinations:

(a) The business is consistent with:

(1) The State Plan for Economic Development developed by the Executive Director of the Office of Economic Development pursuant to subsection 2 of NRS 231.053; and

(2) Any guidelines adopted by the Executive Director of the Office to implement the State Plan for Economic Development.

(b) The applicant has executed an agreement with the Office which must:

(1) Comply with the requirements of NRS 360.755;

(2) State that the business will, after the date on which ~~it is issued pursuant to subsection 4,~~ **becomes effective,** continue in operation in this State for a period specified by the Office, which must be at least 5 years, and will continue to meet the eligibility requirements set forth in this subsection; and

(3) Bind the successors in interest of the business for the specified period.

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

(d) Except as otherwise provided in NRS 361.0687, if the business is a new business in a county whose population is 100,000 or more or a city

whose population is 60,000 or more, the business meets at least two of the following requirements:

(1) The business will have 75 or more full-time employees on the payroll of the business by the fourth quarter that it is in operation.

(2) Establishing the business will require the business to make a capital investment of at least \$1,000,000 in this State.

(3) The average hourly wage that will be paid by the new business to its employees in this State is at least 100 percent of the average statewide hourly wage as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The business will provide a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost to the business for the benefits the business provides to its employees in this State will meet the minimum requirements for benefits established by the Office by regulation pursuant to subsection 8.

(e) Except as otherwise provided in NRS 361.0687, if the business is a new business in a county whose population is less than 100,000 or a city whose population is less than 60,000, the business meets at least two of the following requirements:

(1) The business will have 15 or more full-time employees on the payroll of the business by the fourth quarter that it is in operation.

(2) Establishing the business will require the business to make a capital investment of at least \$250,000 in this State.

(3) The average hourly wage that will be paid by the new business to its employees in this State is at least 100 percent of the average statewide hourly wage or the average countywide hourly wage, whichever is less, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The business will provide a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost to the business for the benefits the business provides to its employees in this State will meet the minimum requirements for benefits established by the Office by regulation pursuant to subsection 8.

(f) If the business is an existing business, the business meets at least two of the following requirements:

(1) The business will increase the number of employees on its payroll by 10 percent more than it employed in the immediately preceding fiscal year or by six employees, whichever is greater.

(2) The business will expand by making a capital investment in this State in an amount equal to at least 20 percent of the value of the tangible property possessed by the business in the immediately preceding fiscal year. The determination of the value of the tangible property possessed by the business in the immediately preceding fiscal year must be made by the:

(I) County assessor of the county in which the business will expand, if the business is locally assessed; or

(II) Department, if the business is centrally assessed.

(3) The average hourly wage that will be paid by the existing business to its new employees in this State is at least the amount of the average hourly wage required to be paid by businesses pursuant to subparagraph (2) of either paragraph (a) or (b) of subsection 2 of NRS 361.0687, whichever is applicable, and:

(I) The business will provide a health insurance plan for all new employees that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost to the business for the benefits the business provides to its new employees in this State will meet the minimum requirements for benefits established by the Office by regulation pursuant to subsection 8.

~~[(g) In lieu of meeting the requirements of paragraph (d), (e) or (f), if the business furthers the development and refinement of intellectual property, a patent or a copyright into a commercial product, the business meets at least two of the following requirements:~~

~~—(1) The business will have 10 or more full time employees on the payroll of the business by the fourth quarter that it is in operation.~~

~~—(2) Establishing the business will require the business to make a capital investment of at least \$500,000 in this State.~~

~~—(3) The average hourly wage that will be paid by the new business to its employees in this State is at least the amount of the average hourly wage required to be paid by businesses pursuant to subparagraph (2) of either paragraph (a) or (b) of subsection 2 of NRS 361.0687, whichever is applicable, and:~~

~~—(I) The business will provide a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees; and~~

~~—(II) The cost to the business for the benefits the business provides to its employees in this State will meet with minimum requirements established by the Office by regulation pursuant to subsection 8.]~~

3. Notwithstanding the provisions of subsection 2, the Office of Economic Development:

(a) Shall not consider an application for a partial abatement unless the Office has requested a letter of acknowledgment of the request for the abatement from any affected county, school district, city or town.

(b) May, if the Office determines that such action is necessary:

(1) Approve an application for a partial abatement by a business that does not meet the requirements set forth in paragraph (d), ~~[(e), (f) or (g)]~~ **(e) or (f)** of subsection 2;

(2) Make the requirements set forth in paragraph (d), ~~[(e), (f) or (g)]~~ **(e) or (f)** of subsection 2 more stringent; or

(3) Add additional requirements that a business must meet to qualify for a partial abatement.

4. If the Office of Economic Development approves an application for a partial abatement, the Office shall immediately forward a certificate of eligibility for the abatement to:

(a) The Department;

(b) The Nevada Tax Commission; and

(c) If the partial abatement is from the property tax imposed pursuant to chapter 361 of NRS, the county treasurer.

5. An applicant for a partial abatement pursuant to this section or an existing business whose partial abatement is in effect shall, upon the request of the Executive Director of the Office of Economic Development, furnish the Executive Director with copies of all records necessary to verify that the applicant meets the requirements of subsection 2.

6. If a business whose partial abatement has been approved pursuant to this section and is in effect ceases:

(a) To meet the requirements set forth in subsection 2; or

(b) Operation before the time specified in the agreement described in paragraph (b) of subsection 2,

➡ the business shall repay to the Department or, if the partial abatement was from the property tax imposed pursuant to chapter 361 of NRS, to the county treasurer, the amount of the exemption that was allowed pursuant to this section before the failure of the business to comply unless the Nevada Tax Commission determines that the business has substantially complied with the requirements of this section. Except as otherwise provided in NRS 360.232 and 360.320, the business shall, in addition to the amount of the exemption required to be paid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

7. A county treasurer:

(a) Shall deposit any money that he or she receives pursuant to subsection 6 in one or more of the funds established by a local government of the county pursuant to NRS 354.6113 or 354.6115; and

(b) May use the money deposited pursuant to paragraph (a) only for the purposes authorized by NRS 354.6113 and 354.6115.

8. The Office of Economic Development:

(a) Shall adopt regulations relating to the minimum level of benefits that a business must provide to its employees if the business is going to use benefits paid to employees as a basis to qualify for a partial abatement; and

(b) May adopt such other regulations as the Office of Economic Development determines to be necessary to carry out the provisions of this section and NRS 360.755.

9. The Nevada Tax Commission:

(a) Shall adopt regulations regarding:

(1) The capital investment that a new business must make to meet the requirement set forth in paragraph ~~[(d), (e) or (g)] (d) or (e)~~ of subsection 2; and

(2) Any security that a business is required to post to qualify for a partial abatement pursuant to this section.

(b) May adopt such other regulations as the Nevada Tax Commission determines to be necessary to carry out the provisions of this section and NRS 360.755.

10. An applicant for an abatement who is aggrieved by a final decision of the Office of Economic Development may petition for judicial review in the manner provided in chapter 233B of NRS.

Sec. 3. NRS 360.750 is hereby amended to read as follows:

360.750 1. A person who intends to locate or expand a business in this State may apply to the Office of Economic Development for a partial abatement of one or more of the taxes imposed on the new or expanded business pursuant to chapter 361, 363B or 374 of NRS.

2. The Office of Economic Development shall approve an application for a partial abatement if the Office makes the following determinations:

(a) The business is consistent with:

(1) The State Plan for Economic Development developed by the Executive Director of the Office of Economic Development pursuant to subsection 2 of NRS 231.053; and

(2) Any guidelines adopted by the Executive Director of the Office to implement the State Plan for Economic Development.

(b) The applicant has executed an agreement with the Office which must:

(1) Comply with the requirements of NRS 360.755;

(2) State that the business will, after the date on which ~~it is issued pursuant to subsection 4,~~ **the abatement becomes effective**, continue in operation in this State for a period specified by the Office, which must be at least 5 years, and will continue to meet the eligibility requirements set forth in this subsection; and

(3) Bind the successors in interest of the business for the specified period.

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

(d) Except as otherwise provided in NRS 361.0687, if the business is a new business in a county whose population is 100,000 or more or a city whose population is 60,000 or more, the business meets at least two of the following requirements:

(1) The business will have ~~75~~ **50** or more full-time employees on the payroll of the business by the fourth **calendar** quarter ~~that it is in operation,~~ **following the calendar quarter in which the abatement becomes effective who will be employed at the location of the business in that county or city until at least the date which is 5 years after the date on which the abatement becomes effective.**

(2) Establishing the business will require the business to make , **not later than the date which is 2 years after the date on which the abatement becomes effective**, a capital investment of at least \$1,000,000 in this State ~~that~~ **in capital assets that will be retained at the location of the business in that county or city until at least the date which is 5 years after the date on which the abatement becomes effective.**

(3) The average hourly wage that will be paid by the new business to its employees in this State is at least 100 percent of the average statewide hourly wage as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The business will , **by the fourth calendar quarter following the calendar quarter in which the abatement becomes effective**, provide a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost to the business for the benefits the business provides to its employees in this State will meet the minimum requirements for benefits established by the Office by regulation pursuant to subsection 8.

(e) Except as otherwise provided in NRS 361.0687, if the business is a new business in a county whose population is less than 100,000 or a city whose population is less than 60,000, the business meets at least two of the following requirements:

(1) The business will have ~~15~~ **10** or more full-time employees on the payroll of the business by the fourth *calendar* quarter ~~[that it is in operation.]~~ **following the calendar quarter in which the abatement becomes effective who will be employed at the location of the business in that county or city until at least the date which is 5 years after the date on which the abatement becomes effective.**

(2) Establishing the business will require the business to make , **not later than the date which is 2 years after the date on which the abatement becomes effective**, a capital investment of at least \$250,000 in this State ~~[]~~ **in capital assets that will be retained at the location of the business in that county or city until at least the date which is 5 years after the date on which the abatement becomes effective.**

(3) The average hourly wage that will be paid by the new business to its employees in this State is at least 100 percent of the average statewide hourly wage or the average countywide hourly wage, whichever is less, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The business will , **by the fourth calendar quarter following the calendar quarter in which the abatement becomes effective**, provide a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost to the business for the benefits the business provides to its employees in this State will meet the minimum requirements for benefits established by the Office by regulation pursuant to subsection 8.

(f) If the business is an existing business, the business meets at least two of the following requirements:

(1) ~~[The]~~ **For a business in:**

(I) **A county whose population is 100,000 or more or a city whose population is 60,000 or more, the business will, by the fourth calendar quarter following the calendar quarter in which the abatement becomes effective, increase the number of employees on its payroll in that county or city by 10 percent more than it employed in the fiscal year immediately preceding the fiscal year in which the abatement becomes effective or by twenty-five employees, whichever is greater, who will be employed at the location of the business in that county or city until at least the date which is 5 years after the date on which the abatement becomes effective; or**

(II) **A county whose population is less than 100,000 or a city whose population is less than 60,000, the business will , by the fourth calendar quarter following the calendar quarter in which the abatement becomes effective, increase the number of employees on its payroll in that county or city by 10 percent more than it employed in the ~~immediately preceding~~ fiscal year **immediately preceding the fiscal year in which the abatement****

becomes effective or by six employees, whichever is greater ~~1-1~~, ***who will be employed at the location of the business in that county or city until at least the date which is 5 years after the date on which the abatement becomes effective.***

(2) The business will expand by making a capital investment in this State, ***not later than the date which is 2 years after the date on which the abatement becomes effective***, in an amount equal to at least 20 percent of the value of the tangible property possessed by the business in the ~~immediately preceding~~ fiscal year ~~1-1~~ ***immediately preceding the fiscal year in which the abatement becomes effective, and the capital investment will be in capital assets that will be retained at the location of the business in that county or city until at least the date which is 5 years after the date on which the abatement becomes effective.*** The determination of the value of the tangible property possessed by the business in the immediately preceding fiscal year must be made by the:

(I) County assessor of the county in which the business will expand, if the business is locally assessed; or

(II) Department, if the business is centrally assessed.

(3) The average hourly wage that will be paid by the existing business to its new employees in this State is at least the amount of the average hourly wage required to be paid by businesses pursuant to subparagraph (2) of either paragraph (a) or (b) of subsection 2 of NRS 361.0687, whichever is applicable, and:

(I) The business will, ***by the fourth calendar quarter following the calendar quarter in which the abatement becomes effective***, provide a health insurance plan for all new employees that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost to the business for the benefits the business provides to its new employees in this State will meet the minimum requirements for benefits established by the Office by regulation pursuant to subsection 8.

3. Notwithstanding the provisions of subsection 2, the Office of Economic Development:

(a) Shall not consider an application for a partial abatement unless the Office has requested a letter of acknowledgment of the request for the abatement from any affected county, school district, city or town.

(b) May, if the Office determines that such action is necessary:

(1) Approve an application for a partial abatement by a business that does not meet the requirements set forth in paragraph (d), (e) or (f) of subsection 2;

(2) Make the requirements set forth in paragraph (d), (e) or (f) of subsection 2 more stringent; or

(3) Add additional requirements that a business must meet to qualify for a partial abatement.

4. If the Office of Economic Development approves an application for a partial abatement, the Office shall immediately forward a certificate of eligibility for the abatement to:

- (a) The Department;
- (b) The Nevada Tax Commission; and
- (c) If the partial abatement is from the property tax imposed pursuant to chapter 361 of NRS, the county treasurer.

5. An applicant for a partial abatement pursuant to this section or an existing business whose partial abatement is in effect shall, upon the request of the Executive Director of the Office of Economic Development, furnish the Executive Director with copies of all records necessary to verify that the applicant meets the requirements of subsection 2.

6. If a business whose partial abatement has been approved pursuant to this section and is in effect ceases:

- (a) To meet the requirements set forth in subsection 2; or
- (b) Operation before the time specified in the agreement described in paragraph (b) of subsection 2,

→ the business shall repay to the Department or, if the partial abatement was from the property tax imposed pursuant to chapter 361 of NRS, to the county treasurer, the amount of the exemption that was allowed pursuant to this section before the failure of the business to comply unless the Nevada Tax Commission determines that the business has substantially complied with the requirements of this section. Except as otherwise provided in NRS 360.232 and 360.320, the business shall, in addition to the amount of the exemption required to be paid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

7. A county treasurer:

(a) Shall deposit any money that he or she receives pursuant to subsection 6 in one or more of the funds established by a local government of the county pursuant to NRS 354.6113 or 354.6115; and

(b) May use the money deposited pursuant to paragraph (a) only for the purposes authorized by NRS 354.6113 and 354.6115.

8. The Office of Economic Development:

(a) Shall adopt regulations relating to the minimum level of benefits that a business must provide to its employees if the business is going to use benefits paid to employees as a basis to qualify for a partial abatement; and

(b) May adopt such other regulations as the Office of Economic Development determines to be necessary to carry out the provisions of this section and NRS 360.755.

9. The Nevada Tax Commission:

(a) Shall adopt regulations regarding:

(1) The capital investment that a new business must make to meet the requirement set forth in paragraph (d) or (e) of subsection 2; and

(2) Any security that a business is required to post to qualify for a partial abatement pursuant to this section.

(b) May adopt such other regulations as the Nevada Tax Commission determines to be necessary to carry out the provisions of this section and NRS 360.755.

10. An applicant for an abatement who is aggrieved by a final decision of the Office of Economic Development may petition for judicial review in the manner provided in chapter 233B of NRS.

Sec. 3.5. NRS 360.757 is hereby amended to read as follows:

360.757 1. The Office of Economic Development shall not take any action on an application for any abatement of taxes pursuant to NRS 274.310, 274.320, 274.330 or 360.750 or any other specific statute unless the Office:

(a) Takes that action at a public ~~hearing~~ meeting conducted for that purpose; and

(b) At least 30 days before the ~~hearing~~ meeting, provides notice of the application to:

(1) The governing body of the county, the board of trustees of the school district and the governing body of the city or town, if any, in which the pertinent business is or will be located;

(2) The governing body of any other political subdivision that could be affected by the abatement; and

(3) The general public.

2. The notice required by this section must set forth the date, time and location of the ~~hearing~~ meeting at which the Office of Economic Development will consider the application.

3. The Office of Economic Development shall adopt regulations relating to the notice required by this section.

Sec. 4. NRS 361.0687 is hereby amended to read as follows:

361.0687 1. A person who intends to locate or expand a business in this State may, pursuant to NRS 360.750, apply to the Office of Economic Development for a partial abatement from the taxes imposed by this chapter.

2. For a business to qualify pursuant to NRS 360.750 for a partial abatement from the taxes imposed by this chapter, the Office of Economic Development must determine that, in addition to meeting the other requirements set forth in subsection 2 of that section:

(a) If the business is a new business in a county whose population is 100,000 or more or a city whose population is 60,000 or more:

(1) The business will, ***not later than the date which is 2 years after the date on which the abatement becomes effective***, make a capital investment in the county ***or city*** of ~~that~~:

(I) At least \$50,000,000 if the business is an industrial or manufacturing business; or ~~that~~

(II) At least \$5,000,000 if the business is not an industrial or manufacturing business ~~that~~,

↪ ***in capital assets that will be retained at the location of the business in that county or city until at least the date which is 5 years after the date on which the abatement becomes effective***; and

(2) The average hourly wage that will be paid by the new business to its employees in this State is at least 100 percent of the average statewide hourly wage as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year.

(b) If the business is a new business in a county whose population is less than 100,000 or a city whose population is less than 60,000:

(1) The business will, ***not later than the date which is 2 years after the date on which the abatement becomes effective***, make a capital investment in the county ***or city*** of ~~that~~:

(I) At least \$5,000,000 if the business is an industrial or manufacturing business; or ~~that~~

(II) At least \$500,000 if the business is not an industrial or manufacturing business ~~that~~,

↪ ***in capital assets that will be retained at the location of the business in that county or city until at least the date which is 5 years after the date on which the abatement becomes effective***; and

(2) The average hourly wage that will be paid by the new business to its employees in this State is at least 100 percent of the average statewide hourly wage or the average countywide hourly wage, whichever is less, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year.

3. Except as otherwise provided in NRS 701A.210, if a partial abatement from the taxes imposed by this chapter is approved by the Office of Economic Development pursuant to NRS 360.750:

(a) The partial abatement must:

(1) Be for a duration of at least 1 year but not more than 10 years;

(2) Not exceed 50 percent of the taxes on personal property payable by a business each year pursuant to this chapter; and

(3) Be administered and carried out in the manner set forth in NRS 360.750.

(b) The Executive Director of the Office of Economic Development shall notify the county assessor of the county in which the business is **or will be** located of the approval of the partial abatement, including, without limitation, the duration and percentage of the partial abatement that the Office granted. The Executive Director shall, on or before April 15 of each year, advise the county assessor of each county in which a business qualifies for a partial abatement during the current fiscal year as to whether the business is still eligible for the partial abatement in the next succeeding fiscal year.

Sec. 5. NRS 361.0687 is hereby amended to read as follows:

361.0687 1. A person who intends to locate or expand a business in this State may, pursuant to NRS 360.750, apply to the Office of Economic Development for a partial abatement from the taxes imposed by this chapter.

2. For a business to qualify pursuant to NRS 360.750 for a partial abatement from the taxes imposed by this chapter, the Office of Economic Development must determine that, in addition to meeting the other requirements set forth in subsection 2 of that section:

(a) If the business is a new business in a county whose population is 100,000 or more or a city whose population is 60,000 or more:

(1) The business will, not later than the date which is 2 years after the date on which the abatement becomes effective, make a capital investment in the county or city of:

(I) At least ~~(\$50,000,000)~~ **\$5,000,000** if the business is an industrial or manufacturing business; or

(II) At least ~~(\$5,000,000)~~ **\$1,000,000** if the business is not an industrial or manufacturing business,

↪ in capital assets that will be retained at the location of the business in that county or city until at least the date which is 5 years after the date on which the abatement becomes effective; and

(2) The average hourly wage that will be paid by the new business to its employees in this State is at least 100 percent of the average statewide hourly wage as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year.

(b) If the business is a new business in a county whose population is less than 100,000 or a city whose population is less than 60,000:

(1) The business will, not later than the date which is 2 years after the date on which the abatement becomes effective, make a capital investment in the county or city of:

(I) At least ~~(\$5,000,000)~~ **\$1,000,000** if the business is an industrial or manufacturing business; or

(II) At least ~~(\$500,000)~~ **\$250,000** if the business is not an industrial or manufacturing business,

↪ in capital assets that will be retained at the location of the business in that county or city until at least the date which is 5 years after the date on which the abatement becomes effective; and

(2) The average hourly wage that will be paid by the new business to its employees in this State is at least 100 percent of the average statewide hourly wage or the average countywide hourly wage, whichever is less, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year.

3. Except as otherwise provided in **subsection 4 and** NRS 701A.210, if a partial abatement from the taxes imposed by this chapter is approved by the Office of Economic Development pursuant to NRS 360.750:

(a) The partial abatement must:

(1) Be for a duration of at least 1 year but not more than 10 years;

(2) Not exceed 50 percent of the taxes on personal property payable by a business each year pursuant to this chapter; and

(3) Be administered and carried out in the manner set forth in NRS 360.750.

(b) The Executive Director of the Office of Economic Development shall notify the county assessor of the county in which the business is or will be located of the approval of the partial abatement, including, without limitation, the duration and percentage of the partial abatement that the Office granted. The Executive Director shall, on or before April 15 of each year, advise the county assessor of each county in which a business qualifies for a partial abatement during the current fiscal year as to whether the business is still eligible for the partial abatement in the next succeeding fiscal year.

4. Except as otherwise provided in NRS 701A.210, if a partial abatement from the taxes imposed by this chapter is approved by the Office of Economic Development pursuant to NRS 360.750 for a business which is or will be located in a foreign trade zone in this State, the partial abatement must:

(a) Be for a duration of at least 1 year but not more than 15 years; and

(b) Not exceed ~~45~~ 60 percent of the taxes on personal property payable by a business each year pursuant to this chapter.

5. As used in this section, "foreign trade zone" means a foreign trade zone established, operated and maintained in accordance with chapter 237A of NRS and any applicable federal laws.

Sec. 6. NRS 372.397 is hereby amended to read as follows:

372.397 1. ~~{Payment of the tax on the sale of capital goods for a sales price of \$100,000 or more may be deferred without interest in accordance with this section. If the sales price is:~~

~~—(a) At least \$100,000 but less than \$350,000, the tax must be paid within 12 months.~~

~~—(b) At least \$350,000 but less than \$600,000, the tax must be paid within 24 months.~~

~~—(c) At least \$600,000 but less than \$850,000, the tax must be paid within 36 months.~~

~~—(d) At least \$850,000 but less than \$1,000,000, the tax must be paid within 48 months.~~

~~—(e) One million dollars or more, the tax must be paid within 60 months.~~

~~➤ Payment must be made in each month at a rate which is at least sufficient to result in payment of the total obligation within the permitted period.~~

~~—2.1~~ A person may apply to the Office of Economic Development for ~~[such]~~ a deferment ~~[1]~~ **of the payment of the tax on the sale of eligible property for a sales price of \$1,000,000 or more for use by the person in a business in this State.** If a purchase is made outside of the State from a retailer who is not registered with the Department, an application for a deferment must be made in advance or, if the purchase has been made, within 60 days after the date on which the tax is due. If a purchase is made in this State from a retailer who is registered with the Department and to whom the tax is paid, an application must be made within 60 days after the payment of the tax. If the application for a deferment is approved, the taxpayer is eligible for a refund of the tax paid.

~~[3.1]~~ 2. The Office of Economic Development shall certify the person's eligibility for a deferment **pursuant to this section** if:

(a) **The person meets the eligibility requirements set forth in NRS 360.750 for a partial abatement of the taxes imposed on the person pursuant to chapter 374 of NRS;**

(b) The purchase is consistent with the State Plan for Economic Development developed by the Executive Director of the Office pursuant to subsection 2 of NRS 231.053; and

~~[(b)]~~ (c) The Office determines that ~~[the]~~ :

(1) **The** deferment is a significant factor in the decision of the person to locate or expand a business in this State ~~[1]~~ ; and

(2) **The eligible property will be retained at the location of the person's business in this State until at least the date which is 5 years after the date on which the Office certifies the person's eligibility for the deferment.**

➤ Upon certification, the Office shall immediately forward the deferment to the Nevada Tax Commission.

~~[4.1]~~ 3. Upon receipt of such a certification, the Nevada Tax Commission shall verify the sale, the price paid , ~~[and]~~ the date of the sale and ~~[assign]~~ the

applicable period for payment of the deferred tax. It may require security for the payment in an amount which does not exceed the amount of tax deferred.

~~{5.}~~ **4. If the Office of Economic Development certifies a person's eligibility for a deferment pursuant to this section:**

(a) Payment of the total amount of tax due on the sale of the eligible property must be deferred without interest for the 60-month period beginning on the date the Office makes that certification; and

(b) Payment of the tax must be made in each month, beginning not later than the date which is 1 year after the date on which the Office makes that certification, at a rate which is at least sufficient to result in payment of the total obligation within the period described in paragraph (a).

5. The Nevada Tax Commission shall adopt regulations governing:

(a) The aggregation of related purchases which are made to expand a business, establish a new business, or renovate or replace ~~{capital equipment;}~~ **eligible property;** and

(b) The period within which such purchases may be aggregated.

6. As used in this section, ~~{unless the context otherwise requires,}~~ **"eligible property" means does not include any of the following capital assets: {for which a deduction is authorized pursuant to 26 U.S.C. § 179.}**

(a) Buildings or the structural components of buildings;

(b) Equipment used by a public utility;

(c) Equipment used for medical treatment;

(d) Machinery or equipment used in mining; or

(e) Machinery or equipment used in gaming.

Sec. 7. NRS 374.402 is hereby amended to read as follows:

374.402 1. ~~{Payment of the tax on the sale of capital goods for a sales price of \$100,000 or more may be deferred without interest in accordance with this section. If the sales price is:~~

~~—(a) At least \$100,000 but less than \$350,000, the tax must be paid within 12 months.~~

~~—(b) At least \$350,000 but less than \$600,000, the tax must be paid within 24 months.~~

~~—(c) At least \$600,000 but less than \$850,000, the tax must be paid within 36 months.~~

~~—(d) At least \$850,000 but less than \$1,000,000, the tax must be paid within 48 months.~~

~~—(e) One million dollars or more, the tax must be paid within 60 months.~~

~~→ Payment must be made in each month at a rate which is at least sufficient to result in payment of the total obligation within the permitted period.~~

~~—2.}~~ A person may apply to the Office of Economic Development for ~~{such}~~ a deferment ~~{}~~ **of the payment of the tax on the sale of eligible property for a sales price of \$1,000,000 or more for use by the person in a**

business in this State. If a purchase is made outside of the State from a retailer who is not registered with the Department, an application for a deferment must be made in advance or, if the purchase has been made, within 60 days after the date on which the tax is due. If a purchase is made in this State from a retailer who is registered with the Department and to whom the tax is paid, an application must be made within 60 days after the payment of the tax. If the application for a deferment is approved, the taxpayer is eligible for a refund of the tax paid.

~~{3-}~~ 2. The Office of Economic Development shall certify the person's eligibility for a deferment **pursuant to this section** if:

(a) ***The person meets the eligibility requirements set forth in NRS 360.750 for a partial abatement of the taxes imposed on the person pursuant to this chapter;***

(b) The purchase is consistent with the State Plan for Economic Development developed by the Executive Director of the Office pursuant to subsection 2 of NRS 231.053; and

~~{(b)}~~ (c) The Office determines that ~~{the}~~ :

(1) ***The*** deferment is a significant factor in the decision of the person to locate or expand a business in this State ~~{-}~~; and

(2) ***The eligible property will be retained at the location of the person's business in this State until at least the date which is 5 years after the date on which the Office certifies the person's eligibility for the deferment.***

↪ Upon certification, the Office shall immediately forward the deferment to the Nevada Tax Commission.

~~{4-}~~ 3. Upon receipt of such a certification, the Nevada Tax Commission shall verify the sale, the price paid, ~~{and}~~ the date of the sale and ~~{assign}~~ the applicable period for payment of the deferred tax. It may require security for the payment in an amount which does not exceed the amount of tax deferred.

~~{5-}~~ 4. ***If the Office of Economic Development certifies a person's eligibility for a deferment pursuant to this section:***

(a) ***Payment of the total amount of tax due on the sale of the eligible property must be deferred without interest for the 60-month period beginning on the date the Office makes that certification; and***

(b) ***Payment of the tax must be made in each month, beginning not later than the date which is 1 year after the date on which the Office makes that certification, at a rate which is at least sufficient to result in payment of the total obligation within the period described in paragraph (a).***

5. The Nevada Tax Commission shall adopt regulations governing:

(a) The aggregation of related purchases which are made to expand a business, establish a new business, or renovate or replace ~~{capital equipment}~~ ***eligible property***; and

(b) The period within which such purchases may be aggregated.

6. ~~As used in this section, unless the context otherwise requires,~~
 “eligible property” ~~means~~ does not include any of the following capital
 assets: ~~for which a deduction is authorized pursuant to 26 U.S.C. § 179.~~

- (a) *Buildings or the structural components of buildings;*
- (b) *Equipment used by a public utility;*
- (c) *Equipment used for medical treatment;*
- (d) *Machinery or equipment used in mining; or*
- (e) *Machinery or equipment used in gaming.*

Sec. 8. NRS 274.310 is hereby amended to read as follows:

274.310 1. A person who intends to locate a business in this State within:

- (a) A historically underutilized business zone, as defined in 15 U.S.C. § 632;
- (b) A redevelopment area created pursuant to NRS 279.382 to 279.685, inclusive;
- (c) An area eligible for a community development block grant pursuant to 24 C.F.R. Part 570; or
- (d) An enterprise community established pursuant to 24 C.F.R. Part 597,
 ➔ may submit a request to the governing body of the county, city or town in which the business would operate for an endorsement of an application by the person to the Office of Economic Development for a partial abatement of one or more of the taxes imposed pursuant to chapter 361 or 374 of NRS. The governing body of the county, city or town shall provide notice of the request to the board of trustees of the school district in which the business would operate. The notice must set forth the date, time and location of the hearing at which the governing body will consider whether to endorse the application.

2. The governing body of a county, city or town shall develop procedures for:

- (a) Evaluating whether such an abatement would be beneficial for the economic development of the county, city or town.
- (b) Issuing a certificate of endorsement for an application for such an abatement that is found to be beneficial for the economic development of the county, city or town.

3. A person whose application has been endorsed by the governing body of the county, city or town, as applicable, pursuant to this section may submit the application to the Office of Economic Development. The Office shall approve the application if the Office makes the following determinations:

(a) The business is consistent with:

- (1) The State Plan for Economic Development developed by the Administrator pursuant to subsection 2 of NRS 231.053; and

(2) Any guidelines adopted by the Administrator to implement the State Plan for Economic Development.

(b) The applicant has executed an agreement with the Office which states that the business will, after the date on which ~~the certificate of eligibility for the abatement is issued pursuant to subsection 4,~~ **becomes effective:**

(1) Commence operation and continue in operation in the historically underutilized business zone, as defined in 15 U.S.C. § 632, redevelopment area created pursuant to NRS 279.382 to 279.685, inclusive, area eligible for a community development block grant pursuant to 24 C.F.R. Part 570 or enterprise community established pursuant to 24 C.F.R. Part 597 for a period specified by the Office, which must be at least 5 years; and

(2) Continue to meet the eligibility requirements set forth in this subsection.

➤ The agreement must bind successors in interest of the business for the specified period.

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

(d) The applicant invested or commits to invest a minimum of \$500,000 in capital ~~the~~ **assets that will be retained at the location of the business in the historically underutilized business zone, as defined in 15 U.S.C. § 632, redevelopment area created pursuant to NRS 279.382 to 279.685, inclusive, area eligible for a community development block grant pursuant to 24 C.F.R. Part 570 or enterprise community established pursuant to 24 C.F.R. Part 597 until at least the date which is 5 years after the date on which the certificate of eligibility for the abatement is issued pursuant to subsection 4, becomes effective.**

4. If the Office of Economic Development approves an application for a partial abatement, the Office shall immediately forward a certificate of eligibility for the abatement to:

(a) The Department of Taxation;

(b) The Nevada Tax Commission; and

(c) If the partial abatement is from the property tax imposed pursuant to chapter 361 of NRS, the county treasurer of the county in which the business will be located.

5. If a business whose partial abatement has been approved pursuant to this section and is in effect ceases:

(a) To meet the eligibility requirements for the partial abatement; or

(b) Operation before the time specified in the agreement described in paragraph (b) of subsection 3,

➤ the business shall repay to the Department of Taxation or, if the partial abatement was from the property tax imposed pursuant to chapter 361 of

NRS, to the county treasurer, the amount of the exemption that was allowed pursuant to this section before the failure of the business to comply unless the Nevada Tax Commission determines that the business has substantially complied with the requirements of this section. Except as otherwise provided in NRS 360.232 and 360.320, the business shall, in addition to the amount of the exemption required to be paid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

6. The Office of Economic Development may adopt such regulations as the Office determines to be necessary or advisable to carry out the provisions of this section.

7. An applicant for an abatement who is aggrieved by a final decision of the Office of Economic Development may petition for judicial review in the manner provided in chapter 233B of NRS.

Sec. 9. NRS 274.320 is hereby amended to read as follows:

274.320 1. A person who intends to expand a business in this State within:

(a) A historically underutilized business zone, as defined in 15 U.S.C. § 632;

(b) A redevelopment area created pursuant to NRS 279.382 to 279.685, inclusive;

(c) An area eligible for a community development block grant pursuant to 24 C.F.R. Part 570; or

(d) An enterprise community established pursuant to 24 C.F.R. Part 597, ➤ may submit a request to the governing body of the county, city or town in which the business operates for an endorsement of an application by the person to the Office of Economic Development for a partial abatement of the taxes imposed on capital equipment pursuant to chapter 374 of NRS. The governing body of the county, city or town shall provide notice of the request to the board of trustees of the school district in which the business operates. The notice must set forth the date, time and location of the hearing at which the governing body will consider whether to endorse the application.

2. The governing body of a county, city or town shall develop procedures for:

(a) Evaluating whether such an abatement would be beneficial for the economic development of the county, city or town.

(b) Issuing a certificate of endorsement for an application for such an abatement that is found to be beneficial for the economic development of the county, city or town.

3. A person whose application has been endorsed by the governing body of the county, city or town, as applicable, pursuant to this section may submit the application to the Office of Economic Development. The Office shall approve the application if the Office makes the following determinations:

(a) The business is consistent with:

(1) The State Plan for Economic Development developed by the Administrator pursuant to subsection 2 of NRS 231.053; and

(2) Any guidelines adopted by the Administrator to implement the State Plan for Economic Development.

(b) The applicant has executed an agreement with the Office which states that the business will, after the date on which ~~the certificate of eligibility for~~ the abatement ~~is issued pursuant to subsection 4.~~ **becomes effective.**

(1) Continue in operation in the historically underutilized business zone, as defined in 15 U.S.C. § 632, redevelopment area created pursuant to NRS 279.382 to 279.685, inclusive, area eligible for a community development block grant pursuant to 24 C.F.R. Part 570 or enterprise community established pursuant to 24 C.F.R. Part 597 for a period specified by the Office, which must be at least 5 years; and

(2) Continue to meet the eligibility requirements set forth in this subsection.

➡ The agreement must bind successors in interest of the business for the specified period.

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

(d) The applicant invested or commits to invest a minimum of \$250,000 in capital equipment ~~that will be retained at the location of the business in the historically underutilized business zone, as defined in 15 U.S.C. § 632, redevelopment area created pursuant to NRS 279.382 to 279.685, inclusive, area eligible for a community development block grant pursuant to 24 C.F.R. Part 570 or enterprise community established pursuant to 24 C.F.R. Part 597 until at least the date which is 5 years after the date on which the certificate of eligibility for the abatement is issued pursuant to subsection 4.~~ **becomes effective.**

4. If the Office of Economic Development approves an application for a partial abatement, the Office shall immediately forward a certificate of eligibility for the abatement to:

(a) The Department of Taxation; and

(b) The Nevada Tax Commission.

5. If a business whose partial abatement has been approved pursuant to this section and is in effect ceases:

(a) To meet the eligibility requirements for the partial abatement; or

(b) Operation before the time specified in the agreement described in paragraph (b) of subsection 3,

↳ the business shall repay to the Department of Taxation the amount of the exemption that was allowed pursuant to this section before the failure of the business to comply unless the Nevada Tax Commission determines that the business has substantially complied with the requirements of this section. Except as otherwise provided in NRS 360.232 and 360.320, the business shall, in addition to the amount of the exemption required to be paid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

6. The Office of Economic Development may adopt such regulations as the Office determines to be necessary or advisable to carry out the provisions of this section.

7. An applicant for an abatement who is aggrieved by a final decision of the Office of Economic Development may petition for judicial review in the manner provided in chapter 233B of NRS.

Sec. 9.5. NRS 274.330 is hereby amended to read as follows:

274.330 1. A person who owns a business which is located within an enterprise community established pursuant to 24 C.F.R. Part 597 in this State may submit a request to the governing body of the county, city or town in which the business is located for an endorsement of an application by the person to the Office of Economic Development for a partial abatement of one or more of the taxes imposed pursuant to chapter 361 or 374 of NRS. The governing body of the county, city or town shall provide notice of the request to the board of trustees of the school district in which the business operates. The notice must set forth the date, time and location of the hearing at which the governing body will consider whether to endorse the application.

2. The governing body of a county, city or town shall develop procedures for:

(a) Evaluating whether such an abatement would be beneficial for the economic development of the county, city or town.

(b) Issuing a certificate of endorsement for an application for such an abatement that is found to be beneficial for the economic development of the county, city or town.

3. A person whose application has been endorsed by the governing body of the county, city or town, as applicable, pursuant to this section may submit the application to the Office of Economic Development. The Office shall approve the application if the Office makes the following determinations:

(a) The business is consistent with:

(1) The State Plan for Economic Development developed by the Administrator pursuant to subsection 2 of NRS 231.053; and

(2) Any guidelines adopted by the Administrator to implement the State Plan for Economic Development.

(b) The applicant has executed an agreement with the Office which states that the business will, after the date on which ~~[a certificate of eligibility for]~~ the abatement ~~[is issued pursuant to subsection 4:]~~ **becomes effective:**

(1) Continue in operation in the enterprise community for a period specified by the Office, which must be at least 5 years; and

(2) Continue to meet the eligibility requirements set forth in this subsection.

➡ The agreement must bind successors in interest of the business for the specified period.

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

(d) The business:

(1) Employs one or more dislocated workers who reside in the enterprise community; and

(2) Pays such employees a wage of not less than 100 percent of the federally designated level signifying poverty for a family of four persons and provides medical benefits to the employees and their dependents.

4. If the Office of Economic Development approves an application for a partial abatement, the Office shall:

(a) Determine the percentage of employees of the business which meet the requirements of paragraph (d) of subsection 3 and grant a partial abatement equal to that percentage; and

(b) Immediately forward a certificate of eligibility for the abatement to:

(1) The Department of Taxation;

(2) The Nevada Tax Commission; and

(3) If the partial abatement is from the property tax imposed pursuant to chapter 361 of NRS, the county treasurer of the county in which the business is located.

5. If a business whose partial abatement has been approved pursuant to this section and is in effect ceases:

(a) To meet the eligibility requirements for the partial abatement; or

(b) Operation before the time specified in the agreement described in paragraph (b) of subsection 3,

➡ the business shall repay to the Department of Taxation or, if the partial abatement was from the property tax imposed pursuant to chapter 361 of NRS, to the county treasurer, the amount of the exemption that was allowed pursuant to this section before the failure of the business to comply unless the

Nevada Tax Commission determines that the business has substantially complied with the requirements of this section. Except as otherwise provided in NRS 360.232 and 360.320, the business shall, in addition to the amount of the exemption required to be paid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

6. The Office of Economic Development:

(a) Shall adopt regulations relating to the minimum level of benefits that a business must provide to its employees to qualify for an abatement pursuant to this section.

(b) May adopt such other regulations as the Office determines to be necessary or advisable to carry out the provisions of this section.

7. An applicant for an abatement who is aggrieved by a final decision of the Office of Economic Development may petition for judicial review in the manner provided in chapter 233B of NRS.

8. As used in this section, “dislocated worker” means a person who:

(a) Has been terminated, laid off or received notice of termination or layoff from employment;

(b) Is eligible for or receiving or has exhausted his or her entitlement to unemployment compensation;

(c) Has been dependent on the income of another family member but is no longer supported by that income;

(d) Has been self-employed but is no longer receiving an income from self-employment because of general economic conditions in the community or natural disaster; or

(e) Is currently unemployed and unable to return to a previous industry or occupation.

Sec. 10. NRS 701A.365 is hereby amended to read as follows:

701A.365 1. Except as otherwise provided in subsection 2, the Director, in consultation with the Office of Economic Development, shall approve an application for a partial abatement pursuant to NRS 701A.300 to 701A.390, inclusive, if the Director, in consultation with the Office of Economic Development, makes the following determinations:

(a) The applicant has executed an agreement with the Director which must:

(1) State that the facility will, after the date on which ~~it is issued pursuant to NRS 701A.370,~~ it becomes effective, continue in operation in this State for a period specified by the Director, which must be at least 10 years, and will continue to meet the eligibility requirements for the abatement; and

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

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

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

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

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

(2) Establishing the facility will require the facility to make a capital investment of at least \$10,000,000 in this State ~~to~~ ***in capital assets that will be retained at the location of the facility until at least the date which is 5 years after the date on which a certificate of eligibility for the abatement is issued pursuant to NRS 701A.370, becomes effective;***

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

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

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

(II) The cost of the benefits provided to the employees working on the construction of the facility will meet the minimum requirements for benefits established by the Director by regulation pursuant to NRS 701A.390.

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

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

(2) Establishing the facility will require the facility to make a capital investment of at least \$3,000,000 in this State ~~that is~~ ***in capital assets that will be retained at the location of the facility until at least the date which is 5 years after the date on which a certificate of eligibility for the abatement is issued pursuant to NRS 701A.370; it becomes effective;***

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

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

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

(II) The cost of the benefits provided to the employees working on the construction of the facility will meet the minimum requirements for benefits established by the Director by regulation pursuant to NRS 701A.390.

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

(g) The facility is consistent with the State Plan for Economic Development developed by the Executive Director of the Office of Economic Development pursuant to subsection 2 of NRS 231.053.

2. The Director shall not approve an application for a partial abatement of the taxes imposed pursuant to chapter 361 of NRS submitted pursuant to NRS 701A.360 by a facility for the generation of electricity from geothermal resources unless the application is approved pursuant to this subsection. The board of county commissioners of a county must approve or deny the application not later than 30 days after the board receives a copy of the application. The board of county commissioners must not condition the approval of the application on a requirement that the facility for the

generation of electricity from geothermal resources agree to purchase, lease or otherwise acquire in its own name or on behalf of the county any infrastructure, equipment, facilities or other property in the county that is not directly related to or otherwise necessary for the construction and operation of the facility. If the board of county commissioners does not approve or deny the application within 30 days after the board receives the application, the application shall be deemed denied.

3. Notwithstanding the provisions of subsection 1, the Director, in consultation with the Office of Economic Development, may, if the Director, in consultation with the Office, determines that such action is necessary:

(a) Approve an application for a partial abatement for a facility that does not meet the requirements set forth in paragraph (d) or (e) of subsection 1; or

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

4. The Director shall cooperate with the Office of Economic Development in carrying out the provisions of this section.

5. The Director shall submit to the Office of Economic Development an annual report, at such a time and containing such information as the Office may require, regarding the partial abatements granted pursuant to this section.

Sec. 11. The Legislature hereby finds that each exemption provided by this act from any ad valorem tax on property or excise tax on the sale, storage, use or consumption of tangible personal property sold at retail:

1. Will achieve a bona fide social or economic purpose and that the benefits of the exemption are expected to exceed any adverse effect of the exemption on the provision of services to the public by the State or a local government that would otherwise receive revenue from the tax from which the exemption would be granted; and

2. Will not impair adversely the ability of the State or a local government to pay, when due, all interest and principal on any outstanding bonds or any other obligations for which revenue from the tax from which the exemption would be granted was pledged.

Sec. 12. 1. The amendatory provisions of sections 1 to 10, inclusive, of this act do not apply to or otherwise affect any abatement of taxes or deferment of the payment of taxes approved by the Office of Economic Development or the Director of the Office of Energy before July 1, 2013.

2. The expiration of section 5 of this act by limitation pursuant to section 15 of this act does not affect any abatement of taxes approved by the Office of Economic Development before July 1, 2017.

Sec. 13. Notwithstanding the provisions of NRS 274.310, 274.320, 360.750, 361.0687, 363B.120, 374.357, 701A.210 and 701A.300 to 701A.390, inclusive, a person is not, after June 30, 2032, entitled to any

abatement of taxes approved by the Office of Economic Development or the Director of the Office of Energy pursuant to those provisions on or after July 1, 2013, and before July 1, 2032.

Sec. 14. The provisions of NRS 218D.355 do not apply to this act.

Sec. 15. 1. This act becomes effective:

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

(b) On July 1, 2013, for all other purposes.

2. Section 5 of this act expires by limitation on June 30, 2017.

3. Sections 3, 4, 8, 9 and 10 of this act expire by limitation on June 30, 2032.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Remarks by Assemblywoman Bustamante Adams.

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 Legislative Operations and Elections:

Amendment No. 504.

AN ACT relating to elections; providing that a person who is not a qualified elector and who votes or attempts to vote knowing that fact, or a person who votes or attempts to vote using the name of another person, is guilty of a category ~~1B~~ **D** felony; revising certain nomination procedures; requiring county clerks to certify certain lists of candidates and nominees to the Secretary of State; extending the period in which a person may register to vote by computer; making various other changes relating to the administration and conduct of an election; expanding the definition of “campaign expenses”; amending reporting requirements relating to special elections; requiring persons and entities which make expenditures against candidates to report contributions and expenditures; ~~requiring nonprofit corporations to report certain contributions and campaign expenditures;~~ eliminating a requirement that the Secretary of State obtain certain advice and consent of the Legislative Commission; making various other changes relating to campaign finance; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Section 1 of this bill provides that a person is guilty of a category ~~1B~~ **D** felony if the person: (1) is not a qualified elector and votes or attempts to

vote knowing that fact; or (2) votes or attempts to vote using the name of another person.

Section 2 of this bill provides that if a vacancy occurs in a ~~nonpartisan~~ nomination for a nonpartisan office during a certain period, ~~the vacancy in nomination will be filled pursuant to procedures established by rule of the Secretary of State.~~ **a person may become a candidate for the nonpartisan office by filing a declaration or acceptance of candidacy during a certain period.**

Sections 3 and 55 of this bill change, from the first Tuesday in September to the last Tuesday in August before a general election, the deadline by which a minor political party that wishes to place candidates for President and Vice President on the ballot must file a certificate of nomination with the Secretary of State.

Section 4 of this bill provides that provisions relating to the nomination of candidates apply to a special election to fill a vacancy, subject to certain exceptions.

Sections 5 and 6 of this bill require county clerks to certify to the Secretary of State lists of candidates who have filed candidacy papers with the county clerks and of candidates who are nominated for office at primary elections.

Section 7 of this bill clarifies that an independent candidate for partisan office must file a copy of his or her petition of candidacy before the petition may be circulated for signatures.

Section 8 of this bill changes the date by which permanent regulations of the Secretary of State must be effective in order to govern an election from the December 31 immediately preceding the election to the last business day of February immediately preceding the election.

Section 9 of this bill provides that certain persons who register to vote by mail or computer must provide, under certain circumstances, certain proof of residency before voting.

Under existing law, for the period beginning on the fifth Sunday preceding a primary or general election and ending on the third Tuesday preceding the primary or general election, a person may only register to vote in person. (NRS 293.560) **Section 12** of this bill allows a person to register to vote by computer during that period.

Section 14 of this bill defines a “committee sponsored by a political party” for purposes of provisions relating to campaign practices.

Sections 15, 17, 20, 22-41, 43-49, 51, 53, 54 and 56 of this bill clarify reporting requirements related to campaign finance.

Existing law requires a person who is not under the direction or control of a candidate or candidate group or of a person involved in the campaign of the candidate or candidate group and who makes an expenditure on behalf of the

candidate or candidate group to report to the Secretary of State all contributions to and expenditures made by the person ~~if in excess of \$100.~~ **in excess of \$100.** (NRS 294A.140, 294A.210) **Sections 30 and 34** of this bill clarify that such a person is making an independent expenditure. **Sections 30 and 34 also raise the threshold for expenditures and contributions that must be reported from \$100 to \$1,000.** **Section 16** of this bill defines the term “independent expenditure.”

Sections 21 and 45 of this bill provide that fees for filing declarations or acceptances of candidacy, repayments or forgiveness of loans ~~guaranteed by third parties~~ and the disposal of unspent contributions are considered, and must be reported by candidates as, campaign expenses.

Sections 18, 20, 22, 26, 30-38 and 41 of this bill provide that reporting requirements related to campaign finance are the same for a general election, a primary election and a special election that is held on the same day as a primary or general election.

~~Existing law requires a nonprofit corporation to register with the Secretary of State before it engages in certain activities designed to affect the outcome of an election or a question on the ballot. (NRS 294A.225) Sections 30, 34, 42, 47, 49, 50 and 54 of this bill provide that those nonprofit corporations are subject to the same campaign finance reporting requirements as certain other persons, committees for political action, political parties and committees sponsored by political parties.~~

Section 47 of this bill removes the requirement that the Secretary of State obtain the advice and consent of the Legislative Commission before making a copy of, or access to, the contribution, expenditure and campaign expense forms designed by the Secretary of State available to a candidate, person, committee, political party or nonprofit corporation.

Section 52 of this bill amends the required content and due date of the compilation prepared by the Secretary of State of contribution and campaign expense reports.

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 a new section to read as follows:

1. A person who is not a qualified elector and who votes or attempts to vote knowing that he or she is not a qualified elector is guilty of a category ~~B~~ D 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,~~ as provided in NRS 193.130.

2. A person who votes or attempts to vote using the name of another person is guilty of a category ~~B~~ D 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.] **as provided in NRS 193.130.**~~

Sec. 2. NRS 293.165 is hereby amended to read as follows:

293.165 1. Except as otherwise provided in NRS 293.166, a vacancy occurring in a major or minor political party nomination for a partisan office may be filled by a candidate designated by the party central committee of the county or State, as the case may be, of the major political party or by the executive committee of the minor political party subject to the provisions of subsections ~~14~~ **3** and ~~15~~ **4**.

2. A vacancy occurring in a nonpartisan office or nomination for a nonpartisan office after the close of filing and ~~on or~~ before 5 p.m. of the ~~second Tuesday in April~~ must be filled by filing a nominating petition that is signed by registered voters of the State, county, district or municipality who may vote for the office in question. The number of registered voters who sign the petition must not be less than 1 percent of the number of persons who voted for the office in question in the State, county, district or municipality at the last preceding general election. The petition must be filed not earlier than the first Tuesday in March and not later than the fourth Tuesday in April. The petition may consist of more than one document. Each document must bear the name of one county and must be signed only by a person who is a registered voter of that county and who may vote for the office in question. Each document of the petition must be submitted for verification pursuant to NRS 293.1276 to 293.1279, inclusive, to the county clerk of the county named on the document. A candidate nominated pursuant to the provisions of this subsection:

~~—(a) Must file a declaration of candidacy or acceptance of candidacy and pay the statutory filing fee on or before the date the petition is filed; and~~

~~—(b) May be elected only at a general election, and the candidate's name must not appear on the ballot for a primary election.~~

~~3. A vacancy occurring in a nonpartisan nomination after 5 p.m. of the second Tuesday in April and on or before 5 p.m. on the~~ fourth Friday in June of the year in which the general election is held must be filled by the person who receives or received the next highest vote for the nomination in the primary ~~election~~ **election if a primary election was held for that nonpartisan office. If no primary election was held for that nonpartisan office or if there was not more than one person who was seeking the nonpartisan nomination in the primary election, the vacancy occurring in the nonpartisan nomination must be filled pursuant to procedures established by rule of the Secretary of State. The provisions of NRS 233B.0395 to 233B.120, inclusive, do not apply to the establishment of procedures by rule pursuant to this subsection.**

~~4.1~~ **a person may become a candidate for the nonpartisan office at the general election if the person files a declaration of candidacy or acceptance of candidacy, and pays the fee required by NRS 293.193, on or after 8 a.m. on the third Monday in June and before 5 p.m. on the fourth Friday in June.**

3. No change may be made on the ballot for the general election after 5 p.m. on the fourth Friday in June of the year in which the general election is held. If ~~it~~, **after that time and date:**

(a) A nominee **for a nonpartisan office** dies ~~after that time and date;~~ ; or

(b) A vacancy in ~~it~~ **the nomination is otherwise created,**

↪ the nominee's name must remain on the ballot for the general election and, if elected, a vacancy exists.

~~5.1~~ **4.** All designations provided for in this section must be filed on or before 5 p.m. on the fourth Friday in June of the year in which the general election is held. In each case, the statutory filing fee must be paid and an acceptance of the designation must be filed on or before 5 p.m. on the date the designation is filed.

Sec. 3. NRS 293.1725 is hereby amended to read as follows:

293.1725 1. Except as otherwise provided in subsection 4, a minor political party that wishes to place its candidates for partisan office on the ballot for a general election and:

(a) Is entitled to do so pursuant to paragraph (a) or (b) of subsection 2 of NRS 293.1715; or

(b) Files or will file a petition pursuant to paragraph (c) of subsection 2 of NRS 293.1715,

↪ must file with the Secretary of State a list of its candidates for partisan office not earlier than the first Monday in March preceding the election nor later than 5 p.m. on the second Friday after the first Monday in March. The list must be signed by the person so authorized in the certificate of existence of the minor political party before a notary public or other person authorized to take acknowledgments. The list may be amended not later than 5 p.m. on the second Friday after the first Monday in March.

2. The Secretary of State shall immediately forward a certified copy of the list of candidates for partisan office of each minor political party to the filing officer with whom each candidate must file his or her declaration of candidacy.

3. Each candidate on the list must file his or her declaration of candidacy with the appropriate filing officer and pay the fee required by NRS 293.193 not earlier than the date on which the list of candidates for partisan office of the minor political party is filed with the Secretary of State nor later than 5 p.m. on the second Friday after the first Monday in March.

4. A minor political party that wishes to place candidates for the offices of President and Vice President of the United States on the ballot and has qualified to place the names of its candidates for partisan office on the ballot for the general election pursuant to subsection 2 of NRS 293.1715 must file with the Secretary of State a certificate of nomination for these offices not later than the ~~first~~ **last** Tuesday in ~~September~~ **August**.

Sec. 4. NRS 293.175 is hereby amended to read as follows:

293.175 1. The primary election must be held on the second Tuesday in June of each even-numbered year.

2. Candidates for partisan office of a major political party and candidates for nonpartisan office must be nominated at the primary election.

3. Candidates for partisan office of a minor political party must be nominated in the manner prescribed pursuant to NRS 293.171 to 293.174, inclusive.

4. Independent candidates for partisan office must be nominated in the manner provided in NRS 293.200.

5. The provisions of NRS 293.175 to 293.203, inclusive ~~do not apply to:~~

~~(a) Special elections;~~

(a) Apply to a special election to fill ~~vacancies~~ a vacancy, except to the extent that compliance with the provisions is not possible because of the time at which the vacancy occurred.

~~(b) The~~ **Do not apply to the** nomination of the officers of incorporated cities.

~~(c) The~~ **Do not apply to the** nomination of district officers whose nomination is otherwise provided for by statute.

Sec. 5. NRS 293.187 is hereby amended to read as follows:

293.187 1. **Not later than 5 working days after the last day on which any candidate may withdraw his or her candidacy pursuant to NRS 293.202:**

(a) The Secretary of State shall forward to each county clerk a certified list containing the name and mailing address of each person for whom candidacy papers have been filed in the Office of the Secretary of State, and who is entitled to be voted for in the county at the next succeeding primary election, together with the title of the office for which the person is a candidate and the party or principles he or she represents ~~the Secretary of State shall forward the certified list not later than 5 working days after the last day upon which any candidate on the list may withdraw his or her candidacy pursuant to NRS 293.202;~~ **and**

(b) Each county clerk shall forward to the Secretary of State a certified list containing the name and mailing address of each person for whom candidacy papers have been filed in the office of the county clerk, and who

is entitled to be voted for in the county at the next succeeding primary election, together with the title of the office for which the person is a candidate and the party or principles he or she represents.

2. There must be a party designation only for candidates for partisan offices.

Sec. 6. NRS 293.190 is hereby amended to read as follows:

293.190 ~~Immediately following~~ **Not later than 15 days after** the primary election at which candidates are nominated for any public office ~~to the~~ :

1. The Secretary of State shall certify to each county clerk the name of each person nominated and the title of the office for which he or she is nominated for all candidates required to file declarations, certificates and acceptances of candidacies in the Office of the Secretary of State ~~to~~ ; **and**

2. Each county clerk shall certify to the Secretary of State the name of each person nominated and the title of the office for which he or she is nominated for all candidates required to file declarations, certificates and acceptances of candidacies in the office of the county clerk.

Sec. 7. NRS 293.200 is hereby amended to read as follows:

293.200 1. An independent candidate for partisan office must file with the appropriate filing officer ~~to~~ **as set forth in NRS 293.185:**

(a) A copy of the petition of candidacy that he or she intends to subsequently circulate for signatures. The copy must be filed not earlier than the January 2 preceding the date of the election and not later than 25 working days before the last day to file the petition pursuant to subsection 4. **The copy of the petition must be filed with the appropriate filing officer before the petition may be circulated for signatures.**

(b) Either of the following:

(1) A petition of candidacy signed by a number of registered voters equal to at least 1 percent of the total number of ballots cast in:

(I) This State for that office at the last preceding general election in which a person was elected to that office, if the office is a statewide office;

(II) The county for that office at the last preceding general election in which a person was elected to that office, if the office is a county office; or

(III) The district for that office at the last preceding general election in which a person was elected to that office, if the office is a district office.

(2) A petition of candidacy signed by 250 registered voters if the candidate is a candidate for statewide office, or signed by 100 registered voters if the candidate is a candidate for any office other than a statewide office.

2. The petition may consist of more than one document. Each document must bear the name of the county in which it was circulated, and only registered voters of that county may sign the document. If the office is not a

statewide office, only the registered voters of the county, district or municipality in question may sign the document. The documents that are circulated for signature in a county must be submitted to that county clerk for verification in the manner prescribed in NRS 293.1276 to 293.1279, inclusive, not later than 25 working days before the last day to file the petition pursuant to subsection 4. Each person who signs the petition shall add to his or her signature the address of the place at which the person actually resides, the date that he or she signs the petition and the name of the county where he or she is registered to vote. The person who circulates each document of the petition shall sign an affidavit attesting that the signatures on the document are genuine to the best of his or her knowledge and belief and were signed in his or her presence by persons registered to vote in that county.

3. The petition of candidacy may state the principle, if any, which the person qualified represents.

4. Petitions of candidacy must be filed not earlier than the first Monday in March preceding the general election and not later than 5 p.m. on the second Friday after the first Monday in March.

5. No petition of candidacy may contain the name of more than one candidate for each office to be filled.

6. A person may not file as an independent candidate if he or she is proposing to run as the candidate of a political party.

7. The names of independent candidates must be placed on the general election ballot and must not appear on the primary election ballot.

8. If the candidacy of any person seeking to qualify pursuant to this section is challenged, all affidavits and documents in support of the challenge must be filed not later than 5 p.m. on the fourth Monday in March. Any judicial proceeding resulting from the challenge must be set for hearing not more than 5 days after the fourth Monday in March.

9. Any challenge pursuant to subsection 8 must be filed with:

(a) The First Judicial District Court if the petition of candidacy was filed with the Secretary of State.

(b) The district court for the county where the petition of candidacy was filed if the petition was filed with a county clerk.

10. An independent candidate for partisan office must file a declaration of candidacy with the appropriate filing officer and pay the fee required by NRS 293.193 not earlier than the first Monday in March of the year in which the election is held nor later than 5 p.m. on the second Friday after the first Monday in March.

Sec. 8. NRS 293.247 is hereby amended to read as follows:

293.247 1. The Secretary of State shall adopt regulations, not inconsistent with the election laws of this State, for the conduct of primary,

general, special and district elections in all cities and counties. Permanent regulations of the Secretary of State that regulate the conduct of a primary, general, special or district election ~~that~~ **and** are effective on or before ~~December 31 of the year~~ **the last business day of February** immediately preceding a primary, general, special or district election govern the conduct of that election.

2. The Secretary of State shall prescribe the forms for a declaration of candidacy, certificate of candidacy, acceptance of candidacy and any petition which is filed pursuant to the general election laws of this State.

3. The regulations must prescribe:

- (a) The duties of election boards;
- (b) The type and amount of election supplies;
- (c) The manner of printing ballots and the number of ballots to be distributed to precincts and districts;
- (d) The method to be used in distributing ballots to precincts and districts;
- (e) The method of inspection and the disposition of ballot boxes;
- (f) The form and placement of instructions to voters;
- (g) The recess periods for election boards;
- (h) The size, lighting and placement of voting booths;
- (i) The amount and placement of guardrails and other furniture and equipment at voting places;
- (j) The disposition of election returns;
- (k) The procedures to be used for canvasses, ties, recounts and contests, including, without limitation, the appropriate use of a paper record created when a voter casts a ballot on a mechanical voting system that directly records the votes electronically;
- (l) The procedures to be used to ensure the security of the ballots from the time they are transferred from the polling place until they are stored pursuant to the provisions of NRS 293.391 or 293C.390;
- (m) The procedures to be used to ensure the security and accuracy of computer programs and tapes used for elections;
- (n) The procedures to be used for the testing, use and auditing of a mechanical voting system which directly records the votes electronically and which creates a paper record when a voter casts a ballot on the system;
- (o) The procedures to be used for the disposition of absent ballots in case of an emergency;
- (p) The acceptable standards for the sending and receiving of applications, forms and ballots, by approved electronic transmission, by the county clerks and the electors or registered voters who are authorized to use approved electronic transmission pursuant to the provisions of this title;
- (q) The forms for applications to register to vote and any other forms necessary for the administration of this title; and

(r) Such other matters as determined necessary by the Secretary of State.

4. The Secretary of State may provide interpretations and take other actions necessary for the effective administration of the statutes and regulations governing the conduct of primary, general, special and district elections in this State.

5. The Secretary of State shall prepare and distribute to each county and city clerk copies of:

- (a) Laws and regulations concerning elections in this State;
- (b) Interpretations issued by the Secretary of State's Office; and
- (c) Any Attorney General's opinions or any state or federal court decisions which affect state election laws or regulations whenever any of those opinions or decisions become known to the Secretary of State.

Sec. 9. 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, which shows his or her physical address; 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, which shows his or her physical address; 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.

➡ If there is a question as to the physical address of the person, the election board officer or clerk may request additional information.

2. The provisions of ~~this section~~ **subsection 1** 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~~ **Except as otherwise provided in subsection 3, registers** to vote by mail **or computer** 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.

3. The provisions of subsection 1 apply to a person described in paragraph (b) of subsection 2 if the voter registration card issued to the person pursuant to subsection 6 of NRS 293.517 is mailed by the county clerk to the person and returned to the county clerk by the United States Postal Service.

Sec. 10. NRS 293.368 is hereby amended to read as follows:

293.368 1. ~~Whenever~~ **Except as otherwise provided in subsection 3 of NRS 293.165, if** a candidate ~~{whose name appears upon}~~ **on** the ballot at a primary election dies after 5 p.m. of the second Tuesday in April, the deceased candidate's name must remain on the ballot and the votes cast for the deceased candidate must be counted in determining the nomination for the office for which the decedent was a candidate.

2. If the deceased candidate on the ballot at the primary election receives the number of votes required to receive the nomination to the office for which he or she was a candidate, except as otherwise provided in subsection ~~12~~ **2** of NRS 293.165, the deceased candidate shall be deemed nominated and the vacancy in the nomination must be filled as provided in NRS 293.165 or 293.166. If the deceased person was a candidate for a nonpartisan office, the nomination must be filled pursuant to subsection 2 of NRS 293.165.

3. Whenever a candidate whose name appears upon the ballot at a general election dies after 5 p.m. on the fourth Friday in June of the year in which the general election is held, the votes cast for the deceased candidate must be counted in determining the results of the election for the office for which the decedent was a candidate.

4. If the deceased candidate on the ballot at the general election receives the majority of the votes cast for the office, the deceased candidate shall be deemed elected and the office to which he or she was elected shall be deemed

vacant at the beginning of the term for which he or she was elected. The vacancy thus created must be filled in the same manner as if the candidate had died after taking office for that term.

Sec. 11. 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 **chapter 294A of** NRS . ~~[294A.120, 294A.125, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280, 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. 12. NRS 293.560 is hereby amended to read as follows:

293.560 1. Except as otherwise provided in NRS 293.502, 293D.230 and 293D.300, registration must close on the third Tuesday preceding any primary or general election and on the third Saturday preceding any recall or special election, except that if a recall or special election is held on the same day as a primary or general election, registration must close on the third Tuesday preceding the day of the elections.

2. For a primary or special election, the office of the county clerk must be open until 7 p.m. during the last 2 days on which registration is open. In a county whose population is less than 100,000, the office of the county clerk may close at 5 p.m. during the last 2 days before registration closes if approved by the board of county commissioners.

3. For a general election:

(a) In a county whose population is less than 100,000, the office of the county clerk must be open until 7 p.m. during the last 2 days on which registration is open. The office of the county clerk may close at 5 p.m. if approved by the board of county commissioners.

(b) In a county whose population is 100,000 or more, the office of the county clerk must be open during the last 4 days on which registration is open, according to the following schedule:

(1) On weekdays until 9 p.m.; and

(2) A minimum of 8 hours on Saturdays, Sundays and legal holidays.

4. Except for a special election held pursuant to chapter 306 or 350 of NRS:

(a) The county clerk of each county shall cause a notice signed by him or her to be published in a newspaper having a general circulation in the county indicating:

(1) The day and time that registration will be closed; and

(2) If the county clerk has designated a county facility pursuant to NRS 293.5035, the location of that facility.

➔ If no such newspaper is published in the county, the publication may be made in a newspaper of general circulation published in the nearest county in this State.

(b) The notice must be published once each week for 4 consecutive weeks next preceding the close of registration for any election.

5. The offices of the county clerk, a county facility designated pursuant to NRS 293.5035 and other ex officio registrars may remain open on the last Friday in October in each even-numbered year.

6. For the period beginning on the fifth Sunday preceding any primary or general election and ending on the third Tuesday preceding any primary or general election, an elector may register to vote only ~~by~~ :

(a) By appearing in person at the office of the county clerk or, if open, a county facility designated pursuant to NRS 293.5035 ~~by~~ ; or

(b) By computer, if the county clerk has established a system pursuant to NRS 293.506 for using a computer to register voters.

7. A county facility designated pursuant to NRS 293.5035 may be open during the periods described in this section for such hours of operation as the county clerk may determine, as set forth in subsection 3 of NRS 293.5035.

Sec. 12.5. NRS 293C.115 is hereby amended to read as follows:

293C.115 1. The governing body of a city incorporated pursuant to general law may by ordinance provide for a primary city election and a general city election on:

(a) The dates set forth for primary elections and general elections pursuant to the provisions of chapter 293 of NRS; or

(b) The dates set forth for primary city elections and general city elections pursuant to the provisions of this chapter.

2. If a governing body of a city adopts an ordinance pursuant to paragraph (a) of subsection 1, the dates set forth in NRS 293.12755, in subsections 2 to ~~15~~ **4**, inclusive, of NRS 293.165, and in NRS 293.175, 293.177, 293.345 and 293.368 apply for purposes of conducting the primary city elections and general city elections of the city.

3. If a governing body of a city adopts an ordinance pursuant to subsection 1:

(a) The term of office of any elected city official may not be shortened as a result of the ordinance; and

(b) Each elected city official holds office until the end of his or her term and until his or her successor has been elected and qualified.

Sec. 13. Chapter 294A of NRS is hereby amended by adding thereto the provisions set forth as sections 14 to 18, inclusive, of this act.

Sec. 14. *“Committee sponsored by a political party” means any committee, group or organization that is officially affiliated with a political party and:*

1. Makes or intends to make contributions to candidates or other persons; or

2. Makes or intends to make expenditures.

Sec. 15. *“General election” includes:*

1. A general election, as defined in NRS 293.060; and

2. A general city election, as defined in NRS 293.059.

Sec. 16. *“Independent expenditure” means an expenditure which is made by a person who is not under the direction or control of a candidate for office, of a group of such candidates or of any person involved in the campaign of ~~that~~ a candidate or group and which is made ~~for~~*

~~*1. For the*~~ *for or against a candidate or group and is not solicited by, approved by or coordinated with ~~that~~ a candidate or group. ~~For~~*

~~*2. Against any other candidate or group and not solicited by, approved by or coordinated with the candidate or group.*~~

Sec. 17. *“Primary election” includes:*

1. A primary election, as defined in NRS 293.080; and

2. A primary city election, as defined in NRS 293.079.

Sec. 18. *If a special election is held on the same day as a primary election or general election, any candidate, person, committee, political party or nonprofit corporation that is otherwise required to file a report with the Secretary of State pursuant to NRS 294A.120, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220 or 294A.362 shall, in lieu of complying with the requirements of those sections relating to a special*

election, comply with the requirements of those sections relating to the primary election or general election, as applicable, except that:

1. A candidate, person, committee, political party or nonprofit corporation is not required to file a report pursuant to NRS 294A.120, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220 or 294A.362 that was due on or before the date on which the call for the special election was issued; and

2. If the special election is held on the same day as a primary election, the final report for the special election that is required pursuant to NRS 294A.120, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220 or 294A.362 is due on or before the 15th day of the second month after the primary election.

Sec. 19. NRS 294A.002 is hereby amended to read as follows:

294A.002 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 294A.0025 to 294A.009, inclusive, **and sections 14 to 17, inclusive, of this act** have the meanings ascribed to them in those sections.

Sec. 20. NRS 294A.0025 is hereby amended to read as follows:

294A.0025 “Advocates expressly” or “expressly advocates” means that a communication, taken as a whole, is susceptible to no other reasonable interpretation other than as an appeal to vote for or against a clearly identified candidate or group of candidates or a question or group of questions on the ballot at a primary election, ~~[primary city election,]~~ general election ~~[, general city election]~~ or special election. A communication does not have to include the words “vote for,” “vote against,” “elect,” “support” or other similar language to be considered a communication that expressly advocates the passage or defeat of a candidate or a question.

Sec. 21. NRS 294A.0035 is hereby amended to read as follows:

294A.0035 “Campaign expenses” means:

1. All expenses incurred by a candidate for a campaign, including, without limitation:

- (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) Expenses related to a legal defense fund; ~~and~~
- (j) Contributions made to another candidate, a nonprofit corporation that is registered or required to be registered pursuant to NRS 294A.225, a

committee for political action that is registered or required to be registered pursuant to NRS 294A.230 or a committee for the recall of a public officer that is registered or required to be registered pursuant to NRS 294A.250 ~~[-]~~;

(k) Fees for filing declarations of candidacy or acceptances of candidacy; and

(l) Repayment or forgiveness of a loan ~~[-] which is guaranteed by a third party.~~

2. Expenditures, as defined in NRS 294A.0075.

3. The disposal of any unspent contributions pursuant to NRS 294A.160.

Sec. 22. 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 election, ~~[-] primary city election,~~ general 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. 23. 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 **independent** 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 or committee sponsored by a political party which makes an expenditure ~~on behalf of~~ **for or against** a candidate or group of candidates,

↪ 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. 24. NRS 294A.0075 is hereby amended to read as follows:

294A.0075 ~~1.~~ “Expenditures” means:

~~1. Those expenditures made~~

~~1.~~ **Money paid** for advertising **or communication** on television, radio, billboards ~~or~~ posters , ~~and~~ in newspapers ~~or other periodicals or by mail;~~ and

~~2. All other expenditures made;~~ **money paid,**

↪ to advocate expressly the election or defeat of a clearly identified candidate or group of candidates or the passage or defeat of a clearly identified question or group of questions on the ballot, including any payments made to a candidate or any person who is related to the candidate within the second degree of consanguinity or affinity.

~~2. The term does not include payment of money for any communication:~~

~~(a) Appearing in a news story, commentary or editorial distributed through the facilities of any television or radio broadcasting station, unless the facilities are owned or controlled by a political party, committee for political action or candidate; or~~

~~(b) Made during a candidate debate or forum or promoting a candidate debate or forum.~~

Sec. 25. 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 , ~~for primary city election,~~ regardless of the number of candidates for the office, and \$5,000

for the general election , ~~for general city election,~~ regardless of the number of candidates for the office, during the period:

(a) Beginning from 30 days before the regular session of the Legislature immediately following the last **general** election for the office and ending 30 days before the regular session of the Legislature immediately following the next **general** 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~~ **after** 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. 26. 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 **election** 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:

(a) Each ~~campaign~~ contribution in excess of \$100 received during the period;

(b) Contributions received during the period from a contributor which cumulatively exceed \$100; and

(c) The total of all contributions received during the period which are \$100 or less and which are not otherwise required to be reported pursuant to paragraph (b).

↪ 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 **election** 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) Twenty-one days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through 25 days before the primary election;

(b) Four days before the primary election for that office, for the period from 24 days before the primary election through 5 days before the primary election;

(c) Twenty-one days before the general election for that office, for the period from 4 days before the primary election through 25 days before the general election; and

(d) Four days before the general election for that office, for the period from 24 days before the general election through 5 days before the general election,

➡ report each ~~{campaign}~~ contribution described in subsection 1 received during the period. ~~{The report must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form 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) Twenty one days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through 25 days before the primary election;~~

~~—(b) Four days before the primary election for that office, for the period from 24 days before the primary election through 5 days before the primary election;~~

~~—(c) Twenty one days before the general election for that office, for the period from 4 days before the primary election through 25 days before the general election; and~~

~~—(d) Four days before the general election for that office, for the period from 24 days before the general election through 5 days before the general election;~~

➡ ~~report each campaign contribution described in subsection 1 received during the period. The report must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.~~

~~—4.}~~ **3.** Except as otherwise provided in ~~{subsection}~~ **subsections 4 and 5** ~~{}~~ **and section 18 of this act**, every candidate for ~~{a district}~~ office at a special election shall, not later than:

(a) ~~{Seven}~~ **Four** days before the beginning of early voting by personal appearance for the special election, for the period from the candidate's nomination through ~~{12}~~ **5** days before the beginning of early voting by personal appearance for the special election; ~~{and}~~

(b) ***Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and***

(c) Thirty days after the special election, for the remaining period through the ***date of the*** special election,

↪ report each ~~{campaign}~~ contribution described in subsection 1 received during the period. ~~{The report must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.}~~

~~5. Every}~~

4. Except as otherwise provided in subsection 5 and section 18 of this act, 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 made available by the Secretary of State pursuant to NRS 294A.373 and signed by the candidate under an oath to God or penalty of perjury, 30 days after:~~

~~—(a) The special election,}, not later than:~~

(a) ***Four days before the beginning of early voting by personal appearance for the special election,*** for the period from the ~~{filing of}~~ date the notice of intent to circulate the petition for recall ***is filed pursuant to NRS 306.015 through the 5 days before the beginning of early voting by personal appearance for the*** special election; ~~{or}~~

(b) ~~{A}~~ ***Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and***

(c) ***Thirty days after the special election, for the remaining period through the date of the special election,***

↪ report each contribution described in subsection 1 received during the period.

5. If a district court determines that ~~{the}~~ a petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, ***every candidate for office at a special election to determine whether a public officer will be recalled shall, not later than 30 days after the district court orders the officer with whom the petition is filed to cease any further proceedings regarding the petition,*** for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's ~~{decision.}~~

~~➔ A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.]~~ **order, report each contribution described in subsection 1 received during the period.**

6. Except as otherwise provided in NRS 294A.3733, reports of campaign contributions must be filed electronically with the Secretary of State.

7. A report shall be deemed to be filed on the date that it was received by the Secretary of State.

8. The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution in excess of \$100 and contributions which a contributor has made cumulatively in excess of that amount since the beginning of the current reporting period.

Sec. 27. 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 ~~[,] and~~ 294A.200 , ~~[and 294A.360,]~~ a candidate who receives contributions in any year before the year in which the general election ~~for 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:

(1) Each of the contributions received and the expenditures in excess of \$100 made in that year; and

(2) The total of all contributions received and expenditures which are \$100 or less.

(b) Each year after the year in which the candidate received contributions in excess of \$10,000, until the year of the general election ~~for general city election]~~ in which the candidate intends to seek election to public office is held, list:

(1) Each of the contributions received and the expenditures in excess of \$100 made in that year; and

(2) The total of all contributions received and expenditures which are \$100 or less.

2. ~~[The reports required by subsection 1 must be submitted on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form 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.}~~ 3. Except as otherwise provided in NRS 294A.3733, the report must be filed electronically with the Secretary of State.

~~{5.}~~ 4. A report shall be deemed to be filed on the date it was received by the Secretary of State.

Sec. 28. 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 ~~{,}~~ **and** 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 ~~{,}~~ **or** 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 made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.}~~

~~—3.}~~ Except as otherwise provided in NRS 294A.3733, 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 ~~{,}~~ **or** 294A.200 . ~~{or 294A.360.}~~

Sec. 29. NRS 294A.130 is hereby amended to read as follows:

294A.130 1. Every candidate ~~{for state, district, county, city or township office}~~ shall, not later than 1 week after receiving minimum ~~{campaign}~~ contributions of \$100, open and maintain a separate account in a financial institution for the deposit of any ~~{campaign}~~ contributions received. The candidate shall not commingle the money in the account with money collected for other purposes.

2. The candidate may close the separate account if the candidate:

- (a) Was a candidate in a special election, after that election;
- (b) Lost in the primary election, after the primary election; or
- (c) Won the primary election, after the general election,

↪ and as soon as all payments of money committed have been made.

Sec. 30. NRS 294A.140 is hereby amended to read as follows:

294A.140 1. ***The provisions of this section apply to:***

(a) 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 ***independent*** expenditure ~~on behalf of the candidate or group which is not solicited or approved by the candidate or group, and every~~ ***in excess of \$1,000; and***

(b) ***Every*** committee for political action, political party ~~and~~ ***and*** committee sponsored by a political party ~~and nonprofit corporation~~ which receives contributions in excess of ~~the~~ ***\$1,000*** or makes an expenditure ~~on behalf of such~~ ***for or against*** a candidate ***for office*** or a group of ***such*** candidates.

2. ***Every person, committee, and political party*** ~~and nonprofit corporation~~ ***described in subsection 1*** shall, not later than January 15 of each year that the provisions of this subsection apply, ~~to the person, committee or political party,~~ for the period from January 1 of the previous year through December 31 of the previous year, report each ~~campaign~~ contribution in excess of ~~the~~ ***\$1,000*** received during the period and contributions received during the period from a contributor which cumulatively exceed ~~the~~ ***\$1,000***. The provisions of this subsection apply to the person, committee ~~or~~ ***or*** political party ~~for nonprofit corporation~~ beginning the year of the general election ~~for general city election~~ for that office through the year immediately preceding the next general election ~~for general city election~~ for that office.

~~2.~~ 3. Every person, committee ~~or~~ ***and*** political party ~~and nonprofit corporation~~ 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,~~ ***shall***, not later than:

(a) Twenty-one days before the primary election ~~for primary city election~~ for that office, for the period from the January 1 immediately preceding the primary election ~~for primary city election~~ through 25 days before the primary election; ~~for primary city election;~~

(b) Four days before the primary election ~~for primary city election~~ for that office, for the period from 24 days before the primary election ~~for primary city election~~ through 5 days before the primary election; ~~for primary city election;~~

(c) Twenty-one days before the general election ~~{or general city election}~~ for that office, for the period from 4 days before the primary election ~~{or primary city election}~~ through 25 days before the general election ; ~~{or general city election;}~~ and

(d) Four days before the general election ~~{or general city election}~~ for that office, for the period from 24 days before the general election ~~{or general city election}~~ through 5 days before the general election , ~~{or general city election;}~~

↪ report each ~~{campaign}~~ contribution in excess of ~~[\$100]~~ **\$1,000** 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 made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee or political party under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form 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 or political party 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) ~~Twenty one 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 25 days before the primary election or primary city election;~~

—(b) ~~Four days before the primary election or primary city election for that office, for the period from 24 days before the primary election or primary city election through 5 days before the primary election or primary city election;~~

—(c) ~~Twenty one days before the general election or general city election for that office, for the period from 4 days before the primary election or primary city election through 25 days before the general election or general city election; and~~

~~—(d) Four days before the general election or general city election for that office, for the period from 24 days before the general election or general city election through 5 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 made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee or political party under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.~~

~~—5.↗ \$1,000.~~

~~__4.~~ Except as otherwise provided in ~~{subsection 6,}~~ **subsections 5 and 6 and section 18 of this act**, every person, committee ~~↗ for~~ **and** political party ~~{and nonprofit corporation}~~ described in subsection 1 which makes an **independent expenditure or other** expenditure ~~{on behalf of}~~, **as applicable, for or against** a candidate for office at a special election or ~~{on behalf of}~~ **for or against** a group of such candidates shall, not later than:

(a) ~~{Seven}~~ **Four** days before the beginning of early voting by personal appearance for 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}~~ **5** days before the beginning of early voting by personal appearance for the special election; ~~and~~

(b) **Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and**

(c) Thirty days after the special election, for the remaining period through the **date of the** special election,

↗ report each ~~{campaign}~~ contribution in excess of ~~{\$100}~~ **\$1,000** 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 made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee or political party under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.~~

~~—6. Every↗ \$1,000.~~

5. Except as otherwise provided in subsection 6 and section 18 of this act, every person, committee ~~↗ for~~ **and** political party ~~{and nonprofit corporation}~~ described in subsection 1 which makes an **independent expenditure or other** expenditure ~~{on behalf of}~~, **as applicable, for or**

against a candidate for office at a special election to determine whether a public officer will be recalled or ~~for or against~~ **for or against** a group of candidates for offices at such special elections shall , **not later than:**

(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the date the notice of intent to circulate a petition to recall is filed pursuant to NRS 306.015 through 5 days before the beginning of early voting by personal appearance for the special election;

(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and

(c) Thirty days after the special election, for the remaining period through the date of the special election,

➤ report each contribution in excess of ~~(\$100)~~ **\$1,000** 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 made available by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the committee or political party under an oath to God or penalty of perjury, 30 days after:~~

~~—(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or~~

~~—(b))~~ **\$1,000.**

6. If ~~[the special election is not held because]~~ a district court determines that ~~[the]~~ a petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, **every person, committee ~~for~~ and political party ~~and nonprofit corporation,~~ described in subsection 1 which makes an independent expenditure or other expenditure, as applicable, for or against a candidate for office at a special election to determine whether a public officer will be recalled or for or against a group of candidates for offices at such a special election shall, not later than 30 days after the district court orders the officer with whom the petition is filed to cease any further proceedings regarding the petition, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's [decision.**

➤ ~~A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.]~~ **order, report each contribution in excess of ~~(\$100)~~ \$1,000 received during the period and contributions received during the period which cumulatively exceed ~~(\$100.)~~ \$1,000.**

7. Except as otherwise provided in NRS 294A.3737, the reports of contributions required pursuant to this section must be filed electronically with the Secretary of State.

8. A report shall be deemed to be filed on the date that it was received by the Secretary of State.

9. Every person, committee ~~for~~ ~~or~~ and political party ~~and nonprofit corporation~~ described in ~~subsection 1~~ **this section** shall file a report required by this section even if the person, committee ~~for~~ ~~or~~ political party ~~for nonprofit corporation~~ receives no contributions.

10. 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)~~ \$1,000 and contributions which a contributor has made cumulatively in excess of ~~(\$100)~~ \$1,000 since the beginning of the current reporting period.

Sec. 31. 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]~~ **or** general election ~~for 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 \$1,000 received during that period and contributions received during the period from a contributor which cumulatively exceed \$1,000. ~~[The report must be completed on the form designed and made available 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 an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.]~~ The provisions of this subsection apply to the committee for political action:

(a) Each year in which an election ~~for 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 1 shall, not later than:

(a) Twenty-one days before the primary election , ~~for primary city election,~~ for the period from the January 1 immediately preceding the primary election ~~for primary city election~~ through 25 days before the primary election ; ~~for primary city election;~~

(b) Four days before the primary election , ~~for primary city election,~~ for the period from 24 days before the primary election ~~for primary city election~~ through 5 days before the primary election ; ~~for primary city election;~~

(c) Twenty-one days before the general election , ~~for general city election,~~ for the period from 4 days before the primary election ~~for primary city election~~ through 25 days before the general election ; ~~for general city election;~~ and

(d) Four days before the general election , ~~for general city election,~~ for the period from 24 days before the general election ~~for general city election~~ through 5 days before the general election , ~~for general city election,~~

➔ report each ~~campaign~~ contribution in excess of \$1,000 received during the period and contributions received during the period from a contributor which cumulatively exceed \$1,000. ~~The report must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373 and signed by a representative of the committee for political action under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form 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 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) Twenty one 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 25 days before the primary election or primary city election;~~

~~—(b) Four days before the primary election or primary city election, for the period from 24 days before the primary election or primary city election through 5 days before the primary election or primary city election;~~

~~—(c) Twenty one days before the general election or general city election, for the period from 4 days before the primary election or primary city election through 25 days before the general election or general city election; and~~

~~—(d) Four days before the general election or general city election, for the period from 24 days before the general election or general city election through 5 days before the general election or general city election;~~

~~→ report each campaign contribution in excess of \$1,000 received during the period and contributions received during the period from a contributor which cumulatively exceed \$1,000. The report must be completed on the form designed and made available 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 an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.~~

~~—5. Except as otherwise provided in subsection 6, every~~

3. Except as otherwise provided in section 18 of this act, 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}~~ **Four** days before the beginning of early voting by personal appearance for the special election, for the period from the date that the question qualified for the ballot through ~~{12}~~ 5 days before the beginning of early voting by personal appearance for the special election; ~~and~~

(b) **Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and**

(c) Thirty days after the special election, for the remaining period through the **date of the** special election,

~~→ report each {campaign} contribution in excess of \$1,000 received during the period and contributions received during the period from a contributor which cumulatively exceed \$1,000. {The report must be completed on the form designed and made available 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 an oath to God or penalty of perjury. A~~

person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form 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 made available by the Secretary of State pursuant to NRS 294A.373 and signed by a representative of the committee for political action under an oath to God or penalty of perjury, 30 days after:~~

~~—(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or~~

~~—(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 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.~~

~~→ A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.~~

~~—7.] 4. The provisions of this section apply to a committee for political action even if the question or group of questions does not appear on the ballot ~~{that the committee for political action advocates the passage or defeat of is removed from the ballot by a court order.}~~ at a primary, general or special election.~~

5. Except as otherwise provided in NRS 294A.3737, the reports required pursuant to this section must be filed electronically with the Secretary of State.

~~{8.] 6.~~ A report shall be deemed to be filed on the date that it was received by the Secretary of State.

~~{9.] 7.~~ 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.

Sec. 32. 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. Notwithstanding the provisions of NRS 294A.286, a candidate or public officer may use ~~{campaign}~~ contributions to pay for any legal expenses that the candidate or public officer incurs in relation to a campaign or serving in public office without establishing a legal defense fund. Any such candidate or public officer shall report any expenditure of ~~{campaign}~~ contributions to pay for legal expenses in the same manner and at the same time as the report filed pursuant to NRS 294A.120 ~~{.] or 294A.200 . {or 294A.360.}~~ A candidate or public officer shall not use ~~{campaign}~~ contributions to satisfy a civil or criminal penalty imposed by law.

3. Every candidate for ~~[a state, district, county, city or township]~~ office at a primary ~~[]~~ **election**, general ~~[, primary city, general city]~~ **election** or special election who is elected to that office and received contributions that were not spent or committed for expenditure before the primary ~~[]~~ **election**, general ~~[, primary city, general city]~~ **election** or special election shall dispose of the money through one or any combination of the following methods:

(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) Any combination of persons or groups set forth in subparagraphs (1) and (2);

(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. A candidate who donates money pursuant to this paragraph may request that the money be used for a specific purpose.

4. Every candidate for ~~[a state, district, county, city or township]~~ office at a primary ~~[]~~ **election**, general ~~[, primary city, general city]~~ **election** or special election who withdraws after filing a declaration of candidacy or an acceptance of candidacy or is defeated for that office and who received contributions that were not spent or committed for expenditure before the primary ~~[]~~ **election**, general ~~[, primary city, general city]~~ **election** or special election shall, not later than the 15th day of the second month after the election, dispose of the money through one or any combination of the following methods:

(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) Any combination of persons or groups set forth in subparagraphs (1) and (2);

(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. A candidate who donates money pursuant to this paragraph may request that the money be used for a specific purpose.

5. 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 **primary** election, return any money in excess of \$5,000 to the contributor.

6. Except as otherwise provided in subsection 7, every public officer who:

(a) ~~{Holds a state, district, county, city or township office;~~
~~—(b)—~~ Does not run for reelection to ~~{that}~~ **the** office **which he or she holds** and is not a candidate for any other office; and

~~{(c)}~~ **(b)** 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.

7. A public officer who:

(a) ~~{Holds a state, district, county, city or township office;~~
~~—(b)—~~ Does not run for reelection to ~~{that}~~ **the** office **which he or she holds** and is a candidate for any other office; and

~~{(c)}~~ **(b)** 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.

8. In addition to the methods for disposing the unspent money set forth in subsections 3, 4, 5 and 7, a Legislator may donate not more than \$500 of that money to the Nevada Silver Haired Legislative Forum created pursuant to NRS 427A.320.

9. Any contributions received before a candidate for ~~{a state, district, county, city or township}~~ office at a primary ~~{}~~ **election**, general ~~{, primary city, general city}~~ **election** 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.

10. 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.

11. As used in this section, "contributions" include any interest and other income earned thereon.

Sec. 33. NRS 294A.200 is hereby amended to read as follows:

294A.200 1. Every candidate for ~~{state, district, county or township}~~ office at a primary **election** 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:

(a) Each of the campaign expenses in excess of \$100 incurred during the period;

(b) Each amount in excess of \$100 disposed of pursuant to NRS 294A.160 or subsection ~~{4} 3~~ of NRS 294A.286 during the period;

(c) The total of all campaign expenses incurred during the period which are \$100 or less; and

(d) The total of all amounts disposed of during the period pursuant to NRS 294A.160 or subsection ~~{4} 3~~ of NRS 294A.286 which are \$100 or less

~~. 1.
 ➔ on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.~~

2. The provisions of subsection 1 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.

3. Every candidate for ~~{state, district, county or township}~~ office at a primary **election** 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) Twenty-one days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through 25 days before the primary election;

(b) Four days before the primary election for that office, for the period from 24 days before the primary election through 5 days before the primary election;

(c) Twenty-one days before the general election for that office, for the period from 4 days before the primary election through 25 days before the general election; and

(d) Four days before the general election for that office, for the period from 24 days before the general election through 5 days before the general election,

➔ report each of the campaign expenses described in subsection 1 incurred during the period . ~~{on the form designed and made available by the~~

Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.

~~— 4. 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) Twenty one days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through 25 days before the primary election;~~

~~— (b) Four days before the primary election for that office, for the period from 24 days before the primary election through 5 days before the primary election;~~

~~— (c) Twenty one days before the general election for that office, for the period from 4 days before the primary election through 25 days before the general election; and~~

~~— (d) Four days before the general election for that office, for the period from 24 days before the general election through 5 days before the general election;~~

~~↪ report each of the campaign expenses described in subsection 1 incurred during the period on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.~~

~~— 5.]~~ **4.** Except as otherwise provided in ~~{subsection 6,}~~ **subsections 5 and 6 and section 18 of this act**, every candidate for ~~{a district}~~ office at a special election shall, not later than:

(a) ~~{Seven}~~ **Four** days before the beginning of early voting by personal appearance for the special election, for the period from the candidate's nomination through ~~{12}~~ **5** days before the beginning of early voting by personal appearance for the special election; ~~{and}~~

(b) **Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and**

(c) Thirty days after the special election, for the remaining period through **the date of** the special election,

↪ report each of the campaign expenses described in subsection 1 incurred during the period . ~~{on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under an oath to God or penalty of perjury. A candidate who~~

signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.

~~—6. Every]~~

5. ***Except as otherwise provided in subsection 6 and section 18 of this act, 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 described in subsection 1 incurred on the form designed and made available by the Secretary of State pursuant to NRS 294A.373 and signed by the candidate under an oath to God or penalty of perjury, 30 days after:~~

~~—(a) The], not later than:~~

(a) ***Four days before the beginning of early voting by personal appearance for the*** special election, for the period from the ~~[filing of]~~ date the notice of intent to circulate the petition for recall ***is filed pursuant to NRS 306.015 through 5 days before the beginning of early voting by personal appearance for*** the special election; ~~[or]~~

(b) ~~[[~~ ***Four days before*** the special election ~~[is not held because]~~ , for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and

(c) ***Thirty days after the special election, for the remaining period through the date of the special election,***

↪ report each of the campaign expenses described in subsection 1 incurred during the period.

6. ***If*** a district court determines that ~~[the]~~ a petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, ***every candidate for office at a special election to determine whether a public officer will be recalled shall, not later than 30 days after the district orders the officer with whom the petition is filed to cease any further proceedings regarding the petition,*** for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's ~~[decision].~~

~~↪ A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.]~~ ***order, report each of the campaign expenses described in subsection 1 incurred during the period.***

7. Except as otherwise provided in NRS 294A.3733, reports of campaign expenses must be filed electronically with the Secretary of State.

8. A report shall be deemed to be filed on the date that it was received by the Secretary of State.

Sec. 34. NRS 294A.210 is hereby amended to read as follows:

294A.210 1. ***The provisions of this section apply to:***

(a) 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 **independent** expenditure ~~on behalf of the candidate or group which is not solicited or approved by the candidate or group, and every~~ **in excess of \$1,000 ; and**

(b) **Every** committee for political action, political party ~~or~~ **and** committee sponsored by a political party ~~and nonprofit corporation~~ which receives contributions in excess of ~~\$100~~ **\$1,000** or makes an expenditure ~~on behalf of such~~ **for or against** a candidate **for office** or a group of **such** candidates .

2. **Every person, committee ~~or~~ and political party ~~and nonprofit corporation~~ described in subsection 1** shall, not later than January 15 of each year that the provisions of this subsection apply to the person, committee ~~or~~ **or** political party ~~or nonprofit corporation~~ for the period from January 1 of the previous year through December 31 of the previous year, report each **independent expenditure or other** expenditure, **as applicable**, 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~~ **\$1,000** ~~on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee or political party under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.~~ **\$1,000 and independent expenditures or other expenditures, as applicable, made during the period to one recipient which cumulatively exceed \$100.** **\$1,000.** The provisions of this subsection apply to the person, committee ~~or~~ **or** political party ~~or nonprofit corporation~~ beginning the year of the general election ~~for general city election~~ for that office through the year immediately preceding the next general election ~~for general city election~~ for that office.

~~2.~~ 3. Every person, committee ~~or~~ **and** political party ~~and nonprofit corporation~~ 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,~~ **shall**, not later than:

(a) Twenty-one days before the primary election ~~for primary city election~~ for that office, for the period from the January 1 immediately preceding the primary election ~~for primary city election~~ through 25 days before the primary election ; ~~for primary city election;~~

(b) Four days before the primary election ~~for primary city election~~ for that office, for the period from 24 days before the primary election ~~for primary city election~~ through 5 days before the primary election ; ~~for primary city election;~~

(c) Twenty-one days before the general election ~~for general city election~~ for that office, for the period from 4 days before the primary election ~~for primary city election~~ through 25 days before the general election ; ~~for general city election;~~ and

(d) Four days before the general election ~~for general city election~~ for that office, for the period from 24 days before the general election ~~for general city election~~ through 5 days before the general election , ~~for general city election;~~

↪ report each *independent expenditure or other expenditure , as applicable, in excess of ~~(\$100)~~ \$1,000* made during the period ~~for~~ on behalf of the candidate, the group of candidates or a candidate in the group of candidates ~~in excess of~~ and *independent expenditures or other expenditures, as applicable, made during the period to one recipient which cumulatively exceed ~~(\$100)~~* ~~on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee or political party under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.~~

— 3. Every person, committee or political party 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) Twenty one 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 25 days before the primary election or primary city election;

— (b) Four days before the primary election or primary city election for that office, for the period from 24 days before the primary election or primary city election through 5 days before the primary election or primary city election;

— (c) Twenty one days before the general election or general city election for that office, for the period from 4 days before the primary election or primary city election through 25 days before the general election or general city election; and

~~— (d) Four days before the general election or general city election for that office, for the period from 24 days before the general election or general city election through 5 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 made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee or political party under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.} \$1,000.~~

4. Except as otherwise provided in ~~{subsection 5,}~~ **subsections 5 and 6 and section 18 of this act**, every person, committee ~~{,}~~ ~~{or}~~ **and** political party ~~{and nonprofit corporation}~~ described in subsection 1 which makes an **independent expenditure or other** expenditure ~~{on behalf of}~~, **as applicable, for or against** a candidate for office at a special election or ~~{on behalf of}~~ **for or against** a group of such candidates shall, not later than:

(a) ~~{Seven}~~ **Four** days before the beginning of early voting by personal appearance for 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}~~ **5** days before the beginning of early voting by personal appearance for the special election; ~~and}~~

(b) **Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and**

(c) Thirty days after the special election, for the remaining period through the **date of the** special election,

↗ report each **independent expenditure or other** expenditure, **as applicable, in excess of** ~~{ \$100 }~~ **\$1,000** 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 made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee or political party under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.}~~ **and independent expenditures or other expenditures, as applicable, made during the period to one recipient which cumulatively exceed** ~~{ \$100 }~~ **\$1,000.**

5. ~~{Every}~~ **Except as otherwise provided in subsection 6 and section 18 of this act, every** person, committee ~~{,}~~ ~~{or}~~ **and** political party ~~{and nonprofit corporation}~~ described in subsection 1 which makes an **independent expenditure or other** expenditure ~~{on behalf of}~~, **as applicable,**

for or against a candidate for office at a special election to determine whether a public officer will be recalled or ~~for or against~~ *for or against* 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 made available by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the committee or political party under an oath to God or penalty of perjury, 30 days after:~~

~~—(a) The~~, **not later than:**

(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the ~~filing of~~ **date** the notice of intent to circulate the petition for recall **is filed pursuant to NRS 306.015 through 5 days before the beginning of early voting by personal appearance for** the special election; ~~or~~

(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and

(c) Thirty days after the special election, for the remaining period through the date of the special election,

report each independent expenditure or other expenditure, as applicable, in excess of ~~(\$100)~~ \$1,000 made during the period and independent expenditures or other expenditures, as applicable, made during the period to one recipient which cumulatively exceed ~~(\$100)~~ \$1,000.

6. 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, **every person, committee ~~and~~ and party ~~and nonprofit corporation~~** described in subsection 1 which makes an independent expenditure or other expenditure, as applicable, **for or against a candidate for office at a special election to determine whether a public officer will be recalled or for or against a group of such candidates shall, not later than 30 days after the district court orders the officer with whom the petition is filed to cease any further proceedings regarding the petition,** for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's ~~decision.~~

~~—A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.~~

~~—6. Expenditures~~ **order, report each independent expenditure or other expenditure, as applicable, in excess of ~~(\$100)~~ \$1,000 made during the period and independent expenditures or expenditures, as applicable, made during the period to one recipient which cumulatively exceed ~~(\$100)~~ \$1,000.**

7. **Independent expenditures and other expenditures** made within the State or made elsewhere but for use within the State, including **independent expenditures and other** expenditures made outside the State for printing, television and radio broadcasting or other production of the media, must be included in the report.

~~{7.}~~ 8. Except as otherwise provided in NRS 294A.3737, the reports must be filed electronically with the Secretary of State.

~~{8.}~~ 9. If an **independent expenditure or other** expenditure, **as applicable**, is made ~~for or against~~ **for or against** a group of candidates, the reports must be itemized by the candidate.

~~{9.}~~ 10. A report shall be deemed to be filed on the date that it was received by the Secretary of State. Every person, committee ~~for~~ or political party ~~and nonprofit corporation~~ described in subsection 1 shall file a report required by this section even if the person, committee ~~for~~ or political party ~~for nonprofit corporation~~ receives no contributions.

Sec. 35. 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,] or general election [for 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 ~~for or against~~ **for or against** the question, the group of questions or a question in the group of questions on the ballot in excess of \$1,000 ~~on the form designed and made available 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 an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.] and such expenditures made during the period to one recipient that cumulatively exceed \$1,000.~~ The provisions of this subsection apply to the committee for political action:

(a) Each year in which an election ~~for 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 1 shall, not later than:

(a) Twenty-one days before the primary election , ~~for primary city election,~~ for the period from the January 1 immediately preceding the primary election ~~for primary city election~~ through 25 days before the primary election ; ~~for primary city election;~~

(b) Four days before the primary election , ~~for primary city election,~~ for the period from 24 days before the primary election ~~for primary city election~~ through 5 days before the primary election ; ~~for primary city election;~~

(c) Twenty-one days before the general election , ~~for general city election,~~ for the period from 4 days before the primary election ~~for primary city election~~ through 25 days before the general election ; ~~for general city election;~~ and

(d) Four days before the general election , ~~for general city election,~~ for the period from 24 days before the general election ~~for general city election~~ through 5 days before the general election , ~~for general city election,~~

↪ report each expenditure made during the period ~~for~~ ~~on behalf of~~ **for** or against the question, the group of questions or a question in the group of questions on the ballot in excess of \$1,000 ~~on the form designed and made available by the Secretary of State pursuant to NRS 294A.373 and signed by a representative of the committee for political action under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form 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) Twenty one 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 25 days before the primary election or primary city election;~~

~~—(b) Four days before the primary election or primary city election, for the period from 24 days before the primary election or primary city election through 5 days before the primary election or primary city election;~~

~~—(c) Twenty one days before the general election or general city election, for the period from 4 days before the primary election or primary city election through 25 days before the general election or general city election; and~~

~~—(d) Four days before the general election or general city election, for the period from 24 days before the general election or general city election through 5 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 on the form designed and made available 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 an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.~~

~~—4. Except as otherwise provided in subsection 5, every} and such expenditures made during the period to one recipient that cumulatively exceed \$1,000.~~

3. Except as otherwise provided in section 18 of this act, 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}~~ **Four** days before the beginning of early voting by personal appearance for the special election, for the period from the date the question qualified for the ballot through ~~{12}~~ 5 days before the beginning of early voting by personal appearance for the special election; ~~{and}~~

(b) **Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and**

(c) Thirty days after the special election, for the remaining period through the **date of the** special election,

~~→ report each expenditure made during the period {on behalf of} for or against the question, the group of questions or a question in the group of questions on the ballot in excess of \$1,000 {on the form designed and made available 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 an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form 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 \$1,000 on the form designed and made available by the Secretary of State pursuant to NRS 294A.373 and signed by a representative of the committee for political action under an oath to God or penalty of perjury, 30 days after:~~

~~— (a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or~~

~~— (b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 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.~~

~~→ A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.] and such expenditures made during the period to one recipient that cumulatively exceed \$1,000.~~

~~{6.}~~ 4. 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.}~~ 5. *The provisions of this section apply to a committee for political action even if the question or group of questions does not appear on the ballot* ~~{that the committee for political action advocates the passage or defeat of is removed from the ballot by a court order.}~~ **at a primary, general or special election.**

6. Except as otherwise provided in NRS 294A.373, reports required pursuant to this section must be filed electronically with the Secretary of State.

~~{8.}~~ 7. If an expenditure is made ~~for or against~~ ***for or against*** a group of questions, the reports must be itemized by question or petition.

~~{9.}~~ 8. A report shall be deemed to be filed on the date that it was received by the Secretary of State.

Sec. 36. NRS 294A.225 is hereby amended to read as follows:

294A.225 1. A nonprofit corporation shall, before it engages in any of the following activities in this State, submit the names, addresses and telephone numbers of its officers to the Secretary of State:

(a) Soliciting or receiving contributions from any other person, group or entity;

(b) Making contributions to candidates or other persons; or

(c) Making expenditures,

↪ designed to affect the outcome of any primary ~~[-] election~~, general **election** or special election or question on the ballot.

2. The Secretary of State shall include on the Secretary of State's Internet website the information submitted pursuant to subsection 1.

Sec. 37. NRS 294A.270 is hereby amended to read as follows:

294A.270 1. Except as otherwise provided in ~~subsection 3,~~ **subsections 3 and 4**, each committee for the recall of a public officer shall, not later than:

(a) ~~Seven~~ **Four** days before the beginning of early voting by personal appearance for the special election to recall a public officer, for the period from the ~~filing of~~ **date** the notice of intent to circulate the petition for recall **is filed pursuant to NRS 306.015** through ~~12~~ **5** days before the beginning of early voting by personal appearance for the special election; ~~and~~

(b) **Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and**

(c) Thirty days after the **special** election, for the remaining period through **the date of the special** election,

↪ report each contribution received or made by the committee **for the recall of a public officer during the period** in excess of \$100 ~~on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by a representative of the committee under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.~~ **and contributions received from a contributor or made to one recipient which cumulatively exceed \$100.**

2. If a petition for the ~~purpose of recalling~~ **recall of** 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 ~~[-] for the recall of a public officer~~, and each contribution made by the committee **for the recall of a public officer** in excess of \$100 ~~[-] and contributions made to one recipient which cumulatively exceed \$100.~~

3. If a **district** court ~~does not order a special election~~ **determines that the petition** for the recall of the public officer ~~[-] is legally insufficient pursuant to subsection 6 of NRS 306.040~~, the committee for the recall of a public officer shall, not later than 30 days after the **district** court ~~determines that an election will not be held,~~ **orders the officer with whom the petition**

is filed to cease any further proceedings regarding the petition, for the period from the filing of the notice of intent to circulate the petition for recall through the day of the ~~the court determines that an election will not be held,~~ district court's order, report each contribution received or made by the committee ~~and each contribution made by the committee~~ for the recall of a public officer in excess of \$100 ~~and contributions received from a contributor or made to one recipient which cumulatively exceed \$100.~~

4. *If the special election is held on the same day as a primary election or general election, the committee for the recall of a public officer shall, not later than:*

(a) *Twenty-one days before the special election, for the period from the filing of the notice of intent to circulate the petition for recall through 25 days before the special election;*

(b) *Four days before the special election, for the period from 24 days before the special election through 5 days before the special election; and*

(c) *The 15th day of the second month after the special election, for the remaining period through the date of the special election,*

↪ report each contribution received or made by the committee for the recall of a public officer in excess of \$100 and contributions received from a contributor or made to one recipient which cumulatively exceed \$100.

5. Except as otherwise provided in NRS 294A.3737, each report of contributions must be filed electronically with the Secretary of State.

~~{5.}~~ 6. A report shall be deemed to be filed on the date that it was received by the Secretary of State.

~~{6.}~~ 7. The name and address of the contributor *or recipient* and the date on which the contribution was received must be included on the report for each contribution, whether from or to a natural person, association or corporation. ~~{in excess of \$100 and contributions which a contributor or the committee has made cumulatively in excess of that amount since the beginning of the current reporting period.}~~

Sec. 38. NRS 294A.280 is hereby amended to read as follows:

294A.280 1. Except as otherwise provided in ~~{subsection 3,}~~ **subsections 3 and 4**, each committee for the recall of a public officer shall, not later than:

(a) ~~{Seven}~~ **Four** days before the beginning of early voting by personal appearance for the special election to recall a public officer, for the period from the ~~{filing of}~~ **date** the notice of intent to circulate the petition for recall **is filed pursuant to NRS 306.015** through ~~{12}~~ **5** days before the beginning of early voting by personal appearance for the special election; ~~{and}~~

(b) **Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and**

(c) Thirty days after the *special* election, for the remaining period through *the date of the special* election,

↪ report each expenditure made by the committee *for the recall of a public officer during the period* in excess of \$100 ~~on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by a representative of the committee under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.~~ *and expenditures made to one recipient which cumulatively exceed \$100.*

2. If a petition for the ~~purpose of recalling~~ *recall of* 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 *for the recall of a public officer* in excess of \$100 ~~and expenditures made to one recipient which cumulatively exceed \$100.~~

3. If a *district* court ~~does not order a special election~~ *determines that the petition for the recall of the public officer is legally insufficient pursuant to subsection 6 of NRS 306.040*, the committee for the recall of a public officer shall, not later than 30 days after the *district* court ~~determines that an election will not be held,~~ *orders the officer with whom the petition is filed to cease any further proceedings regarding the petition*, for the period from the filing of the notice of intent to circulate the petition for recall through the day *of the* ~~court determines that an election will not be held,~~ *district court's order*, report each expenditure made by the committee *for the recall of a public officer* in excess of \$100 ~~and expenditures made to one recipient which cumulatively exceed \$100.~~

4. *If the special election is held on the same day as a primary election or general election, the committee for the recall of a public officer shall, not later than:*

(a) *Twenty-one days before the special election, for the period from the filing of the notice of intent to circulate the petition for recall through 25 days before the special election;*

(b) *Four days before the special election, for the period from 24 days before the special election through 5 days before the special election; and*

(c) *The 15th of the second month after the special election, for the remaining period through the date of the special election,*

↪ report each expenditure made by the committee *for the recall of a public officer in excess of \$100 and expenditures made to one recipient which cumulatively exceed \$100.*

5. Except as otherwise provided in NRS 294A.3737, each report of expenditures must be filed electronically with the Secretary of State.

~~{5.}~~ 6. A report shall be deemed to be filed on the date that it was received by the Secretary of State.

7. *The name and address of the recipient and the date on which the expenditure was made must be included on the report for each expenditure, whether to a natural person, association or corporation.*

Sec. 39. NRS 294A.286 is hereby amended to read as follows:

294A.286 1. Any candidate or public officer may establish a legal defense fund. 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 ~~{,}~~ or 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 made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the administrator of the legal defense fund under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.}~~

~~—3.}~~ Except as otherwise provided in NRS 294A.3733, 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 ~~{,}~~ or 294A.200 . ~~{or 294A.360.}~~

~~—4.}~~ 3. 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 dispose of unspent money through one or any combination of the following methods:

(a) Return the unspent money to contributors; or

(b) Donate the money to any tax-exempt nonprofit entity.

Sec. 40. NRS 294A.325 is hereby amended to read as follows:

294A.325 1. A foreign national shall not, directly or indirectly, make a contribution or a commitment to make a contribution to:

(a) A candidate;

(b) A committee for political action;

(c) A committee for the recall of a public officer;

(d) A person who ~~{is not under the direction or control of a candidate, of a group of candidates or of any person involved in the campaign of the candidate or group who}~~ makes an **independent** expenditure ; ~~{that is not solicited or approved by the candidate or group.}~~

(e) A political party or committee sponsored by a political party that makes an expenditure ~~for or against~~ **for or against** a candidate or group of candidates;

(f) An organization made up of legislative members of a political party whose primary purpose is to provide support for their political efforts;

(g) A personal campaign committee or the personal representative of a candidate who receives contributions or makes expenditures that are reported as contributions or expenditures by the candidate; or

(h) A nonprofit corporation that is registered or required to be registered pursuant to NRS 294A.225.

2. Except as otherwise provided in subsection 3, a candidate, person, group, committee, political party, organization or nonprofit corporation described in subsection 1 shall not knowingly solicit, accept or receive a contribution or a commitment to make a contribution from a foreign national.

3. For the purposes of subsection 2, if a candidate, person, group, committee, political party, organization or nonprofit corporation is aware of facts that would lead a reasonable person to inquire whether the source of a contribution is a foreign national, the candidate, person, group, committee, political party, organization or nonprofit corporation shall be deemed to have not knowingly solicited, accepted or received a contribution in violation of subsection 2 if the candidate, person, group, committee, political party, organization or nonprofit corporation requests and obtains from the source of the contribution a copy of current and valid United States passport papers. This subsection does not apply to any candidate, person, group, committee, political party, organization or nonprofit corporation if the candidate, person, group, committee, political party, organization or nonprofit corporation has actual knowledge that the source of the contribution solicited, accepted or received is a foreign national.

4. If a candidate, person, group, committee, political party, organization or nonprofit corporation discovers that the candidate, person, group, committee, political party, organization or nonprofit corporation received a contribution in violation of this section, the candidate, person, group, committee, political party, organization or nonprofit corporation shall, if at the time of discovery of the violation:

(a) Sufficient money received as contributions is available, return the contribution received in violation of this section not later than 30 days after such discovery.

(b) Except as otherwise provided in paragraph (c), sufficient money received as contributions is not available, return the contribution received in violation of this section as contributions become available for this purpose.

(c) Sufficient money received as contributions is not available and contributions are no longer being solicited or accepted, not be required to

return any amount of the contribution received in violation of this section that exceeds the amount of contributions available for this purpose.

5. A violation of any provision of this section is a gross misdemeanor.

6. As used in this section:

(a) "Foreign national" has the meaning ascribed to it in 2 U.S.C. § 441e.

(b) "Knowingly" means that a candidate, person, group, committee, political party, organization or nonprofit corporation:

(1) Has actual knowledge that the source of the contribution solicited, accepted or received is a foreign national;

(2) Is aware of facts which would lead a reasonable person to conclude that there is a substantial probability that the source of the contribution solicited, accepted or received is a foreign national; or

(3) Is aware of facts which would lead a reasonable person to inquire whether the source of the contribution solicited, accepted or received is a foreign national, but failed to conduct a reasonable inquiry.

Sec. 41. 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 ~~or general city election~~ or special election or 30 days before a primary election ; ~~for 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 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 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 ~~or general city election~~ or special election or 30 days before a primary election ; ~~for 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. 42. ~~NRS 294A.348 is hereby amended to read as follows:~~

~~294A.348 1. A person, committee for political action, political party, for committee sponsored by a political party or nonprofit corporation that expends more than \$100 for the purpose of financing a communication~~

~~through any television or radio broadcast, newspaper, magazine, outdoor advertising facility, mailing or any other type of general public political advertising that:~~

~~— (a) Advocates expressly the election or defeat of a clearly identified candidate or group of candidates; or~~

~~— (b) Solicits a contribution through any television or radio broadcast, newspaper, magazine, outdoor advertising facility, mailing or any other type of general public political advertising;~~

~~→ shall disclose on the communication the name of the person, committee for political action, political party, [or] committee sponsored by a political party or nonprofit corporation that paid for the communication.~~

~~— 2. If a communication described in subsection 1 is approved by a candidate, in addition to the requirements of subsection 1, the communication must state that the candidate approved the communication and disclose the street address, telephone number and Internet address, if any, of the person, committee for political action, political party, [or] committee sponsored by a political party or nonprofit corporation that paid for the communication.~~

~~— 3. A person, committee for political action, political party, [or] committee sponsored by a political party or nonprofit corporation that has an Internet website available for viewing by the general public or that sends out an electronic mailing to more than 500 people that:~~

~~— (a) Advocates expressly the election or defeat of a clearly identified candidate or group of candidates; or~~

~~— (b) Solicits a contribution through any television or radio broadcast, newspaper, magazine, outdoor advertising facility, mailing or any other type of general public political advertising;~~

~~→ shall disclose on the Internet website or electronic mailing, as applicable, the name of the person, committee for political action, political party, [or] committee sponsored by a political party [.] or nonprofit corporation.~~

~~— 4. The disclosures and statements required pursuant to this section must be clear and conspicuous, and easy to read or hear, as applicable.] (Deleted by amendment.)~~

Sec. 43. NRS 294A.350 is hereby amended to read as follows:

294A.350 1. Every candidate ~~{for state, district, county, municipal or township office}~~ shall file the reports ~~{of campaign contributions and expenses}~~ required by NRS 294A.120, 294A.128, 294A.200 and ~~{294A.360 and reports of contributions received by and expenditures made from a legal defense fund required by NRS}~~ 294A.286, even though the candidate:

- (a) Withdraws his or her candidacy;
- (b) Receives no ~~{campaign}~~ contributions;
- (c) Has no campaign expenses;
- (d) Is removed from the ballot by court order; or

(e) Is the subject of a petition to recall and the special election is not held.

2. A candidate who withdraws his or her candidacy pursuant to NRS 293.202 may file simultaneously all the reports ~~{of campaign contributions and expenses}~~ required by NRS 294A.120, 294A.128, 294A.200 and ~~{294A.360 and the report of contributions received by and expenditures made from a legal defense fund required by NRS}~~ 294A.286, so long as each report is filed on or before the last day for filing the respective report pursuant to NRS 294A.120 ~~{,}~~ or 294A.200 . ~~{or 294A.360.}~~

Sec. 44. 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 ~~{,}~~ and 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 ~~{,}~~ or 294A.200 ~~{or 294A.360}~~ shall report on the form designed and made available 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:

(a) Each such ~~{campaign}~~ contribution in excess of \$100 received during the reporting period;

(b) Each such ~~{campaign}~~ contribution from a contributor received during the reporting period which cumulatively exceeds \$100;

(c) Each such **campaign** expense in excess of \$100 incurred during the reporting period;

(d) The total of all such ~~{campaign}~~ contributions received during the reporting period which are \$100 or less and which are not otherwise required to be reported pursuant to paragraph (b); and

(e) The total of all such **campaign** expenses incurred during the reporting period which are \$100 or less.

2. The Secretary of State ~~{and each city clerk}~~ shall not require a candidate to list the ~~{campaign}~~ contributions and **campaign** expenses described in this section on any form other than the form designed and made available by the Secretary of State pursuant to NRS 294A.373.

3. Except as otherwise provided in NRS 294A.3733, the report 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.125, 294A.128 ~~{,}~~ or 294A.200 . ~~{or 294A.360.}~~

Sec. 45. 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 must consist of a list of each expenditure in excess of \$100 or \$1,000, as is appropriate, that was made during the periods for reporting. Each report ~~{of expenses}~~ required pursuant to NRS 294A.125 and 294A.200 must consist of a list of each **campaign**

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 ***campaign*** expense or expenditure and the date on which the ***campaign*** expense was incurred or the expenditure was made.

2. The categories of ***campaign*** expense or expenditure for use on the report of ***campaign*** 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) Expenses related to a legal defense fund;
- (j) Except as otherwise provided in NRS 294A.362, goods and services provided in kind for which money would otherwise have been paid;

(k) Contributions made to another candidate, a nonprofit corporation that is registered or required to be registered pursuant to NRS 294A.225, a committee for political action that is registered or required to be registered pursuant to NRS 294A.230 or a committee for the recall of a public officer that is registered or required to be registered pursuant to NRS 294A.250; ~~and~~

(l) ***Fees for filing declarations of candidacy or acceptances of candidacy;***

(m) ***Repayments or forgiveness of loans ; ~~guaranteed by third parties;~~***

(n) ***The disposal of unspent contributions pursuant to NRS 294A.160;***
and

(o) Other miscellaneous expenses.

3. Each report of ***campaign*** expenses or expenditures described in subsection 1 must list the disposition of any unspent ~~campaign~~ contributions using the categories set forth in subsection 3 of NRS 294A.160 or subsection ~~4~~ 3 of NRS 294A.286 ~~1~~, ***as applicable.***

Sec. 46. NRS 294A.370 is hereby amended to read as follows:

294A.370 1. A newspaper, radio broadcasting station, outdoor advertising company, television broadcasting station, direct mail advertising company, printer or other person or group of persons which accepts, broadcasts, disseminates, prints or publishes:

(a) Advertising ~~for or against~~ ~~for or against~~ any candidate or group of candidates;

(b) Political advertising for any person other than a candidate; or

(c) Advertising for the passage or defeat of a question or group of questions on the ballot,

↪ shall, during the period beginning at least 10 days before each primary election ~~[, primary city election,]~~ or general election ~~[for general city election]~~ and ending at least 30 days after the election, make available for inspection information setting forth the cost of all such advertisements accepted and broadcast, disseminated or published. The person or entity shall make the information available at any reasonable time and not later than 3 days after it has received a request for such information.

2. For purposes of this section, the necessary cost information is made available if a copy of each bill, receipt or other evidence of payment made out for any such advertising is kept in a record or file, separate from the other business records of the enterprise and arranged alphabetically by name of the candidate or the person or group which requested the advertisement, at the principal place of business of the enterprise.

Sec. 47. NRS 294A.373 is hereby amended to read as follows:

294A.373 1. ***Any report required pursuant to this chapter must be completed on the form designed and made available by the Secretary of State pursuant to this section.***

2. The Secretary of State shall design 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.]~~ ***this chapter.***

~~[2.]~~ 3. The forms designed by the Secretary of State pursuant to this section must only request information specifically required by statute.

~~[3.]~~ 4. The Secretary of State shall make available to each candidate, person, committee ~~[,]~~ or political party ~~[and nonprofit corporation]~~ that is required to file a report ~~[described in subsection 1:]~~ ***pursuant to this chapter:***

(a) If the candidate, person, committee ~~[,]~~ or political party ~~[for nonprofit corporation]~~ has submitted an affidavit to the Secretary of State pursuant to NRS 294A.3733 or 294A.3737, as applicable, a copy of the form; or

(b) If the candidate, person, committee ~~[,]~~ or political party ~~[for nonprofit corporation]~~ is required to submit the report electronically to the Secretary of State, access through a secure website to the form.

~~[4.]~~ 5. ***A report filed pursuant to this chapter must be signed under an oath to God or penalty of perjury.*** If the candidate, person, committee ~~[,]~~ or political party ~~[for nonprofit corporation]~~ is required to submit electronically a report described in subsection 1, the form must be signed electronically under an oath to God or penalty of perjury. A person who signs the ***report or***

form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.

~~[5. The Secretary of State must obtain the advice and consent of the Legislative Commission before making a copy of, or access to, a form designed or revised by the Secretary of State pursuant to this section available to a candidate, person, committee or political party.]~~

Sec. 48. NRS 294A.3733 is hereby amended to read as follows:

294A.3733 1. A candidate who is required to file a report ~~described in subsection 1 of NRS 294A.3733~~ **pursuant to this chapter** 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.3733;~~ 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.3733.~~

2. The affidavit described in subsection 1 must be:

(a) In the form prescribed by the Secretary of State and signed under an oath to God or penalty of perjury. A candidate who signs the affidavit under an oath to God is subject to the same penalties as if the candidate had signed the affidavit under penalty of perjury.

(b) Filed not later than 15 days before the candidate is required to file a report ~~described in subsection 1 of NRS 294A.3733.~~ **pursuant to this chapter.**

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.

Sec. 49. NRS 294A.3737 is hereby amended to read as follows:

294A.3737 1. A person, committee ~~or~~ or political party ~~for nonprofit corporation;~~ that is required to file a report ~~described in subsection 1 of NRS 294A.3733~~ **pursuant to this chapter** is not required to file the report electronically if the person, committee ~~or~~ or political party ; ~~for nonprofit corporation.~~

(a) Did not receive **contributions** 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 ~~for~~ or political party ~~for nonprofit corporation~~ 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 ~~for~~ or political party ~~for nonprofit corporation~~ 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 an oath to God or penalty of perjury. A person who signs the affidavit under an oath to God is subject to the same penalties as if the person had signed the affidavit under penalty of perjury.

(b) Filed:

(1) At least 15 days before any report ~~described in subsection 1 of NRS 294A.373~~ is required to be filed **pursuant to this chapter** by the person, committee ~~for~~ or political party ~~for nonprofit corporation.~~

(2) Not earlier than January 1 and not later than January 15 of each year, regardless of whether or not the person, committee ~~for~~ or political party ~~for nonprofit corporation~~ was required to file any report ~~described in subsection 1 of NRS 294A.373~~ **pursuant to this chapter** in the previous year.

3. A person, committee ~~for~~ or political party ~~for nonprofit corporation~~ 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.

Sec. 50. ~~NRS 294A.382 is hereby amended to read as follows:~~

~~294A.382 The Secretary of State shall not request or require a candidate, person, committee , ~~or~~ political party ~~or nonprofit corporation~~ to list each of the expenditures or campaign expenses of \$100 or less on a form designed and made available pursuant to NRS 294A.373.~~ **(Deleted by amendment.)**

Sec. 51. 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 **nonprofit corporation pursuant to NRS 294A.225, a** committee for political action pursuant to NRS 294A.230

or a committee for the recall of a public officer pursuant to NRS 294A.250;
or

4. The reporting of the creation of a legal defense fund pursuant to NRS 294A.286,

↪ shall furnish the candidate or entity with the necessary forms for reporting and copies of the regulations adopted by the Secretary of State pursuant to this chapter. An explanation of the applicable provisions of NRS 294A.100, 294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270 ~~or~~ 294A.280 ~~for 294A.360~~ relating to the making, accepting or reporting of ~~campaign~~ contributions, **campaign** 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. 52. NRS 294A.400 is hereby amended to read as follows:

294A.400 ~~[The]~~ ***Based on the reports received pursuant to this chapter, 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.286, 294A.360 and 294A.362,]~~ ***not later than February 15 of each odd-numbered year,*** 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]~~ ***following totals for*** each ~~[of the candidates]~~ ***candidate*** from whom reports of ~~[those]~~ contributions and ***campaign*** 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.] pursuant to this chapter:~~

(a) *The total amount of monetary contributions to the candidate;*

(b) *The total amount of goods and services provided to the candidate in kind for which money would otherwise have been paid;*

(c) *The total amount of loans guaranteed by a third party and forgiveness of any loans previously made to the candidate;*

(d) *The total amount committed to the candidate via written commitments for contributions; and*

(e) *The total amount of campaign expenses.*

2. *The following totals for each person, committee, political party or nonprofit corporation from which reports of contributions and campaign expenses are required pursuant to this chapter:*

(a) *The total amount of monetary contributions to the person, committee, political party or nonprofit corporation;*

(b) *The total amount of goods and services provided to the person, committee, political party or nonprofit corporation in kind for which money would otherwise have been paid; and*

(c) *The total amount of independent expenditures or other expenditures, as applicable, made by the person, committee, political party or nonprofit corporation.*

3. *The following totals for each committee for political action for which reports of contributions and expenditures are required pursuant to this chapter:*

(a) *The total amount of monetary contributions to the committee for political action;*

(b) *The total amount of goods and services provided to the committee for political action in kind for which money would otherwise have been paid; and*

(c) *The total amount of expenditures made by the committee for political action.*

4. The contributions made to *and expenditures from* 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 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 or committee sponsored by a political party which makes an expenditure on behalf of a candidate or group of candidates.~~

~~6.} 5.~~ The total contributions received by and expenditures made from a legal defense fund.

Sec. 53. NRS 294A.410 is hereby amended to read as follows:

294A.410 1. If it appears that the provisions of this chapter have been violated, the Secretary of State may:

(a) Conduct an investigation concerning the alleged violation and cause the appropriate proceedings to be instituted and prosecuted in the First Judicial District Court; or

(b) Refer the alleged violation to the Attorney General. The Attorney General shall investigate the alleged violation and institute and prosecute the appropriate proceedings in the First Judicial District Court without delay.

2. A person who believes that any provision of this chapter has been violated may notify the Secretary of State, in writing, of the alleged violation. The notice must be signed by the person alleging the violation and include:

- (a) The full name and address of the person alleging the violation;
- (b) A clear and concise statement of facts sufficient to establish that the alleged violation occurred;
- (c) Any evidence substantiating the alleged violation;
- (d) A certification by the person alleging the violation that the facts alleged in the notice are true to the best knowledge and belief of that person; and
- (e) Any other information in support of the alleged violation.

3. As soon as practicable after receiving a notice of an alleged violation pursuant to subsection 2, the Secretary of State shall provide a copy of the notice and any accompanying information to the person, if any, alleged in the notice to have committed the violation. Any response submitted to the notice must be accompanied by a short statement of the grounds, if any, for objecting to the alleged violation and include any evidence substantiating the objection.

4. If the Secretary of State determines, based on a notice of an alleged violation received pursuant to subsection 2, that reasonable suspicion exists that a violation of this chapter has occurred, the Secretary of State may conduct an investigation of the alleged violation.

5. If a notice of an alleged violation is received pursuant to subsection 2 not later than 180 days after the general election ~~[general city election]~~ or special election for the office or ballot question to which the notice pertains, the Secretary of State, when conducting an investigation of the alleged violation pursuant to subsection 4, may subpoena witnesses and require the production by subpoena of any books, papers, correspondence, memoranda, agreements or other documents or records that the Secretary of State or a designated officer or employee of the Secretary of State determines are relevant or material to the investigation and are in the possession of:

- (a) Any person alleged in the notice to have committed the violation; or
- (b) If the notice does not include the name of a person alleged to have committed the violation, any person who the Secretary of State or a designated officer or employee of the Secretary of State has reasonable cause

to believe produced or disseminated the materials that are the subject of the notice.

6. If a person fails to testify or produce any documents or records in accordance with a subpoena issued pursuant to subsection 5, the Secretary of State or designated officer or employee may apply to the court for an order compelling compliance. A request for an order of compliance may be addressed to:

(a) The district court in and for the county where service may be obtained on the person refusing to testify or produce the documents or records, if the person is subject to service of process in this State; or

(b) A court of another state having jurisdiction over the person refusing to testify or produce the documents or records, if the person is not subject to service of process in this State.

Sec. 54. NRS 294A.420 is hereby amended to read as follows:

294A.420 1. If the Secretary of State receives information that a ***candidate***, person, committee ~~for entity~~ , ***political party or nonprofit corporation*** that is subject to the provisions of NRS 294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.230, 294A.250, 294A.270, 294A.280 ~~or 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 ***candidate***, person, committee ~~for entity~~ , ***political party or nonprofit corporation***, cause the appropriate proceedings to be instituted in the First Judicial District Court.

2. Except as otherwise provided in this section, a ***candidate***, person, committee ~~for entity~~ , ***political party or nonprofit corporation*** that violates an applicable provision of this chapter 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 ***candidate***, person, committee ~~for entity~~ , ***political party or nonprofit corporation*** has reported its contributions, ***campaign*** expenses , ***independent expenditures*** or ***other*** 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. 55. NRS 298.020 is hereby amended to read as follows:

298.020 1. Each major political party in this State, qualified by law to place upon the general election ballot candidates for the office of President and Vice President of the United States in the year when they are to be elected, shall, at the state convention of the major political party held in that year, choose from the qualified electors, who are legally registered members of that political party, the number of presidential electors required by law and no more, who must be nominated by the delegates at the state convention. Upon the nomination thereof, the chair and the secretary of the convention shall certify the names and addresses of the nominees to the Secretary of State, who shall record the names in the Secretary of State's office as the nominees of that political party for presidential elector.

2. Each minor political party in this State, qualified by law to place upon the general election ballot candidates for the office of President and Vice President of the United States in the year when they are to be elected, shall choose from the qualified electors, the number of presidential electors required by law. The person who is authorized to file the list of candidates for partisan office of the minor political party with the Secretary of State pursuant to NRS 293.1725 shall, ***not later than the last Tuesday in August***, certify the names and addresses of the nominees to the Secretary of State, who shall record the names in the Secretary of State's office as the nominees of that political party for presidential elector.

Sec. 56. NRS 294A.360 is hereby repealed.

Sec. 57. This act becomes effective on July 1, 2013.

TEXT OF REPEALED SECTION

294A.360 Time when candidate for city office must file reports.

1. Except as otherwise provided in NRS 294A.3733, 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. Except as otherwise provided in NRS 294A.3733, 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) Twenty-one days before the primary city election for that office, for the period from the January 1 immediately preceding the primary city election through 25 days before the primary city election;

(b) Four days before the primary city election for that office, for the period from 24 days before the primary city election through 5 days before the primary city election;

(c) Twenty-one days before the general city election for that office, for the period from 4 days before the primary city election through 25 days before the general city election; and

(d) Four days before the general city election for that office, for the period from 24 days before the general city election through 5 days before the general city election.

3. Except as otherwise provided in NRS 294A.3733, 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) Twenty-one days before the primary city election for that office, for the period from the January 1 immediately preceding the primary city election through 25 days before the primary city election;

(b) Four days before the primary city election for that office, for the period from 24 days before the primary city election through 5 days before the primary city election;

(c) Twenty-one days before the general city election for that office, for the period from 4 days before the primary city election through 25 days before the general city election; and

(d) Four days before the general city election for that office, for the period from 24 days before the general city election through 5 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 beginning of early voting by personal appearance for the special election, for the period from the candidate's nomination through 12 days before the beginning of early voting by personal appearance for 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.

Assemblyman Ohrenschall moved the adoption of the amendment.

Remarks by Assemblyman Ohrenschall.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

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

Assembly in recess at 12:26 p.m.

ASSEMBLY IN SESSION

At 12:31 p.m.

Madam Speaker presiding.

Quorum present.

Assembly Bill No. 50.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 408.

AN ACT relating to local government finance; revising the termination date of certain redevelopment plans; ~~providing specific authority for redevelopment agencies to loan money to finance the purchase of land and the construction and installation of certain improvements to real property under certain circumstances;~~ requiring certain redevelopment agencies to make available to the public certain reports concerning proposed redevelopment projects; requiring certain redevelopment agencies to include additional information in certain annual reports; revising provisions governing the ~~tax~~ set aside and use of certain revenues from taxes imposed on the revenues from the rental of transient lodging in a district created to defray the cost of improving a central business area; on property in a redevelopment area; eliminating the prohibition on certain local governments creating a tourism improvement district that includes any property within the boundaries of a redevelopment area; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a redevelopment plan adopted by a redevelopment agency of a city or county before January 1, 1991, terminates at the end of the fiscal year in which the later of the following events occurs: (1) the principal and interest of the last maturing securities issued before that date concerning the redevelopment area are fully paid; or (2) 45 years after the date on which the original redevelopment plan was adopted. (NRS 279.438) **Section ~~14~~ 1.5** of this bill extends the deadline for that second event from 45 years to 60 years with respect to a redevelopment plan adopted by the redevelopment agency of a city whose population is 500,000 or more (currently the City of Las Vegas) ~~if certain requirements are met.~~

Under existing law, the redevelopment agency of a city or county, with the consent of the governing body of the city or county, is authorized, in certain circumstances, to pay all or part of the value of the land for and the cost of the construction of a building, facility, structure or other improvement to real property or installation of an improvement which is publicly or privately owned and is located within or without a redevelopment area for which the agency has adopted a redevelopment plan. (NRS 279.486) ~~Section 2 of this bill provides the additional specific authority to loan money for this purpose to a redevelopment agency.~~ **Section 2 ~~also~~ of this bill** requires the redevelopment agency of a city whose population is 500,000 or more (currently the City of Las Vegas) to make available to the general public a detailed report concerning such a proposed expenditure ~~for loan~~ for land or improvements by the agency at least 7 days before a meeting at which the

governing body of the city is scheduled to consider the proposed expenditure ~~for loan.~~

Under existing law, a redevelopment agency that has adopted a redevelopment plan for a redevelopment area on or after July 1, 2011, is required to submit soon after the adoption of the plan one report to the Legislature and the governing body of the city or county, as applicable, containing certain initial information about the redevelopment area. Existing law also requires a redevelopment agency that has adopted a redevelopment plan for a redevelopment area at any time to submit to the Legislature and the governing body of the city or county, as applicable, an annual report containing information about the redevelopment area for the previous fiscal year. (NRS 279.6025) **Section 3** of this bill requires the redevelopment agency of a city whose population is 500,000 or more (currently the City of Las Vegas) to include certain additional information in the annual report.

Under existing law, a city whose population is 500,000 or more (currently the City of Las Vegas) is ~~authorized to impose a tax on the revenues from the rental of transient lodging to defray the costs of improving a central business area. (NRS 268.801-268.808) The city is allowed to collect that tax until the final payment of: (1) the bonds initially issued to which the tax is pledged; or (2) any bonds refunding those initially issued bonds as long as the final payment date for such refunding bonds is not later than the final payment date for the initially issued bonds. (NRS 268.804) Section 4 of this bill extends the time in which the city is authorized to collect the tax until the final payment date for any bonds issued in addition to the initially issued bonds as long as such additional bonds do not have a final payment date that is after July 1, 2040.~~ **required to set aside 18 percent of the revenue received from taxes levied upon taxable property in a redevelopment area each year to increase, improve and preserve the number of: (1) dwelling units in the community for low-income households; and (2) educational facilities within the redevelopment area. Section 3.5 of this bill instead requires that 18 percent of such revenues received on or after October 1, 2011, but before March 6, 2031, be set aside to: (1) increase, improve, preserve or enhance the operating viability of dwelling units in the community for low-income households; and (2) improve existing public educational facilities located within a redevelopment area or within 1 mile of a redevelopment area. Section 3.5 requires that on or after March 6, 2031, 18 percent of such revenues be set aside and used to improve existing public educational facilities located within a redevelopment area or within 1 mile of a redevelopment area. Section 1 of this bill prohibits a school district from using any money received pursuant to section 3.5 to reduce or supplant the amount**

of any money which the school district would otherwise expend to improve such public educational facilities.

Section 5 of this bill eliminates the prohibition in existing law against a city or county creating a tourism improvement district after October 1, 2009, that includes within its boundaries any property included within the boundaries of a redevelopment area.

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

Section 1. Chapter 279 of NRS is hereby amended by adding thereto a new section to read as follows:

A school district shall not use any money received pursuant to subparagraph (2) of paragraph (b) of subsection 1 of NRS 279.685 or paragraph (c) of subsection 1 of NRS 279.685 to reduce or supplant the amount of any money which the school district would otherwise expend for the purposes described in subparagraph (2) of paragraph (b) of subsection 1 of NRS 279.685 and paragraph (c) of subsection 1 of NRS 279.685, respectively.

~~{Section 1.}~~ **Sec. 1.5.** NRS 279.438 is hereby amended to read as follows:

279.438 **1.** A redevelopment plan adopted before January 1, 1991, and any amendments to the plan must terminate at the end of the fiscal year in which the principal and interest of the last maturing of the securities issued before that date concerning the redevelopment area are fully paid or :

~~{1.}~~ **(a)** ~~With respect to a redevelopment plan adopted by the agency of a city whose population is 500,000 or more~~ **if the requirements set forth in subsection 2 are met,** 60 years after the date on which the original redevelopment plan was adopted, whichever is later.

~~{2.}~~ **(b)** ~~With respect to~~ ~~any other redevelopment plan adopted by any other agency,~~ **including a redevelopment plan adopted by an agency of a city whose population is 500,000 or more if the requirements set forth in subsection 2 are not met,** 45 years after the date on which the original redevelopment plan was adopted, whichever is later.

2. A redevelopment plan adopted by an agency of a city whose population is 500,000 or more may terminate on the date prescribed by paragraph (a) of subsection 1 only if, on the date on which the redevelopment plan would otherwise terminate pursuant to paragraph (b) of subsection 1:

(a) The assessed value of each redevelopment project in the redevelopment area is not less than the assessed value of the redevelopment project in the year in which the redevelopment plan was adopted;

(b) The assessed value of the redevelopment area is not less than 75 percent of the assessed value of the redevelopment area in the year in which the redevelopment plan was adopted; and

(c) The agency has \$100 million or more in total outstanding indebtedness represented by bonds and other securities.

Sec. 2. NRS 279.486 is hereby amended to read as follows:

279.486 1. An agency may, with the consent of the legislative body, pay all or part of ~~it, or loan money to finance,~~ the value of the land for and the cost of the construction of any building, facility, structure or other improvement and the installation of any improvement which is publicly or privately owned and located within or without the redevelopment area.

2. ***Within 7 days before a meeting at which the legislative body of a city whose population is 500,000 or more is scheduled to consider an action proposed by the agency of the city pursuant to subsection 1, the agency shall make available to the public a detailed report which includes, without limitation:***

(a) A copy of any contract, memorandum of understanding or other agreement between the agency or the legislative body and any other person relating to the redevelopment project.

(b) A summary of the redevelopment project which includes, without limitation:

(1) A full and complete description of:

(I) The costs of the redevelopment project, including, without limitation, the costs of acquiring any real property, clearance costs, relocation costs, the costs of any improvements which will be paid by the agency and the amount of the anticipated interest on any ~~loan made or~~ bonds issued or sold to finance the project.

(II) The estimated current value of the real property interest to be conveyed or leased, determined at its highest and best use permitted under the redevelopment plan.

(III) The estimated value of the real property interest to be conveyed or leased, determined at the use and with the conditions, covenants and restrictions, and development costs required by the sale or lease, and the current purchase price or present value of the lease payments which the lessee is required to make during the term of the lease. If the sale price or present value of the total rental amount to be paid to the agency or legislative body is less than the fair market value of the real property interest to be conveyed or leased, determined at the highest and best use permitted under the redevelopment plan, the agency shall provide an explanation of the reason for the difference.

(2) An explanation of how the project will assist in the elimination of blight, including, without limitation, reference to all supporting facts and

materials relied on in reaching the conclusions presented in the explanation.

3. Before the legislative body may give its consent ~~to~~ **to an action proposed by the agency pursuant to subsection 1**, it must determine that:

(a) The buildings, facilities, structures or other improvements are of benefit to the redevelopment area or the immediate neighborhood in which the redevelopment area is located; and

(b) No other reasonable means of financing those buildings, facilities, structures or other improvements are available.

➡ Those determinations by the agency and the legislative body are final and conclusive.

~~{2.}~~ **4.** In reaching its determination that the buildings, facilities, structures or other improvements are of benefit to the redevelopment area or the immediate neighborhood in which the redevelopment area is located, the legislative body shall consider:

(a) Whether the buildings, facilities, structures or other improvements are likely to:

(1) Encourage the creation of new business or other appropriate development;

(2) Create jobs or other business opportunities for nearby residents;

(3) Increase local revenues from desirable sources;

(4) Increase levels of human activity in the redevelopment area or the immediate neighborhood in which the redevelopment area is located;

(5) Possess attributes that are unique, either as to type of use or level of quality and design;

(6) Require for their construction, installation or operation the use of qualified and trained labor; and

(7) Demonstrate greater social or financial benefits to the community than would a similar set of buildings, facilities, structures or other improvements not paid for ~~for, if applicable, financed~~ by the agency.

(b) The opinions of persons who reside in the redevelopment area or the immediate neighborhood in which the redevelopment area is located.

(c) Comparisons between the level of spending proposed by the agency and projections, made on a pro forma basis by the agency, of future revenues attributable to the buildings, facilities, structures or other improvements.

~~{3.}~~ **5.** If the value of that land or the cost of the construction of that building, facility, structure or other improvement, or the installation of any improvement has been, or will be, paid or provided for initially by the community or other governmental entity, the agency may enter into a contract with that community or governmental entity under which it agrees to reimburse the community or governmental entity for all or part of the value of that land or of the cost of the building, facility, structure or other

improvement, or both, by periodic payments over a period of years. The obligation of the agency under that contract constitutes an indebtedness of the agency which may be payable out of taxes levied and allocated to the agency under paragraph (b) of subsection 1 of NRS 279.676, or out of any other available money.

Sec. 3. NRS 279.6025 is hereby amended to read as follows:

279.6025 1. In addition to the report required pursuant to the provisions of subsection 2, for each redevelopment area for which a redevelopment plan is adopted pursuant to the provisions of NRS 279.586 on or after July 1, 2011, the agency shall, on or before the January 1 next after the adoption of the plan, submit to the Director of the Legislative Counsel Bureau, for transmittal to the Legislature, and to the legislative body a report on a form prescribed by the Committee on Local Government Finance that includes, without limitation, the following information for the redevelopment area:

- (a) A legal description of the boundaries of the redevelopment area;
- (b) The date on which the redevelopment plan for the redevelopment area was adopted;
- (c) The scheduled termination date of the redevelopment plan;
- (d) The total sum of the assessed value of the taxable property in the redevelopment area for:
 - (1) The fiscal year immediately preceding the adoption of the redevelopment plan; and
 - (2) The fiscal year during which the redevelopment plan was adopted, if such fiscal year ends before the reporting deadline;
- (e) The combined overlapping tax rate of the redevelopment area;
- (f) The property tax rate of the redevelopment area;
- (g) The property tax revenue expected to be received from any tax increment area, as defined in NRS 278C.130, within the redevelopment area during the first fiscal year that the agency will receive an allocation pursuant to the provisions of NRS 279.676;
- (h) Copies of any memoranda of understanding into which the agency enters during the fiscal year in which the redevelopment plan was adopted; and
- (i) The amortization schedule for any debt incurred for the redevelopment area and the reasons for incurring the debt.

2. On or before January 1 of each year, for each redevelopment area for which a redevelopment plan has been adopted pursuant to the provisions of NRS 279.586, the agency shall submit to the Director of the Legislative Counsel Bureau, for transmittal to the Legislature, and to the legislative body a report on a form prescribed by the Committee on Local Government

Finance that includes, without limitation, the following information for the redevelopment area for the previous fiscal year:

- (a) The property tax revenue received from any tax increment area, as defined in NRS 278C.130, within the redevelopment area;
- (b) The combined overlapping tax rate of the redevelopment area;
- (c) The property tax rate of the redevelopment area;
- (d) The total sum of the assessed value of the taxable property in the redevelopment area;
- (e) If the amount reported pursuant to the provisions of paragraph (d) is less than the total sum of the assessed value of the taxable property in the redevelopment area for any other previous fiscal year, an explanation of the reason for the difference;
- (f) Copies of any memoranda of understanding into which the agency enters;
- (g) The amortization schedule for any debt incurred for the redevelopment area and the reasons for incurring the debt; and
- (h) Any change to the boundary of the redevelopment area and an explanation of the reason for the change.

3. ***In addition to the information required pursuant to the provisions of subsection 2, an agency of a city whose population is 500,000 or more shall include in the report submitted pursuant to subsection 2 the following information for the redevelopment area for the previous fiscal year:***

- (a) A statement of all revenues and expenditures of the agency.***
- (b) A statement of efforts by the agency to promote the goals of the regional development authority, as defined in NRS 231.009, including, without limitation, an explanation of the extent to which the activities of the agency have promoted private investment, the formation of businesses and the creation of jobs.***

4. Any report for a redevelopment area submitted pursuant to the provisions of subsection 1 must be submitted with the report for the redevelopment area submitted pursuant to the provisions of subsection 2.

Sec. 3.5. NRS 279.685 is hereby amended to read as follows:

279.685 1. Except as otherwise provided in this section, an agency of a city whose population is 500,000 or more that receives revenue from taxes pursuant to paragraph (b) of subsection 1 of NRS 279.676 shall set aside not less than:

- (a) Fifteen percent of that revenue received on or before October 1, 1999, and 18 percent of that revenue received after October 1, 1999, but before October 1, 2011, to increase, improve and preserve the number of dwelling units in the community for low-income households; ~~and~~

- (b) Eighteen percent of that revenue received on or after October 1, 2011, but before March 6, 2031, to increase; ~~and~~

~~(1) Increase, improve, and preserve the number of:~~
~~(1) Dwelling~~ **or enhance the operating viability of dwelling** units in the community for low-income households; and

(2) ~~Educational~~ **Improve existing public educational facilities located within the a redevelopment area, or within 1 mile of a redevelopment area; and**

(c) Eighteen percent of that revenue received on or after March 6, 2031, to improve existing public educational facilities described in subparagraph (2) of paragraph (b).

↪ For each fiscal year, the agency shall prepare a written report concerning the amount of money expended for the purposes set forth in subparagraph (2) of paragraph (b) or paragraph (c), as applicable, and shall, on or before November 30 of each year, submit a copy of the report to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission, if the report is received during an odd-numbered year, or to the next session of the Legislature, if the report is received during an even-numbered year.

2. The obligation of an agency to set aside not less than 15 percent of the revenue from taxes allocated to and received by the agency pursuant to paragraph (b) of subsection 1 of NRS 279.676 is subordinate to any existing obligations of the agency. As used in this subsection, "existing obligations" means the principal and interest, when due, on any bonds, notes or other indebtedness whether funded, refunded, assumed or otherwise incurred by the agency before July 1, 1993, to finance or refinance in whole or in part, the redevelopment of a redevelopment area. For the purposes of this subsection, obligations incurred by an agency after July 1, 1993, shall be deemed existing obligations if the net proceeds are used to refinance existing obligations of the agency.

3. The obligation of an agency to set aside an additional 3 percent of the revenue from taxes allocated to and received by the agency pursuant to paragraph (b) of subsection 1 of NRS 279.676 is subordinate to any existing obligations of the agency. As used in this subsection, "existing obligations" means the principal and interest, when due, on any bonds, notes or other indebtedness whether funded, refunded, assumed or otherwise incurred by the agency before October 1, 1999, to finance or refinance in whole or in part, the redevelopment of a redevelopment area. For the purposes of this subsection, obligations incurred by an agency after October 1, 1999, shall be deemed existing obligations if the net proceeds are used to refinance existing obligations of the agency.

4. From the revenue set aside by an agency pursuant to paragraph (b) of subsection 1, not more than 50 percent of that amount may be used to:

(a) Increase, improve ~~_, [and]~~ preserve ~~[the number]~~ **or enhance the operating viability** of dwelling units in the community for low-income households; or

(b) ~~Increase, improve and preserve the number of~~ **Improve existing public** educational facilities **located** within ~~[the]~~ **a** redevelopment area ~~[,] or within 1 mile of a redevelopment area,~~

↪ unless the agency establishes that such an amount is insufficient to pay the cost of a project identified in the redevelopment plan for the redevelopment area.

5. Except as otherwise provided in ~~[paragraph]~~ **paragraphs** (b) **and (c)** of subsection 1 and subsection 4, the agency may expend or otherwise commit money for the purposes of subsection 1 outside the boundaries of the redevelopment area.

Sec. 4. ~~NRS 268.804 is hereby amended to read as follows:~~

~~268.804 1. In addition to all other taxes imposed on the revenues from the rental of transient lodging, the governing body may by ordinance impose a tax upon all persons in the business of providing transient lodging within the boundaries of the district at a rate not to exceed 2 percent of the gross receipts from the rental of transient lodging.~~

~~2. The collection of the tax imposed pursuant to this section must not commence earlier than the first day of the second calendar month after adoption of the ordinance imposing the tax.~~

~~3. The tax may be waived or imposed at different rates in certain areas or for a particular business if:~~

~~(a) The governing body determines that certain areas will receive less benefits from the project constructed with the proceeds of the tax or any obligations payable therefrom.~~

~~(b) The governing body determines that a business does not have sufficient rooms dedicated to providing transient lodging for it to benefit equally from the project constructed with the proceeds of the tax or any obligations payable therefrom.~~

~~4. The determinations made by the governing body pursuant to subsection 3 are conclusive unless it is shown that it acted with fraud or a gross abuse of discretion.~~

~~5. A tax imposed pursuant to this section must be collected and enforced in the same manner as provided for the collection of the tax imposed by NRS 268.096.~~

~~6. The collection of the tax imposed pursuant to this section must cease upon the final payment of:~~

~~(a) The bonds initially issued to which the tax imposed pursuant to this section is pledged; [or]~~

~~(b) Any bonds refunding those initially issued bonds, but any such refunding bonds may not have a final payment date that is later than the final payment date of the bonds initially issued [.] ; or~~

~~(c) Any bonds issued in addition to those bonds initially issued to which the tax imposed pursuant to this section is pledged, but any such additional bonds may not have a final payment date that is after July 1, 2040.]~~
(Deleted by amendment.)

Sec. 5. NRS 271A.070 is hereby amended to read as follows:

271A.070 1. Except as otherwise provided in this section and NRS 271A.080, the governing body of a municipality may:

(a) Create a tourism improvement district for the purposes of carrying out this chapter and revise the boundaries of the district by adopting an ordinance describing the boundaries of the district and generally describing the types of projects which may be financed within the district pursuant to this chapter.

(b) Without any election, acquire, improve, equip, operate and maintain a project within a district created pursuant to paragraph (a). The project may be owned by the municipality, another governmental entity, any other person, or any combination thereof.

(c) For the purposes of carrying out paragraph (b), include in an ordinance adopted pursuant to paragraph (a) the pledge of a single percentage specified in the ordinance, which must not exceed 75 percent, of:

(1) An amount equal to the proceeds of the taxes imposed pursuant to NRS 372.105 and 372.185 with regard to tangible personal property sold at retail, or stored, used or otherwise consumed, in the district during a fiscal year, after the deduction of a sum equal to 1.75 percent of the amount of those proceeds;

(2) The amount of the proceeds of the taxes imposed pursuant to NRS 374.110 and 374.190 with regard to tangible personal property sold at retail, or stored, used or otherwise consumed, in the district during a fiscal year, after the deduction of 0.75 percent of the amount of those proceeds; and

(3) The amount of the proceeds of the tax imposed pursuant to NRS 377.030 with regard to tangible personal property sold at retail, or stored, used or otherwise consumed, in the improvement district during a fiscal year, after the deduction of 1.75 percent of the amount of those proceeds.

2. A district created pursuant to this section by:

(a) A city must be located entirely within the boundaries of that city.

(b) A county must be located entirely within the boundaries of that county and, when the district is created, entirely outside of the boundaries of any city.

3. If any property within the boundaries of a district is also included within the boundaries of any other tourism improvement district or any

improvement district for which any money has been pledged pursuant to NRS 271.650, the total amount of money pledged pursuant to this section and NRS 271.650 with respect to such property by all such districts must not exceed the amount authorized pursuant to this section.

4. ~~[The]~~ ***If the governing body of a municipality [shall not, after October 1, 2009, create]*** ***creates*** a tourism improvement district that includes within its boundaries any property included within the boundaries of a redevelopment area established pursuant to chapter 279 of NRS ~~[1]~~, ***the governing body and an agency:***

(a) May provide financing or reimbursement related to a project or redevelopment project pursuant to the provisions of NRS 271A.120 or 279.610 to 279.685, inclusive, whichever is applicable.

(b) Shall not provide such financing or reimbursement related to the project or redevelopment project pursuant to the provisions of both NRS 271A.120 and 279.610 to 279.685, inclusive.

5. ***As used in this section:***

(a) "Agency" has the meaning ascribed to it in NRS 279.386.

(b) "Redevelopment project" has the meaning ascribed to it in NRS 279.412.

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

Assemblywoman Neal moved the adoption of the amendment.

Remarks by Assemblywoman Neal.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 61.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 456.

AN ACT relating to economic development; revising various provisions relating to regional development authorities; requiring the Board of Economic Development to approve certain contracts entered into by the Office of Economic Development; revising the duties of the Executive Director of the Office; abolishing the Interagency Committee for Coordinating Tourism and Economic Development and the Advisory Council on Economic Development; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Office of Economic Development and the Executive Director of the Office of Economic Development exist within the Office of the Governor and are responsible for developing and carrying out the State Plan for

Economic Development. (NRS 231.043, 231.053) This bill proposes to make numerous changes relating to economic development.

Under current law, entities seeking to receive partial tax abatements must apply to the Office for approval. (NRS 274.310, 274.320, 274.330, 360.750)

Section 1 of this bill requires entities whose cumulative partial tax abatements for the immediately preceding 2 years plus the partial tax abatement that is being requested equals \$250,000 or more to seek the approval of the Board of Economic Development. **Section 1** also specifies that entities whose cumulative partial tax abatements for the immediately preceding 2 years plus the partial tax abatement that is being requested equals less than \$250,000 must seek the approval of the Executive Director.

~~[Under current law, regional development authorities are organizations that have been designated by the Executive Director and are local governmental entities, private nonprofit entities or are composed solely of two or more local governmental entities. (NRS 231.009) Section 2 of this bill deletes the requirement that an organization must be a local governmental entity or group of two or more local governmental entities or a private nonprofit entity in order to be designated as a regional development authority.]~~

Under existing law, the Board is composed of 11 members, including the Governor, the Lieutenant Governor and the Secretary of State or their designees and a member appointed by the Department of Employment, Training and Rehabilitation from the membership of the Governor's Workforce Investment Board. (NRS 231.033) **Section 3** of this bill revises the provisions authorizing the Governor, the Lieutenant Governor and the Secretary of State to choose designees and requires that the Director of the Department of Employment, Training and Rehabilitation serve on the Board instead of appointing a member. **Section 3 also requires the Governor's designee to serve as the Chair of the Board.**

Under existing law, the Executive Director is required to designate as many regional development authorities as he or she deems appropriate to implement the State Plan for Economic Development. The Executive Director is also authorized to remove the designation of any previously designated regional development authority if he or she determines that such action would aid in the implementation of the State Plan for Economic Development. (NRS 231.053) **Section 4** of this bill authorizes the Executive Director to void any contract entered into between the Office and a regional development authority after removing the designation of that regional development authority.

~~[Under existing law, the Office is required to coordinate and oversee all economic development programs to ensure such programs are consistent with the State Plan for Economic Development, including reviewing, analyzing and making recommendations for approval or disapproval of abatements.]~~

~~(NRS 231.055) Section 5 of this bill removes the requirement that the Office review, analyze and make recommendations for approval or disapproval of abatements.~~

Existing law requires the Office to develop a State Plan for Inland Ports which includes a comprehensive plan for the physical development of inland ports which promotes, encourages, and aids in the development of the economic interests in this State. (NRS 231.075) **Section 6** of this bill deletes that requirement.

Under existing law, local governmental entities may apply for a grant or loan of money from the Catalyst Fund if the local governmental entity or entities are designated as a regional development authority. The Executive Director is required to review each application and, if he or she determines that approval of the application would promote economic development in this State, may approve the application and make a grant or loan of money from the Catalyst Fund. (NRS 231.1577) **Section 7** of this bill authorizes only counties or incorporated cities ~~[which are not designated as regional development authorities]~~ to apply for a grant or loan of money from the Catalyst Fund. **Section 7** also requires the Executive Director to review any application for a grant or a loan from the Catalyst Fund that requests more than \$100,000. **Section 9** of this bill abolishes the Interagency Committee for Coordinating Tourism and Economic Development and the Advisory Council on Economic Development.

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

Section 1. Chapter 231 of NRS is hereby amended by adding thereto a new section to read as follows:

1. For the purpose of any partial tax abatement which the Office is required or authorized to approve, the Office shall be deemed to have approved the partial tax abatement:

(a) Upon approval by the Board for partial tax abatements with a projected value to a single entity of \$250,000 or more; and

(b) Upon approval by the Director for partial tax abatements with a projected value to a single entity of less than \$250,000.

2. For the purposes of this section, “projected value” means the dollar value of the abatement requested by an entity plus the accumulated value of all tax abatements received by that entity for the immediately preceding 2 years.

Sec. 2. ~~[NRS 231.009 is hereby amended to read as follows:
231.009 “Regional development authority” means an organization for economic development which is]~~

~~1. A local governmental entity, composed solely of two or more local governmental entities or a private nonprofit entity; and~~

~~2. Designated] designated by the Executive Director as a regional development authority pursuant to subsection 4 of NRS 231.053.] (Deleted by amendment.)~~

Sec. 3. NRS 231.033 is hereby amended to read as follows:

231.033 1. There is hereby created the Board of Economic Development, consisting of:

(a) The following voting members:

(1) The Governor ; ~~for his or her designee;~~

(2) The Lieutenant Governor ; ~~for his or her designee;~~

(3) The Secretary of State ; ~~for his or her designee;~~ and

(4) Six members who must be selected from the private sector and appointed as follows:

(I) Three members appointed by the Governor;

(II) One member appointed by the Speaker of the Assembly;

(III) One member appointed by the Majority Leader of the Senate;

and

(IV) One member appointed by the Minority Leader of the Assembly or the Minority Leader of the Senate. The Minority Leader of the Senate shall appoint the member for the initial term, the Minority Leader of the Assembly shall appoint the member for the next succeeding term, and thereafter, the authority to appoint the member for each subsequent term alternates between the Minority Leader of the Assembly and the Minority Leader of the Senate.

(b) The following nonvoting members:

(1) The Chancellor of the Nevada System of Higher Education or his or her designee; and

(2) ~~One member appointed by~~ **The Director of** the Department of Employment, Training and Rehabilitation . ~~from the membership of the Governor's Workforce Investment Board.]~~

2. In appointing the members of the Board described in subsection 1, the appointing authorities shall coordinate the appointments when practicable so that the members of the Board represent the diversity of this State, including, without limitation, different strategically important industries, different geographic regions of this State and different professions.

3. The Governor ~~for his or her designee~~ shall serve as the Chair of the Board.

4. Except as otherwise provided in this subsection, the members of the Board appointed pursuant to subparagraph (4) of paragraph (a) of subsection 1 ~~and subparagraph (2) of paragraph (b) of subsection 1~~ are appointed for terms of 4 years. The initial members of the Board shall by lot select three of

the initial members of the Board appointed pursuant to subparagraph (4) of paragraph (a) of subsection 1 to serve an initial term of 2 years.

5. *The Governor, the Lieutenant Governor or the Secretary of State may designate a person to serve as a member of the Board for the Governor, Lieutenant Governor or Secretary of State, respectively. Any person designated to serve pursuant to this subsection shall serve for the term of the officer appointing him or her and serves at the pleasure of that officer. If the Governor designates a person to serve on his or her behalf, that person shall serve as the Chair of the Board.* Vacancies in the appointed positions on the Board must be filled by the appointing authority for the unexpired term.

6. The Executive Director shall serve as the nonvoting Secretary of the Board.

7. A majority ~~of the voting members~~ of the Board constitutes a quorum, and a majority of the Board ~~(those voting members)~~ is required to exercise any power conferred on the Board.

8. The Board shall meet at least once each quarter but may meet more often at the call of the Chair ~~or a majority of the members of the Board.~~

9. The members of the Board serve without compensation but are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally while engaged in the official business of the Board.

Sec. 4. NRS 231.053 is hereby amended to read as follows:

231.053 After considering any pertinent advice and recommendations of the Board, the Executive Director:

1. Shall direct and supervise the administrative and technical activities of the Office.

2. Shall develop and may periodically revise a State Plan for Economic Development, which must include a statement of:

- (a) New industries which have the potential to be developed in this State;
- (b) The strengths and weaknesses of this State for business incubation;
- (c) The competitive advantages and weaknesses of this State;
- (d) The manner in which this State can leverage its competitive advantages and address its competitive weaknesses;

(e) A strategy to encourage the creation and expansion of businesses in this State and the relocation of businesses to this State; and

(f) Potential partners for the implementation of the strategy, including, without limitation, the Federal Government, local governments, local and regional organizations for economic development, chambers of commerce, and private businesses, investors and nonprofit entities.

3. Shall develop criteria for the designation of regional development authorities pursuant to subsection 4.

4. Shall designate as many regional development authorities for each region of this State as the Executive Director determines to be appropriate to implement the State Plan for Economic Development. In designating regional development authorities, the Executive Director must consult with local governmental entities affected by the designation. The Executive Director may, if he or she determines that such action would aid in the implementation of the State Plan for Economic Development, remove the designation of any regional development authority previously designated pursuant to this section ~~{ }~~ **and declare void any contract between the Office and that regional development authority.**

5. Shall establish procedures for entering into contracts with regional development authorities to provide services to aid, promote and encourage the economic development of this State.

6. May apply for and accept any gift, donation, bequest, grant or other source of money to carry out the provisions of NRS 231.020 to 231.139, inclusive, and 231.1573 to 231.1597, inclusive.

7. May adopt such regulations as may be necessary to carry out the provisions of NRS 231.020 to 231.139, inclusive, and 231.1573 to 231.1597, inclusive.

8. In a manner consistent with the laws of this State, may reorganize the programs of economic development in this State to further the State Plan for Economic Development. If, in the opinion of the Executive Director, changes to the laws of this State are necessary to implement the economic development strategy for this State, the Executive Director must recommend the changes to the Governor and the Legislature.

Sec. 5. ~~NRS 231.055 is hereby amended to read as follows:~~

~~231.055 Under the direction of the Executive Director, the Office:~~

~~1. Shall provide administrative and technical support to the Board.~~

~~2. Shall support the efforts of the Board, the regional development authorities designated by the Executive Director pursuant to subsection 4 of NRS 231.053 and the private sector to encourage the creation and expansion of businesses in Nevada and the relocation of businesses to Nevada.~~

~~3. Shall coordinate and oversee all economic development programs in this State to ensure that such programs are consistent with the State Plan for Economic Development developed by the Executive Director pursuant to subsection 2 of NRS 231.053, including, without limitation:~~

~~(a) Coordinating the economic development activities of agencies of this State, local governments in this State and local and regional organizations for economic development to avoid duplication of effort or conflicting efforts;~~

~~(b) Working with local, state and federal authorities to streamline the process for obtaining abatements, financial incentives, grants, loans and all~~

~~necessary permits and licenses for the creation or expansion of businesses in Nevada or the relocation of businesses to Nevada; and~~

~~— (c) Reviewing, analyzing and making recommendations for the approval or disapproval of applications for [abatements,] financial incentives, development resources, and grants and loans of money provided by the Office.~~

~~— 4. May:~~

~~— (a) Participate in any federal programs for economic development that are consistent with the State Plan for Economic Development developed by the Executive Director pursuant to subsection 2 of NRS 231.053; and~~

~~— (b) When practicable and authorized by federal law, act as the agency of this State to administer such federal programs.] (Deleted by amendment.)~~

Sec. 6. NRS 231.075 is hereby amended to read as follows:

231.075 1. The Office of Economic Development shall:

(a) ~~{Develop a State Plan for Inland Ports. The Plan must include, without limitation:~~

~~— (1) A comprehensive, long term general plan for the physical development of inland ports which promotes, encourages and aids in the development of the economic interests of this State.~~

~~— (2) Requirements for the creation of inland ports for the purposes of the Inland Port Authority Act which affect economic and industrial development.~~

~~— (b)} Promote, encourage and aid in the development of inland ports in this State.~~

~~{(e)}~~ (b) Identify sources of financing to assist local governments in developing or expanding inland ports.

~~{(d)}~~ (c) Encourage and assist local governments in planning and preparing projects for inland ports.

~~{(e)}~~ (d) Promote close cooperation between local governments, other public agencies and private persons that have an interest in creating, operating or maintaining inland ports in the State.

2. As used in this section, “inland port” has the meaning ascribed to it in NRS 277B.050.

Sec. 7. NRS 231.1577 is hereby amended to read as follows:

231.1577 1. The Executive Director shall, after considering the advice and recommendations of the Board, establish procedures for applying to the Office for ~~{a development resource or}~~ a grant or loan of money from the Catalyst Fund created by NRS 231.1573. The procedures must:

(a) Include, without limitation, a requirement that applications for ~~{development resources,}~~ grants or loans must set forth:

(1) The proposed use of the ~~{development resource,}~~ grant or loan;

(2) The plans, projects and programs for which the ~~{development resource,}~~ grant or loan will be used;

(3) The expected benefits of the ~~{development resource,}~~ grant or loan; and

(4) A statement of the short-term and long-term impacts of the use of the ~~{development resource,}~~ grant or loan; and

(b) Allow an applicant to revise his or her application upon the recommendation of the Executive Director.

2. In accordance with the procedures established pursuant to subsection 1 ~~{and subject to the requirements of this subsection:}~~

~~—(a) A regional development authority which is a local government or composed solely of two or more local governmental entities; } {or}~~

~~{(b) A private nonprofit regional development authority acting in partnership with a regional development authority which is a local government or composed solely of two or more local governments} [,] {; or~~

~~—(c) Any } , any county or incorporated city in this State. }~~

~~may apply for a grant or loan of money from the Catalyst Fund. If a private nonprofit regional development authority acting in partnership with a regional development authority which is a local government or composed solely of two or more local governments applies for a grant or loan of money from the Catalyst Fund, the regional development authority which is a local government or composed solely of two or more local governments must be the entity which submits the application and receives and distributes the grant or loan. }~~

3. ~~{In accordance with the procedures established pursuant to subsection 1 and subject to the requirements of this subsection, a regional development authority may apply for a development resource. A private nonprofit regional development authority applying for a development resource which is a grant or loan of money must apply in partnership with a regional development authority which is a local government or composed solely of two or more local governments. Any development resource which is a grant or loan of money must be received and distributed by the regional development authority which is a local government or composed solely of two or more local governments. }~~

~~—4. }~~ Upon receipt of an application pursuant to subsection 2 , ~~{or 3,}~~ the Executive Director shall review the application and determine whether the approval of the application would promote the economic development of this State and aid the implementation of the State Plan for Economic Development developed by the Executive Director pursuant to subsection 2 of NRS 231.053. If the Executive Director determines that approving the application will promote the economic development of this State and aid the implementation of the State Plan for Economic Development, the Executive Director may approve the application and ~~{provide a development resource or}~~ make a grant or loan of money from the Catalyst Fund to the applicant ~~{.~~

~~—5.] if the applicant is requesting \$100,000 or less. If the applicant is requesting more than \$100,000, the Board may approve the application and make a grant or loan of money from the Catalyst Fund to the applicant.~~

4. ~~{Except as otherwise provided in this subsection or another specific statute, each} {development resource or} {grant or loan of money from the Catalyst Fund which the Office provides to a regional development authority must be used to provide} {development resources,} {grants or loans to or to make investments in, businesses seeking to create or expand in this State or relocate to this State. The Executive Director may provide} {a development resource or} {a grant or loan of money to a regional development authority to be used for administrative or operating purposes, but no money from the Catalyst Fund may be used by any organization for economic development for such purposes.}~~

~~{6.} {5. After considering the advice and recommendations of the Board, the Executive Director shall:~~

~~—(a) Require each regional development authority to which the Executive Director proposes to provide a} {development resource or a} {grant or loan of money from the Catalyst Fund to enter into an agreement with the Executive Director that sets forth terms and conditions of the} {development resource,} {grant or loan, which must include, without limitation, a provision requiring the regional development authority to enter into a separate agreement with each business to which the regional development authority provides any portion of the} {development resource,} {grant or loan which requires the business to return the} {development resource,} {grant or loan to the Office if it is not used in accordance with the agreement between the regional development authority and the Executive Director.~~

~~—(b) Establish the requirements for reports from regional development authorities concerning the use of} {development resources and} {grants and loans of money from the Catalyst Fund. The requirements must include, without limitation, a requirement that the recipient of a grant or loan of money include in such a report:~~

~~—(1) A description of each activity undertaken with money from the grant or loan and the amount of money used for each such activity;~~

~~—(2) The return on the money provided by the grant or loan;~~

~~—(3) A statement of the benefit to the public from the grant or loan; and~~

~~—(4) Such documentation as the Executive Director deems appropriate to support the information provided in the report.}~~

~~{7.} {6.}~~ On or before November 1, 2012, and on or before November 1 of every year thereafter, the Executive Director shall submit a report to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the Interim Finance Committee, if the report is received during

an odd-numbered year, or to the next session of the Legislature, if the report is received during an even-numbered year. The report must include, without limitation:

- (a) The amount of grants and loans awarded from the Catalyst Fund;
- (b) The amount of all grants, gifts and donations to the Catalyst Fund from public and private sources;
- (c) The number of businesses which have been created or expanded in this State, or which have relocated to this State, because of grants and loans from the Catalyst Fund; and
- (d) The number of jobs which have been created or saved because of grants and loans from the Catalyst Fund.

Sec. 8. NRS 277B.160 is hereby amended to read as follows:

277B.160 1. One or more participating entities may apply to the Office to create, operate and maintain an inland port and authority.

2. A participating entity is eligible to apply to the Office pursuant to subsection 1 if the county or incorporated city, as applicable, of the participating entity is located in whole or in part within the proposed boundaries of the inland port.

3. The Office may approve the creation of an inland port and authority if ***the Office determines that*** the proposed inland port and authority ~~to conform to the State Plan for Inland Ports developed by the Office pursuant to NRS 231.075.~~ ***will serve the economic interests of this State.***

Sec. 9. NRS 231.015 and 231.025 are hereby repealed.

Sec. 10. The amendatory provisions of subsection 4 of section 4 of this act do not apply to a contract specified in that subsection which is entered into before July 1, 2013.

Sec. 11. This act becomes effective upon passage and approval.

TEXT OF REPEALED SECTIONS

231.015 Creation; membership; meetings; duties; subcommittees.

1. The Interagency Committee for Coordinating Tourism and Economic Development is hereby created. The Committee consists of the Governor, who is its Chair, the Lieutenant Governor, who is its Vice Chair, the Director of the Department of Tourism and Cultural Affairs, the Executive Director of the Office of Economic Development and such other members as the Governor may from time to time appoint. The appointed members of the Committee serve at the pleasure of the Governor.

2. The Committee shall meet at the call of the Governor.

3. The Committee shall:

- (a) Identify the strengths and weaknesses in state and local governmental agencies which enhance or diminish the possibilities of tourism and economic development in this State.

(b) Foster coordination and cooperation among state and local governmental agencies, and enlist the cooperation and assistance of federal agencies, in carrying out the policies and programs of the Department of Tourism and Cultural Affairs and the Office of Economic Development.

(c) Formulate cooperative agreements between the Department of Tourism and Cultural Affairs or the Office of Economic Development, and state and other public agencies pursuant to the Interlocal Cooperation Act, so that the Department and Office may receive applications from and, as appropriate, give governmental approval for necessary permits and licenses to persons who wish to promote tourism, develop industry or produce motion pictures in this State.

4. The Governor may from time to time establish regional or local subcommittees to work on regional or local problems of economic development or the promotion of tourism.

231.025 Advisory Council on Economic Development: Creation; membership; expenses; duties.

1. The Advisory Council on Economic Development is hereby created. The Advisory Council consists of:

- (a) The Governor;
- (b) The Lieutenant Governor;
- (c) The Speaker of the Assembly;
- (d) The Majority Leader of the Senate;
- (e) The Minority Leader of the Assembly;
- (f) The Minority Leader of the Senate; and
- (g) The Secretary of State.

2. The Lieutenant Governor shall serve as the Chair of the Advisory Council.

3. The members of the Advisory Council shall serve without compensation except that:

(a) Upon the prior approval of the Executive Director, the members of the Advisory Council who are not Legislators are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally while engaged in the official business of the Advisory Council; and

(b) For each day or portion of a day during which a member of the Advisory Council who is a Legislator is engaged in the official business of the Advisory Council, except during a regular or special session of the Legislature, the Legislator is entitled to receive the per diem allowance provided for state officers generally and the travel expenses provided pursuant to NRS 218A.655. The per diem allowances and travel expenses of the members of the Advisory Council who are Legislators must be paid from the Legislative Fund.

4. The members of the Advisory Council shall:

(a) Meet at least once each quarter to discuss the efforts made by each member to further the economic development of this State and the results and expected results of those efforts.

(b) Market this State to further the economic development of this State and, after the Executive Director has developed the State Plan for Economic Development pursuant to subsection 2 of NRS 231.053, conduct such marketing in accordance with the State Plan for Economic Development. The efforts made pursuant to this paragraph may include, without limitation, attending industry conferences, publicizing the economic development programs of this State and meeting with the leaders of businesses who express interest in expanding or relocating in this State.

(c) Provide advice to the Board concerning the economic development of this State.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Remarks by Assemblywoman Bustamante Adams.

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. 554.

AN ACT relating to sentencing; revising certain provisions relating to eligibility for a program of regimental discipline; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a court to order certain defendants who have been convicted of a felony that does not involve an act of violence to a program of regimental discipline. (NRS 176A.780) This bill revises the eligibility requirements for such a program ~~by removing the requirement that the felony conviction not involve an act of violence, and replacing it with a requirement that the felony conviction not be for a category A felony.~~

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

Section 1. NRS 176A.780 is hereby amended to read as follows:

176A.780 1. If a defendant:

(a) Is male;

(b) Has been convicted of a felony that ~~does~~ ;

(1) Does not involve an act of violence; ~~is not a category A felony; or~~

(2) Involves an act of violence, but the district attorney stipulates to the defendant's eligibility to participate in a program of regimental discipline;

(c) Is at least 18 years of age;

(d) Has not been incarcerated in jail during his lifetime for a cumulative total of more than 365 days;

~~(e) Has never been incarcerated in jail or prison; has an adult for more than 6 months;~~ and

~~(e)~~ (f) Is otherwise eligible for probation,

↪ the court may order the defendant satisfactorily to complete a program of regimental discipline for 150 days before sentencing the defendant or in lieu of causing the sentence imposed to be executed upon violation of a condition of probation or suspension of sentence.

2. If the court orders the defendant to undergo a program of regimental discipline, it:

(a) Shall place the defendant under the supervision of the Director of the Department of Corrections for not more than 190 days, not more than the first 30 days of which must be used to determine the defendant's eligibility to participate in the program. In determining the defendant's eligibility to participate in the program, the Director shall:

(1) Make all reasonable efforts to accommodate the defendant in the program; and

(2) Consider the facts and circumstances of the defendant's offense based on the police report, the report of the presentence investigation and any other information available to the Director.

(b) Shall, if appropriate, direct the Chief Parole and Probation Officer to provide a copy of the defendant's records to the Director of the Department of Corrections.

(c) Shall require the defendant to be returned to the court not later than 30 days after the defendant is placed under the supervision of the Director, if the defendant is determined to be ineligible for the program.

(d) May require such reports concerning the defendant's participation in the program as it deems desirable.

3. If the defendant is ordered to complete the program before sentencing, the Director of the Department of Corrections shall return the defendant to the court not later than 150 days after the defendant began the program. The Director shall certify either that the defendant satisfactorily completed the program or that the defendant did not, and shall report the results of the Director's evaluation, including any recommendations which will be helpful in determining the proper sentence. Upon receiving the report, the court shall sentence the defendant.

4. If the defendant is ordered to complete the program in lieu of causing the sentence imposed to be executed upon the violation of a condition of probation and the defendant satisfactorily completes the program, the Director of the Department of Corrections shall, not later than 150 days after the defendant began the program, return the defendant to the court with certification that the defendant satisfactorily completed the program. The court shall direct that:

(a) The defendant be placed under the supervision of the Chief Parole and Probation Officer; and

(b) The Director of the Department of Corrections cause a copy of the records concerning the defendant's participation in the program to be provided to the Chief Parole and Probation Officer.

5. If a defendant is ordered to complete the program of regimental discipline in lieu of causing the sentence imposed to be executed upon the violation of a condition of probation, a failure by the defendant satisfactorily to complete the program constitutes a violation of that condition of probation and the Director of the Department of Corrections shall return the defendant to the court.

6. Time spent in the program must be deducted from any sentence which may thereafter be imposed.

Sec. 2. NRS 209.481 is hereby amended to read as follows:

209.481 1. ~~The~~ **Except as otherwise provided in NRS 176A.780, the** Director shall not assign any prisoner to an institution or facility of minimum security if the prisoner:

(a) Except as otherwise provided in NRS 484C.400, 484C.410, 484C.430, 484C.440, 488.420 and 488.427, is not eligible for parole or release from prison within a reasonable period;

(b) Has recently committed a serious infraction of the rules of an institution or facility of the Department;

(c) Has not performed the duties assigned to him or her in a faithful and orderly manner;

(d) Has ever been convicted of a sexual offense that is punishable as a felony;

(e) Has, within the immediately preceding year, been convicted of any crime involving the use or threatened use of force or violence against a victim that is punishable as a felony; or

(f) Has attempted to escape or has escaped from an institution of the Department.

2. The Director shall, by regulation, establish procedures for classifying and selecting qualified prisoners.

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 113.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 308.

SUMMARY—Revises provisions relating to sex trafficking.
(BDR ~~(4-63)~~ **14-63**)

AN ACT relating to sex trafficking; ~~amending provisions concerning the admissibility of certain evidence in a prosecution for sex trafficking;~~ amending various provisions concerning the ~~crime~~ **crimes** of **pandering and** sex trafficking; revising various provisions governing the penalties for **pandering and** sex trafficking; authorizing victims of sex trafficking to obtain compensation from the Fund for Compensation of Victims of Crime under certain circumstances; prohibiting the consideration of certain conduct by a victim of sex trafficking in determining whether to order compensation from the Fund; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the crime of pandering and provides that a person who is found guilty of pandering is guilty of a category B, C or D felony, depending on the circumstances surrounding the crime. (NRS 201.300-201.340)

Sections 8-13, 16 and 17 of this bill amend various provisions relating to the crime of pandering. **Sections 8-13, 16 and 17** ~~change the crime of pandering to~~ **create** the crime of sex trafficking, set forth the actions constituting the ~~crime~~ **crimes** of **pandering and** sex trafficking and provide the terms of imprisonment and fines that must be imposed against a person convicted of **pandering or** sex trafficking. **Section 9** further provides that a court may not grant probation to, or suspend the sentence of, a person convicted of sex trafficking **a child** and that certain defenses are not available in a prosecution for **pandering or** sex trafficking. **Section 14** of this bill authorizes victims of sex trafficking to obtain compensation from the Fund for Compensation of Victims of Crime, and **section 15** of this bill prohibits the consideration of certain contributory conduct when considering such compensation for a victim of sex trafficking.

~~[Existing law prohibits the defendant in a prosecution for sexual assault or statutory sexual seduction from presenting evidence of any previous sexual conduct of the victim of the crime to challenge the victim's credibility as a witness, unless certain exceptions are applicable. Section 1 of this bill applies this prohibition to prosecutions for sex trafficking.]~~

Existing law provides that the statute of limitations for pandering is 3 years after the commission of the offense or, if the offense is committed in a secret manner, 3 years after the discovery of the offense. (NRS 171.085, 171.095) **Sections 2-4** of this bill provide that the statute of limitations for sex trafficking is 4 years, which is the statute of limitations for sexual assault, and provide that certain extensions of the statute of limitations for sexual assault also apply to sex trafficking.

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

Section 1. ~~NRS 50.090 is hereby amended to read as follows:~~
~~50.090 In any prosecution for **sex trafficking**, sexual assault or statutory sexual seduction or for attempt to commit or conspiracy to commit [either crime,] **those crimes**, the accused may not present evidence of any previous sexual conduct of the victim of the crime to challenge the victim's credibility as a witness unless the prosecutor has presented evidence or the victim has testified concerning such conduct, or the absence of such conduct, in which case the scope of the accused's cross-examination of the victim or rebuttal must be limited to the evidence presented by the prosecutor or victim.]~~
(Deleted by amendment.)

Sec. 2. NRS 171.083 is hereby amended to read as follows:

171.083 1. If, at any time during the period of limitation prescribed in NRS 171.085 and 171.095, a victim of a sexual assault , ~~for~~ a person authorized to act on behalf of a victim of a sexual assault , **or a victim of sex trafficking or a person authorized to act on behalf of a victim of sex trafficking**, files with a law enforcement officer a written report concerning the sexual assault ~~or~~ **or sex trafficking**, the period of limitation prescribed in NRS 171.085 and 171.095 is removed and there is no limitation of the time within which a prosecution for the sexual assault **or sex trafficking** must be commenced.

2. If a written report is filed with a law enforcement officer pursuant to subsection 1, the law enforcement officer shall provide a copy of the written report to the victim or the person authorized to act on behalf of the victim.

3. If a victim of a sexual assault **or sex trafficking** is under a disability during any part of the period of limitation prescribed in NRS 171.085 and 171.095 and a written report concerning the sexual assault **or sex trafficking** is not otherwise filed pursuant to subsection 1, the period during which the victim is under the disability must be excluded from any calculation of the period of limitation prescribed in NRS 171.085 and 171.095.

4. For the purposes of this section, a victim of a sexual assault **or sex trafficking** is under a disability if the victim is insane, ~~mentally retarded,~~

intellectually disabled, mentally incompetent or in a medically comatose or vegetative state.

5. As used in this section, “law enforcement officer” means:

- (a) A prosecuting attorney;
- (b) A sheriff of a county or the sheriff’s deputy;
- (c) An officer of a metropolitan police department or a police department of an incorporated city; or
- (d) Any other person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive.

Sec. 3. NRS 171.085 is hereby amended to read as follows:

171.085 Except as otherwise provided in NRS 171.080, 171.083, 171.084 and 171.095, an indictment for:

1. Theft, robbery, burglary, forgery, arson, sexual assault, **sex trafficking**, a violation of NRS 90.570, a violation punishable pursuant to paragraph (c) of subsection 3 of NRS 598.0999 or a violation of NRS 205.377 must be found, or an information or complaint filed, within 4 years after the commission of the offense.

2. Any felony other than the felonies listed in subsection 1 must be found, or an information or complaint filed, within 3 years after the commission of the offense.

Sec. 4. NRS 171.095 is hereby amended to read as follows:

171.095 1. Except as otherwise provided in subsection 2 and NRS 171.083 and 171.084:

(a) If a felony, gross misdemeanor or misdemeanor is committed in a secret manner, an indictment for the offense must be found, or an information or complaint filed, within the periods of limitation prescribed in NRS 171.085, 171.090 and 624.800 after the discovery of the offense, unless a longer period is allowed by paragraph (b) or (c) or the provisions of NRS 202.885.

(b) An indictment must be found, or an information or complaint filed, for any offense constituting sexual abuse of a child ~~§~~ as defined in NRS 432B.100 ~~§~~ **or sex trafficking of a child as defined in NRS 201.300**, before the victim ~~of the sexual abuse~~ is:

(1) Twenty-one years old if the victim discovers or reasonably should have discovered that he or she was a victim of the sexual abuse **or sex trafficking** by the date on which the victim reaches that age; or

(2) Twenty-eight years old if the victim does not discover and reasonably should not have discovered that he or she was a victim of the sexual abuse **or sex trafficking** by the date on which the victim reaches 21 years of age.

(c) If a felony is committed pursuant to NRS 205.461 to 205.4657, inclusive, against a victim who is less than 18 years of age at the time of the

commission of the offense, an indictment for the offense must be found, or an information or complaint filed, within 4 years after the victim discovers or reasonably should have discovered the offense.

2. If any indictment found, or an information or complaint filed, within the time prescribed in subsection 1 is defective so that no judgment can be given thereon, another prosecution may be instituted for the same offense within 6 months after the first is abandoned.

Sec. 5. NRS 179.121 is hereby amended to read as follows:

179.121 1. All personal property, including, without limitation, any tool, substance, weapon, machine, computer, money or security, which is used as an instrumentality in any of the following crimes is subject to forfeiture:

(a) The commission of or attempted commission of the crime of murder, robbery, kidnapping, burglary, invasion of the home, grand larceny or theft if it is punishable as a felony;

(b) The commission of or attempted commission of any felony with the intent to commit, cause, aid, further or conceal an act of terrorism;

(c) A violation of NRS 202.445 or 202.446;

(d) The commission of any crime by a criminal gang, as defined in NRS 213.1263; or

(e) A violation of NRS 200.463 to 200.468, inclusive, 201.300 ~~to 201.340, inclusive,~~ , **201.320**, 202.265, 202.287, 205.473 to 205.513, inclusive, 205.610 to 205.810, inclusive, 370.380, 370.382, 370.395, 370.405 or 465.070 to 465.085, inclusive.

2. Except as otherwise provided for conveyances forfeitable pursuant to NRS 453.301 or 501.3857, all conveyances, including aircraft, vehicles or vessels, which are used or intended for use during the commission of a felony or a violation of NRS 202.287, 202.300 or 465.070 to 465.085, inclusive, are subject to forfeiture except that:

(a) A conveyance used by any person as a common carrier in the transaction of business as a common carrier is not subject to forfeiture under this section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to the felony or violation;

(b) A conveyance is not subject to forfeiture under this section by reason of any act or omission established by the owner thereof to have been committed or omitted without the owner's knowledge, consent or willful blindness;

(c) A conveyance is not subject to forfeiture for a violation of NRS 202.300 if the firearm used in the violation of that section was not loaded at the time of the violation; and

(d) A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party

neither had knowledge of nor consented to the felony. If a conveyance is forfeited, the appropriate law enforcement agency may pay the existing balance and retain the conveyance for official use.

3. For the purposes of this section, a firearm is loaded if:

(a) There is a cartridge in the chamber of the firearm;

(b) There is a cartridge in the cylinder of the firearm, if the firearm is a revolver; or

(c) There is a cartridge in the magazine and the magazine is in the firearm or there is a cartridge in the chamber, if the firearm is a semiautomatic firearm.

4. As used in this section, “act of terrorism” has the meaning ascribed to it in NRS 202.4415.

Sec. 6. NRS 179D.0357 is hereby amended to read as follows:

179D.0357 “Crime against a child” means any of the following offenses if the victim of the offense was less than 18 years of age when the offense was committed:

1. Kidnapping pursuant to NRS 200.310 to 200.340, inclusive, unless the offender is the parent or guardian of the victim.

2. False imprisonment pursuant to NRS 200.460, unless the offender is the parent or guardian of the victim.

3. An offense involving ~~pandering~~ **sex trafficking pursuant to subsection 2 of NRS 201.300** or prostitution pursuant to NRS ~~[201.300 to 201.340, inclusive.] 201.320.~~

4. An attempt to commit an offense listed in this section.

5. An offense committed in another jurisdiction that, if committed in this State, would be an offense listed in this section. This subsection includes, without limitation, an offense prosecuted in:

(a) A tribal court.

(b) A court of the United States or the Armed Forces of the United States.

6. An offense against a child committed in another jurisdiction, whether or not the offense would be an offense listed in this section, if the person who committed the offense resides or has resided or is or has been a student or worker in any jurisdiction in which the person is or has been required by the laws of that jurisdiction to register as an offender who has committed a crime against a child because of the offense. This subsection includes, without limitation, an offense prosecuted in:

(a) A tribal court.

(b) A court of the United States or the Armed Forces of the United States.

(c) A court having jurisdiction over juveniles.

Sec. 7. NRS 179D.115 is hereby amended to read as follows:

179D.115 “Tier II offender” means an offender convicted of a crime against a child or a sex offender, other than a Tier III offender, whose crime

against a child is punishable by imprisonment for more than 1 year or whose sexual offense:

1. If committed against a child, constitutes:
 - (a) Luring a child pursuant to NRS 201.560, if punishable as a felony;
 - (b) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation;
 - (c) An offense involving ~~luring~~ **sex trafficking pursuant to NRS 201.300** or prostitution pursuant to NRS ~~201.300 to 201.340, inclusive;~~ **201.320;**
 - (d) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive; or
 - (e) Any other offense that is comparable to or more severe than the offenses described in 42 U.S.C. § 16911(3);
2. Involves an attempt or conspiracy to commit any offense described in subsection 1;
3. If committed in another jurisdiction, is an offense that, if committed in this State, would be an offense listed in this section. This subsection includes, without limitation, an offense prosecuted in:
 - (a) A tribal court; or
 - (b) A court of the United States or the Armed Forces of the United States;
 or
4. Is committed after the person becomes a Tier I offender if any of the person's sexual offenses constitute an offense punishable by imprisonment for more than 1 year.

Sec. 8. NRS 201.295 is hereby amended to read as follows:

201.295 As used in NRS 201.295 to 201.440, inclusive, unless the context otherwise requires:

1. "Adult" means a person 18 years of age or older.
2. "Child" means a person less than 18 years of age.
3. **"Induce" means to persuade, encourage, inveigle or entice.**
4. "Prostitute" means a male or female person who for a fee , **monetary consideration or other thing of value** engages in sexual ~~intercourse, oral-genital contact or any touching of the sexual organs or other intimate parts of a person for the purpose of arousing or gratifying the sexual desire of either person.~~
- ~~4.]~~ **conduct.**
5. "Prostitution" means engaging in ~~l, agreeing to or offering to engage in~~ sexual conduct **with another person in return** for a fee ~~l,~~
- ~~5.]~~ **, monetary consideration or other thing of value.**
6. "Sexual conduct" means ~~any of the acts enumerated in subsection 3.]~~ **masturbation of a person, cunnilingus, fellatio, or any intrusion, however slight, of any part of a person's body or any object manipulated or inserted**

by a person into the genital or anal openings of the body of a person, including sexual intercourse in its ordinary meaning.

7. “Transport” means to transport or cause to be transported, by any means of conveyance, into, through or across this State, or to aid or assist in obtaining such transportation.

Sec. 9. NRS 201.300 is hereby amended to read as follows:

201.300 1. A person who ~~is~~

~~—(a) Induces,} [persuades, encourages, inveigles, entices or compels] [causes, recruits, harbors, transports, provides, obtains or maintains a] [person] [child to] , without physical force or the immediate threat of physical force, induces an adult to unlawfully become a prostitute or to continue to engage in prostitution [;] , or to enter any place within this State in which prostitution is practiced, encouraged or allowed for the purpose of sexual conduct or prostitution [;]~~

~~—(b) [By threats, violence or by any device or scheme, causes, induces, persuades, encourages, takes, places, harbors, inveigles or entices a person to become an inmate of a house of prostitution or assignation place, or any place where] [Induces, recruits, harbors, transports, provides, obtains or maintains a person by any means, knowing, or in reckless disregard of the fact, that threats, violence, force, intimidation, fraud, duress or coercion will be used to cause the person to engage in prostitution, or to enter any place within this State in which prostitution is practiced, encouraged or allowed] [;] [for the purpose of sexual conduct or prostitution;~~

~~—(c) By threats, violence,} [or] [force, intimidation, fraud, duress, coercion, by any device or scheme,} [by fraud or artifice, or by duress of person or goods,} [or by abuse of any position of confidence or authority, or having legal charge, takes, places, harbors,} [inveigles, entices, persuades, encourages] [induces, causes, compels or procures a person to engage in prostitution, or to enter any place within this state in which prostitution is practiced, encouraged or allowed] [;] [for the purpose of sexual conduct or prostitution; or~~

~~—(d) [By promises, threats, violence, or by any device or scheme, by fraud or artifice, by duress of person or goods, or abuse of any position of confidence or authority or having legal charge, takes, places, harbors, inveigles, entices, persuades, encourages or procures a person of previous chaste character to enter any place within this state in which prostitution is practiced, encouraged or allowed, for the purpose of sexual intercourse;~~

~~—(e) [Takes or detains a person with the intent to compel the person by force, violence, threats] [, menace] [or duress to marry him or her or any other person,] [; or~~

~~— (f) Receives, gives or agrees to receive or give any money or thing of value for procuring or attempting to procure a person to become a prostitute or to come into this state or leave this state for the purpose of prostitution,]~~

~~{~~→~~ is guilty of} [pandering,] ~~{sex trafficking,~~~~

~~— 2. A person who is found guilty of} [pandering,] ~~{sex trafficking,~~~~

~~— (a) An adult:~~

~~— (1) If physical force or violence or the immediate threat of physical force or violence is used upon the adult, is guilty of a category] [C] ~~{B felony and shall be punished} [as provided in NRS 193.130.] ~~{by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 20 years, and may be further punished by a fine of not more than \$10,000.~~~~~~

~~— (2) If no physical force or violence or immediate threat of physical force or violence is used upon the adult,]~~ is guilty of pandering which is a category ~~[D]~~ C felony and shall be punished as provided in NRS 193.130.

~~[(b) A child:~~

~~— (1) If] [physical force or the immediate threat of physical force is used upon] [the child] [,] ~~[is less than 14 years of age when the offense is committed, is guilty of a category] [B] ~~{A 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] ~~{life with the possibility of parole with eligibility for parole beginning when a minimum of 15 years has been served, and may be further punished by a fine of not more than \$20,000.~~~~~~~~

~~— (2) If] [no physical force or immediate threat of physical force is used upon] [the child] [,] ~~[is at least 14 years of age but less than 18 years of age when the offense is committed, is guilty of a category] [B] ~~{A 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] ~~{life with the possibility of parole with eligibility for parole beginning when a minimum of 10 years has been served, and may be further punished by a fine of not more than \$10,000.~~~~~~~~

~~— 3.] This {section} subsection does not apply to the customer of a prostitute.~~

2. A person:

(a) Is guilty of sex trafficking if the person:

(1) Induces, causes, recruits, harbors, transports, provides, obtains or maintains a child to engage in prostitution, or to enter any place within this State in which prostitution is practiced, encouraged or allowed for the purpose of sexual conduct or prostitution;

(2) Induces, recruits, harbors, transports, provides, obtains or maintains a person by any means knowing, or in reckless disregard of the

fact, that threats, violence, force, intimidation, fraud, duress or coercion will be used to cause the person to engage in prostitution, or to enter any place within this State in which prostitution is practiced, encouraged or allowed for the purpose of sexual conduct or prostitution;

(3) By threats, violence, force, intimidation, fraud, duress, coercion, by any device or scheme, or by abuse of any position of confidence or authority, or having legal charge, takes, places, harbors, induces, causes, compels or procures a person to engage in prostitution, or to enter any place within this State in which prostitution is practiced, encouraged or allowed for the purpose of sexual conduct or prostitution; or

(4) Takes or detains a person with the intent to compel the person by force, violence, threats or duress to marry him or her or any other person.

(b) Who is found guilty of sex trafficking:

(1) An adult 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 3 years and a maximum term of not more than 10 years and may be further punished by a fine of not more than \$10,000.

(2) A child:

(I) If the child is less than 14 years of age when the offense is committed, is guilty of a category A felony and shall be punished by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 15 years has been served, and may be further punished by a fine of not more than \$20,000.

(II) If the child is at least 14 years of age but less than 16 years of age when the offense is committed, is guilty of a category A felony and shall be punished by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served, and may be further punished by a fine of not more than \$10,000.

(III) If the child is at least 16 years of age but less than 18 years of age when the offense is committed, is guilty of a category A felony and shall be punished by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 5 years has been served, and may be further punished by a fine of not more than \$10,000.

3. A court shall not grant probation to or suspend the sentence of a person convicted of sex trafficking a child pursuant to ~~this section.~~ subsection 2.

4. Consent of a victim of pandering or sex trafficking to an act of prostitution is not a defense to a prosecution for any of the acts prohibited by this section.

5. *In a prosecution for sex trafficking a child ~~for~~ pursuant to subsection 2, it is not a defense that the defendant did not have knowledge of the victim's age, nor is reasonable mistake of age a valid defense to a prosecution conducted pursuant to ~~this section~~ subsection 2.*

Sec. 10. NRS 201.350 is hereby amended to read as follows:

201.350 It shall not be a defense to a prosecution for any of the acts prohibited in NRS 201.300 ~~[to 201.340, inclusive,]~~ **or 201.320** that any part of such act or acts shall have been committed outside this state, and the offense shall in such case be deemed and alleged to have been committed, and the offender tried and punished, in any county in which the prostitution was consummated, or any overt act in furtherance of the offense shall have been committed.

Sec. 11. NRS 201.351 is hereby amended to read as follows:

201.351 1. All assets derived from or relating to any violation of NRS 201.300 ~~[to 201.340, inclusive,]~~ ~~for 201.320 in which the victim of the offense is a child when the offense is committed,~~ **or 201.320** are subject to forfeiture pursuant to NRS 179.121 and a proceeding for their forfeiture may be brought pursuant to NRS 179.1156 to 179.121, inclusive.

2. In any proceeding for forfeiture brought pursuant to NRS 179.1156 to 179.121, inclusive, the plaintiff may apply for, and a court may issue without notice or hearing, a temporary restraining order to preserve property which would be subject to forfeiture pursuant to this section if:

(a) The forfeitable property is in the possession or control of the party against whom the order will be entered; and

(b) The court determines that the nature of the property is such that it can be concealed, disposed of or placed beyond the jurisdiction of the court before a hearing on the matter.

3. A temporary restraining order which is issued without notice may be issued for not more than ~~101~~ **30** days and may be extended only for good cause or by consent. The court shall provide notice and hold a hearing on the matter before the order expires.

4. Any proceeds derived from a forfeiture of property pursuant to this section and remaining after the distribution required by subsection 1 of NRS 179.118 must be deposited with the county treasurer and distributed to programs for the prevention of child prostitution **or for services to victims of child prostitution** which are designated to receive such distributions by the district attorney of the county.

Sec. 12. NRS 201.352 is hereby amended to read as follows:

201.352 1. If a person is convicted of a violation of ~~[any provision]~~ **subsection 2** of NRS 201.300 ~~[to 201.340, inclusive, and]~~ **or NRS 201.320**, the victim of the violation is a child ~~[who is]~~:

~~—(a) At least 14 years of age but less than 18 years of age when the offense is committed, the court may, in addition to the punishment prescribed by statute for the offense and any fine imposed pursuant to subsection 2, impose a fine of not more than \$100,000.~~

~~—(b) Less than 14 years of age~~ when the offense is committed, ***and physical force or violence or the immediate threat of physical force or violence is used upon the child***, the court may, in addition to the term of imprisonment prescribed by statute for the offense and any fine imposed pursuant to subsection 2, impose a fine of not more than \$500,000.

2. If a person is convicted of a violation of ~~any provision~~ **subsection 2** of NRS 201.300 ~~to 201.340, inclusive,~~ **or NRS 201.320**, the victim of the offense is a child when the offense is committed and the offense also involves a conspiracy to commit a violation of **subsection 2 of** NRS 201.300 ~~to 201.340, inclusive,~~ **or NRS 201.320**, the court may, in addition to the punishment prescribed by statute for the offense of a provision of **subsection 2 of** NRS 201.300 ~~to 201.340, inclusive,~~ **or NRS 201.320** and any fine imposed pursuant to subsection 1, impose a fine of not more than \$500,000.

3. The provisions of subsections 1 and 2 do not create a separate offense but provide an additional penalty for the primary offense, the imposition of which is contingent upon the finding of the prescribed fact.

Sec. 13. NRS 202.876 is hereby amended to read as follows:

202.876 “Violent or sexual offense” means any act that, if prosecuted in this State, would constitute any of the following offenses:

1. Murder or voluntary manslaughter pursuant to NRS 200.010 to 200.260, inclusive.

2. Mayhem pursuant to NRS 200.280.

3. Kidnapping pursuant to NRS 200.310 to 200.340, inclusive.

4. Sexual assault pursuant to NRS 200.366.

5. Robbery pursuant to NRS 200.380.

6. Administering poison or another noxious or destructive substance or liquid with intent to cause death pursuant to NRS 200.390.

7. Battery with intent to commit a crime pursuant to NRS 200.400.

8. Administering a drug or controlled substance to another person with the intent to enable or assist the commission of a felony or crime of violence pursuant to NRS 200.405 or 200.408.

9. False imprisonment pursuant to NRS 200.460 if the false imprisonment involves the use or threatened use of force or violence against the victim or the use or threatened use of a firearm or a deadly weapon.

10. Assault with a deadly weapon pursuant to NRS 200.471.

11. Battery which is committed with the use of a deadly weapon or which results in substantial bodily harm as described in NRS 200.481 or

battery which is committed by strangulation as described in NRS 200.481 or 200.485.

12. An offense involving pornography and a minor pursuant to NRS 200.710 or 200.720.

13. Solicitation of a minor to engage in acts constituting the infamous crime against nature pursuant to NRS 201.195.

14. Intentional transmission of the human immunodeficiency virus pursuant to NRS 201.205.

15. Open or gross lewdness pursuant to NRS 201.210.

16. Lewdness with a child pursuant to NRS 201.230.

17. An offense involving pandering ***or sex trafficking in violation of NRS 201.300*** or prostitution in violation of NRS ~~{201.300,}~~ 201.320 . ~~{or 201.340.}~~

18. Coercion pursuant to NRS 207.190, if the coercion involves the use or threatened use of force or violence against the victim or the use or threatened use of a firearm or a deadly weapon.

19. An attempt, conspiracy or solicitation to commit an offense listed in subsections 1 to 18, inclusive.

Sec. 14. NRS 217.070 is hereby amended to read as follows:

217.070 “Victim” means:

1. A person who is physically injured or killed as the direct result of a criminal act;

2. A minor who was involved in the production of pornography in violation of NRS 200.710, 200.720, 200.725 or 200.730;

3. A minor who was sexually abused, as “sexual abuse” is defined in NRS 432B.100;

4. A person who is physically injured or killed as the direct result of a violation of NRS 484C.110 or any act or neglect of duty punishable pursuant to NRS 484C.430 or 484C.440;

5. A pedestrian who is physically injured or killed as the direct result of a driver of a motor vehicle who failed to stop at the scene of an accident involving the driver and the pedestrian in violation of NRS 484E.010;

6. An older person who is abused, neglected, exploited or isolated in violation of NRS 200.5099 or 200.50995; ~~{or}~~

7. A resident who is physically injured or killed as the direct result of an act of international terrorism as defined in 18 U.S.C. § 2331(1) ~~{,}~~; ***or***

8. A person who is trafficked in violation of subsection 2 of NRS 201.300.

↪ The term includes a person who was harmed by any of these acts whether the act was committed by an adult or a minor.

Sec. 15. NRS 217.180 is hereby amended to read as follows:

217.180 1. Except as otherwise provided in subsection 2, in determining whether to make an order for compensation, the compensation officer shall consider the provocation, consent or any other behavior of the victim that directly or indirectly contributed to the injury or death of the victim, the prior case or social history, if any, of the victim, the need of the victim or the dependents of the victim for financial aid and other relevant matters.

2. If the case involves a victim of domestic violence, ~~for~~ sexual assault ~~or~~ **or sex trafficking**, the compensation officer shall not consider the provocation, consent or any other behavior of the victim that directly or indirectly contributed to the injury or death of the victim.

3. If the applicant has received or is likely to receive an amount on account of the applicant's injury or the death of another from:

(a) The person who committed the crime that caused the victim's injury or from anyone paying on behalf of the offender;

(b) Insurance;

(c) The employer of the victim; or

(d) Another private or public source or program of assistance,

→ the applicant shall report the amount received or that the applicant is likely to receive to the compensation officer. Any of those sources that are obligated to pay an amount after the award of compensation shall pay the Board the amount of compensation that has been paid to the applicant and pay the remainder of the amount due to the applicant. The compensation officer shall deduct the amounts that the applicant has received or is likely to receive from those sources from the applicant's total expenses.

4. An order for compensation may be made whether or not a person is prosecuted or convicted of an offense arising from the act on which the claim for compensation is based.

5. As used in this section:

(a) "Domestic violence" means an act described in NRS 33.018.

(b) "Public source or program of assistance" means:

(1) Public assistance, as defined in NRS 422.050 and 422A.065;

(2) Social services provided by a social service agency, as defined in NRS 430A.080; or

(3) Other assistance provided by a public entity.

(c) "**Sex trafficking**" means a violation of subsection 2 of NRS 201.300.

(d) "Sexual assault" has the meaning ascribed to it in NRS 200.366.

Sec. 16. ~~Section 129 of the Charter of Boulder City is hereby amended to read as follows:~~

~~Section 129. [Pandering.] Sex trafficking, prostitution and disorderly houses prohibited.~~

~~1. [Pandering,] Sex trafficking, prostitution and disorderly houses, as defined and made unlawful by the general laws of the State, shall be unlawful within the City.~~

~~2. The Council shall enact such ordinances as may be necessary to implement this section.~~ **(Deleted by amendment.)**

Sec. 17. NRS 201.310, 201.330 and 201.340 are hereby repealed.

Sec. 18. This act becomes effective on July 1, 2013.

TEXT OF REPEALED SECTIONS

201.310 Pandering: Placing spouse in brothel; penalties.

1. A person who by force, fraud, intimidation or threats, places, or procures any other person to place, his or her spouse in a house of prostitution or compels his or her spouse to lead a life of prostitution is guilty of pandering and shall be punished:

(a) Where physical force or the immediate threat of physical force is used upon the spouse, for a category C felony as provided in NRS 193.130.

(b) Where no physical force or immediate threat of physical force is used, for a category D felony as provided in NRS 193.130.

2. Upon the trial of any offense mentioned in this section, either spouse is a competent witness for or against the other spouse, with or without the other's consent, and may be compelled so to testify.

201.330 Pandering: Detaining person in brothel because of debt; penalties.

1. A person who attempts to detain another person in a disorderly house or house of prostitution because of any debt or debts the other person has contracted or is said to have contracted while living in the house is guilty of pandering.

2. A person who is found guilty of pandering:

(a) An adult:

(1) If physical force or the immediate threat of physical force is used upon the adult, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

(2) If no physical force or immediate threat of physical force is used upon the adult, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

(b) A child:

(1) If physical force or the immediate threat of physical force is used upon the child, 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 and may be further punished by a fine of not more than \$20,000.

(2) If no physical force or immediate threat of physical force is used upon the child, 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 may be further punished by a fine of not more than \$10,000.

201.340 Pandering: Furnishing transportation; penalties.

1. A person who knowingly transports or causes to be transported, by any means of conveyance, into, through or across this state, or who aids or assists in obtaining such transportation for a person with the intent to induce, persuade, encourage, inveigle, entice or compel that person to become a prostitute or to continue to engage in prostitution is guilty of pandering.

2. A person who is found guilty of pandering:

(a) An adult:

(1) If physical force or the immediate threat of physical force is used upon the adult, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

(2) If no physical force or immediate threat of physical force is used upon the adult, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

(b) A child:

(1) If physical force or the immediate threat of physical force is used upon the child, 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 and may be further punished by a fine of not more than \$20,000.

(2) If no physical force or immediate threat of physical force is used upon the child, 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 may be further punished by a fine of not more than \$10,000.

3. A person who violates subsection 1 may be prosecuted, indicted, tried and convicted in any county or city in or through which he or she transports or attempts to transport the person.

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

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 Natural Resources, Agriculture, and Mining:

Amendment No. 494.

SUMMARY—Revises provisions ~~governing the lease of state lands;~~ **relating to governmental administration.** (BDR 26-30)

AN ACT relating to ~~state lands; authorizing, under certain circumstances, the lease~~ **governmental administration; exempting the lease of certain state lands** ~~for less than market value for purposes of economic development;~~ **from appraisal and certain procedural requirements; authorizing the discounted lease of state lands and buildings to certain businesses seeking to locate or expand in this State; revising provisions relating to the annual inventory of real property owned by or leased to the State;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the State Land Registrar to lease state land for certain purposes. ~~and sets forth the requirements for the applications for and the terms of such leases.~~ (Chapter 321 of NRS) **Section 3** of this bill authorizes the ~~State Land Registrar to lease state land for purposes of economic development without first offering the state land to the public and for less than its fair market value.~~ **lease of state land to certain businesses seeking to locate or expand in this State for less than fair market value for the first year of the lease.** **Section 3** requires the State Land Registrar, **the Administrator of the State Public Works Division of the Department of Administration** and the Executive Director of the Office of Economic Development to approve such a lease and establish the amount of rent to be received for the state land pursuant to the lease. ~~and taking into consideration the amount the lessee is able to pay.~~

With limited exceptions, existing law sets forth certain procedural requirements for the sale or lease of state land, which include: (1) the requirement to obtain two independent appraisals of the land; (2) the requirement that the lease be upon sealed bids followed by oral offers; and (3) the requirement that certain leases be approved by the State Board of Examiners and the Interim Finance Committee. (NRS 321.007, 321.335, 322.007) **Sections 1, 1.5, 2, and 4 and 5** of this bill except from these requirements the lease of state land ~~pursuant to section 3 for purposes of economic development.~~ **if the lease is for less than 25,000 square feet of land or the lease is approved pursuant to section 3.**

Existing law requires: (1) each state officer, department, agency, board and commission to maintain an inventory of all real property leased to the State; and (2) the Division of State Lands of the State Department of Conservation and Natural Resources, the Department of Transportation and the State Public Works Division to maintain an inventory of all real property owned by the State. (NRS 331.110) Section 8 of this bill provides that each inventory must be provided to the

Administrator on or after April 1 but not later than June 30 of each year. Section 8 also sets forth certain requirements relating to those inventories. Section 6 of this bill requires the Administrator of the State Public Works Division to provide the inventory of real property owned by the State to the Executive Director of the Office of Economic Development and authorizes the Administrator to enter into a lease or agreement with certain businesses seeking to locate or expand in this State for the lease of certain state-owned buildings to the business for less than the fair market value during the first year of the lease.

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

Section 1. Chapter 321 of NRS is hereby amended by adding thereto a new section to read as follows:

The State Land Registrar may offer any state land for lease without complying with the provisions of NRS 321.007 or 321.335 if the area of the state land is less than 25,000 square feet.

~~{Section 1.}~~ **Sec. 1.5.** NRS 321.007 is hereby amended to read as follows:

321.007 1. Except as otherwise provided in subsection 5, NRS 322.063, 322.065 or 322.075, **or section 1 or 3 of this act**, except as otherwise required by federal law, except for land that is sold or leased to a public utility, as defined in NRS 704.020, to be used for a public purpose, except for land that is sold or leased to a state or local governmental entity, except for a lease which is part of a contract entered into pursuant to chapter 333 of NRS and except for land that is sold or leased pursuant to an agreement entered into pursuant to NRS 277.080 to 277.170, inclusive, when offering any land for sale or lease, the State Land Registrar shall:

(a) Except as otherwise provided in this paragraph, obtain two independent appraisals of the land before selling or leasing it. If the Interim Finance Committee grants its approval after discussion of the fair market value of the land, one independent appraisal of the land is sufficient before selling or leasing it. The appraisal or appraisals, as applicable, must have been prepared not more than 6 months before the date on which the land is offered for sale or lease.

(b) Notwithstanding the provisions of chapter 333 of NRS, select the one independent appraiser or two independent appraisers, as applicable, from the list of appraisers established pursuant to subsection 2.

(c) Verify the qualifications of each appraiser selected pursuant to paragraph (b). The determination of the State Land Registrar as to the qualifications of an appraiser is conclusive.

2. The State Land Registrar shall adopt regulations for the procedures for creating or amending a list of appraisers qualified to conduct appraisals of land offered for sale or lease by the State Land Registrar. The list must:

- (a) Contain the names of all persons qualified to act as a general appraiser in the same county as the land that may be appraised; and
- (b) Be organized at random and rotated from time to time.

3. An appraiser chosen pursuant to subsection 1 must provide a disclosure statement which includes, without limitation, all sources of income of the appraiser that may constitute a conflict of interest and any relationship of the appraiser with the owner of the land or the owner of an adjoining property.

4. An appraiser shall not perform an appraisal on any land offered for sale or lease by the State Land Registrar if the appraiser or a person related to the appraiser within the first degree of consanguinity or affinity has an interest in the land or an adjoining property.

5. If a lease of land is for residential property and the term of the lease is 1 year or less, the State Land Registrar shall obtain an analysis of the market value of similar rental properties prepared by a licensed real estate broker or salesperson when offering such a property for lease.

6. If land is sold or leased in violation of the provisions of this section:

- (a) The sale or lease is void; and
- (b) Any change to an ordinance or law governing the zoning or use of the land is void if the change takes place within 5 years after the date of the void sale or lease.

Sec. 2. NRS 321.335 is hereby amended to read as follows:

321.335 1. Except as otherwise provided in NRS 321.125, 322.063, 322.065 or 322.075, **or section 1 or 3 of this act**, except as otherwise required by federal law, except for land that is sold or leased to a public utility, as defined in NRS 704.020, to be used for a public purpose, except for land that is sold or leased to a state or local governmental entity, except for a lease which is part of a contract entered into pursuant to chapter 333 of NRS and except for an agreement entered into pursuant to the provisions of NRS 277.080 to 277.170, inclusive, or a lease of residential property with a term of 1 year or less, after April 1, 1957, all sales or leases of any lands that the Division is required to hold pursuant to NRS 321.001, including lands subject to contracts of sale that have been forfeited, are governed by the provisions of this section.

2. Whenever the State Land Registrar deems it to be in the best interests of the State of Nevada that any lands owned by the State and not used or set apart for public purposes be sold or leased, the State Land Registrar may, with the approval of the State Board of Examiners and the Interim Finance Committee, cause those lands to be sold or leased upon sealed bids, or oral

offer after the opening of sealed bids for cash or pursuant to a contract of sale or lease, at a price not less than the highest appraised value for the lands plus the costs of appraisal and publication of notice of sale or lease.

3. Before offering any land for sale or lease, the State Land Registrar shall comply with the provisions of NRS 321.007.

4. After complying with the provisions of NRS 321.007, the State Land Registrar shall cause a notice of sale or lease to be published once a week for 4 consecutive weeks in a newspaper of general circulation published in the county where the land to be sold or leased is situated, and in such other newspapers as the State Land Registrar deems appropriate. If there is no newspaper published in the county where the land to be sold or leased is situated, the notice must be so published in a newspaper published in this State having a general circulation in the county where the land is situated.

5. The notice must contain:

- (a) A description of the land to be sold or leased;
- (b) A statement of the terms of sale or lease;
- (c) A statement that the land will be sold pursuant to subsection 6; and
- (d) The place where the sealed bids will be accepted, the first and last days on which the sealed bids will be accepted, and the time when and place where the sealed bids will be opened and oral offers submitted pursuant to subsection 6 will be accepted.

6. At the time and place fixed in the notice published pursuant to subsection 4, all sealed bids which have been received must, in public session, be opened, examined and declared by the State Land Registrar. Of the proposals submitted which conform to all terms and conditions specified in the notice published pursuant to subsection 4 and which are made by responsible bidders, the bid which is the highest must be finally accepted, unless a higher oral offer is accepted or the State Land Registrar rejects all bids and offers. Before finally accepting any written bid, the State Land Registrar shall call for oral offers. If, upon the call for oral offers, any responsible person offers to buy or lease the land upon the terms and conditions specified in the notice, for a price exceeding by at least 5 percent the highest written bid, then the highest oral offer which is made by a responsible person must be finally accepted.

7. The State Land Registrar may reject any bid or oral offer to purchase or lease submitted pursuant to subsection 6, if the State Land Registrar deems the bid or offer to be:

- (a) Contrary to the public interest.
- (b) For a lesser amount than is reasonable for the land involved.
- (c) On lands which it may be more beneficial for the State to reserve.
- (d) On lands which are requested by the State of Nevada or any department, agency or institution thereof.

8. Upon acceptance of any bid or oral offer and payment to the State Land Registrar in accordance with the terms of sale specified in the notice of sale, the State Land Registrar shall convey title by quitclaim or cause a patent to be issued as provided in NRS 321.320 and 321.330.

9. Upon acceptance of any bid or oral offer and payment to the State Land Registrar in accordance with the terms of lease specified in the notice of lease, the State Land Registrar shall enter into a lease agreement with the person submitting the accepted bid or oral offer pursuant to the terms of lease specified in the notice of lease.

10. The State Land Registrar may require any person requesting that state land be sold pursuant to the provisions of this section to deposit a sufficient amount of money to pay the costs to be incurred by the State Land Registrar in acting upon the application, including the costs of publication and the expenses of appraisal. This deposit must be refunded whenever the person making the deposit is not the successful bidder. The costs of acting upon the application, including the costs of publication and the expenses of appraisal, must be borne by the successful bidder.

11. If land that is offered for sale or lease pursuant to this section is not sold or leased at the initial offering of the contract for the sale or lease of the land, the State Land Registrar may offer the land for sale or lease a second time pursuant to this section. If there is a material change relating to the title, zoning or an ordinance governing the use of the land, the State Land Registrar must, as applicable, obtain a new appraisal or new appraisals of the land pursuant to the provisions of NRS 321.007 before offering the land for sale or lease a second time. If land that is offered for sale or lease pursuant to this section is not sold or leased at the second offering of the contract for the sale or lease of the land, the State Land Registrar may list the land for sale or lease at the appraised value with a licensed real estate broker, provided that the broker or a person related to the broker within the first degree of consanguinity or affinity does not have an interest in the land or an adjoining property.

Sec. 3. Chapter 322 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Administrator of the Division of State Lands of the State Department of Conservation and Natural Resources, as ex officio State Land Registrar, may lease state land ~~for the purpose of economic development.~~

~~— (a) Without first offering the state land to the public; and~~

~~— (b) For less than fair market value of the state land.~~

~~2. Before the State Land Registrar may lease state land pursuant to this section, the State Land Registrar must make a finding that it is in the best interest of the public to lease the state land.~~

~~— (a) Without offering the state land to the public; and~~
~~— (b) For less than fair market value of the state land.~~
~~— 3. To lease] pursuant to NRS 322.060 for less than the fair market value of the state land for the first year of the lease, including, without limitation, without the payment of rent for the first year of the lease, to a person who intends to locate or expand a business in this State if the business meets the requirements of subsection 4.~~

2. Before state land may be leased pursuant to this section, the following persons must approve the lease and establish the recommended amount of rent to be received for the state land:

(a) The Administrator of the Division of State Lands, as ex officio State Land Registrar ;

(b) The Administrator of the State Public Works Division of the Department of Administration; and the

(c) The Executive Director of the Office of Economic Development .
~~[must jointly approve the lease and establish the amount of rent to be received for the state land. The State Land Registrar and the Executive Director shall render a decision on an application to lease state land pursuant to this section not later than 60 days after the application is filed with the State Land Registrar.~~

~~— 4. In determining the amount of rent for the lease of state land pursuant to this section, the State Land Registrar and the Executive Director shall give consideration to the amount the lessee is able to pay.~~

~~— 5. The State Land Registrar may waive any fee for the consideration of an application submitted pursuant to this section.~~

~~— 6. As used in this section, “economic development” means:~~

~~— (a) The establishment of new commercial enterprises or facilities within the State;~~

~~— (b) The support, retention or expansion of existing commercial enterprises or facilities within the State;~~

~~— (c) The establishment, retention or expansion of public, quasi-public or other facilities or operations within the State;~~

~~— (d) The establishment of residential housing needed to support the establishment of new commercial enterprises or facilities or the expansion of existing commercial enterprises or facilities within the State; or~~

~~— (e) Any combination of the activities described in paragraphs (a) to (d), inclusive,~~

~~— to create and retain opportunities of employment for the residents of this State.]~~

3. Any lease entered into pursuant to this section must be for a term of at least 10 years.

4. The lease or agreement may not include a discount to the business for the first year unless:

(a) The business is consistent with:

(1) The State Plan for Economic Development developed by the Executive Director of the Office of Economic Development pursuant to subsection 2 of NRS 231.053; and

(2) Any guidelines adopted by the Executive Director of the Office to implement the State Plan for Economic Development.

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

(c) If the business is a new business in a county whose population is 100,000 or more or a city whose population is 60,000 or more, the business meets at least two of the following requirements:

(1) The business will have 75 or more full-time employees on the payroll of the business by the fourth quarter that it is in operation.

(2) Establishing the business will require the business to make a capital investment of at least \$1,000,000 in this State.

(3) The average hourly wage that will be paid by the new business to its employees in this State is at least 100 percent of the average statewide hourly wage as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The business will provide a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost to the business for the benefits the business provides to its employees in this State will meet the minimum requirements for benefits established by the Office by regulation pursuant to subsection 8 of NRS 360.750.

(d) If the business is a new business in a county whose population is less than 100,000 or a city whose population is less than 60,000, the business meets at least two of the following requirements:

(1) The business will have 15 or more full-time employees on the payroll of the business by the fourth quarter that it is in operation.

(2) Establishing the business will require the business to make a capital investment of at least \$250,000 in this State.

(3) The average hourly wage that will be paid by the new business to its employees in this State is at least 100 percent of the average statewide hourly wage or the average countywide hourly wage, whichever is less, as established by the Employment Security Division of the Department of

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

(I) The business will provide a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost to the business for the benefits the business provides to its employees in this State will meet the minimum requirements for benefits established by the Office by regulation pursuant to subsection 8 of NRS 360.750.

(e) If the business is an existing business, the business meets at least two of the following requirements:

(1) The business will increase the number of employees on its payroll by 10 percent more than it employed in the immediately preceding fiscal year or by six employees, whichever is greater.

(2) The business will expand by making a capital investment in this State in an amount equal to at least 20 percent of the value of the tangible property possessed by the business in the immediately preceding fiscal year. The determination of the value of the tangible property possessed by the business in the immediately preceding fiscal year must be made by the:

(I) County assessor of the county in which the business will expand, if the business is locally assessed; or

(II) The Department of Taxation, if the business is centrally assessed.

(3) The average hourly wage that will be paid by the existing business to its new employees in this State is at least the amount of the average hourly wage required to be paid by businesses pursuant to subparagraph (2) of either paragraph (a) or (b) of subsection 2 of NRS 361.0687, whichever is applicable, and:

(I) The business will provide a health insurance plan for all new employees that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost to the business for the benefits the business provides to its new employees in this State will meet the minimum requirements for benefits established by the Office by regulation pursuant to subsection 8 of NRS 360.750.

(f) In lieu of meeting the requirements of paragraph (c), (d) or (e), if the business furthers the development and refinement of intellectual property, a patent or a copyright into a commercial product, the business meets at least two of the following requirements:

(1) The business will have 10 or more full-time employees on the payroll of the business by the fourth quarter that it is in operation.

(2) Establishing the business will require the business to make a capital investment of at least \$500,000 in this State.

(3) The average hourly wage that will be paid by the new business to its employees in this State is at least the amount of the average hourly wage required to be paid by businesses pursuant to subparagraph (2) of either paragraph (a) or (b) of subsection 2 of NRS 361.0687, whichever is applicable, and:

(I) The business will provide a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost to the business for the benefits the business provides to its employees in this State will meet with minimum requirements established by the Office by regulation pursuant to subsection 8 of NRS 360.750.

Sec. 4. NRS 322.007 is hereby amended to read as follows:

322.007 Any lease of state land, except a lease for residential purposes , ~~for a lease for farming or grazing or a lease for economic development~~ **authorized pursuant to section 1 or 3 of this act**, whose term extends or is renewable beyond 1 year must be approved by the State Board of Examiners and the Interim Finance Committee.

Sec. 5. NRS 322.060 is hereby amended to read as follows:

322.060 Subject to the provisions of NRS 321.335, leases or easements authorized pursuant to the provisions of NRS 322.050, and not made for the purpose of extracting oil, coal or gas or the utilization of geothermal resources from the lands leased, must be:

1. For such areas as may be required to accomplish the purpose for which the land is leased or the easement granted.

2. Except as otherwise provided in NRS 322.063, 322.065 and 322.067, **and section 3 of this act**, for such term and consideration as the Administrator of the Division of State Lands of the State Department of Conservation and Natural Resources, as ex officio State Land Registrar, may determine reasonable based upon the fair market value of the land.

3. Executed upon a form to be prepared by the Attorney General. The form must contain all of the covenants and agreements usual or necessary to such leases or easements.

Sec. 6. Chapter 331 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Based upon the inventories submitted pursuant to subsection 3 of NRS 331.110 and any other information available to him or her, the Administrator shall provide a list of all real property owned by the State to the Executive Director of the Office of Economic Development.

2. The Administrator may enter into agreements to lease state-owned buildings which are not being actively used or for which no future use is reasonably anticipated to businesses seeking to locate or expand in this State.

3. Any lease or agreement into which the Administrator enters pursuant to subsection 2:

(a) Must be for a term of at least 5 years;

(b) Must be approved by the Executive Director of the Office of Economic Development; and

(c) Subject to the provisions of subsection 4, may be for less than fair market value for the first year of the lease, including, without limitation, an offer to lease the state-owned building without the payment of rent for the first year of the lease.

4. The lease or agreement may not include a discount to the business for the first year unless:

(a) The business is consistent with:

(1) The State Plan for Economic Development developed by the Executive Director of the Office of Economic Development pursuant to subsection 2 of NRS 231.053; and

(2) Any guidelines adopted by the Executive Director of the Office to implement the State Plan for Economic Development.

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

(c) If the business is a new business in a county whose population is 100,000 or more or a city whose population is 60,000 or more, the business meets at least two of the following requirements:

(1) The business will have 75 or more full-time employees on the payroll of the business by the fourth quarter that it is in operation.

(2) Establishing the business will require the business to make a capital investment of at least \$1,000,000 in this State.

(3) The average hourly wage that will be paid by the new business to its employees in this State is at least 100 percent of the average statewide hourly wage as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The business will provide a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost to the business for the benefits the business provides to its employees in this State will meet the minimum requirements for benefits

established by the Office by regulation pursuant to subsection 8 of NRS 360.750.

(d) If the business is a new business in a county whose population is less than 100,000 or a city whose population is less than 60,000, the business meets at least two of the following requirements:

(1) The business will have 15 or more full-time employees on the payroll of the business by the fourth quarter that it is in operation.

(2) Establishing the business will require the business to make a capital investment of at least \$250,000 in this State.

(3) The average hourly wage that will be paid by the new business to its employees in this State is at least 100 percent of the average statewide hourly wage or the average countywide hourly wage, whichever is less, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The business will provide a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost to the business for the benefits the business provides to its employees in this State will meet the minimum requirements for benefits established by the Office by regulation pursuant to subsection 8 of NRS 360.750.

(e) If the business is an existing business, the business meets at least two of the following requirements:

(1) The business will increase the number of employees on its payroll by 10 percent more than it employed in the immediately preceding fiscal year or by six employees, whichever is greater.

(2) The business will expand by making a capital investment in this State in an amount equal to at least 20 percent of the value of the tangible property possessed by the business in the immediately preceding fiscal year. The determination of the value of the tangible property possessed by the business in the immediately preceding fiscal year must be made by the:

(I) County assessor of the county in which the business will expand, if the business is locally assessed; or

(II) The Department of Taxation, if the business is centrally assessed.

(3) The average hourly wage that will be paid by the existing business to its new employees in this State is at least the amount of the average hourly wage required to be paid by businesses pursuant to subparagraph (2) of either paragraph (a) or (b) of subsection 2 of NRS 361.0687, whichever is applicable, and:

(I) The business will provide a health insurance plan for all new employees that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost to the business for the benefits the business provides to its new employees in this State will meet the minimum requirements for benefits established by the Office by regulation pursuant to subsection 8 of NRS 360.750.

(f) In lieu of meeting the requirements of paragraph (c), (d) or (e), if the business furthers the development and refinement of intellectual property, a patent or a copyright into a commercial product, the business meets at least two of the following requirements:

(1) The business will have 10 or more full-time employees on the payroll of the business by the fourth quarter that it is in operation.

(2) Establishing the business will require the business to make a capital investment of at least \$500,000 in this State.

(3) The average hourly wage that will be paid by the new business to its employees in this State is at least the amount of the average hourly wage required to be paid by businesses pursuant to subparagraph (2) of either paragraph (a) or (b) of subsection 2 of NRS 361.0687, whichever is applicable, and:

(I) The business will provide a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost to the business for the benefits the business provides to its employees in this State will meet with minimum requirements established by the Office by regulation pursuant to subsection 8 of NRS 360.750.

Sec. 7. NRS 331.090 is hereby amended to read as follows:

331.090 The Administrator may accept rent money from various departments and agencies **and from nongovernmental entities or businesses** that are occupying space in the various state-owned buildings. The rent money must be deposited in the Buildings and Grounds Operating Fund in the State Treasury.

Sec. 8. NRS 331.110 is hereby amended to read as follows:

331.110 1. Except as otherwise provided by law, the Administrator may lease and equip office rooms outside of state buildings for the use of state officers, departments, agencies, boards and commissions whenever sufficient space cannot be provided within state buildings. The Administrator shall negotiate, approve and oversee any agreement to lease office rooms pursuant to this section, but no such lease may extend beyond the term of 1 year unless it is reviewed and approved by a majority of the members of the

State Board of Examiners. The Attorney General shall approve each lease entered into pursuant to this subsection as to form and compliance with law.

2. Notwithstanding any other provision of law, before the Administrator enters into any lease for office rooms for any state officer, department, agency, board or commission, the Administrator shall consider, without limitation:

(a) The reasonableness of the terms of the agreement, including, without limitation, the cost; and

(b) The availability of space for use by the state officer, department, agency, board or commission in buildings that are owned by or leased to the State.

3. Each state officer, department, agency, board and commission shall maintain and **, on or after April 1 but not later than June 30 of each year,** provide to the Administrator an inventory of all real property leased to the State that is occupied by or otherwise used by the state officer, department, agency, board and commission. The Division of State Lands, Department of Transportation and State Public Works Division of the Department of Administration shall maintain and **, on or after April 1 but not later than June 30 of each year,** provide to the Administrator an inventory of all real property owned by the State. **Each inventory must identify:**

(a) Real property that is being actively used by a state officer, department, agency, board or commission.

(b) Real property that is not being actively used by a state officer, department, agency, board or commission.

(c) Real property that is not being used by a state officer, department, agency, board or commission but which is reasonably anticipated to be actively used by a state officer, department, agency, board or commission in the future.

(d) Real property that is being actively used as a park or wildlife area.

4. Except as otherwise provided in subsection 6, the Administrator shall post on an Internet website maintained by the State a list of all real property owned or leased by the State. Each such listing shall include, without limitation, a brief description of:

(a) The location, size and current use of the real property ~~that~~ **, including, without limitation, whether the real property is actively used;** and

(b) The terms of the lease, including, without limitation, the cost to the State.

5. Before submitting the inventory to the Administrator pursuant to subsection 3, a state officer, department, agency, board, commission, the Division of State Lands, Department of Transportation or State Public Works Division of the Department of Administration that uses the property may request the Chief of the Budget Division of the Department of

Administration to deem information regarding the property confidential for the purpose of maintaining public safety.

6. If the Chief of the Budget Division deems information regarding property to be confidential pursuant to subsection 5, the information concerning the property must be kept confidential and is not a public book or record within the meaning of NRS 239.010. The Chief of the Budget Division must inform the Administrator that the information is confidential and that the information must not be posted on an Internet website maintained by the State pursuant to subsection 4.

7. An owner of a building who enters into a contract with a state agency for occupancy in the building:

(a) If the contract is entered into before May 28, 2009, may comply with the program; and

(b) If the contract is entered into on or after May 28, 2009, shall, to the extent practicable as determined by the Administrator, comply with the program.

➡ If an owner chooses not to comply with the program pursuant to paragraph (a), a state or local agency shall not, after May 28, 2009, enter into a contract for occupancy of a building owned by the owner, except that the Administrator may authorize a state or local agency to enter into a contract for the occupancy of a building owned by an owner who does not comply with the program if the Administrator determines that it is impracticable for the owner to comply with the program.

8. As used in this section, “program” means the program established pursuant to NRS 701.218.

~~{Sec. 6.}~~ **Sec. 9.** This act becomes effective on July 1, 2013.

Assemblyman Daly moved the adoption of the amendment.

Remarks by Assemblyman Daly.

Amendment adopted.

The following amendment was proposed by Assemblyman Daly:

Amendment No. 531.

AN ACT relating to state lands; ~~{authorizing, under certain circumstances,}~~ **exempting** the lease of state lands ~~{for less than market value for purposes of economic development;}~~ **from appraisal and certain procedural requirements; authorizing the discounted lease of state lands to certain businesses seeking to locate or expand in this State;** and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes the State Land Registrar to lease state land for certain purposes. ~~{and sets forth the requirements for the applications for and the terms of such leases.}~~ (Chapter 321 of NRS) **Section 3** of this bill authorizes the ~~{State Land Registrar to}~~ lease **of** state land ~~{for purposes of}~~

~~economic development without first offering the state land to the public and to a business seeking to locate or expand in this State for less than ~~the~~ fair market value ~~for the first year of the lease~~. Section 3 requires the State Land Registrar, the Administrator of the State Public Works Division of the Department of Administration and the Executive Director of the Office of Economic Development to approve such a lease and establish the amount of rent to be received for the state land pursuant to the lease ~~and taking into consideration the amount the lessee is able to pay.~~~~

With limited exceptions, existing law sets forth certain procedural requirements for the sale or lease of state land, which include: (1) the requirement to obtain two independent appraisals of the land; (2) the requirement that the lease be upon sealed bids followed by oral offers; and (3) the requirement that certain leases be approved by the State Board of Examiners and the Interim Finance Committee. (NRS 321.007, 321.335, 322.007) **Sections 1, 2 and 4** of this bill except from these requirements the lease of state land pursuant to **section 3**. ~~for purposes of economic development.~~

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

Section 1. NRS 321.007 is hereby amended to read as follows:

321.007 1. Except as otherwise provided in subsection 5, NRS 322.063, 322.065 or 322.075, **or section 3 of this act**, except as otherwise required by federal law, except for land that is sold or leased to a public utility, as defined in NRS 704.020, to be used for a public purpose, except for land that is sold or leased to a state or local governmental entity, except for a lease which is part of a contract entered into pursuant to chapter 333 of NRS and except for land that is sold or leased pursuant to an agreement entered into pursuant to NRS 277.080 to 277.170, inclusive, when offering any land for sale or lease, the State Land Registrar shall:

(a) Except as otherwise provided in this paragraph, obtain two independent appraisals of the land before selling or leasing it. If the Interim Finance Committee grants its approval after discussion of the fair market value of the land, one independent appraisal of the land is sufficient before selling or leasing it. The appraisal or appraisals, as applicable, must have been prepared not more than 6 months before the date on which the land is offered for sale or lease.

(b) Notwithstanding the provisions of chapter 333 of NRS, select the one independent appraiser or two independent appraisers, as applicable, from the list of appraisers established pursuant to subsection 2.

(c) Verify the qualifications of each appraiser selected pursuant to paragraph (b). The determination of the State Land Registrar as to the qualifications of an appraiser is conclusive.

2. The State Land Registrar shall adopt regulations for the procedures for creating or amending a list of appraisers qualified to conduct appraisals of land offered for sale or lease by the State Land Registrar. The list must:

- (a) Contain the names of all persons qualified to act as a general appraiser in the same county as the land that may be appraised; and
- (b) Be organized at random and rotated from time to time.

3. An appraiser chosen pursuant to subsection 1 must provide a disclosure statement which includes, without limitation, all sources of income of the appraiser that may constitute a conflict of interest and any relationship of the appraiser with the owner of the land or the owner of an adjoining property.

4. An appraiser shall not perform an appraisal on any land offered for sale or lease by the State Land Registrar if the appraiser or a person related to the appraiser within the first degree of consanguinity or affinity has an interest in the land or an adjoining property.

5. If a lease of land is for residential property and the term of the lease is 1 year or less, the State Land Registrar shall obtain an analysis of the market value of similar rental properties prepared by a licensed real estate broker or salesperson when offering such a property for lease.

6. If land is sold or leased in violation of the provisions of this section:

- (a) The sale or lease is void; and
- (b) Any change to an ordinance or law governing the zoning or use of the land is void if the change takes place within 5 years after the date of the void sale or lease.

Sec. 2. NRS 321.335 is hereby amended to read as follows:

321.335 1. Except as otherwise provided in NRS 321.125, 322.063, 322.065 or 322.075, **or section 3 of this act**, except as otherwise required by federal law, except for land that is sold or leased to a public utility, as defined in NRS 704.020, to be used for a public purpose, except for land that is sold or leased to a state or local governmental entity, except for a lease which is part of a contract entered into pursuant to chapter 333 of NRS and except for an agreement entered into pursuant to the provisions of NRS 277.080 to 277.170, inclusive, or a lease of residential property with a term of 1 year or less, after April 1, 1957, all sales or leases of any lands that the Division is required to hold pursuant to NRS 321.001, including lands subject to contracts of sale that have been forfeited, are governed by the provisions of this section.

2. Whenever the State Land Registrar deems it to be in the best interests of the State of Nevada that any lands owned by the State and not used or set

apart for public purposes be sold or leased, the State Land Registrar may, with the approval of the State Board of Examiners and the Interim Finance Committee, cause those lands to be sold or leased upon sealed bids, or oral offer after the opening of sealed bids for cash or pursuant to a contract of sale or lease, at a price not less than the highest appraised value for the lands plus the costs of appraisal and publication of notice of sale or lease.

3. Before offering any land for sale or lease, the State Land Registrar shall comply with the provisions of NRS 321.007.

4. After complying with the provisions of NRS 321.007, the State Land Registrar shall cause a notice of sale or lease to be published once a week for 4 consecutive weeks in a newspaper of general circulation published in the county where the land to be sold or leased is situated, and in such other newspapers as the State Land Registrar deems appropriate. If there is no newspaper published in the county where the land to be sold or leased is situated, the notice must be so published in a newspaper published in this State having a general circulation in the county where the land is situated.

5. The notice must contain:

- (a) A description of the land to be sold or leased;
- (b) A statement of the terms of sale or lease;
- (c) A statement that the land will be sold pursuant to subsection 6; and
- (d) The place where the sealed bids will be accepted, the first and last days on which the sealed bids will be accepted, and the time when and place where the sealed bids will be opened and oral offers submitted pursuant to subsection 6 will be accepted.

6. At the time and place fixed in the notice published pursuant to subsection 4, all sealed bids which have been received must, in public session, be opened, examined and declared by the State Land Registrar. Of the proposals submitted which conform to all terms and conditions specified in the notice published pursuant to subsection 4 and which are made by responsible bidders, the bid which is the highest must be finally accepted, unless a higher oral offer is accepted or the State Land Registrar rejects all bids and offers. Before finally accepting any written bid, the State Land Registrar shall call for oral offers. If, upon the call for oral offers, any responsible person offers to buy or lease the land upon the terms and conditions specified in the notice, for a price exceeding by at least 5 percent the highest written bid, then the highest oral offer which is made by a responsible person must be finally accepted.

7. The State Land Registrar may reject any bid or oral offer to purchase or lease submitted pursuant to subsection 6, if the State Land Registrar deems the bid or offer to be:

- (a) Contrary to the public interest.
- (b) For a lesser amount than is reasonable for the land involved.

(c) On lands which it may be more beneficial for the State to reserve.

(d) On lands which are requested by the State of Nevada or any department, agency or institution thereof.

8. Upon acceptance of any bid or oral offer and payment to the State Land Registrar in accordance with the terms of sale specified in the notice of sale, the State Land Registrar shall convey title by quitclaim or cause a patent to be issued as provided in NRS 321.320 and 321.330.

9. Upon acceptance of any bid or oral offer and payment to the State Land Registrar in accordance with the terms of lease specified in the notice of lease, the State Land Registrar shall enter into a lease agreement with the person submitting the accepted bid or oral offer pursuant to the terms of lease specified in the notice of lease.

10. The State Land Registrar may require any person requesting that state land be sold pursuant to the provisions of this section to deposit a sufficient amount of money to pay the costs to be incurred by the State Land Registrar in acting upon the application, including the costs of publication and the expenses of appraisal. This deposit must be refunded whenever the person making the deposit is not the successful bidder. The costs of acting upon the application, including the costs of publication and the expenses of appraisal, must be borne by the successful bidder.

11. If land that is offered for sale or lease pursuant to this section is not sold or leased at the initial offering of the contract for the sale or lease of the land, the State Land Registrar may offer the land for sale or lease a second time pursuant to this section. If there is a material change relating to the title, zoning or an ordinance governing the use of the land, the State Land Registrar must, as applicable, obtain a new appraisal or new appraisals of the land pursuant to the provisions of NRS 321.007 before offering the land for sale or lease a second time. If land that is offered for sale or lease pursuant to this section is not sold or leased at the second offering of the contract for the sale or lease of the land, the State Land Registrar may list the land for sale or lease at the appraised value with a licensed real estate broker, provided that the broker or a person related to the broker within the first degree of consanguinity or affinity does not have an interest in the land or an adjoining property.

Sec. 3. Chapter 322 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Administrator of the Division of State Lands of the State Department of Conservation and Natural Resources, as ex officio State Land Registrar, may lease state land ~~for the purpose of economic development.~~

~~(a) Without first offering the state land to the public; and~~

~~(b) For less than fair market value of the state land.~~

~~2. Before the State Land Registrar may lease state land pursuant to this section, the State Land Registrar must make a finding that it is in the best interest of the public to lease the state land;~~

~~(a) Without offering the state land to the public; and~~

~~(b) For less than fair market value of the state land.~~

~~3. To lease} pursuant to NRS 322.060 for less than the fair market value of the state land for the first year of the lease, including, without limitation, without the payment of rent for the first year of the lease, to a person who intends to locate or expand a business in this State if, except as otherwise provided in subsection 5, the business meets the requirements of subsection 4.~~

2. Before state land may be leased pursuant to this section, the following persons must approve the lease and establish the recommended amount of rent to be received for the state land:

(a) The Administrator of the Division of State Lands, as ex officio State Land Registrar;

(b) The Administrator of the State Public Works Division of the Department of Administration; and ~~the~~

(c) The Executive Director of the Office of Economic Development.
~~{must jointly approve the lease and establish the amount of rent to be received for the state land. The State Land Registrar and the Executive Director shall render a decision on an application to lease state land pursuant to this section not later than 60 days after the application is filed with the State Land Registrar.~~

~~4. In determining the amount of rent for the lease of state land pursuant to this section, the State Land Registrar and the Executive Director shall give consideration to the amount the lessee is able to pay.~~

~~5. The State Land Registrar may waive any fee for the consideration of an application submitted pursuant to this section.~~

~~6. As used in this section, "economic development" means:~~

~~(a) The establishment of new commercial enterprises or facilities within the State;~~

~~(b) The support, retention or expansion of existing commercial enterprises or facilities within the State;~~

~~(c) The establishment, retention or expansion of public, quasi-public or other facilities or operations within the State;~~

~~(d) The establishment of residential housing needed to support the establishment of new commercial enterprises or facilities or the expansion of existing commercial enterprises or facilities within the State; or~~

~~(e) Any combination of the activities described in paragraphs (a) to (d), inclusive;~~

~~to create and retain opportunities of employment for the residents of this State.~~

3. Any lease entered into pursuant to this section must be for a term of at least 10 years.

4. Except as otherwise provided in subsection 5, the lease or agreement may not include a discount to the business for the first year unless:

(a) The business is consistent with:

(1) The State Plan for Economic Development developed by the Executive Director of the Office of Economic Development pursuant to subsection 2 of NRS 231.053; and

(2) Any guidelines adopted by the Executive Director of the Office to implement the State Plan for Economic Development.

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

(c) If the business is a new business in a county whose population is 100,000 or more or a city whose population is 60,000 or more, the business meets at least two of the following requirements:

(1) The business will have 75 or more full-time employees on the payroll of the business by the fourth quarter that it is in operation.

(2) Establishing the business will require the business to make a capital investment of at least \$1,000,000 in this State.

(3) The average hourly wage that will be paid by the new business to its employees in this State is at least 100 percent of the average statewide hourly wage as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The business will provide a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost to the business for the benefits the business provides to its employees in this State will meet the minimum requirements for benefits established by the Office by regulation pursuant to subsection 8 of NRS 360.750.

(d) If the business is a new business in a county whose population is less than 100,000 or a city whose population is less than 60,000, the business meets at least two of the following requirements:

(1) The business will have 15 or more full-time employees on the payroll of the business by the fourth quarter that it is in operation.

(2) Establishing the business will require the business to make a capital investment of at least \$250,000 in this State.

(3) The average hourly wage that will be paid by the new business to its employees in this State is at least 100 percent of the average statewide hourly wage or the average countywide hourly wage, whichever is less, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and;

(I) The business will provide a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost to the business for the benefits the business provides to its employees in this State will meet the minimum requirements for benefits established by the Office by regulation pursuant to subsection 8 of NRS 360.750.

(e) If the business is an existing business, the business meets at least two of the following requirements:

(1) The business will increase the number of employees on its payroll by 10 percent more than it employed in the immediately preceding fiscal year or by six employees, whichever is greater.

(2) The business will expand by making a capital investment in this State in an amount equal to at least 20 percent of the value of the tangible property possessed by the business in the immediately preceding fiscal year. The determination of the value of the tangible property possessed by the business in the immediately preceding fiscal year must be made by the:

(I) County assessor of the county in which the business will expand, if the business is locally assessed; or

(II) The Department of Taxation, if the business is centrally assessed.

(3) The average hourly wage that will be paid by the existing business to its new employees in this State is at least the amount of the average hourly wage required to be paid by businesses pursuant to subparagraph (2) of either paragraph (a) or (b) of subsection 2 of NRS 361.0687, whichever is applicable, and;

(I) The business will provide a health insurance plan for all new employees that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost to the business for the benefits the business provides to its new employees in this State will meet the minimum requirements for benefits established by the Office by regulation pursuant to subsection 8 of NRS 360.750.

(f) In lieu of meeting the requirements of paragraph (c), (d) or (e), if the business furthers the development and refinement of intellectual property,

a patent or a copyright into a commercial product, the business meets at least two of the following requirements:

(1) The business will have 10 or more full-time employees on the payroll of the business by the fourth quarter that it is in operation.

(2) Establishing the business will require the business to make a capital investment of at least \$500,000 in this State.

(3) The average hourly wage that will be paid by the new business to its employees in this State is at least the amount of the average hourly wage required to be paid by businesses pursuant to subparagraph (2) of either paragraph (a) or (b) of subsection 2 of NRS 361.0687, whichever is applicable, and:

(I) The business will provide a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost to the business for the benefits the business provides to its employees in this State will meet with minimum requirements established by the Office by regulation pursuant to subsection 8 of NRS 360.750.

5. The Executive Director of the Office of Economic Development may waive the requirements of subsection 4 for good cause shown if the lease is for state land of less than 25,000 square feet.

Sec. 4. NRS 322.007 is hereby amended to read as follows:

322.007 Any lease of state land, except a lease for residential purposes , ~~for~~ a lease for farming or grazing ~~or~~ **or a lease for economic development authorized pursuant to section 3 of this act**, whose term extends or is renewable beyond 1 year must be approved by the State Board of Examiners and the Interim Finance Committee.

Sec. 5. NRS 322.060 is hereby amended to read as follows:

322.060 Subject to the provisions of NRS 321.335, leases or easements authorized pursuant to the provisions of NRS 322.050, and not made for the purpose of extracting oil, coal or gas or the utilization of geothermal resources from the lands leased, must be:

1. For such areas as may be required to accomplish the purpose for which the land is leased or the easement granted.

2. Except as otherwise provided in NRS 322.063, 322.065 and 322.067, **and section 3 of this act**, for such term and consideration as the Administrator of the Division of State Lands of the State Department of Conservation and Natural Resources, as ex officio State Land Registrar, may determine reasonable based upon the fair market value of the land.

3. Executed upon a form to be prepared by the Attorney General. The form must contain all of the covenants and agreements usual or necessary to such leases or easements.

Sec. 6. This act becomes effective on July 1, 2013.

Assemblyman Daly moved the adoption of the amendment.

Remarks by Assemblyman Daly.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 150.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 498.

SUMMARY—~~Provides for the legislative review of governmental agencies to promote governmental oversight and accountability.~~ **Enacts provisions relating to interim legislative committees.** (BDR 17-739)

AN ACT relating to legislative affairs; creating the Legislative Committee on Governmental Oversight and Accountability; prescribing the powers and duties of the Committee; ~~creating the Legislative Bureau of Governmental Oversight, Accountability and Program Evaluation; prescribing the powers and duties of the Bureau;~~ **eliminating the Legislative Committee on High-Level Radioactive Waste; authorizing the Legislative Committee on Public Lands to review issues relating to the disposal of high-level radioactive waste;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 5 of this bill creates the Legislative Committee on Governmental Oversight and Accountability and provides for the appointment of its members. **Section 6** of this bill prescribes the manner in which meetings must be conducted by the Committee and provides for the compensation of its members. **Section 7** of this bill authorizes the Committee to study and comment upon issues relating to the operations and accountability of governmental agencies and to conduct investigations and hold hearings. **Section 8** of this bill authorizes the Committee to provide for the administration of oaths, the deposition of witnesses and the issuance of subpoenas in connection with those investigations and hearings.

~~[Section 9 of this bill creates the Legislative Bureau of Governmental Oversight, Accountability and Program Evaluation in the Fiscal Analysis Division of the Legislative Counsel Bureau and prescribes its powers and duties.]~~

Under existing law, the Legislative Committee on Public Lands reviews issues relating to public lands in this State (NRS 218E.525), and the Legislative Committee on High-Level Radioactive Waste reviews issues relating to the disposal of high-level radioactive waste in this State. (NRS 459.0085) Section 12 of this bill eliminates the Legislative

Committee on High-Level Radioactive Waste, and section 10 of this bill authorizes the Legislative Committee on Public Lands to review issues relating to the disposal of high-level radioactive waste.

Existing law requires the Executive Director of the Agency for Nuclear Projects to evaluate potentially adverse effects of a facility for the disposal of radioactive waste in this State and to submit semiannual reports to the Legislative Committee on High-Level Radioactive Waste. (NRS 459.0094) Section 11 of this bill requires those reports to be submitted to the Legislative Committee on Public Lands.

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

Section 1. ~~[[Title 17] Chapter 218E]~~ of NRS is hereby amended by adding thereto ~~[[a new chapter to consist of]]~~ the provisions set forth as sections 2 to 9, inclusive, of this act.

Sec. 2. *As used in sections 2 to 9, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“Committee” means the Legislative Committee on Governmental Oversight and Accountability created pursuant to section 5 of this act.*

Sec. 4. *“Governmental agency” means any agency, office, board, commission, department, division, bureau, authority, institution, district or other unit of the State or a political subdivision of the State.*

Sec. 5. 1. *The Legislative Committee on Governmental Oversight and Accountability, consisting of 10 legislative members, is hereby created. The membership of the Committee consists of:*

(a) Five members appointed by the Majority Leader of the Senate, at least two of whom must be members of the minority political party.

(b) Five members appointed by the Speaker of the Assembly, at least two of whom must be members of the minority political party.

2. *The Legislative Commission shall review and approve the budget and work program for the Committee and any changes to the budget or work program.*

3. *The Legislative Commission shall select the Chair and Vice Chair of the Committee from among the members of the Committee. Each Chair and Vice Chair holds office for a term of 2 years commencing on July 1 of each odd-numbered year. The office of Chair of the Committee must alternate each biennium between the Houses. If a vacancy occurs in the office of Chair or Vice Chair, the vacancy must be filled in the same manner as the original selection for the remainder of the unexpired term.*

4. A member of the Committee who is not a candidate for reelection or who is defeated for reelection continues to serve after the general election until the next regular or special session convenes.

5. A vacancy on the Committee must be filled in the same manner as the original appointment for the remainder of the unexpired term.

Sec. 6. 1. Except as otherwise ordered by the Legislative Commission, the members of the Committee shall meet not earlier than ~~September~~ November 1 of each odd-numbered year and not later than August 31 of the following even-numbered year at the times and places specified by a call of the Chair or a majority of the Committee.

2. The Director or the Director's designee shall act as the nonvoting recording Secretary of the Committee.

3. Six members of the Committee constitute a quorum, and a quorum may exercise all the power and authority conferred on the Committee.

4. Except during a regular or special session, for each day or portion of a day during which a member of the Committee attends a meeting of the Committee or is otherwise engaged in the business of the Committee, the member is entitled to receive the:

(a) Compensation provided for a majority of the Legislators during the first 60 days of the preceding regular session;

(b) Per diem allowance provided for state officers and employees generally; and

(c) Travel expenses provided pursuant to NRS 218A.655.

5. All such compensation, per diem allowances and travel expenses must be paid from the Legislative Fund.

Sec. 7. The Committee may:

1. To fulfill the objectives and duties granted to the Legislative Commission pursuant to NRS 232B.010 to 232B.100, inclusive, and paragraph (b) of subsection 1 and paragraph (c) of subsection 2 of NRS 218E.175, evaluate, review and comment upon issues related to governmental agencies, including, but not limited to:

(a) Programs to enhance accountability in government;

(b) Legislative measures regarding governmental oversight;

(c) Methods of financing governmental agencies; and

(d) Any other matters that, in the determination of the Committee, affect governmental agencies.

2. Conduct investigations and hold hearings in connection with its duties pursuant to this section.

3. Request that the Legislative Counsel Bureau assist in the research, investigations, hearings and reviews of the Committee.

4. Make recommendations to the Legislature concerning the manner in which government may be improved.

Sec. 8. 1. *If the Committee conducts investigations or holds hearings pursuant to section 7 of this act:*

(a) The Secretary of the Committee or, in the Secretary's absence, a member designated by the Committee may administer oaths.

(b) The Secretary or Chair of the Committee may cause the deposition of witnesses, residing either within or without the State, to be taken in the manner prescribed by rule of court for taking depositions in civil actions in the district courts.

(c) The Chair of the Committee may issue subpoenas to compel the attendance and testimony of witnesses and the production of books, papers, accounts, department records and other documents.

2. *If any witness fails or refuses to attend or testify or to produce the books, papers, accounts, department records or other documents required by the subpoena, the Chair of the Committee may report the failure or refusal to the district court by a petition which:*

(a) Sets forth that:

(1) Due notice has been given of the time and place of the attendance of the witness or the production of the required books, papers, accounts, department records or other documents;

(2) The witness has been subpoenaed by the Committee pursuant to this section; and

(3) The witness has failed or refused to attend or testify or to produce the books, papers, accounts, department records or other documents required by the subpoena before the Committee named in the subpoena; and

(b) Asks for an order of the court compelling the witness to attend and testify or to produce the required books, papers, accounts, department records or other documents before the Committee.

3. *Upon such a petition, the court shall:*

(a) Enter an order directing the witness:

(1) To appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 10 days after the date of the order; and

(2) To show cause why the witness has not attended or testified or produced the required books, papers, accounts, department records or other documents before the Committee; and

(b) Serve a certified copy of the order upon the witness.

4. *If it appears to the court that the subpoena was regularly issued by the Committee, the court shall enter an order that the witness:*

(a) Must appear before the Committee at the time and place fixed in the order;

(b) Must testify or produce the required books, papers, accounts, department records or other documents; and

(c) Upon failure to obey the order, must be dealt with as for contempt of court.

~~Sec. 9. [1. The Legislative Bureau of Governmental Oversight, Accountability and Program Evaluation is hereby created within the Fiscal Analysis Division. The Fiscal Analysts shall appoint to the Bureau a Chief and such other personnel as the Fiscal Analysts determine are necessary for the Bureau to carry out its duties pursuant to this section.~~

~~2. The Bureau shall, as the Fiscal Analysts determine is necessary or at the request of the Committee:~~

~~(a) Collect and analyze data and issue written reports concerning:~~

~~(1) The efficiency, transparency and accountability of the operations of governmental agencies; and~~

~~(2) Any program or legislative measure, the purpose of which is to reform or improve the operations of governmental agencies.~~

~~(b) Conduct studies, investigations and analyses to evaluate the performance, policies and statutory and regulatory compliance of governmental agencies. Such studies, investigations and analyses may be conducted at the request of the Legislature or the Legislative Commission. This paragraph does not prohibit the Bureau from contracting with a person or entity to conduct studies, investigations and analyses on behalf of the Bureau.~~

~~(c) On or before October 1 of each even numbered year, submit a written report of its findings pursuant to paragraphs (a) and (b) to the Director for transmission to the next regular session. The Bureau shall, on or before October 1 of each odd numbered year, submit a written report of its findings pursuant to paragraphs (a) and (b) to the Director for transmission to the Legislative Commission and to the Committee.~~

~~3. The Bureau may, pursuant to NRS 218F.620, require a governmental agency to submit to the Bureau books, papers, records and other information that the Chief of the Bureau determines are necessary to carry out the duties of the Bureau pursuant to this section. An entity whom the Bureau requests to produce records or other information shall provide the records or other information in any readily available format specified by the Bureau.~~

~~4. Except as otherwise provided in this subsection and NRS 229.0115, any information obtained by the Bureau pursuant to this section shall be deemed a work product that is confidential pursuant to NRS 218F.150. The Bureau may, at the discretion of the Chief of the Bureau and after submission to the Legislature or Legislative Commission, as appropriate,~~

~~publish reports of its findings pursuant to paragraphs (a) and (b) of subsection 2.] (Deleted by amendment.)~~

Sec. 10. NRS 218E.525 is hereby amended to read as follows:

218E.525 1. The Committee shall:

(a) Actively support the efforts of state and local governments in the western states regarding public lands and state sovereignty as impaired by federal ownership of land.

(b) Advance knowledge and understanding in local, regional and national forums of Nevada's unique situation with respect to public lands.

(c) Support legislation that will enhance state and local roles in the management of public lands and will increase the disposal of public lands.

2. The Committee:

(a) Shall review the programs and activities of:

(1) The Colorado River Commission of Nevada;

(2) All public water authorities, districts and systems in the State of Nevada, including, without limitation, the Southern Nevada Water Authority, the Truckee Meadows Water Authority, the Virgin Valley Water District, the Carson Water Subconservancy District, the Humboldt River Basin Water Authority and the Truckee-Carson Irrigation District; and

(3) All other public or private entities with which any county in the State has an agreement regarding the planning, development or distribution of water resources, or any combination thereof;

(b) Shall, on or before January 15 of each odd-numbered year, submit to the Director for transmittal to the Legislature a report concerning the review conducted pursuant to paragraph (a); ~~and~~

(c) May review and comment on other issues relating to water resources in this State, including, without limitation:

(1) The laws, regulations and policies regulating the use, allocation and management of water in this State; and

(2) The status of existing information and studies relating to water use, surface water resources and groundwater resources in this State ~~;~~ **and**

(d) May review and comment on issues and policies relating to the disposal of high-level radioactive waste, including, without limitation:

(1) Issues and policies regarding the location in this State of a facility for the disposal of high-level radioactive waste;

(2) Any potentially adverse effects from the construction and operation of, and the transportation of high-level radioactive waste to, such a facility and the ways of mitigating those effects; and

(3) Any other issues and policies relating to the disposal of high-level radioactive waste.

Sec. 11. NRS 459.0094 is hereby amended to read as follows:

459.0094 The Executive Director shall:

1. Appoint, with the consent of the Commission, an Administrator of each Division of the Agency.
2. Advise the Commission on matters relating to the potential disposal of radioactive waste in this State.
3. Evaluate the potentially adverse effects of a facility for the disposal of radioactive waste in this State.
4. Consult frequently with local governments and state agencies that may be affected by a facility for the disposal of radioactive waste and appropriate legislative committees.
5. Assist local governments in their dealings with the Department of Energy and its contractors on matters relating to radioactive waste.
6. Carry out the duties imposed on the State by 42 U.S.C. §§ 10101 to 10226, inclusive, as those sections existed on July 1, 1995.
7. Cooperate with any governmental agency or other person to carry out the provisions of NRS 459.009 to 459.0098, inclusive.
8. Provide semiannual written reports to the Legislative Committee on ~~High-Level Radioactive Waste.~~ Public Lands. The reports must contain:
 - (a) A summary of the status of the activities undertaken by the Agency since the previous report;
 - (b) A description of all contracts the Agency has with natural persons or organizations, including, but not limited to, the name of the recipient of each contract, the amount of the contract, the duties to be performed under the contract, the manner in which the contract assists the Agency in achieving its goals and responsibilities and the status of the performance of the terms of the contract;
 - (c) The status of any litigation relating to the goals and responsibilities of the Agency to which the State of Nevada is a party; and
 - (d) Any other information requested by the Legislative Committee.

Sec. 12. NRS 459.0085 is hereby repealed.

~~{Sec. 10.}~~ **Sec. 13.** This act becomes effective on July 1, 2013.

TEXT OF REPEALED SECTION

459.0085 Creation; membership; duties; compensation and expenses of members.

1. There is hereby created a Committee on High-Level Radioactive Waste. It is a committee of the Legislature composed of:

(a) Four members of the Senate, appointed by the Majority Leader of the Senate.

(b) Four members of the Assembly, appointed by the Speaker.

2. The Legislative Commission shall review and approve the budget and work program for the Committee and any changes to the budget or

work program. The Legislative Commission shall select a Chair and a Vice Chair from the members of the Committee.

3. Except as otherwise ordered by the Legislative Commission, the Committee shall meet not earlier than November 1 of each odd-numbered year and not later than August 31 of the following even-numbered year at the call of the Chair to study and evaluate:

(a) Information and policies regarding the location in this State of a facility for the disposal of high-level radioactive waste;

(b) Any potentially adverse effects from the construction and operation of a facility and the ways of mitigating those effects; and

(c) Any other policies relating to the disposal of high-level radioactive waste.

4. The Committee shall report the results of its studies and evaluations to the Legislative Commission and the Interim Finance Committee at such times as the Legislative Commission or the Interim Finance Committee may require.

5. The Committee may recommend any appropriate legislation to the Legislature and the Legislative Commission.

6. The Director of the Legislative Counsel Bureau shall provide a Secretary for the Committee on High-Level Radioactive Waste. Except during a regular or special session of the Legislature, each member of the Committee is entitled to receive the compensation provided for a majority of the members of the Legislature during the first 60 days of the preceding regular session for each day or portion of a day during which the member attends a Committee meeting or is otherwise engaged in the work of the Committee plus the per diem allowance provided for state officers and employees generally and the travel expenses provided pursuant to NRS 218A.655. Per diem allowances, salary and travel expenses of members of the Committee must be paid from the Legislative Fund.

Assemblyman Ohrenschall moved the adoption of the amendment.

Remarks by Assemblyman Ohrenschall.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 161.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 262.

AN ACT relating to education; creating the Task Force on Reading Proficiency within the Department of Education; requiring [schools] school districts and charter schools to administer the assessments

prescribed by the Task Force to identify pupils enrolled in kindergarten or grade 1, 2 or 3 who ~~do not achieve~~ **achieved** proficiency in reading; **requiring the development of an academic plan for a pupil who has not achieved proficiency in reading;** requiring school districts and charter schools to develop certain programs which are designed to improve the proficiency in reading of certain pupils; requiring certain pupils to enroll in such a program; prohibiting the promotion of ~~certain pupils~~ **a pupil** to grade 4 ~~if requiring school districts to prescribe intensive instructional services in reading for certain pupils;~~ **if the pupil has not achieved proficiency in reading unless the pupil is granted a good-cause exemption;** making various other changes relating to the advancement of certain pupils to higher grade levels; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 4.5 of this bill creates the Task Force on Reading Proficiency within the Department of Education and prescribes the membership of the Task Force. Section 4.7 of this bill prescribes the duties of the Task Force, including prescribing an assessment for administration to pupils enrolled in kindergarten and grades 1, 2 and 3 to determine proficiency in reading and to prescribe certain other requirements relating to proficiency in reading.

Section 5 of this bill provides that: (1) commencing with the 2013-2014 school year, if a pupil enrolled in kindergarten or grade 1 does not achieve proficiency in reading based upon the assessment prescribed by the Task Force, the parent or legal guardian of the pupil must be given written notice of that fact; (2) commencing with the 2014-2015 school year, written notice must be provided to the parent or legal guardian of such a pupil enrolled in grade 2; and (3) commencing with the 2015-2016 school year, written notice must be provided to the parent or legal guardian of such a pupil enrolled in grade 3. Section 5.5 of this bill requires that an academic plan be developed for those pupils who have not achieved proficiency in reading and section 5.7 of this bill prescribes the requirements for the development of the academic plan.

Under existing law, a pupil may be retained in the same grade rather than promoted to the next higher grade for the succeeding school year upon joint agreement by the teacher and the principal. (NRS 392.125) Existing law also exempts the governing body of a charter school from the requirements governing promotion to the next higher grade and instead requires the governing body to adopt its own rules for the academic retention of the pupils enrolled in the charter school. (NRS 386.583)

~~Section~~ **Commencing with the 2015-2016 school year, section 7** of this bill prohibits a pupil enrolled in grade 3 from being promoted to grade 4

unless the pupil obtains the score prescribed by the ~~{Teachers and Leaders Council of Nevada in the subject area of reading on the criterion-referenced examination.}~~ **Task Force on Reading Proficiency on the assessment prescribed by the Task Force.** Section 3 of this bill imposes a related prohibition on the promotion of pupils enrolled in grade 3 for pupils enrolled in charter schools. Section 7 also sets forth certain good-cause exemptions pursuant to which certain pupils who do not ~~{receive}~~ **obtain** the prescribed score on the ~~{criterion-referenced examination in reading}~~ **assessment** may be promoted to grade 4.

~~{Section 8 of this bill requires the principal of the school to provide notice to the parent or legal guardian of a pupil if the pupil will be retained in grade 3. Section 8 also requires the principal to ensure such pupils are provided with intensive instructional services in reading, as prescribed by the board of trustees of the school district.}~~

~~{Section 5 of this bill requires the principal of a public school to provide notice to the parent or legal guardian of a pupil enrolled in kindergarten or grade 1, 2 or 3 who does not achieve proficiency in reading at the pupil's grade level. Section 5 also requires the principal to provide certain intensive instructional services in reading for such pupils.}~~ Section 6 of this bill requires the board of trustees of each school district and the governing body of each charter school to develop a program which is offered during the summer ~~{,}~~ or between sessions ~~{if the}~~ **of school operates on a year-round calendar,** and which is designed to improve the proficiency in reading of pupils who have completed grade 2 or 3 and have not achieved proficiency in reading. Section 6 also requires a pupil who has completed grade 2 or 3 and who does not achieve proficiency in reading to ~~{be enrolled}~~ **enroll** in the program.

Section 9.5 of this bill requires the board of trustees of each school district to adopt a procedure for the parent or legal guardian of a pupil to appeal a decision: (1) to retain the pupil in grade 3 pursuant to section 7; (2) whether to grant a good-cause exemption for the pupil to be promoted to grade 4 pursuant to section 7; and (3) to promote the pupil to any grade level if the parent or legal guardian wishes for the pupil to be retained. Section 3 requires the governing body of the charter school that enrolls pupils in grade 3 to adopt a similar appeal process for a decision to retain a pupil or whether to grant a good-cause exemption and all charter schools to adopt an appeal process on a decision to promote a pupil at any grade level.

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

Section 1. 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) The total number of persons employed by each school district in this State, including without limitation, each charter school in the district. Each such person must be reported as either an administrator, a teacher or other staff and must not be reported in more than one category. In addition to the total number of persons employed by each school district in each category, the report must include the number of employees in each of the three categories expressed as a percentage of the total number of persons employed by the school district. As used in this paragraph:

(1) “Administrator” means a person who spends at least 50 percent of his or her work year supervising other staff or licensed personnel, or both, and who is not classified by the board of trustees of a school district as a professional-technical employee.

(2) “Other staff” means all persons who are not reported as administrators or teachers, including, without limitation:

(I) School counselors, school nurses and other employees who spend at least 50 percent of their work year providing emotional support, noninstructional guidance or medical support to pupils;

(II) Noninstructional support staff, including, without limitation, janitors, school police officers and maintenance staff; and

(III) Persons classified by the board of trustees of a school district as professional-technical employees, including, without limitation, technical employees and employees on the professional-technical pay scale.

(3) “Teacher” means a person licensed pursuant to chapter 391 of NRS who is classified by the board of trustees of a school district:

(I) As a teacher and who spends at least 50 percent of his or her work year providing instruction or discipline to pupils; or

(II) As instructional support staff, who does not hold a supervisory position and who spends not more than 50 percent of his or her work year

providing instruction to pupils. Such instructional support staff includes, without limitation, librarians and persons who provide instructional support.

(l) 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) 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) 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) 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) 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.

(m) 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.

(n) 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.

(o) 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.

(p) 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.

(q) 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.

(r) 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.

(s) 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.

(t) 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.

(u) 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.

(v) The number of pupils in each grade who are retained in the same grade pursuant to NRS **386.583**, 392.033 or 392.125, **or, commencing with the 2015-2016 school year, pursuant to section 7 of this act,** reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(w) 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.

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

(y) 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.

(z) 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.

(aa) 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.

(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 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.

(4) A certificate of attendance.

(cc) 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.

(dd) 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.

(ee) 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.

(ff) 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.

(gg) 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.

(hh) 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.

(ii) The number of incidents resulting in suspension or expulsion for bullying, cyber-bullying, harassment or intimidation, reported for each school district, including, without limitation, each charter school in the district, and for the State as a whole.

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 October 15 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) "Bullying" has the meaning ascribed to it in NRS 388.122.

(b) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123.

(c) "Harassment" has the meaning ascribed to it in NRS 388.125.

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

(e) "Intimidation" has the meaning ascribed to it in NRS 388.129.

(f) “Paraprofessional” has the meaning ascribed to it in NRS 391.008.

Sec. 2. 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 sponsored by the school district. The board of trustees of each school district shall report the information required by subsection 2 for each charter school sponsored by the school district. The information for charter schools must be reported separately.

2. The board of trustees of each school district shall, on or before September 30 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 sponsored by 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 sponsored by 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 sponsored by 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 sponsored by 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 sponsored by 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 sponsored by 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 sponsored by the district.

(d) The total number of persons employed for each elementary school, middle school or junior high school, and high school in the district, including, without limitation, each charter school sponsored by the district. Each such person must be reported as either an administrator, a teacher or other staff and must not be reported in more than one category. In addition to the total number of persons employed by each school in each category, the

report must include the number of employees in each of the three categories for each school expressed as a percentage of the total number of persons employed by the school. As used in this paragraph:

(1) “Administrator” means a person who spends at least 50 percent of his or her work year supervising other staff or licensed personnel, or both, and who is not classified by the board of trustees of the school district as a professional-technical employee.

(2) “Other staff” means all persons who are not reported as administrators or teachers, including, without limitation:

(I) School counselors, school nurses and other employees who spend at least 50 percent of their work year providing emotional support, noninstructional guidance or medical support to pupils;

(II) Noninstructional support staff, including, without limitation, janitors, school police officers and maintenance staff; and

(III) Persons classified by the board of trustees of the school district as professional-technical employees, including, without limitation, technical employees and employees on the professional-technical pay scale.

(3) “Teacher” means a person licensed pursuant to chapter 391 of NRS who is classified by the board of trustees of the school district:

(I) As a teacher and who spends at least 50 percent of his or her work year providing instruction or discipline to pupils; or

(II) As instructional support staff, who does not hold a supervisory position and who spends not more than 50 percent of his or her work year providing instruction to pupils. Such instructional support staff includes, without limitation, librarians and persons who provide instructional support.

(e) The total number of persons employed by the school district, including without limitation, each charter school sponsored by the district. Each such person must be reported as either an administrator, a teacher or other staff and must not be reported in more than one category. In addition to the total number of persons employed by the school district in each category, the report must include the number of employees in each of the three categories expressed as a percentage of the total number of persons employed by the school district. As used in this paragraph, “administrator,” “other staff” and “teacher” have the meanings ascribed to them in paragraph (d).

(f) 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 sponsored by 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) 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) 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) 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) 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.

(g) The total expenditure per pupil for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by 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.

(h) 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 sponsored by the district.

(i) 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 sponsored by the district.

(2) For each elementary school, middle school and junior high school in the district, including, without limitation, each charter school sponsored by 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.

(j) 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.

(k) 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 sponsored by the district.

(l) Efforts made by the school district and by each school in the district, including, without limitation, each charter school sponsored by the district, to increase:

(1) Communication with the parents of pupils enrolled in the district;

(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; and

(3) The involvement of parents and the engagement of families of pupils enrolled in the district in the education of their children.

(m) Records of incidents involving weapons or violence for each school in the district, including, without limitation, each charter school sponsored by the district.

(n) 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 sponsored by the district.

(o) Records of the suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467.

(p) 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 sponsored by the district.

(q) The number of pupils in each grade who are retained in the same grade pursuant to NRS **386.583**, 392.033 or 392.125, **or commencing with the 2015-2016 school year, pursuant to section 7 of this act**, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(r) The transiency rate of pupils for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by 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.

(s) Each source of funding for the school district.

(t) 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 sponsored by the district.

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

(u) For each high school in the district, including, without limitation, each charter school sponsored by 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.

(v) The technological facilities and equipment available at each school, including, without limitation, each charter school sponsored by the district, and the district's plan to incorporate educational technology at each school.

(w) For each school in the district and the district as a whole, including, without limitation, each charter school sponsored by 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.

(4) A certificate of attendance.

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

(y) 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.

(z) 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 sponsored by the district.

(aa) 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.

(bb) Information on whether each public school in the district, including, without limitation, each charter school sponsored by 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.

(cc) Information on the paraprofessionals employed by each public school in the district, including, without limitation, each charter school sponsored by 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.

(dd) For each high school in the district, including, without limitation, each charter school sponsored by the district 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.

(ee) 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.

(ff) For each school in the district and the district as a whole, including, without limitation, each charter school sponsored by 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.

(gg) The number of incidents resulting in suspension or expulsion for bullying, cyber-bullying, harassment or intimidation, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(hh) Such other information as is directed by the Superintendent of Public Instruction.

3. The State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school shall, on or before September 30 of each year, prepare an annual report of accountability of the charter schools sponsored by the State Public Charter School Authority or institution, as applicable, concerning the

accountability information prescribed by the Department pursuant to this section. The Department, in consultation with the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school, shall prescribe by regulation the information that must be prepared by the State Public Charter School Authority and institution, as applicable, which must include, without limitation, the information contained in paragraphs (a) to (hh), inclusive, of subsection 2, as applicable to charter schools. The Department shall provide for public dissemination of the annual report of accountability prepared pursuant to this section 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 Department.

4. The records of attendance maintained by a school for purposes of paragraph (k) of subsection 2 or maintained by a charter school for purposes of the reporting required pursuant to subsection 3 must include the number of teachers who are in attendance at school and the number of teachers who are absent from school. A teacher shall be deemed in attendance if the teacher is excused from being present in the classroom by the school in which 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.

5. The annual report of accountability prepared pursuant to subsection 2 or 3, as applicable, must:

- (a) Comply with 20 U.S.C. § 6311(h)(2) and the regulations adopted pursuant thereto; and
- (b) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

6. The Superintendent of Public Instruction shall:

- (a) Prescribe forms for the reports required pursuant to subsections 2 and 3 and provide the forms to the respective school districts, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school.

- (b) Provide statistical information and technical assistance to the school districts, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school to ensure that the reports provide comparable information with respect to each school in each district, each charter school and among the districts and charter schools throughout this State.

- (c) Consult with a representative of the:

- (1) Nevada State Education Association;

- (2) Nevada Association of School Boards;
- (3) Nevada Association of School Administrators;
- (4) Nevada Parent Teacher Association;
- (5) Budget Division of the Department of Administration;
- (6) Legislative Counsel Bureau; and
- (7) Charter School Association of Nevada,

➔ concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

7. The Superintendent of Public Instruction may consult with representatives of parent groups other than the Nevada Parent Teacher Association concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

8. On or before September 30 of each year:

(a) 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 (i) of subsection 2.

(b) The State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school shall submit to each advisory board to review school attendance created in a county pursuant to NRS 392.126 the information regarding the records of the attendance and truancy of pupils enrolled in the charter school located in that county, if any, in accordance with the regulations prescribed by the Department pursuant to subsection 3.

9. On or before September 30 of each year:

(a) The board of trustees of each school district, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school shall provide written notice that the report required pursuant to subsection 2 or 3, as applicable, is available on the Internet website maintained by the school district, State Public Charter School Authority or institution, 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) The board of trustees of each school district, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school shall provide for public dissemination of the annual report of accountability prepared pursuant to

subsection 2 or 3, as applicable, in the manner set forth in 20 U.S.C. § 6311(h)(2)(E) by posting a copy of the report on the Internet website maintained by the school district, the State Public Charter School Authority or the institution, 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 sponsored by 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 sponsored by the district. If the State Public Charter School Authority or the institution does not maintain a website, the State Public Charter School Authority or the institution, as applicable, shall otherwise provide for public dissemination of the annual report by providing a copy of the report to each charter school it sponsors and the parents and guardians of pupils enrolled in each charter school it sponsors.

10. Upon the request of the Governor, an entity described in paragraph (a) of subsection 9 or a member of the general public, the board of trustees of a school district, the State Public Charter School Authority or a college or university within the Nevada System of Higher Education that sponsors a charter school, as applicable, shall provide a portion or portions of the report required pursuant to subsection 2 or 3, as applicable.

11. As used in this section:

- (a) “Bullying” has the meaning ascribed to it in NRS 388.122.
- (b) “Cyber-bullying” has the meaning ascribed to it in NRS 388.123.
- (c) “Harassment” has the meaning ascribed to it in NRS 388.125.
- (d) “Highly qualified” has the meaning ascribed to it in 20 U.S.C. § 7801(23).
- (e) “Intimidation” has the meaning ascribed to it in NRS 388.129.
- (f) “Paraprofessional” has the meaning ascribed to it in NRS 391.008.

Sec. 3. NRS 386.583 is hereby amended to read as follows:

386.583 **1.** The governing body of a charter school shall adopt rules for the academic retention of pupils who are enrolled in the charter school. The rules must ~~prescribe~~ :

(a) **Prescribe** the conditions under which a pupil may be retained in the same grade rather than promoted to the next higher grade for the immediately succeeding school year. **If the parent or legal guardian of a pupil wishes that the pupil be retained and the teacher and the principal believe the pupil should be promoted to the next grade, the parent or legal guardian may appeal that decision in accordance with the procedure adopted by the governing body of the charter school pursuant to subsection 4.**

(b) ~~Prohibit~~ **Commencing with the 2015-2016 school year and each school year thereafter, prohibit a pupil enrolled in grade 3 from being**

promoted to grade 4 if the pupil does not achieve proficiency in reading ~~by~~ by the end of the school year based upon the results of the pupil on the assessment administered pursuant to paragraph (a) of subsection 1 of section 4.7 of this act, unless the pupil is granted a good-cause exemption pursuant to section 7 of this act. The rules prescribed pursuant to this subsection must be consistent with the provisions of sections 5 to ~~10,~~ 9, inclusive, of this act.

2. ~~On~~ The governing body of a charter school that enrolls pupils in grade 3 shall adopt a policy that authorizes the principal of a school to promote a pupil who is retained in grade 3 pursuant to section 7 of this act on or before November 1 of the school year if the pupil demonstrates proficiency in reading. The policy must include specific criteria that a pupil must satisfy to be eligible for promotion, including, without limitation, the requirements for demonstrating proficiency in reading at the appropriate grade 4 level. The policy must prohibit the principal from promoting a pupil who is retained in grade 3 after November 1 of the school year unless the pupil demonstrates proficiency in reading in accordance with the requirements prescribed by the Task Force on Reading Proficiency pursuant to paragraph (c) of subsection 1 of section 4.7 of this act.

3. Commencing with the 2016-2017 school year, on or before September 1 of each year, the governing body of ~~each~~ a charter school that enrolls pupils in grade 3 shall:

(a) Prepare a report concerning the number and percentage of pupils at the charter school who were retained in grade 3 pursuant to this section, 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; and

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

↪ A separate reporting of a group of pupils must not be made pursuant to this paragraph if the results would reveal personally identifiable information about an individual pupil.

(b) Submit a copy of the report to the Department.

(c) Post the report on the Internet website maintained by the charter school, if any, and otherwise make the report available to the parents and legal guardians of pupils enrolled in the charter school and the general public.

4. The governing body of each charter school shall adopt a procedure for the parent or legal guardian of a pupil to appeal:

(a) If the charter school enrolls pupils in grade 3:

(1) A decision to retain the pupil in grade 3 pursuant to section 7 of this act; and

(2) A decision whether to grant a good-cause exemption for the pupil to be promoted to grade 4 pursuant to section 7 of this act.

(b) A decision to promote the pupil to any grade level if the parent or legal guardian wishes for the pupil to be retained.

Sec. 4. Chapter 392 of NRS is hereby amended by adding thereto the provisions set forth as sections ~~4.5~~ 4.5 to 11, inclusive, of this act.

Sec. 4.5. 1. There is hereby created within the Department the Task Force on Reading Proficiency consisting of seven members as follows:

(a) One representative of the Nevada State Education Association, appointed by that Association;

(b) One representative of the Nevada Association of School Superintendents and the Nevada Association of School Administrators, appointed jointly by those Associations;

(c) One representative of the Parent Teacher Association, appointed by that Association;

(d) One representative of the Nevada Association of School Boards, appointed by that Association;

(e) One representative of the Colleges of Education within the Nevada System of Higher Education, appointed by the Board of Regents of the University of Nevada;

(f) One staff member of the Department, appointed by the Department; and

(g) One person appointed by the Governor.

2. Each person appointed to the Task Force pursuant to subsection 1 must possess knowledge and experience in diagnostic tools for assessing the reading proficiency of pupils in kindergarten through grade 3 or in teaching reading at those grade levels.

3. Members of the Task Force serve a term of 2 years and may be reappointed to additional terms of 2 years in the same manner as the original appointment.

4. A vacancy on the Task Force must be filled in the same manner as the original appointment.

5. The Task Force shall, at its first meeting and annually thereafter, elect a Chair from among its members.

6. Members of the Task Force serve without compensation.

7. The Task Force may apply for and accept gifts, grants, donations and contributions from any source for the purpose of carrying out its duties pursuant to section 4.7 of this act.

8. The Department shall provide administrative support to the Task Force.

Sec. 4.7. 1. The Task Force on Reading Proficiency created by section 4.5 of this act shall prescribe by regulation:

(a) An assessment to determine the proficiency in reading of pupils enrolled in kindergarten and grades 1, 2 and 3 which measures a pupil's proficiency in phonemics, phonological awareness, fluency, vocabulary and comprehension;

(b) An assessment for administration to a pupil who was enrolled in grade 3 and participates in the program which is offered during the summer or between sessions of school developed pursuant to section 6 of this act to determine whether the pupil is eligible for a good-cause exemption pursuant to section 7 of this act, which may be the same assessment prescribed for grade 3 pursuant to paragraph (a);

(c) The requirements for a pupil who is retained in grade 3 pursuant to section 7 of this act to demonstrate proficiency in reading if the principal of the school believes the pupil should be promoted to grade 4 after November 1 of the school year, which may include, without limitation, a prescribed assessment;

(d) The score which a pupil must obtain on the assessments prescribed pursuant to paragraphs (a) and (b) to demonstrate proficiency in reading; and

(e) Requirements for the administration of the assessments.

2. The board of trustees of each school district and the governing body of each charter school shall administer the assessment prescribed by the Task Force pursuant to paragraph (a) of subsection 1 at the time prescribed by the Task Force and in accordance with the procedures adopted by the Task Force as follows:

(a) Commencing with the 2013-2014 school year and each school year thereafter, to pupils enrolled in kindergarten and grade 1;

(b) Commencing with the 2014-2015 school year and each school year thereafter, to pupils enrolled in grade 2; and

(c) Commencing with the 2015-2016 school year and each school year thereafter, to pupils enrolled in grade 3.

3. The assessment prescribed pursuant to paragraph (b) of subsection 1 must be administered by the board of trustees of each school district and the governing body of each charter school at the time prescribed by the Task Force.

Sec. 5. 1. ~~For~~ Commencing with the 2013-2014 school year and each school year thereafter, if a pupil enrolled in kindergarten or grade 1 ~~or 2~~ ~~or 3~~ does not achieve proficiency in reading ~~as~~ based upon ~~state or local assessments or upon the observations of the pupil's teacher,~~ the results of the pupil on the assessment administered pursuant to paragraph (a) of subsection 1 of section 4.7 of this act, the principal of the school, or the

principal's designee, shall provide written notice of that fact to the parent or legal guardian of the pupil.

2. Commencing with the 2014-2015 school year and each school year thereafter, if a pupil enrolled in grade 2 does not achieve proficiency in reading based upon the results of the pupil on the assessment administered pursuant to paragraph (a) of subsection 1 of section 4.7 of this act, the principal of the school, or the principal's designee, shall provide written notice of that fact to the parent or legal guardian of the pupil.

3. Commencing with the 2015-2016 school year, and each school year thereafter, if a pupil enrolled in grade 3 does not achieve proficiency in reading based upon the results of the pupil on the assessment administered pursuant to paragraph (a) of subsection 1 of section 4.7 of this act, the principal of the school, or the principal's designee, shall provide written notice of that fact to the parent or legal guardian of the pupil.

4. The written notice required by subsection 1, 2 or 3, as applicable, must be provided in a language that the parent or legal guardian of the pupil can understand and must include, without limitation:

(a) An identification of the educational programs and services that the pupil will receive to improve the pupil's proficiency in reading ~~[-]~~, including, without limitation, the development of an academic plan for the pupil pursuant to section 5.7 of this act;

(b) An explanation that if the pupil does not ~~obtain a passing score in the subject area of reading on the criterion-referenced examination administered pursuant to NRS 389.550,~~ achieve proficiency in reading in grade 3 based upon the results of the assessment administered pursuant to paragraph (a) of subsection 1 of section 4.7 of this act, the pupil will not be promoted to grade 4 unless the pupil is granted a good-cause exemption pursuant to section 7 of this act;

(c) An explanation of the factors that will determine whether the pupil will be retained in grade 3, including, without limitation, an explanation of the good-cause exemptions set forth in section 7 of this act; and

(d) ~~A description of the strategies which the parent or legal guardian may use at home to help improve the pupil's proficiency in reading;~~

~~— (e) A description of the programs and services available in the community to the pupil and the parent or legal guardian of the pupil to help improve the pupil's proficiency in reading; and~~

~~— (f) A description of the policy and specific criteria adopted by the board of trustees of the school district pursuant to subsection ~~4~~ 2 of section ~~8~~ 9.5 of this act or the governing body of the charter school pursuant to subsection 2 of NRS 386.583, as applicable, regarding the promotion of a pupil to grade 4 during the school year if the pupil is retained in grade 3 pursuant to section 7 of this act.~~

~~{2}~~ 5. A pupil enrolled in kindergarten or grade 1, 2 or 3 who does not achieve proficiency in reading based upon the results of the pupil on the assessment administered pursuant to paragraph (a) of subsection 1 of section 4.7 of this act must ~~+~~

~~— (a) Receive intensive instruction in reading; and~~

~~— (b) Have~~ have his or her proficiency in reading assessed at the beginning of the school year following any school year in which the pupil ~~receives intensive instruction in reading pursuant to paragraph (a).~~ has an academic plan developed pursuant to section 5.7 of this act.

Sec. 5.5. 1. Commencing with the 2013-2014 school year and each school year thereafter, if a pupil enrolled in kindergarten or grade 1 does not achieve proficiency in reading based upon the results of the pupil on the assessment administered pursuant to paragraph (a) of subsection 1 of section 4.7 of this act, an academic plan must be developed for the pupil pursuant to section 5.7 of this act.

2. Commencing with the 2014-2015 school year and each school year thereafter, if a pupil enrolled in grade 2 does not achieve proficiency in reading based upon the results of the pupil on the assessment administered pursuant to paragraph (a) of subsection 1 of section 4.7 of this act, an academic plan must be developed for the pupil pursuant to section 5.7 of this act.

3. Commencing with the 2015-2016 school year and each school year thereafter, if a pupil enrolled in grade 3 does not achieve proficiency in reading based upon the results of the pupil on the assessment administered pursuant to paragraph (a) of subsection 1 of section 4.7 of this act, an academic plan must be developed for the pupil pursuant to section 5.7 of this act. An academic plan must also be developed for a pupil who is retained in grade 3 pursuant to section 7 of this act.

Sec. 5.7. 1. An academic plan required by section 5.5 of this act must be developed by the pupil's teacher in consultation with:

(a) Another teacher at the school;

(b) A reading specialist appointed by the principal of the school or the principal's designee;

(c) An instructional coach appointed by the principal of the school or the principal's designee;

(d) An administrator of the school;

(e) A person with knowledge of scientifically based reading research; or

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

↪ The parent or legal guardian of the pupil must be given an opportunity to participate in the development of the academic plan.

2. An academic plan developed pursuant to subsection 1 must:

(a) Set forth the specific fundamental reading skills in which the pupil exhibits a deficiency.

(b) Set forth the goals that the pupil must achieve in the fundamental reading skills in which the pupil exhibits a deficiency.

(c) Prescribe intensive instructional services which are targeted for the pupil and based upon scientifically based reading research and any other educational programs or services that will be implemented to improve the pupil's proficiency in reading, which may include, without limitation:

(1) Strategies or programs which the parent or legal guardian may implement at home to improve the pupil's proficiency in reading;

(2) Programs to improve the pupil's proficiency in reading which are offered during summer school or between sessions of school;

(3) Instruction that is provided to the pupil in an extended school day, school week or school year;

(4) Instruction that is provided in a small group setting;

(5) Instruction that is provided in a class with a reduced pupil-teacher ratio;

(6) Tutoring and mentoring of the pupil that includes supplemental instruction in reading provided during the regular school day and before or after school;

(7) Supplemental instruction in reading provided by a reading specialist appointed by the principal of the school or the principal's designee; and

(8) Assignment to a different teacher.

(d) Identify the setting in which the interventions or educational programs or services will be implemented for the pupil and each person who will be implementing the interventions or educational programs or services.

(e) Describe the programs and services available in the community to the pupil and the parent or legal guardian of the pupil to help improve the pupil's proficiency in reading.

(f) Describe the method by which the progress of the pupil will be monitored, including, without limitation:

(1) A requirement that a portfolio of the pupil's work be developed and updated as necessary to track the progress of the pupil in achieving proficiency in reading;

(2) A requirement that the progress of the pupil be measured not less than three times per school year; and

(3) Methods for summarizing the data collected.

3. The academic plan for a pupil developed pursuant to this section must be provided to the parent or legal guardian of the pupil not later than 10 days after the academic plan is developed in a language that the parent

or legal guardian can understand. The academic plan must be updated annually for a pupil who completes the academic plan but does not demonstrate proficiency in reading.

4. To the extent practicable, the intensive instructional services that are prescribed pursuant to paragraph (c) of subsection 2 must be provided by a teacher whose overall performance has been determined to be highly effective pursuant to the evaluation of the employee conducted pursuant to NRS 391.3125.

5. The principal of the school or the principal's designee shall, for each pupil enrolled in the school with an academic plan developed pursuant to this section:

(a) Review the progress of the pupil to determine the effectiveness of the interventions and any other educational programs or services that were implemented to improve the pupil's proficiency in reading; and

(b) Provide written notice not less than three times per school year to the parent or legal guardian of the pupil concerning the progress of the pupil in improving his or her proficiency in reading. The notice must be provided in a language that the parent or legal guardian can understand.

6. If a principal is required to develop one or more academic plans pursuant to this section, the principal of the school, or the principal's designee, shall provide for professional development for the teachers and other educational personnel at the school in developing and implementing academic plans based upon scientifically based reading research.

7. If the board of trustees of a school district or the governing body of a charter school, as applicable, determines that a pupil enrolled in kindergarten or grade 1 or 2 does not demonstrate proficiency in reading based upon the results of the pupil on the assessment administered pursuant to paragraph (a) of subsection 1 of section 4.7 of this act, the parent or legal guardian of the pupil must be provided an opportunity to meet with the pupil's teacher and a reading specialist appointed by the principal, or the principal's designee, to determine whether the pupil should be retained in the same grade rather than promoted to the next higher grade for the succeeding school year. If the pupil's teacher and the reading specialist recommend that the pupil be retained in the same grade, the pupil's teacher shall provide written notice of the recommendation to the principal of the school or the principal's designee. Upon receipt of such a written recommendation, the principal, or the principal's designee, shall:

(a) Review the recommendation and make a determination; and

(b) Provide to the parent or legal guardian of the pupil notice of his or her determination not later than 10 working days after making the determination in a language that the parent or legal guardian can understand.

8. The parent or legal guardian of a pupil may appeal a determination made pursuant to subsection 7 in accordance with the appeal process prescribed pursuant to NRS 386.583 or section 9.5 of this act, as applicable.

Sec. 6. 1. The board of trustees of each school district and the governing body of each charter school shall develop a program which is offered during the summer ~~{,}~~ or between sessions ~~{if the school or charter school, as applicable, operates on a year-round calendar,}~~ of school and which is designed to improve the proficiency in reading of pupils who have completed grade 2 or 3 and have not achieved proficiency in reading.

2. ~~{A}~~ Commencing with the 2014-2015 school year and each school year thereafter, a pupil who ~~{has completed}~~ is enrolled in grade 2 ~~{or 3}~~ and who has not achieved proficiency in reading by the end of the school year, based upon the results of the pupil on the assessment administered pursuant to paragraph (a) of subsection 1 of section 4.7 of this act, shall enroll in the program developed pursuant to subsection 1.

3. Commencing with the 2015-2016 school year and each school year thereafter, a pupil who is enrolled in grade 3 and who has not achieved proficiency in reading by the end of the school year, based upon the results of the pupil on the assessment administered pursuant to paragraph (a) of subsection 1 of section 4.7 of this act, shall enroll in the program developed pursuant to subsection 1. Upon completion of the program developed pursuant to subsection 1, such a pupil ~~{who was required to enroll in the program because he or she completed grade 3 and had not achieved proficiency in reading}~~ shall take the ~~{alternative examination}~~ assessment prescribed pursuant to paragraph (b) of subsection 1 of section ~~{10}~~ 4.7 of this act. If the pupil obtains a ~~{passing}~~ score ~~{on the alternative examination,}~~ demonstrating proficiency in reading, the pupil may be granted a good-cause exemption pursuant to section 7 of this act and be promoted to grade 4.

Sec. 7. 1. ~~{Except}~~ Commencing with the 2015-2016 school year and each school year thereafter, except as otherwise provided in this section, ~~{and NRS 392.125,}~~ a pupil enrolled in grade 3 must not be promoted to grade 4 if the pupil ~~{does not obtain a score in the subject area of reading on the criterion-referenced examination administered pursuant to NRS 389.550 that meets the passing score prescribed by the Teachers and Leaders Council of Nevada}~~ has not achieved proficiency in reading by the end of the school year based upon the results of the pupil on the assessment administered pursuant to paragraph (a) of subsection 1 of section ~~{10}~~ 4.7 of this act.

2. The superintendent of schools of a school district or the superintendent's designee, or the governing body of a charter school, or

the governing body's designee, as applicable, may grant a good-cause exemption to allow the promotion of a pupil to grade 4 who would otherwise be retained in grade 3 ~~[because the pupil did not obtain a passing score on the criterion-referenced examination.]~~ pursuant to subsection 1. A pupil may be granted a good-cause exemption pursuant to subsection 3 if the pupil:

(a) Obtains a ~~[passing]~~ score demonstrating proficiency in reading on the ~~[alternative examination prescribed by the Teachers and Leaders Council of Nevada]~~ assessment administered pursuant to paragraph (a) or (b) of subsection 1 of section ~~4.7~~ 4.7 of this act ~~+~~, as applicable;

(b) Demonstrates, through a portfolio of the pupil's work, proficiency in reading at grade level;

(c) Is limited English proficient and has received less than 2 years of instruction in a program of instruction that teaches English as a second language;

(d) Received intensive remediation in reading for 2 or more years but still demonstrates a deficiency in reading and was previously retained in kindergarten or grade 1, 2 or 3;

(e) Is a pupil with a disability and his or her individualized education program indicates that the pupil's participation in the ~~[criterion-referenced examination administered pursuant to NRS 389.550]~~ assessments administered pursuant to section 4.7 of this act is not appropriate; or

(f) Is a pupil with a disability and:

(1) He or she participates in the ~~[criterion-referenced examination]~~ assessments administered pursuant to ~~NRS 389.550;~~ section 4.7 of this act;

(2) His or her plan developed in accordance with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 or individualized education program documents that the pupil has received intensive remediation in reading for more than 2 years, but he or she still demonstrates a deficiency in reading; and

(3) He or she was previously retained in kindergarten or grade 1, 2 or 3.

3. A good-cause exemption must be granted only in accordance with the following procedures:

(a) The teacher of a pupil described in subsection 2 shall submit a recommendation to the principal of the school, or the principal's designee, as to whether the pupil should be promoted to grade 4. The recommendation must:

(1) Be in writing;

(2) Indicate whether promotion of the pupil to grade 4 is appropriate; and

(3) Include documentation to support the teacher's recommendation. The documentation must only consist of:

(I) ~~Each academic plan for monitoring the progress of the pupil in achieving reading proficiency, if any,~~ Each academic plan for ~~developed pursuant to section 5.7 of this act.~~

(II) The pupil's individualized education program, if applicable.

(III) The plan developed for the pupil in accordance with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, if applicable.

(IV) The pupil's report card.

(V) The pupil's portfolio of work.

(b) Upon receipt of the recommendation and documentation pursuant to paragraph (a), the principal, or the principal's designee, shall review the documentation, discuss the recommendation with the pupil's teacher and determine whether the pupil should be promoted to grade 4.

(c) If the principal, or the principal's designee, determines that the pupil should be promoted to grade 4, the principal, or the principal's designee, shall submit a written recommendation of that determination to the superintendent of schools of the school district, or the superintendent's designee, or to the governing body of the charter school, or the governing body's designee, as applicable.

(d) The superintendent of schools, or the superintendent's designee, or the governing body of the charter school, or the governing body's designee, as applicable, shall accept or deny the recommendation of a principal, or the principal's designee, submitted pursuant to paragraph (c) and provide written notice of the acceptance or denial of the recommendation to the principal, or the principal's designee, and the parent or legal guardian of the pupil.

4. As used in this section, "individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

Sec. 8. 1. If a pupil is retained in grade 3 pursuant to section 7 of this act, the principal of the school, or the principal's designee, shall ~~provide~~ provide written notice to the parent or legal guardian of the pupil, in a language that the parent or legal guardian can understand, that the pupil will be retained in grade 3 and the reasons why the pupil was not granted a good-cause exemption. ~~The written notice must include, without limitation, a description of the intensive instructional services in reading that will be provided to the pupil pursuant to paragraph (d).~~

~~(b) Develop a plan to monitor the progress of the pupil in achieving proficiency in reading and provide the parent or legal guardian of the pupil with a report each week on the progress of the pupil in achieving proficiency in reading.~~

~~— (c) Develop a portfolio of the pupil's work, which must be updated as necessary to reflect the progress made by the pupil in achieving proficiency in reading;~~

~~— (d) Ensure that the pupil is provided intensive instructional services in reading which are designed to improve the pupil's proficiency in reading and which must include, without limitation:~~

~~— (1) Uninterrupted reading instruction that is based upon scientifically based reading instruction research for at least 90 minutes each school day; and~~

~~— (2) Intensive instructional services prescribed by the board of trustees of the school district pursuant to subsection 2, as determined appropriate for the pupil;~~

~~— 2. The board of trustees of each school district shall:~~

~~— (a) Review and evaluate the plan for monitoring the progress of a pupil developed pursuant to subsection 1;~~

~~— (b) Prescribe intensive instructional services in reading which the principal of a school must implement for each pupil who is retained in grade 3 pursuant to section 7 of this act, including, without limitation:~~

~~— (1) Instruction that is provided in a small group setting;~~

~~— (2) Instruction provided in a class with a reduced pupil-teacher ratio;~~

~~— (3) A timeline for frequently monitoring the progress of the pupil;~~

~~— (4) Tutoring and mentoring of the pupil;~~

~~— (5) Classes which are designed to increase the ability of the pupil to transition from grade 3 to grade 4; or~~

~~— (6) Instruction that is provided to the pupil in an extended school day, school week or school year.~~

~~— 3. The intensive instructional services that are prescribed pursuant to paragraph (b) of subsection 2 must be provided by a teacher whose overall performance has been determined to be highly effective pursuant to the evaluation conducted pursuant to NRS 391.3125.~~

~~— 4. The board of trustees of each school district shall develop a policy by which the principal of a school may, except as otherwise provided in subsection 5, promote a pupil who is retained in grade 3 pursuant to section 7 of this act to grade 4 at any time during the school year if the pupil demonstrates proficiency in reading. The policy must include the specific criteria a pupil must satisfy to be eligible for promotion, including, without limitation, the requirements for demonstrating proficiency in reading at the appropriate grade 4 level.~~

~~— 5. A principal shall not promote a pupil who is retained in grade 3 during the school year after November 1, if the school operates on a traditional school year, or after 60 days from the start of the school year, if~~

~~the school operates on a year round calendar, unless the pupil demonstrates proficiency in reading at a level prescribed by the State Board.~~

~~6.]~~ 2. If a principal of a school determines that a pupil has not achieved proficiency in reading after the pupil repeated grade 3:

(a) The pupil must be promoted to grade 4; and

(b) The school district in which the pupil is enrolled or the governing body of the charter school, as applicable, shall provide the parent or legal guardian of the pupil with an option for the pupil to be placed in a transitional instructional setting in the next school year which is designed to:

(1) Produce learning gains sufficient for the pupil to meet the performance standards required for grade 4; and

(2) Continue to provide the pupil with remediation in the area of his or her reading deficiency.

Sec. 9. In addition to the intensive instructional services provided to a pupil who is retained in grade 3 pursuant to section 7 of this act, the principal of the school must offer the parent or legal guardian of such pupil at least one of the following instructional options:

1. Providing the parent or legal guardian with a plan for reading with the pupil at home and participating in any workshops that may be available in the school district and the community to assist the parent or guardian with reading with his or her child at home; or

2. Providing the pupil with a mentor or tutor who is qualified to provide instruction in reading.

Sec. 9.5. 1. The board of trustees of each school district shall adopt a procedure for the parent or legal guardian of a pupil to appeal a decision:

(a) To retain the pupil in grade 3 pursuant to section 7 of this act;

(b) Whether to grant a good-cause exemption for the pupil to be promoted to grade 4 pursuant to section 7 of this act; and

(c) To promote the pupil to any grade level if the parent or legal guardian wishes for the pupil to be retained.

2. The board of trustees of each school district shall adopt a policy that authorizes the principal of a school to promote a pupil who is retained in grade 3 pursuant to section 7 of this act on or before November 1 of the school year if the pupil demonstrates proficiency in reading. The policy must include specific criteria that a pupil must satisfy to be eligible for promotion, including, without limitation, the requirements for demonstrating proficiency in reading at the appropriate grade 4 level. The policy must prohibit the principal from promoting a pupil who is retained in grade 3 after November 1 of the school year unless the pupil demonstrates proficiency in reading in accordance with the requirements

prescribed by the Task Force on Reading Proficiency pursuant to paragraph (c) of subsection 1 of section 4.7 of this act.

~~Sec. 10. [The Teachers and Leaders Council of Nevada shall prescribe by regulation:~~

~~1. The score which a pupil enrolled in grade 3 must obtain in the subject area of reading on the criterion referenced examination administered pursuant to NRS 389.550 to be promoted to grade 4;~~

~~2. An alternative examination for administration to pupils enrolled in grade 3 who do not obtain the passing score prescribed pursuant to paragraph (a) in the subject area of reading on the criterion referenced examination administered pursuant to NRS 389.550 and the passing score such a pupil must obtain on the alternative examination to be promoted to grade 4; and~~

~~3. Requirements for administration of the alternative examination, including, without limitation, when the board of trustees of a school district or the governing body of a charter school must administer the alternative examination.] (Deleted by amendment.)~~

Sec. 11. ~~[On]~~ Commencing with the 2016-2017 school year and each school year thereafter, on or before September 1 of each year, the board of trustees of each school district shall:

1. Prepare a report concerning the number and percentage of pupils at each public school within the school district who were retained in grade 3 pursuant to section 7 of this act, reported separately by gender and reported separately for the following groups of pupils:

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

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

↪ A separate reporting of a group of pupils must not be made pursuant to this subsection if the results would reveal personally identifiable information about an individual pupil.

2. Submit a copy of the report to the Department.

3. Post the report on the Internet website maintained by the school district, if any, and otherwise make the report available to the parents and legal guardians of pupils enrolled in the school district and the general public.

Sec. 12. NRS 392.125 is hereby amended to read as follows:

392.125 1. Except as otherwise provided in subsection 4, before any pupil enrolled in a public school may be retained in the same grade rather than promoted to the next higher grade for the succeeding school year, the pupil's teacher and principal must make a reasonable effort to arrange a

meeting and to meet with the pupil's parents or guardian to discuss the reasons and circumstances.

2. ~~{The}~~ **Except as otherwise provided in this subsection and sections 4.5 to 10, inclusive, of this act, the** teacher and the principal in joint agreement have the final authority to retain a pupil in the same grade for the succeeding school year. **If the parent or legal guardian of a pupil wishes that the pupil be retained and the teacher and the principal believe the pupil should be promoted to the next grade, the parent or legal guardian may appeal that decision in accordance with the procedure adopted by the board of trustees pursuant to section 9.5 of this act.**

3. Except as otherwise provided in subsection 2 of NRS 392.033 for the promotion of a pupil to high school, no pupil may be retained more than one time in the same grade.

4. ~~{This}~~ **Except as otherwise provided in NRS 386.583, this** section does not apply to the academic retention of pupils who are enrolled in a charter school.

Sec. 13. On or before July 1, 2013, the members of the Task Force on Reading Proficiency created by section 4.5 of this act must be appointed to initial terms commencing on July 1, 2013, as follows:

1. Members must be appointed pursuant to paragraphs (a), (c), (e) and (g) of subsection 1 of section 4.5 of this act to initial terms of 1 year.

2. Members must be appointed pursuant to paragraphs (b), (d) and (f) of subsection 1 of section 4.5 of this act to initial terms of 2 years.

~~{Sec. 13.}~~ **Sec. 14. 1. This section and section 13 of this act become effective upon passage and approval.**

2. Sections 1 to 12, inclusive, of this act {becomes} become effective on July 1, ~~{2014.}~~ **2013.**

Assemblyman Elliot Anderson moved the adoption of the amendment.

Remarks by Assemblyman Elliot Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 163.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 264.

SUMMARY—~~{Provides}~~ **Makes an appropriation for school districts to provide** early childhood ~~{prekindergarten}~~ education programs. (BDR S-723)

AN ACT relating to education; ~~{providing for the distribution of money to}~~ **authorizing** school districts ~~{that include one or more Title I elementary schools}~~ to **apply to the Department of Education for an allocation of**

money to provide early childhood ~~{prekindergarten}~~ education programs; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill ~~{provides for the distribution of money to school districts that include one or more elementary schools that are Title I schools}~~ **makes an appropriation to the Department of Education for allocation to school districts** to provide early childhood ~~{prekindergarten}~~ education programs to children in the school district ~~{ }~~ **pursuant to plans approved by the Department.**

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

Section 1. 1. The Department of Education shall ~~{distribute}~~ **allocate** the appropriation made by section 2 of this act to school districts ~~{that include one or more elementary schools that are Title I schools and are not currently providing early childhood education programs funded by the Federal Government. Each allocation to a school district pursuant to this section must be calculated by multiplying the number of children who reside within the zone of attendance of those Title I schools in the school district by six tenths of the basic support guarantee per pupil for the school district established by law for Fiscal Year 2014 2015.}~~ **to provide early childhood education programs.**

2. ~~{A school district that receives an allocation of money pursuant to this section shall use the money to provide early childhood prekindergarten education programs for children in the school district. A school district shall allocate the money by assigning first priority to those schools within the school district that have the highest percentage of children who are eligible for free or reduced price lunches. If a school within a school district currently provides early childhood prekindergarten education programs with money that it receives from the Federal Government, the school district shall not allocate the money from the appropriation made by section 2 of this act to the school.}~~ **To receive an allocation from the appropriation made by section 2 of this act, a school district must submit a comprehensive plan for the provision of early childhood education programs to the Department of Education for its approval, on a form prescribed by the Department. The plan must include, without limitation:**

(a) Based upon data on the readiness of children in the school district for kindergarten, an identification of the needs of the school district for early childhood education programs, including, without limitation, the priorities of the school district for the establishment or expansion of early childhood education programs;

(b) A detailed description of the early childhood education program proposed for establishment or expansion, including, without limitation, the number of children projected to participate in the programs;

(c) A description of the manner in which the allocation will be used to supplement and not replace the money that would otherwise be expended by the school district for early childhood education programs;

(d) A plan for the longitudinal evaluation of the early childhood education programs to determine the effectiveness of the programs on the readiness of the participants in the programs for kindergarten and on the academic achievement of those participants; and

(e) If applicable, a description of how the school district will collaborate with a community-based organization to operate an early childhood education program.

3. The Department of Education shall determine the amount of the allocations based upon the needs of children who reside within the school district, as identified by the school district, for early childhood education programs to ensure the readiness of the children for kindergarten. The school district shall give priority for the establishment or expansion of early childhood education programs in those areas of the school district where the children are most in need of such a program to ensure the readiness of the children for kindergarten. Within the limits of the appropriation, the Department shall make allocations to school districts with approved plans in an amount of \$3,200 per child, based upon the number of children projected to participate in the program, or, in lieu of a per child amount, an amount not to exceed \$120,000 for the approved program if the plan submitted by the school district to the Department includes a detailed budget demonstrating the need for money in excess of \$3,200 per child to operate the approved program.

4. A school district that receives ~~to a grant of money~~ an allocation pursuant to this section shall:

(a) Provide notice of the early childhood ~~prekindergarten~~ education programs to residents of the school district and encourage parents and legal guardians of children who are eligible to participate in such a program to enroll in the program; ~~and~~

(b) Submit a report to the Department of Education regarding the efforts undertaken by the school district to inform the residents of the school district ~~for~~ about the ~~program~~ early childhood education programs and to encourage the enrollment of children who are eligible for enrollment. ~~for~~

~~4. A school that receives an allocation of money pursuant to this section shall:~~

~~(a) in the program;~~

(c) Use the money to establish or expand early childhood ~~prekindergarten~~ education programs and offer the ~~program~~ **programs** free of charge to children who are eligible for enrollment ~~;~~

~~—(b)—~~ **in the program;**

(d) Use the money to supplement and not replace the money that the school **district** would otherwise expend for early childhood ~~prekindergarten~~ education programs ~~;~~ **and**

(e) Submit a longitudinal evaluation of the early childhood education programs in accordance with the plan submitted pursuant to paragraph (d) of subsection 2.

5. ~~{On or before February 1, 2015, the Department of Education shall submit to the Director of the Legislative Counsel Bureau for transmittal to the 78th Session of the Legislature}~~ **The Department of Education shall develop statewide performance and outcome indicators to measure the effectiveness of the early childhood education programs for which allocations are made pursuant to this section. In developing the indicators, the Department shall establish minimum performance levels and increase the expected performance rates on a yearly basis, based upon the performance results of the participants in the programs. The indicators must include, without limitation:**

(a) Longitudinal measures of the developmental progress of the participants before and after their completion of the early childhood education program;

(b) Longitudinal measures of parental involvement in the early childhood education program before and after the participants' completion of the program; and

(c) The percentage of participants who drop out of the early childhood education program before completion of the program.

6. The Department of Education shall prepare a written report which includes, without limitation:

(a) ~~{An}~~ The number of allocations made and an identification of which school districts received an allocation pursuant to this section;

(b) A compilation and analysis of the ~~{reports}~~ longitudinal evaluations submitted to the Department pursuant to subsection ~~{3}~~ **4 by each school district that received an allocation pursuant to this section ~~;~~ **that includes, without limitation:****

(1) A longitudinal comparison of the data showing the effectiveness of the different early childhood education programs;

(2) A description of the early childhood education programs in this State that are the most effective; and

(3) Based upon the performance of participants in the early childhood education programs as measured by the performance and

outcome indicators developed pursuant to subsection 5, a description of the revised performance and outcome indicators, including any revised minimum performance levels and performance rates;

(c) The number of schools in each school district that offered early childhood ~~prekindergarten~~ education programs funded by the allocation ~~to that school district;~~

(d) The number of children who received services through ~~an~~ early childhood ~~prekindergarten~~ education ~~program~~ **programs** funded by the ~~allocation;~~ **allocations made pursuant to this section and the average expenditure per child for the programs;**

(e) ~~The developmental progress of children before and after their completion of an early childhood prekindergarten education program funded by the allocation;~~

~~(f)~~ The involvement of parents and families whose children participated in ~~an~~ early childhood ~~prekindergarten~~ education ~~program~~ **programs** funded by ~~the allocation;~~ **allocations made pursuant to this section;** and

~~(g)~~ **(f)** Any recommendations for legislation related to early childhood ~~prekindergarten~~ education programs.

~~6. As used in this section, "Title I school" has the meaning ascribed to it in NRS 385.3467.~~

7. The Department of Education shall submit the report prepared pursuant to subsection 6 to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the 78th Session of the Nevada Legislature.

Sec. 2. 1. There is hereby appropriated from the State General Fund to the Department of Education ~~for Fiscal Year 2014-2015, the sum of \$20,000,000,~~ for allocation to school districts to provide early childhood education programs pursuant to section 1 of this act ~~to~~ **the following sums:**

For the Fiscal Year 2013-2014 \$10,000,000

For the Fiscal Year 2014-2015 \$10,000,000

2. **The sums appropriated by subsection 1 are available for either fiscal year.** Any remaining balance of ~~the appropriation made by subsection 1~~ **those sums** must not be committed for expenditure after June 30, 2015, 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 18, 2015, 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 18, 2015.

Sec. 3. This act becomes effective on July 1, 2013.

Assemblyman Elliot Anderson moved the adoption of the amendment.

Remarks by Assemblyman Elliot Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 184.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 390.

AN ACT relating to constructional defects; revising the definition of “constructional defect”; providing that a claimant may not recover attorney’s fees as damages; requiring an attorney to obtain an affidavit from a claimant and file the affidavit with the court under certain circumstances; revising the statutes of repose regarding actions for damages resulting from certain deficiencies in construction; **making an appropriation for a study**; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Section 1 of this bill amends the existing definition of “constructional defect” to provide that a constructional defect is a defect: (1) which presents an unreasonable risk of injury to a person or property; or (2) which violates the law, unless the workmanship exceeds the standards set forth in any applicable codes and ordinances, which causes physical damages and which is not completed in a good and workmanlike manner.

Existing law authorizes a claimant to recover reasonable attorney’s fees for a claim for a constructional defect in certain circumstances. (NRS 40.655)

Section 2 of this bill removes this provision. Existing law also requires an attorney for a claimant to notify the claimant in writing of certain provisions of law relating to constructional defects before the attorney takes any action on a claim for a constructional defect. (NRS 40.688) **Section 3** of this bill revises this requirement and instead provides that an attorney must obtain from a claimant a signed affidavit stating that the claimant has been notified of certain provisions relating to constructional defects. If the claimant is a representative of a homeowners’ association, **section 3** requires that the affidavit also attest that the claimant has notified the units’ owners on whose behalf the claim is brought of the provisions of this section. **Section 3** also provides that in a subsequent action, the attorney must file the affidavit with the court or the action will be dismissed.

Existing law generally limits the period in which an action for damages caused by a deficiency in construction of improvements to real property may be commenced after substantial completion of the improvement, unless the deficiency is a result of willful misconduct or was fraudulently concealed. (NRS 11.202-11.205) These periods of limitation are known as statutes of repose, and the period set forth in each statute of repose during which an

action must be commenced after substantial completion of the improvement depends on the particular type of deficiency in construction. **Section 4** of this bill reduces the period in the existing statute of repose for a known deficiency in construction from 10 years after substantial completion of the improvement to 3 years. **Section 5** of this bill reduces the period in the existing statute of repose for a latent deficiency from 8 years after substantial completion of the improvement to 4 years. **Section 6** of this bill reduces the period in the existing statute of repose for a patent deficiency from 6 years after substantial completion of the improvement to 3 years.

Sections 4-6 also eliminate the existing provisions that allow such actions to be commenced within 2 years after the date of an injury which occurs during the final year of the particular period of limitation. **Section 7** of this bill provides that the revised statutes of repose set forth in **sections 4-6** apply retroactively under certain circumstances. **Section 7** also establishes a 1-year grace period during which a person may commence an action pursuant to NRS 11.203, 11.204 or 11.205 if the action accrued before October 1, 2013.

This bill also makes an appropriation for a study of the impact of the current laws of the State of Nevada on the arbitration, mediation and litigation of actions for damages resulting from deficiencies in construction.

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

Section 1. NRS 40.615 is hereby amended to read as follows:

40.615 “Constructional defect” means a defect in the design, construction, manufacture, repair or landscaping of a new residence, of an alteration of or addition to an existing residence, or of an appurtenance and includes, without limitation, the design, construction, manufacture, repair or landscaping of a new residence, of an alteration of or addition to an existing residence, or of an appurtenance ~~[-]~~, ***which presents an unreasonable risk of injury to a person or property or:***

1. Which is done in violation of law, including, without limitation, in violation of local codes or ordinances ~~[-]~~, ***unless the workmanship of the design, construction, manufacture, repair or landscaping exceeds the standards set forth in any applicable codes and ordinances;***

2. Which proximately causes physical damage to the residence, an appurtenance or the real property to which the residence or appurtenance is affixed; ***and***

3. Which is not completed in a good and workmanlike manner in accordance with the generally accepted standard of care in the industry for that type of design, construction, manufacture, repair or landscaping . ~~[-] or~~

~~—4. Which presents an unreasonable risk of injury to a person or property.—~~

Sec. 2. NRS 40.655 is hereby amended to read as follows:

40.655 1. Except as otherwise provided in NRS 40.650, in a claim governed by NRS 40.600 to 40.695, inclusive, the claimant may recover only the following damages to the extent proximately caused by a constructional defect:

- ~~(a) Any reasonable attorney's fees;~~
- ~~(b)~~ The reasonable cost of any repairs already made that were necessary and of any repairs yet to be made that are necessary to cure any constructional defect that the contractor failed to cure and the reasonable expenses of temporary housing reasonably necessary during the repair;
- ~~(c)~~ **(b)** The reduction in market value of the residence or accessory structure, if any, to the extent the reduction is because of structural failure;
- ~~(d)~~ **(c)** The loss of the use of all or any part of the residence;
- ~~(e)~~ **(d)** The reasonable value of any other property damaged by the constructional defect;
- ~~(f)~~ **(e)** Any additional costs reasonably incurred by the claimant, including, but not limited to, any costs and fees incurred for the retention of experts to:
 - (1) Ascertain the nature and extent of the constructional defects;
 - (2) Evaluate appropriate corrective measures to estimate the value of loss of use; and
 - (3) Estimate the value of loss of use, the cost of temporary housing and the reduction of market value of the residence; and
- ~~(g)~~ **(f)** Any interest provided by statute.

2. ~~The amount of any attorney's fees awarded pursuant to this section must be approved by the court.~~

~~3.~~ If a contractor complies with the provisions of NRS 40.600 to 40.695, inclusive, the claimant may not recover from the contractor, as a result of the constructional defect, anything other than that which is provided pursuant to NRS 40.600 to 40.695, inclusive.

~~4.~~ 3. This section must not be construed as impairing any contractual rights between a contractor and a subcontractor, supplier or design professional.

~~5.~~ 4. As used in this section, "structural failure" means physical damage to the load-bearing portion of a residence or appurtenance caused by a failure of the load-bearing portion of the residence or appurtenance.

Sec. 3. NRS 40.688 is hereby amended to read as follows:

40.688 1. If a claimant attempts to sell a residence that is or has been the subject of a claim governed by NRS 40.600 to 40.695, inclusive, the claimant shall disclose, in writing, to any prospective purchaser of the residence, not less than 30 days before the close of escrow for the sale of the residence or, if escrow is to close less than 30 days after the execution of the

sales agreement, then immediately upon the execution of the sales agreement or, if a claim is initiated less than 30 days before the close of escrow, within 24 hours after giving written notice to the contractor pursuant to NRS 40.645:

(a) All notices given by the claimant to the contractor pursuant to NRS 40.600 to 40.695, inclusive, that are related to the residence;

(b) All opinions the claimant has obtained from experts regarding a constructional defect that is or has been the subject of the claim;

(c) The terms of any settlement, order or judgment relating to the claim; and

(d) A detailed report of all repairs made to the residence by or on behalf of the claimant as a result of a constructional defect that is or has been the subject of the claim.

2. Before taking any action on a claim pursuant to NRS 40.600 to 40.695, inclusive, the attorney for a claimant shall ~~notify~~ **obtain a signed affidavit from** the claimant ~~in writing~~ **stating that the claimant has been notified** of the provisions of this section. ***If the claimant is a representative of a homeowners' association, the affidavit must attest that the claimant has notified the units' owners on whose behalf the claim is brought of the provisions of this section. At the time of commencing an action or amending a complaint to add a cause of action for a constructional defect, the attorney shall file the affidavit with the court. The action or cause of action will be dismissed by the court if the attorney fails to file the required affidavit.***

Sec. 4. NRS 11.203 is hereby amended to read as follows:

11.203 1. Except as otherwise provided in NRS 11.202 , **11.204** and 11.206, no action may be commenced against the owner, occupier or any person performing or furnishing the design, planning, supervision or observation of construction, or the construction of an improvement to real property more than ~~10~~ **3** years after the substantial completion of such an improvement, for the recovery of damages for:

(a) Any deficiency in the design, planning, supervision or observation of construction or the construction of such an improvement which is known or through the use of reasonable diligence should have been known to him or her;

(b) Injury to real or personal property caused by any such deficiency; or

(c) Injury to or the wrongful death of a person caused by any such deficiency.

2. ~~Notwithstanding the provisions of NRS 11.190 and subsection 1 of this section, if an injury occurs in the 10th year after the substantial completion of such an improvement, an action for damages for injury to property or person, damages for wrongful death resulting from such injury or~~

~~damages for breach of contract may be commenced within 2 years after the date of such injury, irrespective of the date of death, but in no event may an action be commenced more than 12 years after the substantial completion of the improvement.~~

~~—3.1~~ The provisions of this section do not apply to a claim for indemnity or contribution.

Sec. 5. NRS 11.204 is hereby amended to read as follows:

11.204 1. Except as otherwise provided in NRS 11.202 ~~1, 11.203~~ and 11.206, no action may be commenced against the owner, occupier or any person performing or furnishing the design, planning, supervision or observation of construction, or the construction of an improvement to real property more than ~~8~~ 4 years after the substantial completion of such an improvement, for the recovery of damages for:

- (a) Any latent deficiency in the design, planning, supervision or observation of construction or the construction of such an improvement;
- (b) Injury to real or personal property caused by any such deficiency; or
- (c) Injury to or the wrongful death of a person caused by any such deficiency.

2. ~~Notwithstanding the provisions of NRS 11.190 and subsection 1 of this section, if an injury occurs in the eighth year after the substantial completion of such an improvement, an action for damages for injury to property or person, damages for wrongful death resulting from such injury or damages for breach of contract may be commenced within 2 years after the date of such injury, irrespective of the date of death, but in no event may an action be commenced more than 10 years after the substantial completion of the improvement.~~

~~—3.1~~ The provisions of this section do not apply to a claim for indemnity or contribution.

~~14.1~~ 3. For the purposes of this section, “latent deficiency” means a deficiency which is not apparent by reasonable inspection.

Sec. 6. NRS 11.205 is hereby amended to read as follows:

11.205 1. Except as otherwise provided in NRS 11.202 ~~1, 11.203~~ and 11.206, no action may be commenced against the owner, occupier or any person performing or furnishing the design, planning, supervision or observation of construction, or the construction of an improvement to real property more than ~~6~~ 3 years after the substantial completion of such an improvement, for the recovery of damages for:

- (a) Any patent deficiency in the design, planning, supervision or observation of construction or the construction of such an improvement;
- (b) Injury to real or personal property caused by any such deficiency; or
- (c) Injury to or the wrongful death of a person caused by any such deficiency.

2. Notwithstanding the provisions of NRS 11.190 and subsection 1 of this section, if an injury occurs in the sixth year after the substantial completion of such an improvement, an action for damages for injury to property or person, damages for wrongful death resulting from such injury or damages for breach of contract may be commenced within 2 years after the date of such injury, irrespective of the date of death, but in no event may an action be commenced more than 8 years after the substantial completion of the improvement.

~~3.~~ The provisions of this section do not apply to a claim for indemnity or contribution.

~~4.~~ 3. For the purposes of this section, “patent deficiency” means a deficiency which is apparent by reasonable inspection.

Sec. 6.5. 1. There is hereby appropriated from the State General Fund to the Legislative Fund the sum of \$150,000 for the purpose of contracting with a consultant to conduct a study of the impact of the current laws of the State of Nevada on the arbitration, mediation and litigation of actions for damages resulting from deficiencies in construction.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2015, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2015, and must be reverted to the State General Fund on or before September 18, 2015.

Sec. 7. 1. The amendatory provisions of sections 1, 2 and 3 of this ~~bill~~ act apply to any claim that arises on or after October 1, 2013.

2. Except as otherwise provided in subsection 3, the period of limitations on actions set forth in NRS 11.203, 11.204 and 11.205, as amended by sections 4, 5 and 6 of this act, apply retroactively to actions in which the substantial completion of the improvement to real property occurred before October 1, 2013.

3. The provisions of subsection 2 do not limit an action:

(a) That accrued before October 1, 2013, and is commenced before October 1, 2014; or

(b) If doing so would constitute an impairment of the obligation of contracts under the *United States Constitution* or the *Nevada Constitution*.

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 189.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 235.

SUMMARY—Provides, **under certain circumstances**, for the issuance **by the Department of Motor Vehicles of a separate tier of five new** special license plates, ~~to advance the research, early detection and treatment of neurological diseases;~~ (BDR 43-1086)

AN ACT relating to motor vehicles; providing for the issuance **by the Department of Motor Vehicles of a separate tier of five new** special license plates ~~to advance the research, early detection and treatment of neurological diseases;~~ **which must meet increased requirements for bonding and the number of applications to qualify for issuance;** imposing a fee for the issuance or renewal of such license plates; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[This bill requires the Department of Motor Vehicles, upon the receipt of 1,000 applications, to issue] **Under existing law, the standard manner for issuing** special license plates ~~[for the purpose of advancing the research, early detection and treatment of neurological diseases, including Alzheimer's disease, Huntington's disease, Parkinson's disease and amyotrophic lateral sclerosis. For the initial issuance and renewal of these special license plates, this bill provides for additional fees of \$25 and \$20, respectively, the proceeds of which will be remitted quarterly to the Cleveland Clinic's Lou Ruvo Center for Brain Health, located in Las Vegas, Nevada. This bill exempts these special license plates from:]~~ **requires: (1) the requirement that application to the Department of Motor Vehicles; (2) approval by the Commission on Special License Plates [approve or disapprove the plates; and (2) the limit] ; (3) posting of a surety bond in the amount of \$5,000; and (4) the issuance of at least 1,000 plates to demonstrate the viability of the plates. (NRS 482.367002-482.367008) Existing law also places a limit of 30** on the number of separate designs of special license plates that may be issued by the Department at any one time.~~

~~[Section 8 of this bill provides that the provisions of this bill expire by limitation if the Department does not receive at least 1,000 applications for the special license plates within 2 years after July 1, 2013.] (NRS 482.367008)~~

This bill creates a new tier of not more than 5 special license plates that may be issued by the Department, in addition to the existing 30, if the applicants post a larger surety bond in the amount of \$20,000 and demonstrate the issuance of at least 3,000 plates to illustrate the viability of the plates.

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

Section 1. ~~[Chapter 482 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~—1. Except as otherwise provided in this subsection, the Department, in cooperation with the Cleveland Clinic's Lou Ruvo Center for Brain Health or its successor, shall design, prepare and issue license plates to advance the research, early detection and treatment of neurological diseases, including, without limitation, Alzheimer's disease, Huntington's disease, Parkinson's disease and amyotrophic lateral sclerosis, using any colors and designs that the Department deems appropriate. The Department shall not design, prepare or issue the license plates unless it receives at least 1,000 applications for the issuance of those plates.~~

~~—2. If the Department receives at least 1,000 applications for the issuance of license plates to advance the research, early detection and treatment of neurological diseases, the Department shall issue those plates for a passenger car or light commercial vehicle upon application by a person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with license plates to advance the research, early detection and treatment of neurological diseases if that person pays the fees for the personalized prestige license plates in addition to the fees for the license plates to advance the research, early detection and treatment of neurological diseases pursuant to subsections 3 and 4.~~

~~—3. The fee for license plates to advance the research, early detection and treatment of neurological diseases is \$35, in addition to all other applicable registration and license fees and governmental services taxes. The license plates are renewable upon the payment of \$10.~~

~~—4. In addition to all other applicable registration and license fees and governmental services taxes and the fee prescribed in subsection 3, a person who requests a set of license plates to advance the research, early detection and treatment of neurological diseases must pay for the initial issuance of the plates an additional fee of \$25 and for each renewal of the plates an additional fee of \$20, to be distributed in accordance with subsection 5.~~

~~—5. The Department shall deposit the fees collected pursuant to subsection 4 with the State Treasurer for credit to the State General Fund. The State Treasurer shall, on a quarterly basis, distribute the fees to the Cleveland Clinic's Lou Ruvo Center for Brain Health or its successor for~~

~~use in advancing the research, early detection and treatment of neurological diseases, including, without limitation, Alzheimer's disease, Huntington's disease, Parkinson's disease and amyotrophic lateral sclerosis.~~

~~6. If, during a registration year, the holder of a set of special license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:~~

~~(a) Retain the plates and affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedure set forth for other transfers; or~~

~~(b) Within 30 days after removing the plates from the vehicle, return them to the Department.] (Deleted by amendment.)~~

Sec. 2. [NRS 482.216 is hereby amended to read as follows:

~~482.216 1. Upon the request of a new vehicle dealer, the Department may authorize the new vehicle dealer to:~~

~~(a) Accept applications for the registration of the new motor vehicles he or she sells and the related fees and taxes;~~

~~(b) Issue certificates of registration to applicants who satisfy the requirements of this chapter; and~~

~~(c) Accept applications for the transfer of registration pursuant to NRS 482.399 if the applicant purchased from the new vehicle dealer a new vehicle to which the registration is to be transferred.~~

~~2. A new vehicle dealer who is authorized to issue certificates of registration pursuant to subsection 1 shall:~~

~~(a) Transmit the applications received to the Department within the period prescribed by the Department;~~

~~(b) Transmit the fees collected from the applicants and properly account for them within the period prescribed by the Department;~~

~~(c) Comply with the regulations adopted pursuant to subsection 4; and~~

~~(d) Bear any cost of equipment which is necessary to issue certificates of registration, including any computer hardware or software.~~

~~3. A new vehicle dealer who is authorized to issue certificates of registration pursuant to subsection 1 shall not:~~

~~(a) Charge any additional fee for the performance of those services;~~

~~(b) Receive compensation from the Department for the performance of those services;~~

~~(c) Accept applications for the renewal of registration of a motor vehicle;~~

~~or~~

~~(d) Accept an application for the registration of a motor vehicle if the applicant wishes to:~~

~~(1) Obtain special license plates pursuant to NRS 482.3667 to 482.3823, inclusive [;], and section 1 of this act; or~~

~~(2) Claim the exemption from the governmental services tax provided pursuant to NRS 361.1565 to veterans and their relations.~~

~~4. The Director shall adopt such regulations as are necessary to carry out the provisions of this section. The regulations adopted pursuant to this subsection must provide for:~~

~~(a) The expedient and secure issuance of license plates and decals by the Department; and~~

~~(b) The withdrawal of the authority granted to a new vehicle dealer pursuant to subsection 1 if that dealer fails to comply with the regulations adopted by the Department.~~ **(Deleted by amendment.)**

Sec. 2.5. NRS 482.367002 is hereby amended to read as follows:

482.367002 1. A person may request that the Department design, prepare and issue a special license plate by submitting an application to the Department. A person may submit an application for a special license plate that is intended to generate financial support for an organization only if:

(a) For an organization which is not a governmental entity, the organization is established as a nonprofit charitable organization which provides services to the community relating to public health, education or general welfare;

(b) For an organization which is a governmental entity, the organization only uses the financial support generated by the special license plate for charitable purposes relating to public health, education or general welfare;

(c) The organization is registered with the Secretary of State, if registration is required by law, and has filed any documents required to remain registered with the Secretary of State;

(d) The name and purpose of the organization do not promote, advertise or endorse any specific product, brand name or service that is offered for profit;

(e) The organization is nondiscriminatory; and

(f) The license plate will not promote a specific religion, faith or antireligious belief.

2. An application submitted to the Department pursuant to subsection 1:

(a) Must be on a form prescribed and furnished by the Department;

(b) Must specify whether the special license plate being requested is intended to generate financial support for a particular cause or charitable organization and, if so, the name of the cause or charitable organization;

(c) Must include proof that the organization satisfies the requirements set forth in subsection 1;

(d) Must be accompanied by a surety bond posted with the Department in the amount of \$5,000 ~~or~~, **except that if the special license plate being requested is one of the type described in subsection 3 of NRS 482.367008, the application must be accompanied by a surety bond posted with the Department in the amount of \$20,000;** and

(e) May be accompanied by suggestions for the design of and colors to be used in the special license plate.

3. The Department may design and prepare a special license plate requested pursuant to subsection 1 if:

(a) The Department determines that the application for that plate complies with subsection 2; and

(b) The Commission on Special License Plates approves the application for that plate pursuant to subsection 5 of NRS 482.367004.

4. Except as otherwise provided in NRS 482.367008, the Department may issue a special license plate that:

(a) The Department has designed and prepared pursuant to this section;

(b) The Commission on Special License Plates has approved for issuance pursuant to subsection 5 of NRS 482.367004; and

(c) Complies with the requirements of subsection 7 of NRS 482.270, for any passenger car or light commercial vehicle upon application by a person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with a special license plate issued pursuant to this section if that person pays the fees for personalized prestige license plates in addition to the fees for the special license plate.

5. The Department must promptly release the surety bond posted pursuant to subsection 2:

(a) If the Department or the Commission on Special License Plates determines not to issue the special license plate; or

(b) If it is determined that at least 1,000 special license plates have been issued pursuant to the assessment of the viability of the design of the special license plate conducted pursuant to NRS 482.367008, ~~it~~, **except that if the special license plate is one of the type described in subsection 3 of NRS 482.367008, the Department must promptly release the surety bond posted pursuant to subsection 2 if it is determined that at least 3,000 special license plates have been issued pursuant to the assessment of the viability of the design of the special license plate conducted pursuant to NRS 482.367008.**

6. If, during a registration year, the holder of license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle that meets the requirements of this section if the holder pays the fee for the transfer of the registration and any registration fee or governmental services tax due pursuant to NRS 482.399; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

~~Sec. 3. NRS 482.367004 is hereby amended to read as follows:~~

~~482.367004 1. There is hereby created the Commission on Special License Plates consisting of five Legislators and three nonvoting members as follows:~~

~~(a) Five Legislators appointed by the Legislative Commission:~~

~~(1) One of whom is the Legislator who served as the Chair of the Assembly Standing Committee on Transportation during the most recent legislative session. That Legislator may designate an alternate to serve in place of the Legislator when absent. The alternate must be another Legislator who also served on the Assembly Standing Committee on Transportation during the most recent legislative session.~~

~~(2) One of whom is the Legislator who served as the Chair of the Senate Standing Committee on Transportation during the most recent legislative session. That Legislator may designate an alternate to serve in place of the Legislator when absent. The alternate must be another Legislator who also served on the Senate Standing Committee on Transportation during the most recent legislative session.~~

~~(b) Three nonvoting members consisting of:~~

~~(1) The Director of the Department of Motor Vehicles, or a designee of the Director.~~

~~(2) The Director of the Department of Public Safety, or a designee of the Director.~~

~~(3) The Director of the Department of Tourism and Cultural Affairs, or a designee of the Director.~~

~~2. Each member of the Commission appointed pursuant to paragraph (a) of subsection 1 serves a term of 2 years, commencing on July 1 of each odd-numbered year. A vacancy on the Commission must be filled in the same manner as the original appointment.~~

~~3. Members of the Commission serve without salary or compensation for their travel or per diem expenses.~~

~~4. The Director of the Legislative Counsel Bureau shall provide administrative support to the Commission.~~

~~5. The Commission shall approve or disapprove:~~

~~(a) Applications for the design, preparation and issuance of special license plates that are submitted to the Department pursuant to subsection 1 of NRS 482.367002;~~

~~(b) The issuance by the Department of special license plates that have been designed and prepared pursuant to NRS 482.367002; and~~

~~— (c) Except as otherwise provided in subsection 6, applications for the design, preparation and issuance of special license plates that have been authorized by an act of the Legislature after January 1, 2007,~~

~~→ In determining whether to approve such an application or issuance, the Commission shall consider, without limitation, whether it would be appropriate and feasible for the Department to, as applicable, design, prepare or issue the particular special license plate. The Commission shall consider each application in the chronological order in which the application was received by the Department.~~

~~— 6. The provisions of paragraph (c) of subsection 5 do not apply with regard to special license plates that are issued pursuant to NRS 482.3785 or 482.3787 [.] or section 1 of this act.~~

~~— 7. The Commission shall:~~

~~— (a) Approve or disapprove any proposed change in the distribution of money received in the form of additional fees. As used in this paragraph, “additional fees” means the fees that are charged in connection with the issuance or renewal of a special license plate for the benefit of a particular cause, fund or charitable organization. The term does not include registration and license fees or governmental services taxes.~~

~~— (b) If it approves a proposed change pursuant to paragraph (a) and determines that legislation is required to carry out the change, request the assistance of the Legislative Counsel in the preparation of a bill draft to carry out the change.] (Deleted by amendment.)~~

Sec. 4. NRS 482.367008 is hereby amended to read as follows:

482.367008 1. As used in this section, “special license plate” means:

(a) A license plate that the Department has designed and prepared pursuant to NRS 482.367002 in accordance with the system of application and petition described in that section;

(b) A license plate approved by the Legislature that the Department has designed and prepared pursuant to NRS 482.3747, 482.37903, 482.37905, 482.37917, 482.379175, 482.37918, 482.37919, 482.3792, 482.3793, 482.37933, 482.37934, 482.37935, 482.379355, 482.379365, 482.37937, 482.379375, 482.37938 or 482.37945; and

(c) Except for a license plate that is issued pursuant to NRS 482.3785 or 482.3787 ~~for section 1 of this act,~~ a license plate that:

(1) Is approved by the Legislature after July 1, 2005; and

(2) Differs substantially in design from the license plates that are described in subsection 1 of NRS 482.270.

2. Notwithstanding any other provision of law to the contrary, and except as otherwise provided in subsection 3, the Department shall not, at any one time, issue more than 30 separate designs of special license plates. Whenever the total number of separate designs of special license plates

issued by the Department at any one time is less than 30, the Department shall issue a number of additional designs of special license plates that have been authorized by an act of the Legislature or the application for which has been approved by the Commission on Special License Plates pursuant to subsection 5 of NRS 482.367004, not to exceed a total of 30 designs issued by the Department at any one time. Such additional designs must be issued by the Department in accordance with the chronological order of their authorization or approval.

3. ***In addition to the special license plates described in subsection 2, the Department may issue not more than five separate designs of special license plates in excess of the limit set forth in that subsection. To qualify for issuance pursuant to this subsection:***

(a) The Commission on Special License Plates must have approved the design, preparation and issuance of the special plates as described in paragraphs (a) and (b) of subsection 5 of NRS 482.367004; and

(b) The special license plates must have been applied for, designed, prepared and issued pursuant to NRS 482.367002, except that:

(1) The application for the special license plates must be accompanied by a surety bond posted with the Department in the amount of \$20,000; and

(2) Pursuant to the assessment of the viability of the design of the special license plates that is conducted pursuant to this section, it is determined that at least 3,000 special license plates have been issued.

4. Except as otherwise provided in this subsection, on October 1 of each year the Department shall assess the viability of each separate design of special license plate that the Department is currently issuing by determining the total number of validly registered motor vehicles to which that design of special license plate is affixed. The Department shall not determine the total number of validly registered motor vehicles to which a particular design of special license plate is affixed if:

(a) The particular design of special license plate was designed and prepared by the Department pursuant to NRS 482.367002; and

(b) On October 1, that particular design of special license plate has been available to be issued for less than 12 months.

~~4. 5.~~ Except as otherwise provided in subsection ~~4. 6.~~ **7.** if, on October 1, the total number of validly registered motor vehicles to which a particular design of special license plate is affixed is:

(a) In the case of special license plates designed and prepared by the Department pursuant to NRS 482.367002 ~~but not described in subsection 3.~~ **less than 1,000; ~~or~~**

(b) In the case of special license plates designed and prepared by the Department pursuant to NRS 482.367002 and described in subsection 3, less than 3,000; or

(c) In the case of special license plates authorized directly by the Legislature which are described in paragraph (b) of subsection 1, less than the number of applications required to be received by the Department for the initial issuance of those plates,

↪ the Director shall provide notice of that fact in the manner described in subsection ~~5.1 6.~~

~~5.1 6.~~ The notice required pursuant to subsection ~~4.1 5~~ must be provided:

(a) If the special license plate generates financial support for a cause or charitable organization, to that cause or charitable organization.

(b) If the special license plate does not generate financial support for a cause or charitable organization, to an entity which is involved in promoting the activity, place or other matter that is depicted on the plate.

~~6.1 7.~~ If, on December 31 of the same year in which notice was provided pursuant to subsections ~~4 and 5.1~~ 5 and 6, the total number of validly registered motor vehicles to which a particular design of special license plate is affixed is:

(a) In the case of special license plates designed and prepared by the Department pursuant to NRS 482.367002, but not described in subsection 3, less than 1,000; ~~for~~

(b) In the case of special license plates designed and prepared by the Department pursuant to NRS 482.367002 and described in subsection 3, less than 3,000; or

(c) In the case of special license plates authorized directly by the Legislature which are described in paragraph (b) of subsection 1, less than the number of applications required to be received by the Department for the initial issuance of those plates,

↪ the Director shall, notwithstanding any other provision of law to the contrary, issue an order providing that the Department will no longer issue that particular design of special license plate. Such an order does not require existing holders of that particular design of special license plate to surrender their plates to the Department and does not prohibit those holders from renewing those plates.

Sec. 5. ~~NRS 482.36705 is hereby amended to read as follows:~~

~~482.36705 1. Except as otherwise provided in subsection 2:~~

~~(a) If a new special license plate is authorized by an act of the Legislature after January 1, 2003, other than a special license plate that is authorized pursuant to NRS 482.379375, the Legislature will direct that the license plate not be designed, prepared or issued by the Department unless the Department receives at least 1,000 applications for the issuance of that plate within 2 years after the effective date of the act of the Legislature that authorized the plate.~~

~~— (b) In addition to the requirements set forth in paragraph (a), if a new special license plate is authorized by an act of the Legislature after July 1, 2005, the Legislature will direct that the license plate not be issued by the Department unless its issuance complies with subsection 2 of NRS 482.367008.~~

~~— (c) In addition to the requirements set forth in paragraphs (a) and (b), if a new special license plate is authorized by an act of the Legislature after January 1, 2007, the Legislature will direct that the license plate not be designed, prepared or issued by the Department unless the Commission on Special License Plates approves the application for the authorized plate pursuant to NRS 482.367004.~~

~~— 2. The provisions of subsection 1 do not apply with regard to special license plates that are issued pursuant to NRS 482.3785 or 482.3787.~~

~~— 3. The provisions of paragraphs (b) and (c) of subsection 1 do not apply with regard to special license plates that are issued pursuant to section 1 of this act. (Deleted by amendment.)~~

Sec. 6. ~~[NRS 482.3824 is hereby amended to read as follows:~~

~~— 482.3824 1. Except as otherwise provided in NRS 482.38279, if applicable, with respect to any special license plate that is issued pursuant to NRS 482.3667 to 482.3823, inclusive, and section 1 of this act, and for which additional fees are imposed for the issuance of the special license plate to generate financial support for a charitable organization:~~

~~— (a) The Director shall, at the request of the charitable organization that is benefited by the particular special license plate:~~

~~— (1) Order the design and preparation of souvenir license plates, the design of which must be substantially similar to the particular special license plate; and~~

~~— (2) Issue such souvenir license plates, for a fee established pursuant to NRS 482.3825, only to the charitable organization that is benefited by the particular special license plate. The charitable organization may resell such souvenir license plates at a price determined by the charitable organization.~~

~~— (b) The Department may, except as otherwise provided in this paragraph and after the particular special license plate is approved for issuance, issue the special license plate for a trailer, motorcycle or other type of vehicle that is not a passenger car or light commercial vehicle, excluding vehicles required to be registered with the Department pursuant to NRS 706.801 to 706.861, inclusive, upon application by a person who is entitled to license plates pursuant to NRS 482.265 or 482.272 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter or chapter 486 of NRS. The Department may not issue a special license plate for such other types of vehicles if the Department determines that the design or manufacture of the plate for those other types of vehicles would not be~~

feasible. In addition, if the Department incurs additional costs to manufacture a special license plate for such other types of vehicles, including, without limitation, costs associated with the purchase, manufacture or modification of dies or other equipment necessary to manufacture the special license plate for such other types of vehicles, those additional costs must be paid from private sources without any expense to the State of Nevada.

~~2. If, as authorized pursuant to paragraph (b) of subsection 1, the Department issues a special license plate for a trailer, motorcycle or other type of vehicle that is not a passenger car or light commercial vehicle, the Department shall charge and collect for the issuance and renewal of such a plate the same fees that the Department would charge and collect if the other type of vehicle was a passenger car or light commercial vehicle. As used in this subsection, "fees" does not include any applicable registration or license fees or governmental services taxes.~~

~~3. As used in this section:~~

~~(a) "Additional fees" has the meaning ascribed to it in NRS 482.38273.~~

~~(b) "Charitable organization" means a particular cause, charity or other entity that receives money from the imposition of additional fees in connection with the issuance of a special license plate pursuant to NRS 482.3667 to 482.3823, inclusive [.] , and section 1 of this act. The term includes the successor, if any, of a charitable organization.] (Deleted by amendment.)~~

Sec. 7. ~~NRS 482.500 is hereby amended to read as follows:~~

~~482.500 1. Except as otherwise provided in subsection 2 or 3, whenever upon application any duplicate or substitute certificate of registration, decal or number plate is issued, the following fees must be paid:~~

For a certificate of registration	\$5.00
For every substitute number plate or set of plates	5.00
For every duplicate number plate or set of plates	10.00
For every decal displaying a county name	.50
For every other decal, license plate sticker or tab	5.00

~~2. The following fees must be paid for any replacement plate or set of plates issued for the following special license plates:~~

~~(a) For any special plate issued pursuant to NRS 482.3667, 482.367002, 482.3672, 482.3675, 482.370 to 482.376, inclusive, or 482.379 to 482.3818, inclusive, and section 1 of this act, a fee of \$10.~~

~~(b) For any special plate issued pursuant to NRS 482.368, 482.3765, 482.377 or 482.378, a fee of \$5.~~

~~(c) Except as otherwise provided in paragraph (a) of subsection 1 of NRS 482.3824, for any souvenir license plate issued pursuant to~~

~~NRS 482.3825 or sample license plate issued pursuant to NRS 482.2703, a fee equal to that established by the Director for the issuance of those plates.~~

~~3. A fee must not be charged for a duplicate or substitute of a decal issued pursuant to NRS 482.37635.~~

~~4. The fees which are paid for duplicate number plates and decals displaying county names must be deposited with the State Treasurer for credit to the Motor Vehicle Fund and allocated to the Department to defray the costs of duplicating the plates and manufacturing the decals.~~ **(Deleted by amendment.)**

Sec. 8. [The amendatory provisions of this act expire by limitation on June 30, 2015, if on that date the Department of Motor Vehicles has received fewer than 1,000 applications for the issuance of a license plate pursuant to section 1 of this act.] (Deleted by amendment.)

Sec. 9. This act becomes effective [on] [on]:

1. Upon passage and approval for the purpose of performing any preparatory administrative tasks necessary to carry out the provisions of this act, including, without limitation, informing organizations whose special license plates have already been approved but are awaiting production, as to how those organizations may qualify their special license plates for issuance as described in subsection 3 of NRS 482.367008, as amended by section 4 of this act; and

2. On July 1, 2013 [1], for all other purposes.

Assemblyman Carrillo moved the adoption of the amendment.

Remarks by Assemblyman Carrillo.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 205.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 265.

AN ACT relating to education; requiring ~~[the sponsor of a charter school to develop] that~~ a performance framework for ~~[the] a~~ charter school ~~[and incorporate that performance framework]~~ **be incorporated** into the charter contract; **revising provisions governing applications for authorization to sponsor charter schools by the board of trustees of a school district or a college or university within the Nevada System of Higher Education;** revising the procedure for reviewing an application to form a charter school; setting forth requirements for the execution and renewal of charter contracts; setting forth the grounds for termination of a charter contract; revising provisions relating to the enrollment of pupils in charter schools; **requiring the Department of Education to adopt regulations for the comprehensive**

review of sponsors of charter schools approved by the Department and for the revocation of the authorization to sponsor charter schools;

making various other changes relating to charter schools; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the formation and operation of charter schools. (NRS 386.490-386.610) ~~Section 3 of this bill requires [the sponsor of a charter school to develop] that~~ a written performance framework for ~~the~~ a charter school ~~[which includes]~~ **be incorporated into the charter contract executed by the sponsor and the governing body of the charter school pursuant to section 8 of this bill. The performance framework must include** performance indicators, measures and metrics for: (1) the academic achievement and proficiency of pupils enrolled in the charter school and ~~[addressing]~~ disparities in achievement among those pupils; (2) the attendance rate of pupils enrolled in the charter school and the percentage of pupils who reenroll from year-to-year; (3) the financial condition and sustainability of the charter school; (4) the performance of the governing body of the charter school; and (5) if the charter school enrolls pupils at the high school grade level, the rate of graduation of those pupils. ~~[Section 3 further requires that the performance framework be incorporated into the charter contract executed by the sponsor and the governing body of the charter school pursuant to section 8 of this bill.]~~

Existing law prescribes the circumstances under which the sponsor of a charter school is authorized to revoke the charter of a charter school. (NRS 386.535) Section 3.5 of this bill requires the sponsor of a charter school to terminate the charter contract of the charter school if the charter school receives three consecutive annual ratings established as the lowest rating possible indicating underperformance of a public school, as determined by the Department of Education pursuant to the statewide system of accountability for public schools. The procedures in existing law setting forth notice and timelines for the termination of a charter contract do not apply to termination on these grounds. Section 3.5 also provides that a rating of a charter school before July 1, 2013, pursuant to the statewide system of accountability, must not be included in the count of consecutive annual ratings for the purposes of determining whether termination is required.

Existing law authorizes the board of trustees of a school district or a college or university within the Nevada System of Higher Education to sponsor charter schools. (NRS 386.515) Section 5 of this bill clarifies that, similar to the board of trustees of a school district, a college or university is required to submit an application to the Department to sponsor charter schools. Under existing law, the Department is also

required to adopt regulations prescribing the process for submission of an application by the board of trustees of a school district for authorization to sponsor charter schools. (NRS 386.540) Section 12 of this bill makes a college or university within the Nevada System of Higher Education subject to those regulations and requires the Department to adopt additional regulations prescribing: (1) the process and timeline for the review of an application for authorization to sponsor charter schools; (2) the process for the Department to conduct a comprehensive review of sponsors of charter schools approved by the Department at least once every 3 years; and (3) the process for the Department to continue or revoke the authorization of a board of trustees or a college or university to sponsor charter schools.

Existing law sets forth the process for review of an application to form a charter school by the proposed sponsor of the charter school. (NRS 386.525) **Section 7** of this bill requires the proposed sponsor to assemble a team of reviewers and to conduct a thorough evaluation of the application, including an in-person interview with the committee to form the charter school. Existing law further provides that a proposed sponsor may approve an application to form a charter school if the application is complete and complies with the applicable statutes and regulations. **Section 7** also requires that to approve an application, the proposed sponsor must determine that the applicant has demonstrated competence which will likely result in a successful opening and operation of the charter school.

Under existing law, if an application to form a charter school is approved by the proposed sponsor of the charter school, the charter school is issued a written charter for a term of 6 years. (NRS 386.527) **Section 8** removes the requirement for the issuance of a written charter and instead requires the proposed sponsor of the charter school and the governing body of the charter school to execute a charter contract for a term of 6 years.

Existing law sets forth the procedures for renewal and revocation of written charters. (NRS 386.530, 386.535) **Section 9** of this bill removes the written charter and instead prescribes the procedure for renewal of a charter contract, which includes a requirement that the sponsor provide the charter school with a written report summarizing the charter school's performance during the term of the charter contract. **Section 10** of this bill prescribes the grounds for termination of a charter contract, which includes the ground that the charter school has persistently underperformed, as measured by the performance framework developed for the charter school.

Existing law provides that a charter school dedicated to providing educational programs and opportunities to pupils who are at risk may enroll a child who is the child of a full-time employee of the charter school before enrolling pupils who are otherwise eligible for enrollment. **Section 17** of this

bill removes the provision that such a charter school must serve at-risk pupils and instead authorizes any charter school to, before enrolling children who are otherwise eligible for enrollment, enroll a child if the child is the child of: (1) an employee of the charter school; (2) a member of the committee to form the charter school; or (3) a member of the governing body of the charter school.

Section 19 of this bill revises requirements for the annual report that the sponsor of a charter school is required to provide to the Department of Education by including a summary evaluating the performance of the charter school, as measured by the performance framework, and by removing the requirement that the sponsor of the charter school include a description of the administrative support and services provided by the sponsor. (NRS 386.610)

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

Section 1. Chapter 386 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 ~~and 3~~ **to 3.5, inclusive**, of this act.

Sec. 2. *“Charter contract” means the contract executed between the governing body of a charter school and the sponsor of the charter school pursuant to NRS 386.527.*

Sec. 2.5. *“Performance framework” means the performance framework for a charter school that is required to be incorporated into a charter contract pursuant to NRS 386.527.*

Sec. 3. 1. ~~Upon approval of an application to form a charter school, the sponsor of the charter school shall develop a written performance framework for the charter school.~~

~~—2.—~~ *The performance framework ~~developed pursuant to subsection 1~~ that is required to be incorporated into the charter contract pursuant to paragraph (a) of subsection 1 of NRS 386.527 must include, without limitation, performance indicators, measures and metrics for ~~the~~ the categories of academics, finances and organization as follows:*

(a) The category of academics addresses:

(1) The academic achievement and proficiency of pupils enrolled in the charter school, including, without limitation, the progress of pupils from year-to-year based upon the model to measure the achievement of pupils adopted by the Department pursuant to NRS 385.3595;

~~*(b) Addressing disparities*~~

(2) Disparities in the academic achievement and proficiency of pupils enrolled in the charter school;

~~*(c) The rate of attendance of pupils enrolled in the charter school;*~~

~~*(d) The percentage of pupils who reenroll in the charter school from year to year;*~~

~~—(e) The] and~~

(3) If the charter school enrolls pupils at the high school grade level, the rate of graduation of those pupils and the preparation of those pupils for success in postsecondary educational institutions and in career and workforce readiness.

(b) The category of finances addresses the financial condition and sustainability of the charter school . f;]

~~—(f)]~~ (c) The category of organization addresses:

(1) The percentage of pupils who reenroll in the charter school from year-to-year;

(2) The rate of attendance of pupils enrolled in the charter school; and

(3) The performance of the governing body of the charter school, including, without limitation, compliance with the terms and conditions of the charter contract and the applicable statutes and regulations . f; and

~~—(g) If the charter school enrolls pupils at the high school grade level, the rate of graduation of those pupils and the preparation of those pupils for success in postsecondary educational institutions and in career and workforce readiness.~~

~~—3.]~~ 2. In addition to the requirements for the performance framework set forth in subsection {2.] 1, the sponsor of the charter school may, upon request of the governing body of the charter school, include additional rigorous, valid and reliable performance indicators, measures and metrics in the performance framework that are specific to the mission of the charter school and that are consistent with NRS 386.490 to 386.610, inclusive, and sections 2 {and 3} to 3.5, inclusive, of this act.

~~{4. The performance framework for a charter school must be incorporated into the charter contract of the charter school.~~

~~—5.]~~ 3. The governing body of a charter school shall, in consultation with the sponsor of the charter school, establish annual performance goals to ensure that the charter school is meeting the performance indicators, measures and metrics set forth in the performance framework in the charter contract.

~~{6.]~~ 4. If an application for renewal of a charter contract is approved, the sponsor of the charter school may review and, if necessary, revise the performance framework. Such a revised performance framework must be incorporated into the renewed charter contract.

~~{7.]~~ 5. The sponsor of a charter school shall ensure the collection, analysis and reporting of all data from the results of pupils enrolled in the charter school on statewide examinations to determine whether the charter school is meeting the performance indicators, measures and metrics for the

achievement and proficiency of pupils as set forth in the performance framework for the charter school.

Sec. 3.5. 1. The sponsor of a charter school shall terminate the charter contract of the charter school if the charter school receives three consecutive annual ratings established as the lowest rating possible indicating underperformance of a public school, as determined by the Department pursuant to the statewide system of accountability for public schools. A charter school's annual rating pursuant to the statewide system of accountability before July 1, 2013, must not be included in the count of consecutive annual ratings for the purposes of this subsection.

2. If a charter contract is terminated pursuant to subsection 1, the sponsor of the charter school shall submit a written report to the Department and the governing body of the charter school setting forth the reasons for the termination not later than 10 days after terminating the charter contract.

3. The provisions of NRS 386.535 do not apply to the termination of a charter contract pursuant to this section.

Sec. 4. NRS 386.490 is hereby amended to read as follows:

386.490 As used in NRS 386.490 to 386.610, inclusive, *and sections 2 and 3 to 3.5, inclusive, of this act*, the words and terms defined in NRS 386.495, 386.500 and 386.503 ~~and (section)~~ *sections 2 and 2.5 of this act* have the meanings ascribed to them in those sections.

Sec. 5. NRS 386.515 is hereby amended to read as follows:

386.515 1. The board of trustees of a school district may apply to the Department for authorization to sponsor charter schools within the school district ~~to~~ *in accordance with the regulations adopted by the Department pursuant to NRS 386.540.* An application must be approved by the Department before the board of trustees may sponsor a charter school. Not more than 180 days after receiving approval to sponsor charter schools, the board of trustees shall provide public notice of its ability to sponsor charter schools and solicit applications for charter schools.

2. The State Public Charter School Authority shall sponsor charter schools whose applications have been approved by the State Public Charter School Authority pursuant to NRS 386.525. Except as otherwise provided by specific statute, if the State Public Charter School Authority sponsors a charter school, the State Public Charter School Authority is responsible for the evaluation, monitoring and oversight of the charter school.

3. A college or university within the Nevada System of Higher Education may *submit an application to the Department to* sponsor charter schools ~~to~~ *in accordance with the regulations adopted by the Department pursuant to NRS 386.540. An application must be approved by the Department before a*

college or university within the Nevada System of Higher Education may sponsor charter schools.

4. Each sponsor of a charter school shall carry out the following duties and powers:

(a) Evaluating applications to form charter schools as prescribed by NRS 386.525;

(b) Approving applications to form charter schools that the sponsor determines are high quality, meet the identified educational needs of pupils and will serve to promote the diversity of public educational choices in this State;

(c) Declining to approve applications to form charter schools that do not satisfy the requirements of NRS 386.525;

(d) Negotiating and executing ~~{written charters}~~ **charter contracts** pursuant to NRS 386.527;

(e) Monitoring, in accordance with NRS 386.490 to 386.610, inclusive, **and sections 2 ~~and 3~~ to 3.5, inclusive, of this act**, and in accordance with the terms and conditions of the applicable ~~{written}~~ charter ~~{}~~ **contract**, the performance and compliance of each charter school sponsored by the entity; and

(f) Determining whether ~~{each written}~~ **the** charter **contract** of a charter school that the entity sponsors merits renewal or whether the renewal of the ~~{written}~~ charter **contract** should be denied or the ~~{written}~~ charter **contract** should be ~~{revoked}~~ **terminated** in accordance with NRS 386.530 or 386.535, **or section 3.5 of this act**, as applicable.

5. Each sponsor of a charter school shall develop policies and practices that are consistent with state laws and regulations governing charter schools. In developing the policies and practices, the sponsor shall review and evaluate nationally recognized policies and practices for sponsoring organizations of charter schools. The policies and practices must include, without limitation:

(a) The organizational capacity and infrastructure of the sponsor for sponsorship of charter schools, which must not be described as a limit on the number of charter schools the sponsor will approve;

(b) The procedure **and criteria** for evaluating charter school applications in accordance with NRS 386.525 ~~{}~~ **and for the renewal of charter contracts pursuant to NRS 386.530;**

(c) A description of how the sponsor will maintain oversight of the charter schools it sponsors; and

(d) A description of the process of evaluation for **the** charter schools it sponsors in accordance with NRS 386.610.

6. Evidence of material or persistent failure to carry out the powers and duties of a sponsor prescribed by this section constitutes grounds for revocation of the entity's authority to sponsor charter schools.

Sec. 6. NRS 386.520 is hereby amended to read as follows:

386.520 1. A committee to form a charter school must consist of:

(a) One member who is a teacher or other person licensed pursuant to chapter 391 of NRS or who previously held such a license and is retired, as long as his or her license was held in good standing;

(b) One member who:

(1) Satisfies the qualifications of paragraph (a); or

(2) Is a school administrator with a license issued by another state or who previously held such a license and is retired, as long as his or her license was held in good standing;

(c) One parent or legal guardian who is not a teacher or employee of the proposed charter school; and

(d) Two members who possess knowledge and expertise in one or more of the following areas:

(1) Accounting;

(2) Financial services;

(3) Law; or

(4) Human resources.

2. In addition to the members who serve pursuant to subsection 1, the committee to form a charter school may include, without limitation, not more than four additional members as follows:

(a) Members of the general public;

(b) Representatives of nonprofit organizations and businesses; or

(c) Representatives of a college or university within the Nevada System of Higher Education.

3. A majority of the persons who serve on the committee to form a charter school must be residents of this State at the time that the application to form the charter school is submitted to the Department.

4. ***The committee to form a charter school shall ensure that the completed application:***

(a) Presents the academic, financial and ~~operational~~ organizational vision and plans for the proposed charter school; and

(b) Provides the proposed sponsor of the charter school with a clear basis for assessing the capacity of the applicant to carry out the vision and plans.

5. An application to form a charter school must include all information prescribed by the Department by regulation and:

(a) A written description of how the charter school will carry out the provisions of NRS 386.490 to 386.610, inclusive ~~[1], and sections 2 [and 3]~~ **to 3.5, inclusive, of this act.**

(b) A written description of the mission and goals for the charter school. A charter school must have as its stated purpose at least one of the following goals:

- (1) Improving the academic achievement of pupils;
- (2) Encouraging the use of effective and innovative methods of teaching;
- (3) Providing an accurate measurement of the educational achievement of pupils;
- (4) Establishing accountability and transparency of public schools;
- (5) Providing a method for public schools to measure achievement based upon the performance of the schools; or
- (6) Creating new professional opportunities for teachers.

(c) The projected enrollment of pupils in the charter school.

(d) The proposed dates for accepting applications for enrollment in the initial year of operation of the charter school.

(e) The proposed system of governance for the charter school, including, without limitation, the number of persons who will govern, the method for nominating and electing the persons who will govern and the term of office for each person.

(f) The method by which disputes will be resolved between the governing body of the charter school and the sponsor of the charter school.

(g) The proposed curriculum for the charter school and, if applicable to the grade level of pupils who are enrolled in the charter school, the requirements for the pupils to receive a high school diploma, including, without limitation, whether those pupils will satisfy the requirements of the school district in which the charter school is located for receipt of a high school diploma.

(h) The textbooks that will be used at the charter school.

(i) The qualifications of the persons who will provide instruction at the charter school.

(j) Except as otherwise required by NRS 386.595, the process by which the governing body of the charter school will negotiate employment contracts with the employees of the charter school.

(k) A financial plan for the operation of the charter school. The plan must include, without limitation, procedures for the audit of the programs and finances of the charter school and guidelines for determining the financial liability if the charter school is unsuccessful.

(l) A statement of whether the charter school will provide for the transportation of pupils to and from the charter school. If the charter school

will provide transportation, the application must include the proposed plan for the transportation of pupils. If the charter school will not provide transportation, the application must include a statement that the charter school will work with the parents and guardians of pupils enrolled in the charter school to develop a plan for transportation to ensure that pupils have access to transportation to and from the charter school.

(m) The procedure for the evaluation of teachers of the charter school, if different from the procedure prescribed in NRS 391.3125 and 391.3128. If the procedure is different from the procedure prescribed in NRS 391.3125 and 391.3128, the procedure for the evaluation of teachers of the charter school must provide the same level of protection and otherwise comply with the standards for evaluation set forth in NRS 391.3125 and 391.3128.

(n) The time by which certain academic or educational results will be achieved.

(o) The kind of school, as defined in subsections 1 to 4, inclusive, of NRS 388.020, for which the charter school intends to operate.

(p) A statement of whether the charter school will enroll pupils who are in a particular category of at-risk pupils before enrolling other children who are eligible to attend the charter school pursuant to NRS 386.580 and the method for determining eligibility for enrollment in each such category of at-risk pupils served by the charter school.

~~{5.}~~ **6.** The proposed sponsor of a charter school may request that the Department review an application before review by the proposed sponsor to determine whether the application ~~is substantially complete and compliant.~~ **satisfies the requirements of subsection 3 of NRS 386.525.** Upon such a request, the Department shall review an application to form a charter school to determine whether ~~it is substantially complete and compliant.~~ **the application satisfies the requirements of subsection 3 of NRS 386.525.** If an application proposes to convert an existing public school, homeschool or other program of home study into a charter school, the Department shall provide written notice to the applicant that the application is ineligible for consideration by the proposed sponsor.

~~{6.}~~ **7.** The Department shall provide written notice to the applicant and the proposed sponsor of the charter school of its determination whether the application ~~is substantially complete and compliant.~~ **satisfies the requirements of subsection 3 of NRS 386.525.** If the Department determines that an application ~~is not substantially complete and compliant,~~ **does not satisfy the requirements of subsection 3 of NRS 386.525,** the Department shall include in the written notice the basis for that determination and the deficiencies in the application. The staff designated by the Department shall meet with the applicant to confer on the method to correct the identified deficiencies. The applicant must be granted 30 days after receipt of the

written notice to correct any deficiencies identified in the written notice and resubmit the application. If the Department determines an application ~~is substantially complete and compliant,~~ **satisfies the requirements of subsection 3 of NRS 386.525,** the Department shall transmit the application to the proposed sponsor for review pursuant to NRS 386.525.

~~{7.}~~ **8.** As used in subsection 1, “teacher” means a person who:

(a) Holds a current license to teach issued pursuant to chapter 391 of NRS or who previously held such a license and is retired, as long as his or her license was held in good standing; and

(b) Has at least 2 years of experience as an employed teacher.

➔ The term does not include a person who is employed as a substitute teacher.

Sec. 7. NRS 386.525 is hereby amended to read as follows:

386.525 1. Except as otherwise provided in this subsection, a committee to form a charter school may submit the application to the proposed sponsor of the charter school. If the proposed sponsor of a charter school requested that the Department review the application pursuant to NRS 386.520 and the Department determined that the application ~~was not substantially complete and compliant pursuant to that section,~~ **does not satisfy the requirements of subsection 3,** the application may not be submitted to the proposed sponsor for review pursuant to this section. If an application proposes to convert an existing public school, homeschool or other program of home study into a charter school, the proposed sponsor shall deny the application.

2. The proposed sponsor of a charter school shall, in reviewing an application to form a charter school:

(a) Assemble a team of reviewers who possess the appropriate knowledge and expertise with regard to the academic, financial and ~~operational~~ organizational experience of charter schools to review and evaluate the application;

(b) Conduct a thorough evaluation of the application, which includes an in-person interview with the committee to form the charter school;

(c) Base its determination on documented evidence collected through the process of reviewing the application; and

(d) Adhere to the policies and practices developed by the proposed sponsor pursuant to subsection 5 of NRS 386.515.

3. The proposed sponsor of a charter school may approve an application to form a charter school only if the proposed sponsor determines that:

(a) The application:

(1) Complies with NRS 386.490 to 386.610, inclusive, and sections 2 ~~and 3~~ to 3.5, inclusive, of this act, and the regulations applicable to charter schools; and

(2) Is complete in accordance with the regulations of the Department; and

(b) The applicant has demonstrated competence in accordance with the criteria for approval prescribed by the sponsor pursuant to subsection 5 of NRS 386.515 that will likely result in a successful opening and operation of the charter school.

4. If the board of trustees of a school district or a college or a university within the Nevada System of Higher Education, as applicable, receives an application to form a charter school, the board of trustees or the institution, as applicable, shall consider the application at a meeting that must be held not later than ~~145~~ 60 days after the receipt of the application, or a later period mutually agreed upon by the committee to form the charter school and the board of trustees of the school district or the institution, as applicable, and ensure that notice of the meeting has been provided pursuant to chapter 241 of NRS. If the proposed sponsor requested that the Department review the application pursuant to NRS 386.520, the proposed sponsor shall be deemed to receive the application pursuant to this subsection upon transmittal of the application from the Department. The board of trustees, the college or the university, as applicable, shall review an application ~~to determine whether the application:~~

~~—(a) Complies with NRS 386.490 to 386.610, inclusive, and the regulations applicable to charter schools; and~~

~~—(b) Is complete in accordance with the regulations of the Department.~~

~~—3.1 in accordance with the requirements for review set forth in subsections 2 and 3.~~

5. The Department shall assist the board of trustees of a school district, the college or the university, as applicable, in the review of an application. The board of trustees, the college or the university, as applicable, may approve an application if it satisfies the requirements of ~~paragraphs (a) and (b) of~~ subsection ~~2.1~~ 3.

6. The board of trustees, the college or the university, as applicable, shall provide written notice to the applicant of its approval or denial of the application.

~~4.1~~ If the board of trustees, the college or the university, as applicable, denies an application, it shall include in the written notice the reasons for the denial and the deficiencies in the application. The applicant must be granted 30 days after receipt of the written notice to correct any deficiencies identified in the written notice and resubmit the application.

~~{5.}~~ 7. If the board of trustees, the college or the university, as applicable, denies an application after it has been resubmitted pursuant to subsection ~~{4.}~~ 6, the applicant may submit a written request for sponsorship by the State Public Charter School Authority not more than 30 days after receipt of the written notice of denial. Any request that is submitted pursuant to this subsection must be accompanied by the application to form the charter school.

~~{6.}~~ 8. If the State Public Charter School Authority receives an application pursuant to subsection 1 or ~~{5.}~~ 7, it shall consider the application at a meeting which must be held not later than ~~{45}~~ 60 days after receipt of the application ~~{.}~~ ***or a later period mutually agreed upon by the committee to form the charter school and the State Public Charter School Authority.*** If the State Public Charter School Authority requested that the Department review the application pursuant to NRS 386.520, the State Public Charter School Authority shall be deemed to receive the application pursuant to this subsection upon transmittal of the application from the Department. Notice of the meeting must be posted in accordance with chapter 241 of NRS. The State Public Charter School Authority shall review the application in accordance with the ~~{factors}~~ ***requirements for review*** set forth in ~~{paragraphs (a) and (b) of subsection}~~ ***subsections 2 {.} and 3.*** The Department shall assist the State Public Charter School Authority in the review of an application. The State Public Charter School Authority may approve an application ***only*** if it satisfies the requirements of ~~{paragraphs (a) and (b) of}~~ subsection ~~{2.}~~ 3. Not more than 30 days after the meeting, the State Public Charter School Authority shall provide written notice of its determination to the applicant.

~~{7.}~~ 9. If the State Public Charter School Authority denies or fails to act upon an application, the denial or failure to act must be based upon a finding that the applicant failed to ~~{adequately address objective criteria established by regulation of the Department or the State Board.}~~ ***satisfy the requirements of subsection 3.*** The State Public Charter School Authority shall include in the written notice the reasons for the denial or the failure to act and the deficiencies in the application. The staff designated by the State Public Charter School Authority shall meet with the applicant to confer on the method to correct the identified deficiencies. The applicant must be granted 30 days after receipt of the written notice to correct any deficiencies identified in the written notice and resubmit the application.

~~{8.}~~ 10. If the State Public Charter School Authority denies an application after it has been resubmitted pursuant to subsection ~~{7.}~~ 9, the applicant may, not more than 30 days after the receipt of the written notice from the State Public Charter School Authority, appeal the final

determination to the district court of the county in which the proposed charter school will be located.

~~{9.}~~ **11.** On or before January 1 of each odd-numbered year, the Superintendent of Public Instruction shall submit a written report to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature. The report must include:

(a) A list of each application to form a charter school that was submitted to the board of trustees of a school district, the State Public Charter School Authority, a college or a university during the immediately preceding biennium;

(b) The educational focus of each charter school for which an application was submitted;

(c) The current status of the application; and

(d) If the application was denied, the reasons for the denial.

Sec. 8. NRS 386.527 is hereby amended to read as follows:

386.527 1. If the ~~{State Public Charter School Authority, the board of trustees of a school district or a college or university within the Nevada System of Higher Education}~~ **proposed sponsor of a charter school** approves an application to form a charter school, it shall ~~{grant a written}~~ **negotiate and execute a charter {to} contract with the {applicant} governing body of the charter school. The charter contract must be executed not later than 60 days before the charter school commences operation. The charter contract must be in writing and {include} incorporate, without limitation:**

(a) **The performance framework {developed by the sponsor} for the charter school; {pursuant to section 3 of this act;}**

(b) **A description of the administrative relationship between the sponsor of the charter school and the governing body of the charter school, including, without limitation, the rights and duties of the sponsor and the governing body; and**

(c) **Any pre-opening conditions which the sponsor has determined are necessary for the charter school to satisfy before the commencement of operation to ensure that the charter school meets all building, health, safety, insurance and other legal requirements.**

2. **The charter contract must be signed by a member of the governing body of the charter school and:**

(a) **If the board of trustees of a school district is the sponsor of the charter school, the {signature of the president of the board of trustees} superintendent of schools of the school district;**

(b) **If the State Public Charter School Authority is the sponsor of the charter school, {the signature of} the Chair of the State Public Charter School Authority; or**

(c) If a college or university within the Nevada System of Higher Education is the sponsor of the charter school, ~~the signature of the president of the college or university.~~ ~~for~~

3. Before the charter contract is executed, the sponsor of the charter school must approve the charter contract at a meeting of the sponsor held in accordance with chapter 241 of NRS.

4. The ~~State Public Charter School Authority, the board of trustees, the college or the university, as applicable,~~ sponsor of the charter school shall, not later than 10 days after the ~~approval~~ execution of the ~~application,~~ charter contract, provide ~~written notice~~ to the Department :

(a) Written notice of the ~~approval~~ charter contract and the date of ~~the approval,~~ execution; and

(b) A copy of the charter contract and any other documentation relevant to the charter contract.

5. If the board of trustees approves ~~the application,~~ ~~executes~~ a charter contract, the board of trustees shall be deemed the sponsor of the charter school.

~~2.~~ 6. If the State Public Charter School Authority approves ~~the application,~~ ~~executes~~ a charter contract:

(a) The State Public Charter School Authority shall be deemed the sponsor of the charter school.

(b) Neither the State of Nevada, the State Board, the State Public Charter School Authority nor the Department is an employer of the members of the governing body of the charter school or any of the employees of the charter school.

~~3.~~ 7. If a college or university within the Nevada System of Higher Education approves ~~the application,~~ ~~executes~~ a charter contract:

(a) That institution shall be deemed the sponsor of the charter school.

(b) Neither the State of Nevada, the State Board nor the Department is an employer of the members of the governing body of the charter school or any of the employees of the charter school.

~~4.~~ 8. The governing body of a charter school may request, at any time, a change in the sponsorship of the charter school to an entity that is authorized to sponsor charter schools pursuant to NRS 386.515. The State Board shall adopt:

(a) A process for a charter school that requests a change in the sponsorship of the charter school, which must not require the charter school to undergo all the requirements of an initial application to form a charter school; and

(b) Objective criteria for the conditions under which such a request may be granted.

~~5. Except as otherwise provided in subsection 7, a written charter~~

9. A charter contract must be for a term of 6 years . ~~unless the governing body of a charter school renews its initial charter after 3 years of operation pursuant to subsection 2 of NRS 386.530. A written charter must include all conditions of operation set forth in subsection 4 of NRS 386.520 and include the kind of school, as defined in subsections 1 to 4, inclusive, of NRS 388.020 for which the charter school is authorized to operate. If the State Public Charter School Authority or a college or university within the Nevada System of Higher Education is the sponsor of the charter school, the written charter must set forth the responsibilities of the sponsor and the charter school with regard to the provision of services and programs to pupils with disabilities who are enrolled in the charter school in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and NRS 388.440 to 388.520, inclusive. As a condition of the issuance of a written charter pursuant to this subsection, the charter school must agree to comply with all conditions of operation set forth in NRS 386.550.~~

~~—6.} *The term of the charter contract begins on the first day of operation of the charter school after the charter contract has been executed. The sponsor of the charter school may require, or the governing body of the charter school may request that the sponsor authorize, the charter school to delay commencement of operation for 1 school year . [in which case the term of the charter contract is also delayed until the first day of operation.]*~~

10. The governing body of a charter school may submit to the sponsor of the charter school a written request for an amendment of the ~~written charter of the~~ charter ~~school.~~ **contract.** Such an amendment may include, without limitation, the expansion of instruction and other educational services to pupils who are enrolled in grade levels other than the grade levels of pupils currently approved for enrollment in the charter school. If the proposed amendment complies with the provisions of NRS 386.490 to 386.610, inclusive, ~~and sections 2 and 3~~ **to 3.5, inclusive, of this act,** and any other statute or regulation applicable to charter schools, the sponsor **and the governing body of the charter school** may amend the ~~written~~ charter **contract** in accordance with the proposed amendment. If the sponsor denies the request for an amendment, the sponsor shall provide written notice to the governing body of the charter school setting forth the reasons for the denial.

~~{7. The State Board shall adopt objective criteria for the issuance of a written charter to an applicant who is not prepared to commence operation on the date of issuance of the written charter. The criteria must include, without limitation, the:~~

~~—(a) Period for which such a written charter is valid; and~~

~~—(b) Timelines by which the applicant must satisfy certain requirements demonstrating its progress in preparing to commence operation.~~

~~↪ A holder of such a written charter may apply for grants of money to prepare the charter school for operation. A written charter issued pursuant to this subsection must not be designated as a conditional charter or a provisional charter or otherwise contain any other designation that would indicate the charter is issued for a temporary period.~~

~~— 8. The holder of a written charter that is issued pursuant to subsection 7]~~

11. A charter school shall not commence operation ~~for the charter school~~ and is not eligible to receive apportionments pursuant to NRS 387.124 until the sponsor has determined that the requirements ~~adopted by the State Board pursuant to subsection 7]~~ **of this section** have been satisfied and that the facility the charter school will occupy has been inspected and meets the requirements of any applicable building codes, codes for the prevention of fire, and codes pertaining to safety, health and sanitation. Except as otherwise provided in this subsection, the sponsor shall make such a determination 30 days before the first day of school for the:

(a) Schools of the school district in which the charter school is located that operate on a traditional school schedule and not a year-round school schedule; or

(b) Charter school,

↪ whichever date the sponsor selects. The sponsor shall not require a charter school to demonstrate compliance with the requirements of this subsection more than 30 days before the date selected. However, it may authorize a charter school to demonstrate compliance less than 30 days before the date selected.

Sec. 9. NRS 386.530 is hereby amended to read as follows:

386.530 1. ~~{Except as otherwise provided in subsection 2,}~~ ***On or before June 30 immediately preceding the final school year in which a charter school is authorized to operate pursuant to its charter contract, the sponsor of the charter school shall submit to the governing body of the charter school a written report summarizing the performance of the charter school during the term of the charter contract, including, without limitation:***

(a) A summary of the performance of the charter school based upon the terms of the charter contract and the requirements of NRS 386.490 to 386.610, inclusive, and sections 2 ~~and 3~~ to 3.5, inclusive, of this act;

(b) An identification of any deficiencies relating to the performance of the charter school which the sponsor has determined may result in nonrenewal of the charter contract if the deficiencies remain uncorrected;

(c) Requirements for the application for renewal of the charter contract submitted to the sponsor pursuant to subsection 2; and

(d) The criteria that the sponsor will apply in making a determination on the application for renewal based upon the performance framework

~~[developed pursuant to section 2 of this act]~~ **for the charter school and the requirements of NRS 386.490 to 386.610, inclusive, and sections 2 ~~and 3~~ to 3.5, inclusive, of this act.**

2. The governing body of a charter school may submit a written response to the sponsor of the charter school concerning the performance report prepared by the sponsor pursuant to subsection 1, which may include any revisions or clarifications that the governing body seeks to make to the report.

3. If a charter school seeks to renew its charter contract, the governing body of the charter school shall submit an application for renewal ~~{of a written charter may be submitted}~~ to the sponsor of the charter school ~~{not less than 120 days before the expiration of the charter. The application must include the information prescribed by the regulations of the Department. The sponsor shall conduct an intensive review and evaluation of the charter school in accordance with the regulations of the Department. The sponsor shall renew the charter unless it finds the existence of any ground for revocation set forth in NRS 386.535. The sponsor shall provide written notice of its determination not fewer than 30 days before the expiration of the charter. If the sponsor intends not to renew the charter, the written notice must:~~

~~—(a) Include a statement of the deficiencies or reasons upon which the action of the sponsor is based; and~~

~~—(b) Prescribe a period of not less than 30 days during which the charter school may correct any such deficiencies.~~

~~➔ If the charter school corrects the deficiencies to the satisfaction of the sponsor within the time prescribed in paragraph (b), the sponsor shall renew the charter of the charter school.~~

~~—2. A charter school may submit an application for renewal of its initial charter after 3 years of operation of the charter school. The application must include the information prescribed by the regulations of the Department. The sponsor shall conduct an intensive review and evaluation of the charter school in accordance with the regulations of the Department. The sponsor shall renew the charter unless it finds the existence of any ground for revocation set forth in NRS 386.535. The sponsor shall provide written notice of its determination. If the sponsor intends not to renew the charter, the written notice must:~~

~~—(a) Include a statement of the deficiencies or reasons upon which the action of the sponsor is based; and~~

~~—(b) Prescribe a period of not less than 30 days during which the charter school may correct any such deficiencies.~~

~~➔ If the charter school corrects the deficiencies to the satisfaction of the sponsor within the time prescribed in paragraph (b), the sponsor shall renew~~

~~the charter of the charter school.~~ **on or before October 15 of the final school year in which the charter school is authorized to operate pursuant to its charter contract. The application for renewal must include, without limitation:**

(a) The requirements for the application identified by the sponsor in the performance report prepared by the sponsor pursuant to subsection 1;

(b) A description of the academic, financial and ~~operational~~ organizational vision and plans for the charter school for the next charter term;

(c) Any information or data that the governing body of the charter school determines supports the renewal of the charter contract in addition to the information contained in the performance report prepared by the sponsor pursuant to subsection 1 and any response submitted by the governing body pursuant to subsection 2; and

(d) A description of any improvements to the charter school already undertaken or planned.

4. The sponsor of a charter school shall consider the application for renewal of the charter contract at a meeting held in accordance with chapter 241 of NRS. The sponsor shall provide written notice to the governing body of the charter school concerning its determination on the application for renewal of the charter contract not more than 60 days after receipt of the application for renewal from the governing body. The determination of the sponsor must be based upon:

(a) The criteria of the sponsor for the renewal of charter contracts; and

(b) Evidence of the performance of the charter school during the term of the charter contract in accordance with the performance framework ~~developed~~ for the charter school ~~pursuant to section and 3 of this act.~~

5. The sponsor of the charter school shall:

(a) Make available to the governing body of the charter school the data used in making the renewal decision; and

(b) Post a report on the Internet website of the sponsor summarizing the decision of the sponsor on the application for renewal and the basis for its decision.

6. A charter contract may be renewed for a term of 6 years.

Sec. 10. NRS 386.535 is hereby amended to read as follows:

386.535 **Except as otherwise provided in section 3.5 of this act:**

1. The sponsor of a charter school may ~~revoke the written charter of the~~ terminate a charter ~~school~~ contract before the expiration of the charter contract if the sponsor determines that:

(a) The charter school, its officers or its employees : ~~have failed to~~ comply with:

(1) ~~[The]~~ **Committed a material *breach of the* terms and conditions of the ~~[written]~~ charter ~~[-]~~**

~~—(2) Generally;~~ **contract;**

(2) Failed to comply with generally accepted standards of ~~[accounting and]~~ fiscal management; ~~for]~~

(3) ~~[The]~~ **Failed to comply with the** provisions of NRS 386.490 to 386.610, inclusive, **and sections 2 ~~[and 3]~~ to 3.5, inclusive, of this act,** or any other statute or regulation applicable to charter schools; **or**

(4) Has persistently underperformed, as measured by the performance indicators, measures and metrics set forth in the performance framework ~~[developed by the sponsor pursuant to section 3 of this act and incorporated into the charter contract;]~~ for the charter school;

(b) The charter school has filed for a voluntary petition of bankruptcy, is adjudicated bankrupt or insolvent, or is otherwise financially impaired such that the charter school cannot continue to operate; or

(c) There is reasonable cause to believe that ~~[revocation]~~ **termination** is necessary to protect the health and safety of the pupils who are enrolled in the charter school or persons who are employed by the charter school from jeopardy, or to prevent damage to or loss of the property of the school district or the community in which the charter school is located.

2. Before the sponsor ~~[revokes a written]~~ **terminates the** charter ~~[-]~~ **contract,** the sponsor shall provide written notice of its intention to the governing body of the charter school. The written notice must:

(a) Include a statement of the deficiencies or reasons upon which the action of the sponsor is based;

(b) Except as otherwise provided in subsection 4, prescribe a period, not less than 30 days, during which the charter school may correct the deficiencies, including, without limitation, the date on which the period to correct the deficiencies begins and the date on which that period ends;

(c) Prescribe the date on which the sponsor will make a determination regarding whether the charter school has corrected the deficiencies, which determination may be made during the public hearing held pursuant to subsection 3; and

(d) Prescribe the date on which the sponsor will hold a public hearing to consider whether to ~~[revoke]~~ **terminate** the charter ~~[-]~~ **contract.**

3. Except as otherwise provided in subsection 4, not more than 90 days after the notice is provided pursuant to subsection 2, the sponsor shall hold a public hearing to make a determination regarding whether to ~~[revoke]~~ **terminate** the ~~[written]~~ charter ~~[-]~~ **contract.** If the charter school corrects the deficiencies to the satisfaction of the sponsor within the time prescribed in paragraph (b) of subsection 2, the sponsor shall not ~~[revoke]~~ **terminate** the ~~[written]~~ charter **contract** of the charter school. The sponsor may not include

in a written notice pursuant to subsection 2 any deficiency which was included in a previous written notice and which was corrected by the charter school, unless the deficiency recurred after being corrected.

4. The sponsor of a charter school and the governing body of the charter school may enter into a written agreement that prescribes different time periods than those set forth in subsections 2 and 3.

5. *If the charter contract is terminated, the sponsor of the charter school shall submit a written report to the Department and the governing body of the charter school setting forth the reasons for the termination not later than 10 days after terminating the charter contract.*

Sec. 11. NRS 386.536 is hereby amended to read as follows:

386.536 1. Except as otherwise provided in subsections 2 and 3, if a charter school ceases to operate voluntarily, ***if a charter contract is not renewed*** or upon ~~revocation~~ ***termination of its written a charter contract***, the governing body of the charter school shall appoint an administrator of the charter school, subject to the approval of the sponsor of the charter school, to act as a trustee during the process of the closure of the charter school and for 1 year after the date of closure. The administrator shall assume the responsibility for the records of the:

- (a) Charter school;
- (b) Employees of the charter school; and
- (c) Pupils enrolled in the charter school.

2. If an administrator for the charter school is no longer available to carry out the duties set forth in subsection 1, the governing body of the charter school shall appoint a qualified person to assume those duties.

3. If the governing body of the charter school ceases to exist or is otherwise unable to appoint an administrator pursuant to subsection 1 or a qualified person pursuant to subsection 2, the sponsor of the charter school shall appoint an administrator or a qualified person to carry out the duties set forth in subsection 1.

4. The governing body of the charter school or the sponsor of the charter school may, to the extent practicable, provide financial compensation to the administrator or person appointed to carry out the provisions of this section. If the sponsor of the charter school provides such financial compensation, the sponsor is entitled to receive reimbursement from the charter school for the costs incurred by the sponsor in providing the financial compensation. Such reimbursement must not exceed costs incurred for a period longer than 6 months.

Sec. 12. NRS 386.540 is hereby amended to read as follows:

386.540 1. The Department shall adopt regulations that prescribe:

(a) The process for submission of an application pursuant to NRS 386.515 by the board of trustees of a school district or a college or

university within the Nevada System of Higher Education to the Department for authorization to sponsor charter schools, ~~and~~ the contents of the application ~~is~~, the process for the Department to review the application and the timeline for review;

(b) The process for the Department to conduct a comprehensive review of the sponsors of charter schools that it has approved for sponsorship pursuant to NRS 386.515 at least once every 3 years;

(c) The process for the Department to determine whether to continue or to revoke the authorization of a board of trustees of a school district or a college or university within the Nevada System of Higher Education to sponsor charter schools;

(d) The process for submission of an application to form a charter school to the board of trustees of a school district, the State Public Charter School Authority and a college or university within the Nevada System of Higher Education, and the contents of the application;

~~(e)~~ (e) The process for submission of an application to renew a ~~written~~ charter ~~is~~ contract;

~~(e)~~ (f) The criteria and type of investigation that must be applied by the board of trustees, the State Public Charter School Authority and a college or university within the Nevada System of Higher Education in determining whether to approve an application to form a charter school, an application to renew a ~~written~~ charter contract or a request for an amendment of a ~~written~~ charter ~~is~~ contract; and

~~(e)~~ (g) The process for submission of an amendment of a ~~written~~ charter contract pursuant to NRS 386.527 and the contents of the application.

2. The Department may adopt regulations as it determines are necessary to carry out the provisions of NRS 386.490 to 386.610, inclusive, and sections 2 ~~and 3~~ to 3.5, inclusive, of this act, including, without limitation, regulations that prescribe the:

(a) Procedures for accounting and budgeting;

(b) Requirements for performance audits and financial audits of charter schools on an annual basis for charter schools that do not satisfy the requirements of subsection 1 of NRS 386.5515; and

(c) Requirements for performance audits every 3 years and financial audits on an annual basis for charter schools that satisfy the requirements of subsection 1 of NRS 386.5515.

Sec. 13. NRS 386.551 is hereby amended to read as follows:

386.551 The provisions of NRS 386.490 to 386.610, inclusive, and sections 2 ~~and 3~~ to 3.5, inclusive, of this act, and any other statute or regulation applicable to a charter school or its officers or employees govern the formation and operation of charter schools in this State. ~~Upon the first renewal of a written charter and each renewal thereafter, the sponsor of a~~

~~charter school shall not prescribe additional requirements or otherwise require a charter school to comply with additional terms or conditions unless the sponsor is specifically authorized by statute, regulation or the written charter.]~~

Sec. 14. NRS 386.561 is hereby amended to read as follows:

386.561 1. The governing body of a charter school may contract with the sponsor of the charter school for the purchase of services, excluding those services which are covered by the sponsorship fee paid to the sponsor pursuant to NRS 386.570. If the governing body of a charter school elects to purchase such services, the governing body and the sponsor shall enter into an annual service agreement which is separate from the ~~written~~ charter **contract** of the charter school.

2. If a service agreement is entered into pursuant to this section, the sponsor of the charter school shall, not later than August 1 after the completion of the school year, provide to the governing body of the charter school an itemized accounting of the actual costs of those services purchased by the charter school. Any difference between the amount paid by the charter school pursuant to the service agreement and the actual cost for those services must be reconciled and paid to the party to whom it is due. If the governing body or the sponsor disputes the amount due, the party making the dispute may request an independent review by the Department, whose determination is final.

3. The governing body of a charter school may not be required to enter into a service agreement pursuant to this section as a condition to approval of its ~~written~~ charter **contract** by the sponsor of the charter school or as a condition to renewal of the ~~written~~ charter ~~[-] contract~~.

Sec. 15. NRS 386.565 is hereby amended to read as follows:

386.565 The board of trustees of a school district in which a charter school is located shall not:

1. Assign any pupil who is enrolled in a public school in the school district or any employee who is employed in a public school in the school district to a charter school.

2. Interfere with the operation and management of the charter school except as authorized by the ~~written~~ charter ~~[-] contract~~, NRS 386.490 to 386.610, inclusive, **and sections 2 ~~and 3~~ to 3.5, inclusive, of this act**, and any other statute or regulation applicable to charter schools or its officers or employees.

Sec. 16. NRS 386.578 is hereby amended to read as follows:

386.578 1. If the governing body of a charter school has a ~~written~~ charter ~~issued~~ **contract executed** pursuant to NRS 386.527, the governing body may submit an application to the Department for a loan from the Account for Charter Schools. An application must include a written

description of the manner in which the loan will be used to prepare the charter school for its first year of operation or to improve a charter school that has been in operation.

2. The Department shall, within the limits of money available for use in the Account, make loans to charter schools whose applications have been approved. If the Department makes a loan from the Account, the Department shall ensure that the contract for the loan includes all terms and conditions for repayment of the loan.

3. The State Board:

(a) Shall adopt regulations that prescribe the:

(1) Annual deadline for submission of an application to the Department by a charter school that desires to receive a loan from the Account; and

(2) Period for repayment and the rate of interest for loans made from the Account.

(b) May adopt such other regulations as it deems necessary to carry out the provisions of this section and NRS 386.576 and 386.577.

Sec. 17. NRS 386.580 is hereby amended to read as follows:

386.580 1. An application for enrollment in a charter school may be submitted to the governing body of the charter school by the parent or legal guardian of any child who resides in this State. Except as otherwise provided in this subsection and subsection 2, a charter school shall enroll pupils who are eligible for enrollment in the order in which the applications are received. If the board of trustees of the school district in which the charter school is located has established zones of attendance pursuant to NRS 388.040, the charter school shall, if practicable, ensure that the racial composition of pupils enrolled in the charter school does not differ by more than 10 percent from the racial composition of pupils who attend public schools in the zone in which the charter school is located. If a charter school is sponsored by the board of trustees of a school district located in a county whose population is 100,000 or more, except for a program of distance education provided by the charter school, the charter school shall enroll pupils who are eligible for enrollment who reside in the school district in which the charter school is located before enrolling pupils who reside outside the school district. Except as otherwise provided in subsection 2, if more pupils who are eligible for enrollment apply for enrollment in the charter school than the number of spaces which are available, the charter school shall determine which applicants to enroll pursuant to this subsection on the basis of a lottery system.

2. Before a charter school enrolls pupils who are eligible for enrollment, a charter school ~~[that is dedicated to providing educational programs and opportunities to pupils who are at risk]~~ may enroll a child who:

(a) Is a sibling of a pupil who is currently enrolled in the charter school;

(b) Was enrolled, ***free of charge and*** on the basis of a lottery system, in a prekindergarten program at the charter school or any other early childhood educational program affiliated with the charter school;

(c) Is a child of a person ~~employed in a full-time position~~ ***who is:***

(1) Employed by the charter school;

(2) A member of the committee to form the charter school; or

(3) A member of the governing body of the charter school;

(d) Is in a particular category of at-risk pupils and the child meets the eligibility for enrollment prescribed by the charter school for that particular category; or

(e) Resides within the school district and within 2 miles of the charter school if the charter school is located in an area that the sponsor of the charter school determines includes a high percentage of children who are at risk. If space is available after the charter school enrolls pupils pursuant to this paragraph, the charter school may enroll children who reside outside the school district but within 2 miles of the charter school if the charter school is located within an area that the sponsor determines includes a high percentage of children who are at risk.

➔ If more pupils described in this subsection who are eligible apply for enrollment than the number of spaces available, the charter school shall determine which applicants to enroll pursuant to this subsection on the basis of a lottery system.

3. Except as otherwise provided in subsection 8, a charter school shall not accept applications for enrollment in the charter school or otherwise discriminate based on the:

(a) Race;

(b) Gender;

(c) Religion;

(d) Ethnicity; or

(e) Disability,

➔ of a pupil.

4. If the governing body of a charter school determines that the charter school is unable to provide an appropriate special education program and related services for a particular disability of a pupil who is enrolled in the charter school, the governing body may request that the board of trustees of the school district of the county in which the pupil resides transfer that pupil to an appropriate school.

5. Except as otherwise provided in this subsection, upon the request of a parent or legal guardian of a child who is enrolled in a public school of a school district or a private school, or a parent or legal guardian of a homeschooled child, the governing body of the charter school shall authorize the child to participate in a class that is not otherwise available to the child at

his or her school or homeschool or participate in an extracurricular activity at the charter school if:

- (a) Space for the child in the class or extracurricular activity is available;
- (b) The parent or legal guardian demonstrates to the satisfaction of the governing body that the child is qualified to participate in the class or extracurricular activity; and
- (c) The child is a homeschooled child and a notice of intent of a homeschooled child to participate in programs and activities is filed for the child with the school district in which the child resides for the current school year pursuant to NRS 392.705.

↪ If the governing body of a charter school authorizes a child to participate in a class or extracurricular activity pursuant to this subsection, the governing body is not required to provide transportation for the child to attend the class or activity. A charter school shall not authorize such a child to participate in a class or activity through a program of distance education provided by the charter school pursuant to NRS 388.820 to 388.874, inclusive.

6. The governing body of a charter school may revoke its approval for a child to participate in a class or extracurricular activity at a charter school pursuant to subsection 5 if the governing body determines that the child has failed to comply with applicable statutes, or applicable rules and regulations. If the governing body so revokes its approval, neither the governing body nor the charter school is liable for any damages relating to the denial of services to the child.

7. The governing body of a charter school may, before authorizing a homeschooled child to participate in a class or extracurricular activity pursuant to subsection 5, require proof of the identity of the child, including, without limitation, the birth certificate of the child or other documentation sufficient to establish the identity of the child.

8. This section does not preclude the formation of a charter school that is dedicated to provide educational services exclusively to pupils:

- (a) With disabilities;
- (b) Who pose such severe disciplinary problems that they warrant a specific educational program, including, without limitation, a charter school specifically designed to serve a single gender that emphasizes personal responsibility and rehabilitation; or
- (c) Who are at risk.

↪ If more eligible pupils apply for enrollment in such a charter school than the number of spaces which are available, the charter school shall determine which applicants to enroll pursuant to this subsection on the basis of a lottery system.

Sec. 18. NRS 386.595 is hereby amended to read as follows:

386.595 1. All employees of a charter school shall be deemed public employees.

2. The governing body of a charter school may make all decisions concerning the terms and conditions of employment with the charter school and any other matter relating to employment with the charter school. In addition, the governing body may make all employment decisions with regard to its employees pursuant to NRS 391.311 to 391.3197, inclusive, unless a collective bargaining agreement entered into by the governing body pursuant to chapter 288 of NRS contains separate provisions relating to the discipline of licensed employees of a school.

3. Upon the request of the governing body of a charter school, the board of trustees of a school district shall, with the permission of the licensed employee who is seeking employment with the charter school, transmit to the governing body a copy of the employment record of the employee that is maintained by the school district. The employment record must include, without limitation, each evaluation of the licensed employee conducted by the school district and any disciplinary action taken by the school district against the licensed employee.

4. Except as otherwise provided in this subsection, if the ~~written~~ charter **contract** of a charter school is ~~revoked~~ **terminated** or if a charter school ceases to operate as a charter school, the licensed employees of the charter school must be reassigned to employment within the school district in accordance with the applicable collective bargaining agreement. A school district is not required to reassign a licensed employee of a charter school pursuant to this subsection if the employee:

(a) Was not granted a leave of absence by the school district to accept employment at the charter school pursuant to subsection 5;

(b) Was granted a leave of absence by the school district and did not submit a written request to return to employment with the school district in accordance with subsection 5; or

(c) Does not comply with or is otherwise not eligible to return to employment pursuant to subsection 6, including, without limitation, the refusal of the licensed employee to allow the school district to obtain the employment record of the employee that is maintained by the charter school.

5. The board of trustees of a school district shall grant a leave of absence, not to exceed 3 years, to any licensed employee who is employed by the board of trustees who requests such a leave of absence to accept employment with a charter school. After the first school year in which a licensed employee is on a leave of absence, the employee may return to a comparable teaching position with the board of trustees. After the third school year, a licensed employee shall either submit a written request to return to a

comparable teaching position or resign from the position for which the employee's leave was granted. The board of trustees shall grant a written request to return to a comparable position pursuant to this subsection even if the return of the licensed employee requires the board of trustees to reduce the existing workforce of the school district. The board of trustees is not required to accept the return of the licensed employee if the employee does not comply with or is otherwise not eligible to return to employment pursuant to subsection 6, including, without limitation, the refusal of the licensed employee to allow the school district to obtain the employment record of the employee that is maintained by the charter school. The board of trustees may require that a request to return to a comparable teaching position submitted pursuant to this subsection be submitted at least 90 days before the employee would otherwise be required to report to duty.

6. Upon the request of the board of trustees of a school district, the governing body of a charter school shall, with the permission of the licensed employee who is granted a leave of absence from the school district pursuant to this section, transmit to the school district a copy of the employment record of the employee that is maintained by the charter school before the return of the employee to employment with the school district pursuant to subsection 4 or 5. The employment record must include, without limitation, each evaluation of the licensed employee conducted by the charter school and any disciplinary action taken by the charter school against the licensed employee. Before the return of the licensed employee, the board of trustees of the school district may conduct an investigation into any misconduct of the licensed employee during the leave of absence from the school district and take any appropriate disciplinary action as to the status of the person as an employee of the school district, including, without limitation:

(a) The dismissal of the employee from employment with the school district; or

(b) Upon the employee's return to employment with the school district, documentation of the disciplinary action taken against the employee into the employment record of the employee that is maintained by the school district.

7. If a school district conducts an investigation pursuant to subsection 6:

(a) The licensed employee is not entitled to return to employment with the school district until the investigation is complete; and

(b) The investigation must be conducted within a reasonable time.

8. A licensed employee who is on a leave of absence from a school district pursuant to this section:

(a) Shall contribute to and be eligible for all benefits for which the employee would otherwise be entitled, including, without limitation, participation in the Public Employees' Retirement System and accrual of time for the purposes of leave and retirement.

(b) Continues, while the employee is on leave, to be covered by the collective bargaining agreement of the school district only with respect to any matter relating to his or her status or employment with the district.

➡ The time during which such an employee is on a leave of absence and employed in a charter school does not count toward the acquisition of permanent status with the school district.

9. Upon the return of a teacher to employment in the school district, the teacher is entitled to the same level of retirement, salary and any other benefits to which the teacher would otherwise be entitled if the teacher had not taken a leave of absence to teach in a charter school.

10. An employee of a charter school who is not on a leave of absence from a school district is eligible for all benefits for which the employee would be eligible for employment in a public school, including, without limitation, participation in the Public Employees' Retirement System.

11. For all employees of a charter school:

(a) The compensation that a teacher or other school employee would have received if he or she were employed by the school district must be used to determine the appropriate levels of contribution required of the employee and employer for purposes of the Public Employees' Retirement System.

(b) The compensation that is paid to a teacher or other school employee that exceeds the compensation that the employee would have received if he or she were employed by the school district must not be included for the purposes of calculating future retirement benefits of the employee.

12. If the board of trustees of a school district in which a charter school is located manages a plan of group insurance for its employees, the governing body of the charter school may negotiate with the board of trustees to participate in the same plan of group insurance that the board of trustees offers to its employees. If the employees of the charter school participate in the plan of group insurance managed by the board of trustees, the governing body of the charter school shall:

(a) Ensure that the premiums for that insurance are paid to the board of trustees; and

(b) Provide, upon the request of the board of trustees, all information that is necessary for the board of trustees to provide the group insurance to the employees of the charter school.

Sec. 19. NRS 386.610 is hereby amended to read as follows:

386.610 ~~1-1~~ On or before ~~August 15~~ **October 1** of each year, the sponsor of a charter school shall submit a written report to the Department. The written report must include ~~1-~~

~~(a) An evaluation of the progress of~~ **for** each charter school that it sponsors ~~in achieving the educational goals~~ **:**

1. A summary evaluating the academic, ~~operational and~~ financial and organizational performance of the charter school, as measured by the performance indicators, measures and objectives of the charter school.

~~—(b) A description of all administrative support and services provided by the sponsor to the charter school, including, without limitation, an itemized accounting for the costs of the support and services.~~

~~—(c) **metrics set forth in the performance framework ~~developed by the sponsor pursuant to section 3 of this act.~~ for the charter school.**~~

2. An identification of each charter school approved by the sponsor:

~~{{1}}~~ **(a)** Which has not opened and the scheduled time for opening, if any;

~~{{2}}~~ **(b)** Which is open and in operation;

~~{{3}}~~ **(c)** Which has transferred sponsorship;

~~{{4}}~~ **(d)** Whose ~~written~~ charter **contract** has been ~~revoked~~ **terminated** by the sponsor;

~~{{5}}~~ **(e)** Whose ~~written~~ charter **contract** has not been renewed by the sponsor; and

~~{{6}}~~ **(f)** Which has voluntarily ceased operation.

~~{{d}}~~ **3.** A description of the strategic vision of the sponsor for the charter schools that it sponsors and the progress of the sponsor in achieving that vision.

~~{{e}}~~ **4.** A description of the services provided by the sponsor pursuant to a service agreement entered into with the governing body of the charter school pursuant to NRS 386.561, including an itemized accounting of the actual costs of those services.

~~{2. The governing body of a charter school shall, after 3 years of operation under its initial charter, submit a written report to the sponsor of the charter school. The written report must include a description of the progress of the charter school in achieving its educational goals and objectives. If the charter school submits an application for renewal in accordance with the regulations of the Department, the sponsor may renew the written charter of the school pursuant to subsection 2 of NRS 386.530.}~~

5. The amount of any money from the Federal Government that was distributed to the charter school, any concerns regarding the equity of such distributions and any recommendations on how to improve access to and distribution of money from the Federal Government.

Sec. 20. 1. Except as otherwise provided in subsection 2, a charter school that is operating under a written charter issued before the effective date of this act shall continue to operate under the terms of the written charter until the expiration of the written charter, unless the written charter is revoked before the expiration of the current term. Before the expiration of the

written charter, if the charter school seeks to continue operation, the charter school must apply to the sponsor of the charter school for a charter contract.

2. If a charter school that is operating under a written charter issued before the effective date of this act does not wish to continue operation under the written charter until its expiration, upon approval of the sponsor of the charter school, the charter school may apply to the sponsor for a charter contract.

3. Upon approval of an application for a charter contract pursuant to subsection 1 or 2:

(a) ~~[(The sponsor of the charter school shall, in consultation with the governing body of the charter school, develop a]~~ A written performance framework for the charter school in accordance with section 3 of this act ~~[, which]~~ must be incorporated into the charter contract executed pursuant to paragraph (b).

(b) The sponsor of the charter school and the governing body of the charter school shall execute a charter contract pursuant to NRS 386.527, as amended by section 8 of this act.

Sec. 21. This act becomes effective upon passage and approval.

Assemblyman Elliot Anderson moved the adoption of the amendment.

Remarks by Assemblyman Elliot Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 207.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 395.

SUMMARY—Revises provisions relating to juveniles. (BDR ~~[(3-51)]~~

5-51)

AN ACT relating to juveniles; ~~[(revising the definition of an act of]~~ **providing for certain prosecutorial discretion regarding a child taken into custody for a battery constituting** domestic violence ~~[(as it relates to a person who is less than 18 years of age); or any other battery offense;~~ establishing a maximum period of time for which a juvenile court may order an adult who has been placed on probation by the juvenile court or released on parole to be placed in county jail for a violation of probation or parole; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that certain unlawful acts constitute domestic violence when committed against certain specified persons. (NRS 33.018) ~~[(Section 1 of this bill provides that a person who is less than 18 years of age does not commit an act constituting domestic violence unless he or she commits~~

~~certain unlawful acts against or upon: (1) his or her spouse; (2) any other person with whom he or she has had or is having a dating relationship; (3) any other person with whom he or she has a child in common; (4) his or her minor child or the minor child of any of those other persons; or (5) any other person specified in existing law relating to domestic violence if it is established by clear and convincing evidence that the person committing the act engaged in a pattern of abusive behavior toward the other person for the purpose of establishing or maintaining power and control over the other person.~~ **In addition, existing law provides that if a person is charged with committing a battery that constitutes domestic violence, a prosecuting attorney has limited discretion and may not negotiate any plea agreement for a different or lesser charge unless the domestic violence charge is not supported by probable cause or cannot be proved at the time of trial. (NRS 200.485)**

Section 2 of this bill specifies that when a child is taken into custody for a battery that constitutes domestic violence or any other battery offense, the prosecuting attorney has greater discretion in determining the charge and in negotiating any plea agreement for a different or lesser charge based on certain factors, including: (1) the nature and type of relationship between the child and victim; (2) the nature and severity of the alleged offense; and (3) whether the child engaged in a pattern of abusive behavior toward the victim to establish or maintain power and control over the victim.

Existing law provides that a juvenile court may order a child who is less than 18 years of age to be placed in a facility for the detention of children for not more than 30 days for the violation of probation. Under existing law, if a person who is at least 18 years of age but less than 21 years of age is subject to the jurisdiction of the juvenile court because he or she has been placed on probation by the juvenile court or released on parole from a juvenile detention facility, the juvenile court may order the person to be placed in county jail for the violation of probation or parole. (NRS 62E.710) **Section 2** ~~of this bill~~ **3** of this bill limits to 30 days the period for which the juvenile court may order such a person to be placed in county jail.

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

Section 1. [NRS 33.018 is hereby amended to read as follows:
~~33.018 1. [Domestic] Except as otherwise provided in subsection 2,~~
~~domestic violence occurs when a person commits one of the following acts~~
~~against or upon the person's spouse or former spouse, any other person to~~
~~whom the person is related by blood or marriage, any other person with~~
~~whom the person is or was actually residing, any other person with whom the~~

~~person has had or is having a dating relationship, any other person with whom the person has a child in common, the minor child of any of those persons, the person's minor child or any other person who has been appointed the custodian or legal guardian for the person's minor child;~~

~~— (a) A battery;~~

~~— (b) An assault;~~

~~— (c) Compelling the other person by force or threat of force to perform an act from which the other person has the right to refrain or to refrain from an act which the other person has the right to perform;~~

~~— (d) A sexual assault;~~

~~— (e) A knowing, purposeful or reckless course of conduct intended to harass the other person. Such conduct may include, but is not limited to:~~

~~— (1) Stalking;~~

~~— (2) Arson;~~

~~— (3) Trespassing;~~

~~— (4) Larceny;~~

~~— (5) Destruction of private property;~~

~~— (6) Carrying a concealed weapon without a permit;~~

~~— (7) Injuring or killing an animal;~~

~~— (f) A false imprisonment;~~

~~— (g) Unlawful entry of the other person's residence, or forcible entry against the other person's will if there is a reasonably foreseeable risk of harm to the other person from the entry;~~

~~— 2. A person who is less than 18 years of age does not commit domestic violence unless the person commits an act listed in subsection 1 against or upon;~~

~~— (a) His or her spouse or former spouse;~~

~~— (b) Any other person with whom he or she has had or is having a dating relationship;~~

~~— (c) Any other person with whom he or she has a child in common;~~

~~— (d) His or her minor child or the minor child of any person described in paragraph (a), (b) or (c); or~~

~~— (e) Any other person described in subsection 1 only if it is established by clear and convincing evidence that the person committing the act engaged in a pattern of abusive behavior toward the other person for the purpose of establishing or maintaining power and control over the other person.~~

~~— 3. As used in this section, "dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement. The term does not include a casual relationship or an ordinary association between persons in a business or social context.]~~

(Deleted by amendment.)

Sec. 2. Chapter 62C of NRS is hereby amended by adding thereto a new section to read as follows:

1. Notwithstanding the provisions of subsection 8 of NRS 200.485, if a child is taken into custody for committing a battery that constitutes domestic violence pursuant to NRS 33.018 or any other battery offense, the district attorney may, after considering the factors set forth in subsection 2, determine whether to:

(a) File a petition alleging a different or lesser offense arising out of the same facts;

(b) Negotiate or enter into an agreement whereby the child admits to a different or lesser offense arising out of the same facts; or

(c) Take or approve any other actions authorized by this title, including, without limitation, informal supervision or dismissal.

2. In exercising his or her prosecutorial discretion pursuant to this section, the district attorney shall consider, without limitation:

(a) The nature and type of relationship between the child and the victim of the alleged offense;

(b) The nature and severity of the alleged offense; and

(c) Whether the facts show that the child engaged in a pattern of abusive behavior toward the victim of the alleged offense for the purpose of establishing or maintaining power and control over the victim.

~~{Sec. 2.}~~ **Sec. 3.** NRS 62E.710 is hereby amended to read as follows:

62E.710 The juvenile court may order any child who is:

1. Less than 18 years of age and who has been adjudicated delinquent and placed on probation by the juvenile court to be placed in a facility for the detention of children for not more than 30 days for the violation of probation.

2. At least 18 years of age but less than 21 years of age and who has been placed on probation by the juvenile court or who has been released on parole to be placed in a county jail ***for not more than 30 days*** for the violation of probation or parole.

Sec. 4. NRS 200.485 is hereby amended to read as follows:

200.485 1. Unless a greater penalty is provided pursuant to subsection 2 or NRS 200.481, a person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018:

(a) For the first offense within 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 2 days, but not more than 6 months; and

(2) Perform not less than 48 hours, but not more than 120 hours, of community service.

➤ The person shall be further punished by a fine of not less than \$200, but not more than \$1,000. A term of imprisonment imposed pursuant to this

paragraph may be served intermittently at the discretion of the judge or justice of the peace, except that each period of confinement must be not less than 4 consecutive hours and must occur at a time when the person is not required to be at his or her place of employment or on a weekend.

(b) For the second offense within 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 10 days, but not more than 6 months; and

(2) Perform not less than 100 hours, but not more than 200 hours, of community service.

➡ The person shall be further punished by a fine of not less than \$500, but not more than \$1,000.

(c) For the third and any subsequent offense within 7 years, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

2. Unless a greater penalty is provided pursuant to NRS 200.481, a person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018, if the battery is committed by strangulation as described in NRS 200.481, is guilty of a category C felony and shall be punished as provided in NRS 193.130 and by a fine of not more than \$15,000.

3. In addition to any other penalty, if a person is convicted of a battery which constitutes domestic violence pursuant to NRS 33.018, the court shall:

(a) For the first offense within 7 years, require the person to participate in weekly counseling sessions of not less than 1 1/2 hours per week for not less than 6 months, but not more than 12 months, at his or her expense, in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 228.470.

(b) For the second offense within 7 years, require the person to participate in weekly counseling sessions of not less than 1 1/2 hours per week for 12 months, at his or her expense, in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 228.470.

➡ If the person resides in this State but the nearest location at which counseling services are available is in another state, the court may allow the person to participate in counseling in the other state in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 228.470.

4. An offense that occurred within 7 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section when evidenced by a conviction, without regard to the sequence of the offenses and convictions. The facts concerning a prior offense must be alleged in the complaint, indictment or information, must not be read to the jury or proved at trial but must be proved at the time of sentencing and, if the principal offense is alleged to be a

felony, must also be shown at the preliminary examination or presented to the grand jury.

5. In addition to any other fine or penalty, the court shall order such a person to pay an administrative assessment of \$35. Any money so collected must be paid by the clerk of the court to the State Controller on or before the fifth day of each month for the preceding month for credit to the Account for Programs Related to Domestic Violence established pursuant to NRS 228.460.

6. In addition to any other penalty, the court may require such a person to participate, at his or her expense, in a program of treatment for the abuse of alcohol or drugs that has been certified by the Health Division of the Department of Health and Human Services.

7. If it appears from information presented to the court that a child under the age of 18 years may need counseling as a result of the commission of a battery which constitutes domestic violence pursuant to NRS 33.018, the court may refer the child to an agency which provides child welfare services. If the court refers a child to an agency which provides child welfare services, the court shall require the person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018 to reimburse the agency for the costs of any services provided, to the extent of the convicted person's ability to pay.

8. ~~44~~ **Except as otherwise provided in section 2 of this act, if** a person is charged with committing a battery which constitutes domestic violence pursuant to NRS 33.018, a prosecuting attorney shall not dismiss such a charge in exchange for a plea of guilty, guilty but mentally ill or nolo contendere to a lesser charge or for any other reason unless the prosecuting attorney knows, or it is obvious, that the charge is not supported by probable cause or cannot be proved at the time of trial. A court shall not grant probation to and, except as otherwise provided in NRS 4.373 and 5.055, a court shall not suspend the sentence of such a person.

9. As used in this section:

(a) "Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

(b) "Battery" has the meaning ascribed to it in paragraph (a) of subsection 1 of NRS 200.481.

(c) "Offense" includes a battery which constitutes domestic violence pursuant to NRS 33.018 or a violation of the law of any other jurisdiction that prohibits the same or similar conduct.

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 210.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 346.

SUMMARY—Revises provisions relating to pupils with ~~hearing impairments.~~ **disabilities.** (BDR 34-989)

AN ACT relating to education; requiring an individualized education program team to consider certain factors when developing an individualized education program for a pupil with a hearing impairment; requiring that minimum standards for the special education of pupils with hearing impairments prescribed by the State Board of Education include certain provisions; **requiring the Department of Education to post certain information relating to children with disabilities on the Department's Internet website;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal law ~~requires each local educational agency to have in effect, for each child with a disability in the agency's jurisdiction,~~ **prescribes certain requirements for the education of pupils with disabilities pursuant to the Individuals with Disabilities Education Act, including an individual education program for each pupil with a disability** developed by an individualized education program team composed of certain persons. (20 U.S.C. § 1414) **Section 1** of this bill requires an individualized education program team to consider certain factors when developing an individualized education program for a pupil with a hearing impairment. Additionally, **section 1** authorizes the team to consider certain factors when determining the ~~optimal~~ **best feasible** instruction for a pupil with a hearing impairment.

Existing law requires the State Board of Education to prescribe minimum standards for programs of instruction or special services for the purpose of serving pupils with disabilities. (NRS 388.520) **Section 3** of this bill provides that the minimum standards **prescribed by the State Board** for the special education of pupils with hearing impairments ~~[prescribed by the State Board of Education]~~ must provide: (1) that a pupil with a hearing impairment cannot be denied the opportunity for instruction in a particular communication mode, for example, American Sign Language, **solely** because the communication mode originally chosen for the pupil is different from a communication mode recommended by the pupil's individualized education program team; and (2) that, to the extent feasible, **as determined by the board of trustees of the school district,** a school is required to provide instruction to such pupils in more than one communication mode.

The Individuals with Disabilities Education Act requires each state to submit annually to the United States Secretary of Education data relating to the number and percentage of children with disabilities who are receiving special education and services in the state. (20 U.S.C. § 1418) Section 3 of this bill requires the Department to post the information that is submitted to the Secretary on the Internet website maintained by the Department within 30 days after submission to the Secretary.

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

Section 1. Chapter 388 of NRS is hereby amended by adding thereto a new section to read as follows:

1. When developing an individualized education program for a pupil with a hearing impairment in accordance with NRS 388.520, the pupil's individualized education program team shall consider, without limitation:

(a) The related services and program options that provide the pupil with an appropriate and equal opportunity for communication access;

(b) The pupil's primary communication mode;

(c) The availability to the pupil of a sufficient number of age, cognitive, academic and language peers of similar abilities; ~~if the parents of the pupil so desire;~~

(d) The availability to the pupil of adult models who are deaf or hearing impaired and who use the pupil's primary communication mode;

(e) The availability of special education teachers, interpreters ~~psychologists, educational audiologists, speech pathologists, administrators~~ and other special education personnel who are proficient in the pupil's primary communication mode;

(f) The provision of academic instruction, school services and direct access to all components of the educational process, including, without limitation, advanced placement courses, career and technical education courses, recess, lunch, extracurricular activities and athletic activities;

(g) ~~The decisions~~ preferences of the parent or guardian of the pupil concerning the ~~optimal~~ best feasible services, placement and content of the pupil's individualized education program; and

(h) The appropriate assistive technology necessary to provide the pupil with an appropriate and equal opportunity for communication access.

2. When determining the ~~optimal~~ best feasible instruction to be provided to the pupil in his or her primary communication mode, the pupil's individualized education program team may consider, without limitation:

(a) Changes in the pupil's hearing or vision;

- (b) Development in or availability of assistive technology;*
- (c) The physical design and ~~acoustic design~~ acoustics of the learning environment; and*
- (d) The subject matter of the instruction to be provided.*

Sec. 2. NRS 388.440 is hereby amended to read as follows:

388.440 As used in NRS 388.440 to 388.5317, inclusive ~~{-}~~, **and section 1 of this act:**

1. *“Communication mode” means any system or method of communication used by a person who is deaf or whose hearing is impaired to facilitate communication ~~{between another person who is deaf or whose hearing is impaired and an interpreter, or between two or more persons who are deaf or whose hearing is impaired, including,}~~ which may include, without limitation:*

- (a) American Sign Language;*
- (b) English-based manual or sign systems;*
- (c) Oral ~~{-}~~ and aural ~~{for speech-based training,}~~ communication;*
- (d) Spoken and written English, including speech reading or lip reading; and*
- (e) Communication with assistive technology devices.*

2. “Gifted and talented pupil” means a person under the age of 18 years who demonstrates such outstanding academic skills or aptitudes that the person cannot progress effectively in a regular school program and therefore needs special instruction or special services.

~~{2-}~~ 3. *“Individualized education program” has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).*

4. *“Individualized education program team” has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(B).*

5. “Pupil who receives early intervening services” means a person enrolled in kindergarten or grades 1 to 12, inclusive, who is not a pupil with a disability but who needs additional academic and behavioral support to succeed in a regular school program.

~~{3-}~~ 6. “Pupil with a disability” means a person under the age of 22 years who deviates either educationally, physically, socially or emotionally so markedly from normal patterns that the person cannot progress effectively in a regular school program and therefore needs special instruction or special services.

Sec. 3. NRS 388.520 is hereby amended to read as follows:

388.520 1. The Department shall:

(a) Prescribe a form that contains the basic information necessary for the uniform development, review and revision of an individualized education program for a pupil with a disability in accordance with 20 U.S.C. § 1414(d); and

(b) Make the form available on a computer disc for use by school districts and, upon request, in any other manner deemed reasonable by the Department.

2. Except as otherwise provided in this subsection, each school district shall ensure that the form prescribed by the Department is used for the development, review and revision of an individualized education program for each pupil with a disability who receives special education in the school district. A school district may use an expanded form that contains additions to the form prescribed by the Department if the basic information contained in the expanded form complies with the form prescribed by the Department.

3. The State Board:

(a) Shall prescribe minimum standards for the special education of pupils with disabilities and gifted and talented pupils.

(b) May prescribe minimum standards for the provision of early intervening services.

4. The minimum standards prescribed by the State Board must include standards for programs of instruction or special services maintained for the purpose of serving pupils with:

(a) Hearing impairments, including, but not limited to, deafness.

(b) Visual impairments, including, but not limited to, blindness.

(c) Orthopedic impairments.

(d) Speech and language impairments.

(e) Mental retardation.

(f) Multiple impairments.

(g) Serious emotional disturbances.

(h) Other health impairments.

(i) Specific learning disabilities.

(j) Autism spectrum disorders.

(k) Traumatic brain injuries.

(l) Developmental delays.

(m) Gifted and talented abilities.

5. *The minimum standards prescribed by the State Board for pupils with hearing impairments, including, without limitation, deafness, pursuant to paragraph (a) of subsection 4 must provide:*

(a) That a pupil cannot be denied the opportunity for instruction in a particular communication mode solely because the communication mode originally chosen for the pupil is different from a communication mode recommended by the pupil's individualized education program team; and

(b) That, to the extent feasible, as determined by the board of trustees of the school district, a school is required to provide instruction to those pupils in more than one communication mode.

6. No apportionment of state money may be made to any school district or charter school for the instruction of pupils with disabilities and gifted and talented pupils until the program of instruction maintained therein for such pupils is approved by the Superintendent of Public Instruction as meeting the minimum standards prescribed by the State Board.

~~{6.}~~ 7. The Department shall, upon the request of the board of trustees of a school district, provide information to the board of trustees concerning the identification and evaluation of pupils with disabilities in accordance with the standards prescribed by the State Board.

~~{7. As used in this section, "individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).}~~

8. The Department shall post on the Internet website maintained by the Department the data that is submitted to the United States Secretary of Education pursuant to 20 U.S.C. § 1418 within 30 days after submission of the data to the Secretary in a manner that does not result in the disclosure of data that is identifiable to an individual pupil.

Sec. 4. NRS 388.524 and 388.5245 are hereby repealed.

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

TEXT OF REPEALED SECTIONS

388.524 "Individualized education program" defined.
"Individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

388.5245 "Individualized education program team" defined.
"Individualized education program team" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(B).

Assemblyman Elliot Anderson moved the adoption of the amendment.

Remarks by Assemblyman Elliot Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 215.

Bill read second time.

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

Amendment No. 385.

AN ACT relating to graywater; requiring the State Board of Health to adopt regulations concerning systems for the collection and application of graywater for a single-family residence; **requiring a permit for such graywater systems;** providing that state and local governmental agencies must not ~~{require a permit for or prohibit the collection and application of graywater for a single family residence that meets}~~ **prohibit graywater**

systems that meet certain requirements; allowing restrictions on graywater systems within common-interest communities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Board of Health to adopt regulations concerning residential individual systems for the disposal of sewage, which are commonly known as septic systems, and such regulations are effective statewide except in health districts in which the district boards of health have adopted ~~such~~ regulations and such regulations ~~for the~~ concerning such systems for the district. (NRS 444.650)

~~Section 14~~ Sections 8 and 14 of this bill ~~requires~~ require the State Board of Health to adopt regulations on or before October 1, 2014, concerning graywater systems ~~for the collection and application of graywater~~ for a single-family residence, ~~which also~~ and such regulations are effective statewide except in health districts in which the district boards of health have adopted regulations concerning such systems ~~for the~~ for the district. Section 3 of this bill defines "graywater" to mean wastewater that: (1) is collected separately from sewage; (2) originates from a clothes washer or a bathroom tub, shower or sink; and (3) does not contain industrial chemicals, hazardous wastes or wastewater from toilets, kitchen sinks or dishwashers. Section 4 of this bill defines "graywater system" to mean any system for the collection and application of graywater originating from a single-family residence to be used for household gardening, composting or landscape irrigation.

~~Section 14 also~~ 8 provides that the regulations adopted by the State Board of Health or a district board of health must ~~not~~ : (1) prohibit graywater systems where certain conditions exist; and (2) where graywater systems are allowed, require a person to apply for and obtain a permit for the application use of a graywater for a single family which meets system. Section 8 allows issuance of such a permit only if certain requirements and are met. Finally, section 8 provides that local governments may not prohibit the use of such ~~application.~~

~~Section 2 of this bill provides that a system for the collection and application of graywater for a single family residence is not a residential individual system for disposal of sewage.~~ graywater systems.

~~Section 10~~ 10 of this bill provides that the State Environmental Commission may not require a person to obtain a permit ~~for the application of graywater for a single family residence that meets the requirements for exemption from a local permit.~~ under the Nevada Water Pollution Control Law (NRS 445A.300-445A.730) to use a graywater system if the person has obtained a permit from the appropriate board under the laws governing graywater systems.

Section 13 of this bill provides that the governing documents of a unit-owners' association may prohibit or restrict the use of graywater systems within common-interest communities. (Chapter 116 of NRS) Section 13 also provides that if the governing documents do not prohibit or restrict the use of graywater systems, such use must comply with the laws governing graywater systems.

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

Section 1. Chapter 444 of NRS is hereby amended by adding thereto ~~a new section to read as follows:~~ the provisions set forth as sections 2 to 8, inclusive, of this act.

Sec. 2. As used in NRS 444.650 and sections 2 to 8, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 7, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 3. "Graywater" means wastewater that:

1. Is collected separately from sewage;
2. Originates from a clothes washer or a bathroom tub, shower or sink;
- and
3. Does not contain industrial chemicals, hazardous wastes or wastewater from toilets, kitchen sinks or dishwashers.

Sec. 4. "Graywater system" means any system for the collection and application of graywater originating from a single-family residence to be used for household gardening, composting or landscape irrigation.

Sec. 5. "Recycled water" means water that has been used and subsequently treated to make it suitable for use again.

Sec. 6. 1. "Residential individual system for the disposal of sewage" means an individual system for the disposal of sewage from a parcel or other unit of real property or unit of personal property, including all structures thereon, that is zoned for use by single-family residences.

2. The term does not include a graywater system.

Sec. 7. "Single-family residence" means a parcel or other unit of real property or unit of personal property which is intended or designed to be occupied by one family with facilities for living, sleeping, cooking and eating.

Sec. 8. 1. The State Board of Health shall adopt regulations concerning the use of graywater systems. ~~For the collection and application of graywater for a single-family residence.~~ Those regulations are effective except in a health district in which a district board of health has adopted regulations concerning the use of graywater systems ~~for the~~

~~collection and application of graywater for a single family residence} in that district.~~

2. ~~{Regulations}~~ Except as otherwise provided in subsection 3, any regulations adopted by the State Board of Health or a district board of health concerning the use of graywater systems {for the collection and application of graywater for a single family residence must not require}:

(a) Must prohibit the use of a graywater system in any area of the State where there is:

(1) The reasonable potential for return flow to a river system or a lake;

(2) A requirement for return flow of effluent to a river system; or

(3) An existing alternative program for recycled water;

(b) In any area of the State not prohibited pursuant to paragraph (a), must require a person to apply for and obtain a permit for {applying less than 250 gallons per day of} the use of a graywater {originating from a single family residence for household gardening, composting or landscape irrigation if} system; and

(c) Must not conflict with the provisions of NRS 445A.300 to 445A.730, inclusive, and section 10 of this act and any regulations adopted pursuant to those provisions.

3. Notwithstanding any regulations adopted pursuant to this section or NRS 444.650, in any area of the State where the use of a graywater system is otherwise prohibited for a single-family residence, a person who owns, leases or occupies a single-family residence that uses a residential individual system for the disposal of sewage may apply to obtain a permit for the use of a graywater system for that single-family residence.

4. The State Board of Health or a district board of health shall not issue a permit pursuant to this section unless:

(a) The distribution system for the graywater provides for overflow into the sewer system or ~~{an on-site wastewater treatment and}~~ a residential individual system for the disposal ~~{system,}~~ of sewage;

(b) The storage tank for the graywater is covered to restrict access and to eliminate habitat for mosquitoes or other vectors;

(c) The graywater system is located outside the boundaries of a floodplain;

(d) The graywater is vertically separated from and at least 5 feet above the groundwater table;

(e) All piping for the graywater is clearly identified as containing nonpotable water;

(f) The graywater is used on the site where it is generated and does not run off the property;

(g) The graywater is applied in a manner that minimizes the potential for contact with people or domestic pets;

(h) The application of the graywater is managed to minimize standing water on the surface, avoid ponding and ensure that the hydraulic capacity of the soil is not exceeded;

(i) The graywater is not sprayed;

(j) The graywater is not discharged into a natural watercourse; and

(k) The use of the graywater complies with the provisions of NRS 445A.300 to 445A.730, inclusive, and section ~~3~~ 10 of this act and any regulations adopted pursuant to those provisions.

~~3. 5.~~ 5. A district board of health which adopts regulations concerning graywater systems ~~for the collection and application of graywater for a single family residence~~ shall consider and take into account the geological, hydrological and topographical characteristics of the area within its jurisdiction.

~~4. Regulations concerning systems for the collection and application of graywater for a single family residence must not conflict with the provisions of NRS 445A.300 to 445A.730, inclusive, and section 3 of this act and any regulations adopted pursuant to those provisions.~~

~~5. 6.~~ 6. A board of county commissioners of a county, the governing body of a city or the town board or board of county commissioners having jurisdiction over the affairs of a town shall not prohibit the ~~application~~ use of a graywater system that meets the requirements of ~~subsection 2.~~

~~6. As used in this section:~~

~~(a) "Graywater" means wastewater that:~~

~~(1) Is collected separately from sewage;~~

~~(2) Originates from a clothes washer or a bathroom tub, shower or sink; and~~

~~(3) Does not contain industrial chemicals, hazardous wastes or wastewater from toilets, kitchen sinks or dishwashers.~~

~~(b) "Single family residence" means a parcel or other unit of real property or unit of personal property which is intended or designed to be occupied by one family with facilities for living, sleeping, cooking and eating.~~ this section.

~~Sec. 2.~~ Sec. 9. NRS 444.650 is hereby amended to read as follows:

444.650 1. The State Board of Health shall adopt regulations to control the use of a residential individual system for the disposal of sewage in this State. Those regulations are effective except in health districts in which a district board of health has adopted regulations to control the use of a residential individual system for the disposal of sewage in that district.

2. A board which adopts such regulations shall consider and take into account the geological, hydrological and topographical characteristics of the area within its jurisdiction.

3. The regulations adopted pursuant to this section must not conflict with the provisions of NRS 445A.300 to 445A.730, inclusive, **and section ~~3~~ 10 of this act** and any regulations adopted pursuant to those provisions.

~~4. As used in this section, [“residential”]:~~
~~(a) “Graywater” has the meaning ascribed to it in section 1 of this act.~~
~~(b) “Residential individual system for disposal of sewage” means an individual system for disposal of sewage from a parcel of land, including all structures thereon, that is zoned for single family residential use. The term does not include a system for the collection and application of graywater for a single family residence.~~
~~(c) “Single family residence” has the meaning ascribed to it in section 1 of this act.~~

~~[Sec. 3.]~~ **Sec. 10.** Chapter 445A of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Commission shall not require a person to obtain a permit pursuant to this section and NRS 445A.300 to 445A.730, inclusive, for the ~~[application]~~ use of a graywater system if the person has obtained a permit that meets the requirements of ~~[subsection 2 of]~~ section ~~11~~ 8 of this act.

2. As used in this section, “graywater ~~[“]~~ system” has the meaning ascribed to it in section ~~11~~ 4 of this act.

~~[Sec. 4.]~~ **Sec. 11.** NRS 445A.310 is hereby amended to read as follows:

445A.310 As used in NRS 445A.300 to 445A.730, inclusive, **and section ~~3~~ 10 of this act**, unless the context otherwise requires, the words and terms defined in NRS 445A.315 to 445A.420, inclusive, have the meanings ascribed to them in those sections.

~~[Sec. 5.]~~ **Sec. 12.** NRS 445A.425 is hereby amended to read as follows:

445A.425 1. Except as specifically provided in NRS 445A.625 to 445A.645, inclusive, the Commission shall:

(a) Adopt regulations carrying out the provisions of NRS 445A.300 to 445A.730, inclusive, **and section ~~3~~ 10 of this act**, including standards of water quality and amounts of waste which may be discharged into the waters of the State.

(b) Adopt regulations providing for the certification of laboratories that perform analyses for the purposes of NRS 445A.300 to 445A.730, inclusive, **and section ~~3~~ 10 of this act** to detect the presence of hazardous waste or a regulated substance in soil or water.

(c) Adopt regulations controlling the injection of fluids through a well to prohibit those injections into underground water, if it supplies or may reasonably be expected to supply any public water system, as defined in NRS 445A.840, which may result in that system's noncompliance with any regulation regarding primary drinking water or may otherwise have an adverse effect on human health.

(d) Advise, consult and cooperate with other agencies of the State, the Federal Government, other states, interstate agencies and other persons in furthering the provisions of NRS 445A.300 to 445A.730, inclusive ~~{ }~~ , **and section ~~10~~ 10 of this act.**

(e) Determine and prescribe the qualifications and duties of the supervisors and technicians responsible for the operation and maintenance of plants for sewage treatment.

2. The Commission may by regulation require that supervisors and technicians responsible for the operation and maintenance of plants for sewage treatment be certified by the Department. The regulations may include a schedule of fees to pay the costs of certification. The provisions of this subsection apply only to a package plant for sewage treatment whose capacity is more than 5,000 gallons per day and to any other plant whose capacity is more than 10,000 gallons per day.

3. In adopting regulations, standards of water quality and effluent limitations pursuant to NRS 445A.300 to 445A.730, inclusive, **and section ~~10~~ 10 of this act**, the Commission shall recognize the historical irrigation practices in the respective river basins of this State, the economy thereof and their effects.

4. The Commission may hold hearings, issue notices of hearings, issue subpoenas requiring the attendance of witnesses and the production of evidence, administer oaths and take testimony as it considers necessary to carry out the provisions of this section and for the purpose of reviewing standards of water quality.

5. As used in this section, "plant for sewage treatment" means any facility for the treatment, purification or disposal of sewage.

Sec. 13. Chapter 116 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Notwithstanding the provisions of NRS 444.650 and sections 2 to 8, inclusive, of this act, the governing documents of an association may prohibit or restrict the use of a graywater system within the common-interest community.

2. If the governing documents of an association do not prohibit or restrict the use of a graywater system within the common-interest community, the use of a graywater system within the common-interest

community must comply with the provisions of NRS 444.650 and sections 2 to 8, inclusive, of this act.

3. As used in this section, "graywater system" has the meaning ascribed to it in section 4 of this act.

Sec. 14. Notwithstanding the provisions of section 8 of this act, the State Board of Health shall adopt the regulations required pursuant to section 8 of this act on or before October 1, 2014.

Assemblywoman Dondero Loop moved the adoption of the amendment.

Remarks by Assemblywoman Dondero Loop.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 223.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 397.

AN ACT relating to constables; ~~providing that a constable may perform certain evictions only in his or her township;~~ revising provisions governing the powers and duties of a constable **or sheriff** with respect to ~~the service of process and the execution of writs and warrants;~~ **posting certain notices;** revising provisions governing the appointment of deputy constables and the clerical and operational staff of a constable; clarifying that a constable may issue a citation for a violation of certain laws governing the registration of motor vehicles only if the motor vehicle is located in his or her township; revising various other provisions governing constables; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for a summary eviction procedure when the tenant of any dwelling, apartment, mobile home, recreational vehicle or commercial premises with periodic rent due by the month or a shorter period defaults in the payment of the rent. ~~Under existing law, certain notices required under this procedure may be served by the sheriff or a constable of the county, and the court order to remove the tenant must direct the sheriff or a constable of the county to remove the tenant within 24 hours after receipt of the order.~~ (NRS 40.253) ~~Existing law also provides a summary eviction procedure to remove a person who is residing in a storage space at a storage facility and requires that the court order to remove such a person direct the sheriff or a constable of the county to remove the person within 24 hours after receipt of the order.~~ (NRS 40.760) ~~Sections 1 and 2~~ **Section 1** of this bill ~~provide~~ **provides** that the **affidavit of complaint for** eviction of a tenant ~~for of a person residing in a storage space under the summary eviction procedure must be performed by the sheriff of the county or the constable of the~~

township in which the property or facility is located,] that a landlord or landlord's agent is authorized to file in justice court or district court applies to tenants of recreational vehicles.

Existing law provides that if a sale of property is a residential foreclosure, the posting of certain required notices on the property must be completed by a licensed process server or any constable or sheriff. (NRS 107.087) Section 3 of this bill specifies that the constable or sheriff who posts such a notice must be a constable or sheriff of the county in which the property is located.

~~[Existing law provides that the duties of a constable include, without limitation, the service of all intermediate and final process issued by a court of competent jurisdiction and the execution of certain writs and warrants. (NRS 21.111, 31.235, 34.600, 70.020, 70.040, 258.070) Existing law also authorizes the sheriff of a county to authorize the constable of the appropriate township to execute certain process, writs and warrants delivered to the sheriff. (NRS 248.100, 258.070) Sections 4-7 of this bill remove the authority of the sheriff of a county to authorize constables to execute certain process, writs and warrants delivered to the sheriff. Section 12 of this bill revises the duties of a constable with respect to the service of process and the execution of writs and warrants to: (1) require the constable to serve all intermediate and final process and execute writs and warrants issued by the justice court of his or her township or the district court of his or her county; and (2) authorize the constable to serve all process issued by a court of competent jurisdiction if service is to be made in his or her township.]~~

Existing law authorizes a constable to appoint deputies and provides that a deputy constable must be certified as a category II peace officer by the Peace Officers' Standards and Training Commission within 1 year after the date on which the person commences employment as a peace officer unless the Commission, for good cause shown, extends the time. (NRS 258.060, 289.470, 289.550) **Sections 10 and 14** of this bill provide that: (1) a person appointed as a deputy constable for a township in a county whose population is 700,000 or more (currently Clark County) must be certified as a category II peace officer by the Commission before he or she commences employment as a deputy constable; and (2) a person reemployed as a deputy constable for a township in a county whose population is less than 700,000 (currently counties other than Clark) after a separation of employment as a deputy constable for that township is not entitled to an additional period within which to be certified as a category II peace officer by the Commission.

Existing law authorizes the board of county commissioners to appoint clerks for the constable of a township and to provide compensation for those clerks. (NRS 258.065) **Section 11** of this bill authorizes the constable to appoint clerical and operational staff for the office of the constable, subject to

the approval of the board of county commissioners, and requires the board of county commissioners to fix the compensation of the clerical and operational staff of the constable's office. **Section 11** further provides that the clerical and operational staff of a constable's office do not have the powers of a peace officer and may not possess a weapon or carry a concealed firearm while performing the duties of the constable's office.

Existing law provides that a constable is a peace officer in his or her township and may issue a citation to the owner or driver of a vehicle that is required to be registered in this State if the constable determines that the vehicle is not properly registered. (NRS 258.070, 482.385) **Sections 12, 15 and 16** of this bill clarify that the constable may issue such a citation only if the vehicle is located in his or her township at the time the citation is issued.

Section 8 of this bill authorizes the board of county commissioners to establish, by resolution or ordinance, penalties to be imposed on a constable who fails to file a report, oath or other document required by statute to be filed with the county or the Peace Officers' Standards and Training Commission. **Section 9** of this bill requires the oath of a constable to be filed and recorded in the office of the recorder of the county.

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

Section 1. NRS 40.253 is hereby amended to read as follows:

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

(a) At or before noon of the fifth full day following the day of service; or

(b) If the landlord chooses not to proceed in the manner set forth in paragraph (a) and the rent is reserved by a period of 1 week or less and the tenancy has not continued for more than 45 days, at or before noon of the fourth full day following the day of service.

➤ As used in this subsection, "day of service" means the day the landlord or the landlord's agent personally delivers the notice to the tenant. If personal service was not so delivered, the "day of service" means the day the notice is delivered, after posting and mailing pursuant to subsection 2, to the sheriff ~~of the county in which the dwelling, apartment, mobile home, recreational vehicle or commercial premises are located~~ or ~~the~~ constable ~~of the township in which the dwelling, apartment, mobile home, recreational~~

~~vehicle or commercial premises are located]~~ for service if the request for service is made before noon. If the request for service by the sheriff or constable is made after noon, the “day of service” shall be deemed to be the day next following the day that the request is made for service by the sheriff or constable.

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

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

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

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

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

(b) Advise the tenant:

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

(2) That if the court determines that the tenant is guilty of an unlawful detainer, the court may issue a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant, directing the sheriff ~~for the county in which the dwelling, apartment, mobile home, recreational vehicle or commercial premises are located]~~ or ~~the~~ constable of the county ~~for the township in which the dwelling, apartment, mobile home, recreational vehicle or commercial premises are located]~~ to remove the tenant within 24 hours after receipt of the order; and

(3) That, pursuant to NRS 118A.390, a tenant may seek relief if a landlord unlawfully removes the tenant from the premises or excludes the tenant by blocking or attempting to block the tenant's entry upon the premises or willfully interrupts or causes or permits the interruption of an essential service required by the rental agreement or chapter 118A of NRS.

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

5. Upon noncompliance with the notice:

(a) The landlord or the landlord's agent may apply by affidavit of complaint for eviction to the justice court of the township in which the dwelling, apartment, mobile home, **recreational vehicle** or commercial premises are located or to the district court of the county in which the dwelling, apartment, mobile home, **recreational vehicle** or commercial premises are located, whichever has jurisdiction over the matter. The court may thereupon issue an order directing the sheriff ~~of the county in which the dwelling, apartment, mobile home, recreational vehicle or commercial premises are located~~ or constable of the county ~~township in which the dwelling, apartment, mobile home, recreational vehicle or commercial premises are located~~ to remove the tenant within 24 hours after receipt of the order. The affidavit must state or contain:

(1) The date the tenancy commenced.

(2) The amount of periodic rent reserved.

(3) The amounts of any cleaning, security or rent deposits paid in advance, in excess of the first month's rent, by the tenant.

(4) The date the rental payments became delinquent.

(5) The length of time the tenant has remained in possession without paying rent.

(6) The amount of rent claimed due and delinquent.

(7) A statement that the written notice was served on the tenant in accordance with NRS 40.280.

(8) A copy of the written notice served on the tenant.

(9) A copy of the signed written rental agreement, if any.

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

6. Upon the filing by the tenant of the affidavit permitted in subsection 3, regardless of the information contained in the affidavit, and the filing by the

landlord of the affidavit permitted by subsection 5, the justice court or the district court shall hold a hearing, after service of notice of the hearing upon the parties, to determine the truthfulness and sufficiency of any affidavit or notice provided for in this section. If the court determines that there is no legal defense as to the alleged unlawful detainer and the tenant is guilty of an unlawful detainer, the court may issue a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant. If the court determines that there is a legal defense as to the alleged unlawful detainer, the court shall refuse to grant either party any relief, and, except as otherwise provided in this subsection, shall require that any further proceedings be conducted pursuant to NRS 40.290 to 40.420, inclusive. The issuance of a summary order for removal of the tenant does not preclude an action by the tenant for any damages or other relief to which the tenant may be entitled. If the alleged unlawful detainer was based upon subsection 5 of NRS 40.2514, the refusal by the court to grant relief does not preclude the landlord thereafter from pursuing an action for unlawful detainer in accordance with NRS 40.251.

7. The tenant may, upon payment of the appropriate fees relating to the filing and service of a motion, file a motion with the court, on a form provided by the clerk of the court, to dispute the amount of the costs, if any, claimed by the landlord pursuant to NRS 118A.460 or 118C.230 for the inventory, moving and storage of personal property left on the premises. The motion must be filed within 20 days after the summary order for removal of the tenant or the abandonment of the premises by the tenant, or within 20 days after:

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

8. Upon the filing of a motion pursuant to subsection 7, the court shall schedule a hearing on the motion. The hearing must be held within 10 days after the filing of the motion. The court shall affix the date of the hearing to the motion and order a copy served upon the landlord by the sheriff ~~of the county in which the dwelling, apartment, mobile home, recreational vehicle or commercial premises are located, the constable of the township in which the dwelling, apartment, mobile home, recreational vehicle or commercial premises are located,~~ or other process server. At the hearing, the court may:

- (a) Determine the costs, if any, claimed by the landlord pursuant to NRS 118A.460 or 118C.230 and any accumulating daily costs; and
- (b) Order the release of the tenant's property upon the payment of the charges determined to be due or if no charges are determined to be due.

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

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

Sec. 2. ~~[NRS 40.760 is hereby amended to read as follows:~~

~~40.760 1. When a person is using a storage space at a facility as a residence, the owner or the owner's agent shall serve or have served a notice in writing which directs the person to cease using the storage space as a residence no later than 24 hours after receiving the notice. The notice must advise the person that:~~

~~(a) NRS 108.475 requires the owner to ask the court to have the person evicted if the person has not ceased using the storage space as a residence within 24 hours; and~~

~~(b) The person may continue to use the storage space to store the person's personal property in accordance with the rental agreement.~~

~~2. If the person does not cease using the storage space as a residence within 24 hours after receiving the notice to do so, the owner of the facility or the owner's agent shall apply by affidavit for summary eviction to the justice of the peace of the township wherein the facility is located. The affidavit must contain:~~

~~(a) The date the rental agreement became effective.~~

~~(b) A statement that the person is using the storage space as a residence.~~

~~(c) The date and time the person was served with written notice to cease using the storage space as a residence.~~

~~(d) A statement that the person has not ceased using the facility as a residence within 24 hours after receiving the notice.~~

~~3. Upon receipt of such an affidavit the justice of the peace shall issue an order directing the sheriff of the county in which the facility is located or the constable of the [county] township in which the facility is located to remove the person within 24 hours after receipt of the order. The sheriff or constable shall not remove the person's personal property from the facility.~~

~~4. For the purposes of this section:~~

~~(a) "Facility" means real property divided into individual storage spaces. The term does not include a garage or storage area in a private residence.~~

~~(b) "Storage space" means a space used for storing personal property, which is rented or leased to an individual occupant who has access to the space.~~ **(Deleted by amendment.)**

Sec. 3. NRS 107.087 is hereby amended to read as follows:

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

(a) Be posted in a conspicuous place on the property not later than:

(1) For a notice of default and election to sell, 100 days before the date of sale; or

(2) For a notice of sale, 15 days before the date of sale; and

(b) Include, without limitation:

(1) The physical address of the property; and

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

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

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

NOTICE TO TENANTS OF THE PROPERTY

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

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

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

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

Under the *Nevada Revised Statutes* eviction proceedings may begin against you after you have been given a notice to quit.

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

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

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

- (1) Delivering a copy to you personally in the presence of a witness;
- (2) If you are absent from your place of residence or usual place of business, leaving a copy with a person of suitable age and discretion at either place and mailing a copy to you at your place of residence or business; or
- (3) If your place of residence or business cannot be ascertained, or a person of suitable age or discretion cannot be found there, posting a copy in a conspicuous place on the leased property, delivering a copy to a person residing there, if a person can be found, and mailing a copy to you at the place where the leased property is.

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

Under the Justice Court Rules of Civil Procedure:

- (1) You will be given at least 10 days to answer a summons and complaint;
- (2) If you do not file an answer, an order evicting you by default may be obtained against you;

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

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

4. The posting of a notice required by this section must be completed by a process server licensed pursuant to chapter 648 of NRS ~~or any~~ ~~[-, the]~~ constable ~~[of the township in which the property is located]~~ or ~~[the]~~ sheriff ~~[-]~~ ***of the county in which the property is located.***

5. As used in this section, “residential foreclosure” has the meaning ascribed to it in NRS 107.080.

~~Sec. 4. NRS 248.100 is hereby amended to read as follows:~~
~~248.100 [1.] The sheriff shall:~~

~~[(a)] 1. Except in a county whose population is 700,000 or more, attend in person, or by deputy, all sessions of the district court in his or her county.~~

~~[(b)] 2. Obey all the lawful orders and directions of the district court in his or her county.~~

~~[(c) Except as otherwise provided in subsection 2, execute]~~

~~3. Execute the process, writs or warrants of courts of justice, judicial officers and coroners, when delivered to the sheriff for that purpose.~~

~~[2. The sheriff may authorize the constable of the appropriate township to receive and execute the process, writs or warrants of courts of justice, judicial officers and coroners.]]~~ **(Deleted by amendment.)**

~~Sec. 5. NRS 248.120 is hereby amended to read as follows:~~

~~248.120 When any process, writ or order is delivered to the sheriff [-, or the constable as authorized pursuant to NRS 248.100,] to be served or executed, the sheriff [or constable] shall:~~

~~1. Forthwith endorse upon it the year, month, day and hour of its receipt.~~

~~2. Give to the person delivering it, if required, on payment of his or her fee, a written memorandum signed by him or her, stating the names of the parties in the process or order, the nature thereof and the time it was received. He or she shall also deliver to the party served a copy thereof, if required so to do, without charge to such party.]~~ **(Deleted by amendment.)**

~~Sec. 6. NRS 248.130 is hereby amended to read as follows:~~

~~248.130 A sheriff [-, or a constable authorized pursuant to NRS 248.100,] to whom any process, writ, order or paper is delivered shall:~~

~~1. Execute the same with diligence, according to its command, or as required by law.~~

~~2. Return it without delay to the proper court or officer, with his or her certificate endorsed thereon of the manner of its service or execution, or, if not served or executed, the reasons for his or her failure.~~

~~For a failure so to do, he or she [shall be] is liable to the party aggrieved for all damages sustained by the party on account of such neglect. (Deleted by amendment.)~~

Sec. 7. ~~[NRS 248.150 is hereby amended to read as follows:
248.150 [Except as otherwise provided in NRS 248.100, if] If the sheriff to whom a writ of execution or writ of attachment is delivered [shall neglect or refuse,] neglects or refuses, after being required by the creditor or the creditor's attorney to attach, or to levy upon or sell, any property of the party charged in the writ which is liable to be attached or levied upon and sold, the sheriff [shall be] is liable on his or her official bond to the creditor for the value of such property.] (Deleted by amendment.)~~

Sec. 8. Chapter 258 of NRS is hereby amended by adding thereto a new section to read as follows:

In addition to any fine imposed pursuant to NRS 258.200, a board of county commissioners may establish, by resolution or ordinance, penalties for the failure of the constable of a township in the county to file any report, oath or other document required by statute to be filed with the county or the Peace Officers' Standards and Training Commission.

Sec. 9. NRS 258.020 is hereby amended to read as follows:

258.020 Each constable elected or appointed in this state shall, before entering upon the duties of office:

1. Take the oath prescribed by law. *The oath must be filed and recorded in a book provided for that purpose in the office of the recorder of the county within which the constable legally holds and exercises his or her office.*

2. Execute a bond to the State of Nevada, to be approved by the board of county commissioners, in the penal sum of not less than \$1,000 nor more than \$3,000, as may be designated by the board of county commissioners. ~~[-] which] The bond [shall] must be conditioned for the faithful performance of the duties of his or her office [-] and [shall] must be filed in the county clerk's office.~~

Sec. 10. NRS 258.060 is hereby amended to read as follows:

258.060 1. All constables may appoint deputies, who are authorized to transact all official business pertaining to the office to the same extent as their principals. A person must not be appointed as a deputy constable unless the person has been a resident of the State of Nevada for at least 6 months before the date of the appointment. *A person who is appointed as a deputy constable in a county whose population is 700,000 or more may not commence employment as a deputy constable until the person is certified by the Peace Officers' Standards and Training Commission as a category II peace officer.* The appointment of a deputy constable must not be construed to confer upon that deputy policymaking authority for the office of

the county constable or the county by which the deputy constable is employed.

2. Constables are responsible for the compensation of their deputies and are responsible on their official bonds for all official malfeasance or nonfeasance of the same. Bonds for the faithful performance of their official duties may be required of the deputies by the constables.

3. All appointments of deputies under the provisions of this section must be in writing and must, together with the oath of office of the deputies, be filed and recorded ***within 30 days after the appointment*** in a book provided for that purpose in the office of the recorder of the county within which the constable legally holds and exercises his or her office. Revocations of such appointments must also be filed and recorded as provided in this section ~~and~~ ***within 30 days after the revocation of the appointment***. From the time of the filing of the appointments or revocations therein, persons shall be deemed to have notice of the same.

Sec. 11. NRS 258.065 is hereby amended to read as follows:

258.065 1. The ~~board of county commissioners may appoint for the~~ constable of a township ~~to a reasonable number of clerks~~ ***may, subject to the approval of the board of county commissioners, appoint such clerical and operational staff*** as the work of the constable requires. ~~It and provide compensation therefor.~~ ***The compensation of any person so appointed must be fixed by the board of county commissioners.***

2. ***A person who is employed as clerical or operational staff of a constable:***

(a) ***Does not have the powers of a peace officer; and***

(b) ***May not possess a weapon or carry a concealed firearm, regardless of whether the person possesses a permit to carry a concealed firearm issued pursuant to NRS 202.3653 to 202.369, inclusive, while performing the duties of the office of the constable.***

3. A constable's clerk shall take the constitutional oath of office and give bond in the sum of \$2,000 for the faithful discharge of the duties of the office, and in the same manner as is or may be required of other officers of that township and county.

~~3.~~ 4. A constable's clerk shall do all clerical work in connection with keeping the records and files of the office, and shall perform such other duties in connection with the office as the constable shall prescribe.

Sec. 12. NRS 258.070 is hereby amended to read as follows:

258.070 1. Each constable shall:

(a) Be a peace officer in his or her township.

(b) Serve all mesne and final process issued by a court of competent jurisdiction. ~~the justice court of his or her township or by the district court of the county in which his or her township is located.~~

(c) Execute the process, writs or warrants that the constable is authorized to receive pursuant to NRS 248.100, ~~issued by the justice court of his or her township or by the district court of the county in which his or her township is located.~~

(d) Discharge such other duties as are or may be prescribed by law.

2. Pursuant to the procedures and subject to the limitations set forth in chapters 482 and 484A to 484E, inclusive, of NRS, a constable may issue a citation to an owner or driver, as appropriate, of a vehicle ~~that~~ **which is located in his or her township at the time the citation is issued and which** is required to be registered in this State if the constable determines that the vehicle is not properly registered. The constable shall, upon the issuance of such citation, charge and collect a fee of \$100 from the person to whom the citation is issued, which may be retained by the constable as compensation.

3. ~~All process, writs and warrants issued by a court of competent jurisdiction may be served or executed by the constable of the township in which service or execution is to be made.~~

~~4.~~ If a sheriff or the sheriff's deputy in any county in this State arrests a person charged with a criminal offense or in the commission of an offense, the sheriff or the sheriff's deputy shall serve all process, whether mesne or final, and attend the court executing the order thereof in the prosecution of the person so arrested, whether in a justice court or a district court, to the conclusion, and whether the offense is an offense of which a justice of the peace has jurisdiction, or whether the proceeding is a preliminary examination or hearing. The sheriff or the sheriff's deputy shall collect the same fees and in the same manner therefor as the constable of the township in which the justice court is held would receive for the same service.

Sec. 13. NRS 258.190 is hereby amended to read as follows:

258.190 1. ~~On~~ **In each calendar year, on** the first Monday of January, April, July and October, the constables who receive fees under the provisions of this chapter shall make out and file with the boards of county commissioners of their several counties a full and correct statement under oath of all fees or compensation, of whatever nature or kind, received in their several official capacities during the preceding 3 months. In the statement they shall set forth the cause in which, and the services for which, such fees or compensation were received.

2. Nothing in this section shall be so construed as to require personal attendance in filing statements, which may be transmitted by mail or otherwise directed to the clerk of the board of county commissioners.

Sec. 14. NRS 289.550 is hereby amended to read as follows:

289.550 1. Except as otherwise provided in ~~subsection~~ **subsections 2 and 3** and NRS 3.310 , ~~and~~ 4.353 ~~and~~ **258.060**, a person upon whom some or all of the powers of a peace officer are conferred pursuant to

NRS 289.150 to 289.360, inclusive, must be certified by the Commission within 1 year after the date on which the person commences employment as a peace officer unless the Commission, for good cause shown, grants in writing an extension of time, which must not exceed 6 months, by which the person must become certified. A person who fails to become certified within the required time shall not exercise any of the powers of a peace officer after the time for becoming certified has expired.

2. ***A person who is appointed pursuant to NRS 258.060 as a deputy constable of a township in a county whose population is less than 700,000 following a separation of employment as a deputy constable of that township must be certified by the Commission within the period prescribed by subsection 1 as measured from the date on which the deputy constable commenced his or her initial employment as a deputy constable of that township.***

3. The following persons are not required to be certified by the Commission:

- (a) The Chief Parole and Probation Officer;
- (b) The Director of the Department of Corrections;
- (c) The Director of the Department of Public Safety, the deputy directors of the Department, the chiefs of the divisions of the Department other than the Investigation Division and the Nevada Highway Patrol, and the members of the State Disaster Identification Team of the Division of Emergency Management of the Department;
- (d) The Commissioner of Insurance and the chief deputy of the Commissioner of Insurance;
- (e) Railroad police officers; and
- (f) California correctional officers.

Sec. 15. NRS 482.255 is hereby amended to read as follows:

482.255 1. Upon receipt of a certificate of registration, the owner shall place it or a legible copy in the vehicle for which it is issued and keep it in the vehicle. If the vehicle is a motorcycle, trailer or semitrailer, the owner shall carry the certificate in the tool bag or other convenient receptacle attached to the vehicle.

2. The owner or operator of a motor vehicle shall, upon demand, surrender the certificate of registration or the copy for examination to any peace officer, including a constable ~~of the township in which the motor vehicle is located~~ ***of the township in which the motor vehicle is located*** or a justice of the peace or ~~a~~ deputy of the Department.

3. No person charged with violating this section may be convicted if the person produces in court a certificate of registration which was previously issued to him or her and was valid at the time of the demand.

Sec. 16. NRS 482.385 is hereby amended to read as follows:

482.385 1. Except as otherwise provided in subsections 5 and 7 and NRS 482.390, a nonresident owner of a vehicle of a type subject to registration pursuant to the provisions of this chapter, owning any vehicle which has been registered for the current year in the state, country or other place of which the owner is a resident and which at all times when operated in this State has displayed upon it the registration license plate issued for the vehicle in the place of residence of the owner, may operate or permit the operation of the vehicle within this State without its registration in this State pursuant to the provisions of this chapter and without the payment of any registration fees to this State:

(a) For a period of not more than 30 days in the aggregate in any 1 calendar year; and

(b) Notwithstanding the provisions of paragraph (a), during any period in which the owner is:

(1) On active duty in the military service of the United States;

(2) An out-of-state student;

(3) Registered as a student at a college or university located outside this State and who is in the State for a period of not more than 6 months to participate in a work-study program for which the student earns academic credits from the college or university; or

(4) A migrant or seasonal farm worker.

2. This section does not:

(a) Prohibit the use of manufacturers', distributors' or dealers' license plates issued by any state or country by any nonresident in the operation of any vehicle on the public highways of this State.

(b) Require registration of vehicles of a type subject to registration pursuant to the provisions of this chapter operated by nonresident common motor carriers of persons or property, contract motor carriers of persons or property, or private motor carriers of property as stated in NRS 482.390.

(c) Require registration of a vehicle operated by a border state employee.

3. Except as otherwise provided in subsection 5, when a person, formerly a nonresident, becomes a resident of this State, the person shall:

(a) Within 30 days after becoming a resident; or

(b) At the time he or she obtains a driver's license,

➡ whichever occurs earlier, apply for the registration of each vehicle the person owns which is operated in this State. When a person, formerly a nonresident, applies for a driver's license in this State, the Department shall inform the person of the requirements imposed by this subsection and of the penalties that may be imposed for failure to comply with the provisions of this subsection.

4. A citation may be issued pursuant to subsection 1, 3 or 5 only if the violation is discovered when the vehicle is halted or its driver arrested for

another alleged violation or offense. The Department shall maintain or cause to be maintained a list or other record of persons who fail to comply with the provisions of subsection 3 and shall, at least once each month, provide a copy of that list or record to the Department of Public Safety.

5. Except as otherwise provided in this subsection, a resident or nonresident owner of a vehicle of a type subject to registration pursuant to the provisions of this chapter who engages in a trade, profession or occupation or accepts gainful employment in this State or who enrolls his or her children in a public school in this State shall, within 30 days after the commencement of such employment or enrollment, apply for the registration of each vehicle the person owns which is operated in this State. The provisions of this subsection do not apply to a nonresident who is:

- (a) On active duty in the military service of the United States;
- (b) An out-of-state student;
- (c) Registered as a student at a college or university located outside this State and who is in the State for a period of not more than 6 months to participate in a work-study program for which the student earns academic credits from the college or university; or
- (d) A migrant or seasonal farm worker.

6. A person who violates the provisions of subsection 1, 3 or 5 is guilty of a misdemeanor and, except as otherwise provided in this subsection, shall be punished by a fine of \$1,000. The fine imposed pursuant to this subsection is in addition to any fine or penalty imposed for the other alleged violation or offense for which the vehicle was halted or its driver arrested pursuant to subsection 4. The fine imposed pursuant to this subsection may be reduced to not less than \$200 if the person presents evidence at the time of the hearing that the person has registered the vehicle pursuant to this chapter.

7. Any resident operating upon a highway of this State a motor vehicle which is owned by a nonresident and which is furnished to the resident operator for his or her continuous use within this State, shall cause that vehicle to be registered within 30 days after beginning its operation within this State.

8. A person registering a vehicle pursuant to the provisions of subsection 1, 3, 5, 7 or 9 or pursuant to NRS 482.390:

- (a) Must be assessed the registration fees and governmental services tax, as required by the provisions of this chapter and chapter 371 of NRS; and
- (b) Must not be allowed credit on those taxes and fees for the unused months of the previous registration.

9. If a vehicle is used in this State for a gainful purpose, the owner shall immediately apply to the Department for registration, except as otherwise provided in NRS 482.390, 482.395 and 706.801 to 706.861, inclusive.

10. An owner registering a vehicle pursuant to the provisions of this section shall surrender the existing nonresident license plates and registration certificates to the Department for cancellation.

11. A vehicle may be cited for a violation of this section regardless of whether it is in operation or is parked on a highway, in a public parking lot or on private property which is open to the public if, after communicating with the owner or operator of the vehicle, the peace officer issuing the citation determines that:

- (a) The owner of the vehicle is a resident of this State;
- (b) The vehicle is used in this State for a gainful purpose;
- (c) Except as otherwise provided in paragraph (b) of subsection 1, the owner of the vehicle is a nonresident and has operated the vehicle in this State for more than 30 days in the aggregate in any 1 calendar year; or
- (d) The owner of the vehicle is a nonresident required to register the vehicle pursuant to subsection 5.

12. A constable may issue a citation for a violation of this section only if the vehicle is located in his or her township at the time the citation is issued.

13. As used in this ~~subsection,~~ **section**, “peace officer” includes a constable.

Sec. 17. This act becomes effective on July 1, 2013.

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 227.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 497.

SUMMARY—Creates the Nevada Land Management ~~Implementation Committee,~~ **Task Force** to conduct a study addressing the transfer of certain public lands in this State. (BDR S-594)

AN ACT relating to public lands; creating the Nevada Land Management ~~Implementation Committee,~~ **Task Force** to conduct a study addressing the transfer of public lands in Nevada from the Federal Government to the State of Nevada; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

This bill creates the Nevada Land Management ~~Implementation Committee,~~ **Task Force**, consisting of a representative from each county in this State appointed by the board of county commissioners, to conduct a

study during the 2013-2014 legislative interim to address the transfer of public lands in Nevada from the Federal Government to the State of Nevada, in contemplation of Congress turning over the management and control of those public lands to the State of Nevada on or before June 30, 2015. The ~~Committee~~ **Task Force** is required to submit a report of its findings and recommendations to the ~~78th Session of the Nevada Legislature~~ **Legislative Committee on Public Lands** on or before ~~February 1, 2015. This Committee~~ **September 1, 2014. The Task Force** is similar to an interim commission that is being recommended for creation in the State of Utah to study issues relating to the transfer of public lands in Utah from the Federal Government to the State of Utah. (House Bill No. 148, 2012 Utah Laws, ch. 353, § 5)

WHEREAS, Unlike the eastern states that received dominion over their lands upon joining the Union, the western states have been placed in an inferior position as a result of the Federal Government withholding a significant portion of land from those states as a condition of admission to the Union; and

WHEREAS, According to the Congressional Research Service, as of 2010, the Federal Government manages and controls approximately 640 million acres, or about 28 percent of the 2.27 billion acres, of land in the United States; and

WHEREAS, The highest concentration of land managed and controlled by the Federal Government is in Alaska (61.8 percent) and the 11 coterminous western states, namely Arizona (42.3 percent), California (47.7 percent), Colorado (36.2 percent), Idaho (61.7 percent), Montana (28.9 percent), Nevada (81.1 percent), New Mexico (34.7 percent), Oregon (53.0 percent), Utah (66.5 percent), Washington (28.5 percent) and Wyoming (48.2 percent); and

WHEREAS, In contrast, the Federal Government only manages and controls 4 percent of the land in the states east of those western states; and

WHEREAS, The state with the highest percentage of lands within its boundaries that is managed and controlled by the Federal Government is Nevada, with over 80 percent of its lands being managed and controlled by various federal agencies, including the Bureau of Land Management, the National Park Service, the United States Forest Service, the United States Fish and Wildlife Service and the Department of Energy; and

WHEREAS, Increased control by the State of Nevada over the public lands within its borders would benefit the residents of Nevada significantly by allowing the State to balance the economic, recreational and other critical interests of its residents, with special emphasis on the multiple uses that are allowed presently on the public lands; and

WHEREAS, In March 2012, legislation was enacted in the State of Utah that, among other things, requires the Federal Government to turn over management and control of the public lands in Utah to the State of Utah and requires the study of various issues that may arise during such a transfer; and

WHEREAS, Other western states are considering the enactment of similar laws and momentum is building towards the Federal Government turning over management and control of certain public lands to the western states; and

WHEREAS, In light of the magnitude of federal management and control of public lands in Nevada, a study by the State of Nevada, in contemplation of Congress turning over the management and control of public lands in Nevada to the State of Nevada on or before June 30, 2015, would assist in ensuring that the transfer proceeds in a timely and orderly manner; now therefore

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

Section 1. 1. The Nevada Land Management ~~Implementation Committee,~~ **Task Force**, consisting of 17 members, is hereby created. Within 30 days after the effective date of this act, the board of county commissioners of each county shall appoint one member to the ~~Committee,~~ **Task Force.**

2. A vacancy on the ~~Committee,~~ **Task Force** must be filled in the same manner as the original appointment.

3. The ~~Committee,~~ **Task Force** shall hold its first meeting on or before July 1, 2013. At the first meeting, the ~~Committee,~~ **Task Force** shall elect a Chair and Vice Chair from among its members.

4. While engaged in the business of the ~~Committee,~~ **Task Force**, each member of the ~~Committee,~~ **Task Force** is entitled to receive such per diem allowance and travel expenses as provided by the board of county commissioners that appointed the member. Each board of county commissioners shall pay the per diem allowance and travel expenses required by this subsection to the member that is appointed by that board of county commissioners.

5. The ~~Legislative Counsel Bureau,~~ **board of county commissioners of each county, in conjunction with the Nevada Association of Counties,** shall provide such administrative support to the ~~Committee,~~ **Task Force** as is necessary to carry out the duties of the ~~Committee,~~ **Task Force.**

6. The ~~Committee,~~ **Task Force** shall conduct a study to address the transfer of public lands in Nevada from the Federal Government to the State of Nevada in contemplation of Congress turning over the management and control of those public lands to the State of Nevada on or before June 30, 2015. The study must include, without limitation:

(a) An identification of the public lands to be transferred and the interests, rights and uses associated with those lands;

(b) The development of a proposed plan for the administration, management and use of the public lands, including, without limitation, the designation of wilderness or other conservation areas or the sale, lease or other disposition of those lands; and

(c) An economic analysis concerning the transfer of the public lands, including, without limitation:

(1) The identification of the costs directly incident to the transfer of title of those lands;

(2) The identification of sources of revenue to pay for the administration and maintenance of those lands by the State of Nevada;

(3) A determination of the amount of any revenue that is currently received by the State of Nevada or a political subdivision of this State in connection with those lands, including, without limitation, any payments made in lieu of taxes and mineral leases; and

(4) The identification of any potential revenue to be received from those lands by the State of Nevada after the transfer of the lands and recommendations for the distribution of those revenues.

7. **The Task Force shall report periodically to the Legislative Committee on Public Lands established by NRS 218E.510 concerning the activities of the Task Force.**

8. **On or before ~~February 1, 2015, the Committee~~ September 1, 2014, the Task Force** shall submit a report of its findings and recommendations to the ~~Director of the Legislative Counsel Bureau for transmittal to the 78th Session of the Nevada Legislature. During that session,~~ **Legislative Committee on Public Lands for inclusion in the final report of that Committee for the 2013-2014 legislative interim. During the 78th Session of the Nevada Legislature,** one or more members of the ~~Committee~~ **Task Force** must be available, upon request, to present the recommendations of the ~~Committee~~ **Task Force** to the Legislature or the appropriate standing committees with jurisdiction over public lands matters.

Sec. 2. This act becomes effective upon passage and approval and expires by limitation on June 30, 2015.

Assemblyman Ohrenschall moved the adoption of the amendment.

Remarks by Assemblyman Ohrenschall.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 230.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 270.

ASSEMBLYMEN BOBZIEN, EISEN, SPRINKLE, ELLIOT ANDERSON, HAMBRICK; AIZLEY, BENITEZ-THOMPSON, HORNE, ~~AND~~ KIRKPATRICK AND NEAL

AN ACT relating to education; requiring the board of trustees of each school district to establish a comprehensive, age-appropriate and medically accurate course of instruction in sex education; requiring the Council to Establish Academic Standards for Public Schools to establish standards of content and performance for a course of instruction in sex education as part of a course of study in health; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the board of trustees of a school district to establish a course or a unit of a course of instruction concerning acquired immune deficiency syndrome, the human reproductive system, related communicable diseases and sexual responsibility which must be taught by a teacher or school nurse whose qualifications have been approved by the board of trustees. Existing law further requires the board of trustees to appoint an advisory committee to advise the district concerning the content of and materials to be used in such a course of instruction and requires the parent or guardian of a pupil to consent in writing before the pupil may participate in the course. (NRS 389.065) **Section 1** of this bill requires the board of trustees of ~~for~~ each school district to establish a course of factual instruction in sex education and prescribes the topics which must be included in the course of instruction. **Section 1** requires that the course of instruction in sex education be age-appropriate for the pupils who receive the instruction, comprehensive and, as applicable, medically accurate. **Section 1** additionally revises the composition of the membership of the advisory committee and revises the qualifications which authorize a person to teach the course of instruction in sex education. **Section 1** requires the notice to the parent or guardian of a pupil to whom a course of instruction in sex education is offered to include a form for the parent or guardian to opt the pupil out of the course of instruction.

Existing law requires the Council to Establish Academic Standards for Public Schools to establish standards of content and performance for certain courses of study, including health. (NRS 389.520) **Section 2** of this bill requires the Council to establish standards of content and performance for the course of instruction in sex education required by **section 1** as part of the course of study in health.

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

Section 1. NRS 389.065 is hereby amended to read as follows:

389.065 1. The board of trustees of ~~the~~ **each** school district shall establish ~~a course or unit of~~ a course of ~~the~~:

~~—(a) Factual~~ ***factual*** instruction ~~concerning acquired~~ ***in sex education.***
The course of instruction must comply with the standards ~~for~~ of content and performance for a course of study in health established by the Council to Establish Academic Standards for Public Schools pursuant to NRS 389.520 and must be age-appropriate for the pupils who receive the instruction. Based upon the grade level of pupils designated by the board of trustees, the course of instruction must include comprehensive, and as applicable, medically accurate, information regarding:

(a) Acquired immune deficiency syndrome ~~;~~ and , including, without limitation, the human immunodeficiency virus;

(b) ~~Instruction on the~~ The human reproductive system, ~~related communicable~~ including, without limitation, anatomy and physiology, puberty, pregnancy, parenting, body image, gender stereotypes and the biological, psychosocial and emotional changes that accompany maturation;

(c) Communicable diseases ~~and sexual responsibility.~~ that are known to be sexually transmitted, including, without limitation, the proper use and effectiveness of methods to avoid such diseases, and the availability, effectiveness and safety of any vaccinations, tests and treatments for such diseases;

(d) Domestic violence, sexual abuse, sexual assault, exploitation and human trafficking;

(e) ~~Access to counseling, medical and legal assistance, and other resources to assist pupils with addressing and escaping a violent or exploitative relationship;~~

~~—(f)~~ *The development of skills necessary to promote sexual responsibility, including, without limitation, skills to assist pupils in setting and meeting goals, identifying the characteristics of a healthy relationship, negotiating, communicating with parents and family, and refusing unwanted sexual advances or activity;*

~~—(g)~~ *(f) Methods of contraception which may be used to prevent pregnancy, including, without limitation, the proper use, effectiveness, safety, health benefits and side effects of each method of contraception;*

~~—(h)~~ *(g) The importance of abstinence as the most effective method of preventing an unwanted pregnancy or a sexually transmitted disease;*

~~—(i)~~ *(h) The identification and explanation of ~~reproductive~~ available counseling and legal and medical information concerning health services, including, without limitation, resources to assist pupils with addressing and escaping a violent or exploitative relationship, effective and safe methods*

of contraception and contraceptive devices, and screening and treatment for sexually transmitted diseases and other related communicable diseases;

~~[(g)]~~ ***(i) The effects of alcohol and drug use on responsible decision making;***

~~[(k) The]~~

(j) Data to counter misinformation about and the effects of peer pressure and of social and other media on a pupil's thoughts, feelings and behaviors related to sexuality and sexual behavior;

~~[(l) Participation in and exploitation from the electronic transmission of sexually explicit images or other material;]~~ and

~~[(m)]~~ ***(k) The state and federal laws relating to consent, the age of consent, statutory rape, the electronic transmission of [sexually explicit] sexual images prohibited by NRS 200.737 or other material and any other legal issues relevant to sex education.***

↪ *The board of trustees shall periodically revise the content of the course of instruction as necessary to ensure that the content of the course of instruction is current, age-appropriate and, as applicable, medically accurate.*

2. *The course of instruction offered pursuant to this section must:*

~~[(a) Utilize]~~ ***Use methods of teaching and include materials which [promote the inclusion and acceptance] ensure nondiscriminatory instruction of all pupils , regardless of race, gender, gender identity or expression, religion, sexual orientation, ethnic or cultural background or disability.***

(b) Appropriately prepare pupils who have or are currently engaged in sexual activity and pupils who may engage in sexual activity in the future.

3. Each board of trustees shall appoint an advisory committee consisting of:

(a) Five parents of children who attend ~~[schools]~~ ***a school*** in the district; ~~and]~~

(b) ***Two pupils who attend a school in the district; and***

(c) Four representatives, one from each of ~~[four of]~~ the following professions , ~~[or]~~ occupations ~~[:]~~ ***or backgrounds:***

(1) Medicine or nursing;

(2) Counseling;

(3) Religion ~~[:]~~ , ***spirituality or community life; and***

(4) ~~[Pupils who attend schools in the district; or~~

~~— (5) Teaching.] Education.~~

↪ ~~[This]~~ ***The board of trustees may appoint additional members to the advisory committee who are representatives of the community.***

4. ***The advisory committee appointed pursuant to subsection 3 shall advise [recommend to] the [district] board of trustees concerning all aspects***

of the course of instruction established pursuant to this section ~~{+}~~, including, without limitation:

(a) **Instructors who have demonstrated an appropriate level of competency to teach a comprehensive, age-appropriate and medically accurate course of instruction in sex education;**

(b) **The content of and materials to be used in ~~{+}~~ the course of instruction ~~{established pursuant to this section,}~~ ; and ~~{the recommended}~~**

(c) **The ages of the pupils to whom *each subject of* the course ~~{is}~~ of instruction may be offered.**

↪ The final decision on these matters must be that of the board of trustees.

~~{3.}~~ 5. The subjects of the ~~{courses}~~ **course of instruction** may be taught only by ~~{a}~~ :

(a) A teacher ~~{or school}~~ ;

(b) A professional educator;

(c) A nurse ; or

(d) A provider of health care,

↪ ~~{who has been recommended}~~ **as advised by the advisory committee pursuant to paragraph (a) of subsection 4 and** whose qualifications have been previously approved by the board of trustees.

~~{4.}~~ 6. The parent or guardian of each pupil to whom a course **of instruction** is offered **pursuant to this section** must first be furnished written notice that the course will be offered. The notice must be given in the usual manner used by the local district to transmit written material to parents, and must ~~{contain}~~ **include** a form for ~~{the signature of}~~ the parent or guardian of the pupil ~~{consenting}~~ to **opt** the ~~{pupil's attendance. Upon receipt of the written consent of the parent or guardian, the}~~ pupil ~~{may attend}~~ **out of** the course ~~{}~~ **of instruction**. If the ~~{written consent of the}~~ parent or guardian ~~{is not received,}~~ **opts the pupil out of the course of instruction**, the pupil must be excused from such attendance without any penalty as to credits or academic standing. Any course **of instruction** offered pursuant to this section is not a requirement for graduation.

~~{5.}~~ 7. All instructional materials to be used in a course **of instruction offered pursuant to this section** must be available for inspection by parents or guardians of pupils at reasonable times and locations before the course is taught, and appropriate written notice of the availability of the material must be furnished to all parents and guardians.

8. **As used in this section:**

(a) **“Age-appropriate” means designed to teach concepts, information and skills based on the social, cognitive, emotional and experience level of most pupils of a particular age.**

(b) *“Gender identity or expression” means a gender-related identity, appearance, expression or behavior of a person, regardless of the person’s assigned sex at birth.*

(c) *“Medically accurate” means:*

- (1) *Verified or supported by current or prevailing scientific evidence;*
- (2) *Published by peer-reviewed scientific or medical journals; or*
- (3) *Recognized as accurate and objective by a professional organization or agency, including, without limitation, the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, the American Academy of Pediatrics, the American Public Health Association or the American Congress of Obstetricians and Gynecologists.*

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

(e) *“Sex education” means a sexuality education program that builds a foundation of knowledge and skills relating to human development, relationships, decision-making, abstinence, contraception and disease prevention.*

(f) *“Sexual orientation” means having or being perceived as having an orientation of heterosexuality, homosexuality or bisexuality.*

Sec. 2. NRS 389.520 is hereby amended to read as follows:

389.520 1. The Council shall:

(a) Establish standards of content and performance, including, without limitation, a prescription of the resulting level of achievement, for the grade levels set forth in subsection 3, based upon the content of each course, that is expected of pupils for the following courses of study:

- (1) English, including reading, composition and writing;
- (2) Mathematics;
- (3) Science;
- (4) Social studies, which includes only the subjects of history, geography, economics and government;
- (5) The arts;
- (6) Computer education and technology;
- (7) Health ~~§~~, ***including, without limitation, the course of instruction in sex education required by NRS 389.065;*** and
- (8) Physical education.

(b) Establish a schedule for the periodic review and, if necessary, revision of the standards of content and performance. The review must include, without limitation, the review required pursuant to NRS 389.570 of the results of pupils on the examinations administered pursuant to NRS 389.550.

(c) Assign priorities to the standards of content and performance relative to importance and degree of emphasis and revise the standards, if necessary, based upon the priorities.

2. The standards for computer education and technology must include a policy for the ethical, safe and secure use of computers and other electronic devices. The policy must include, without limitation:

(a) The ethical use of computers and other electronic devices, including, without limitation:

(1) Rules of conduct for the acceptable use of the Internet and other electronic devices; and

(2) Methods to ensure the prevention of:

(I) Cyber-bullying;

(II) Plagiarism; and

(III) The theft of information or data in an electronic form;

(b) The safe use of computers and other electronic devices, including, without limitation, methods to:

(1) Avoid harassment, cyber-bullying and other unwanted electronic communication, including, without limitation, communication with on-line predators;

(2) Recognize when an on-line electronic communication is dangerous or potentially dangerous; and

(3) Report a dangerous or potentially dangerous on-line electronic communication to the appropriate school personnel;

(c) The secure use of computers and other electronic devices, including, without limitation:

(1) Methods to maintain the security of personal identifying information and financial information, including, without limitation, identifying unsolicited electronic communication which is sent for the purpose of obtaining such personal and financial information for an unlawful purpose;

(2) The necessity for secure passwords or other unique identifiers;

(3) The effects of a computer contaminant;

(4) Methods to identify unsolicited commercial material; and

(5) The dangers associated with social networking Internet sites; and

(d) A designation of the level of detail of instruction as appropriate for the grade level of pupils who receive the instruction.

3. The Council shall establish standards of content and performance for each grade level in kindergarten and grades 1 to 8, inclusive, for English and mathematics. The Council shall establish standards of content and performance for the grade levels selected by the Council for the other courses of study prescribed in subsection 1.

4. The Council shall forward to the State Board the standards of content and performance established by the Council for each course of study. The State Board shall:

(a) Adopt the standards for each course of study, as submitted by the Council; or

(b) If the State Board objects to the standards for a course of study or a particular grade level for a course of study, return those standards to the Council with a written explanation setting forth the reason for the objection.

5. If the State Board returns to the Council the standards of content and performance for a course of study or a grade level, the Council shall:

(a) Consider the objection provided by the State Board and determine whether to revise the standards based upon the objection; and

(b) Return the standards or the revised standards, as applicable, to the State Board.

↪ The State Board shall adopt the standards of content and performance or the revised standards, as applicable.

6. The Council shall work in cooperation with the State Board to prescribe the examinations required by NRS 389.550.

7. As used in this section:

(a) "Computer contaminant" has the meaning ascribed to it in NRS 205.4737.

(b) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123.

(c) "Electronic communication" has the meaning ascribed to it in NRS 388.124.

Sec. 3. This act becomes effective on July 1, 2013.

Assemblyman Elliot Anderson moved the adoption of the amendment.

Remarks by Assemblyman Elliot Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 248.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 394.

SUMMARY—~~[Revises provisions relating to certain criminal offenses involving vehicles.]~~ Creates a statutory subcommittee of the Advisory Commission on the Administration of Justice (BDR ~~[43-616]~~ 14-616)

AN ACT relating to ~~[vehicles; providing that violations of certain traffic laws and ordinances must be treated as civil matters; providing that violations of certain laws relating to drivers' licenses, the registration of motor vehicles and insurance on motor vehicles must be treated as civil matters; establishing procedures for the imposition of civil penalties for~~

~~violations of certain traffic laws and certain laws relating to vehicles;~~ the criminal justice system; creating a statutory subcommittee of the Advisory Commission on the Administration of Justice; revising the duties of the Advisory Commission to include the evaluation of certain laws related to traffic laws and certain laws relating to motor vehicles; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law provides that a violation of any traffic law or ordinance is a misdemeanor, unless a different penalty is prescribed by a different statute. (NRS 484A.900) Existing law further provides that a county or an incorporated city may enact ordinances imposing civil penalties for violations of certain ordinances enacted by the county or incorporated city. (NRS 244.2575, 268.019) Sections 12-23 and 39 of this bill enact provisions based on Arizona law to provide for the imposition of civil penalties rather than criminal penalties for violations of certain traffic laws and ordinances. Under sections 19 and 39: (1) the maximum civil penalty that may be imposed for a violation of a traffic law or ordinance punishable by a civil penalty is \$250, unless a different amount is specified by statute; and (2) the judgment imposing the civil penalty must include the administrative assessments currently imposed for violations of traffic laws and ordinances.~~

~~Existing law provides that any violation of state law regarding drivers' licenses or the registration of motor vehicles is a misdemeanor, unless a statute specifies a different penalty. (NRS 482.555, 482.620) Sections 1-4, 9 and 10 of this bill enact provisions based on Arizona law to provide that a person who: (1) operates, or knowingly permits the operation of, a motor vehicle in this State without current registration and license plates is subject to a civil penalty rather than the penalty for a misdemeanor; (2) fails to register his or her motor vehicle in this State within a certain period after becoming a resident of this State is subject to a civil penalty in the same amount as the criminal fine provided under existing law; or (3) does not obtain a driver's license in this State within a certain period after becoming a resident or drives a motor vehicle in this State without being the holder of a valid driver's license is subject to a civil penalty of not more than \$250 rather than the penalty for a misdemeanor, except that a person who drives a motor vehicle in this State when the person is disqualified from driving is guilty of a misdemeanor.~~

~~Existing law provides that a person commits a misdemeanor if he or she: (1) operates a motor vehicle registered or required to be registered in this State without having insurance; (2) operates or knowingly permits the operation of the motor vehicle without evidence of insurance in the vehicle; or (3) fails or refuses to surrender, upon demand, to a peace officer or an authorized representative of the Department of Motor Vehicles the evidence~~

~~of insurance. (NRS 485.187) Section 37 of this bill enacts provisions based on Arizona law to provide that a person who commits these violations is subject to a civil penalty in the same amount as the criminal fine imposed under current law.~~

~~Existing law provides that it is unlawful for a person to violate a written promise to appear given to a peace officer upon the issuance of a traffic citation and that a warrant may issue upon a violation of a written promise to appear. (NRS 484A.670) Sections 18, 25 and 27 of this bill provide that a person who violates a written promise to appear given upon the issuance of a citation for a violation that is punishable by a civil penalty must have a judgment for the civil penalty entered against him or her and that a warrant must be issued for the failure to appear. Sections 7 and 22 of this bill provide for the suspension of the driver's license of a person who fails to pay a civil penalty within the time prescribed by law.~~

~~Sections 5, 6 and 8 of this bill provide that, for the purposes of maintaining a person's driving record, the imposition of a civil penalty for a traffic violation is treated the same as a conviction for a traffic offense under existing law.~~

~~Sections 25, 26, 31 and 33-36 of this bill maintain the designation of certain traffic offenses as misdemeanors. Section 32 of this bill provides that a person who commits certain civil traffic violations in a road construction zone is subject to an additional civil penalty.~~

~~Sections 40-42 of this bill enact provisions to govern the jurisdiction and disposition of civil violations committed by juveniles.]~~

Section 1 of this bill creates the Subcommittee on Criminal and Civil Violations of Traffic Laws of the Advisory Commission on the Administration of Justice. Section 1 also: (1) requires the Chair of the Advisory Commission to appoint the members of the Subcommittee; (2) requires the Subcommittee to study issues related to certain traffic laws and laws relating to drivers' licenses and to the registration of and insurance for motor vehicles, and the treatment of violations of such laws as criminal offenses or civil infractions; and (3) sets forth the salaries and per diem that members of the Subcommittee may receive.

Existing law directs the Advisory Commission to study certain elements of this State's criminal justice system. (NRS 176.1025) Section 3 of this bill requires the Advisory Commission to evaluate certain laws concerning the criminal violation of traffic laws and laws relating to drivers' licenses and to the registration of and insurance for motor vehicles, and whether the State may treat such violations as civil matters.

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

Delete existing sections 1 through 46 of this bill and replace with the following new sections 1 through 5:

Section 1. Chapter 176 of NRS is hereby amended by adding thereto a new section to read as follows:

1. There is hereby created the Subcommittee on Criminal and Civil Violations of Traffic Laws of the Commission.

2. The Chair of the Commission shall appoint the members of the Subcommittee and designate one of the members of the Subcommittee as Chair of the Subcommittee. The Chair of the Subcommittee must be a member of the Commission.

3. The Subcommittee shall meet at the times and places specified by a call of the Chair. A majority of the members of the Subcommittee constitutes a quorum, and a quorum may exercise any power or authority conferred on the Subcommittee.

4. The Subcommittee shall consider issues related to:

(a) The existing laws of this State concerning the violation of traffic laws and laws relating to drivers' licenses and to the registration of and insurance for motor vehicles, and the treatment of violations of such laws as criminal offenses;

(b) The related laws of other states concerning violations of such laws and their treatment of violations of such laws as criminal offenses or civil infractions;

(c) The appropriate and necessary elements of a system to treat violations of such laws as civil infractions in this State, including, without limitation, computer systems, court procedures, training and staffing; and

(d) The anticipated fiscal effects of a system to treat violations of such laws as civil infractions in this State, including, without limitation, the effects on this State and its political subdivisions,

↪ and shall evaluate, review and submit a report to the Commission with recommendations concerning such issues.

5. Any Legislators who are members of the Subcommittee are entitled to receive the salary provided for a majority of the members of the Legislature during the first 60 days of the immediately preceding session for each day's attendance at a meeting of the Subcommittee.

6. While engaged in the business of the Subcommittee, to the extent of legislative appropriation, each member of the Subcommittee is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

Sec. 2. NRS 176.0121 is hereby amended to read as follows:

176.0121 As used in NRS 176.0121 to 176.0129, inclusive, **and section 1 of this act,** “Commission” means the Advisory Commission on the Administration of Justice.

Sec. 3. NRS 176.0125 is hereby amended to read as follows:

176.0125 The Commission shall:

1. Identify and study the elements of this State’s system of criminal justice which affect the sentences imposed for felonies and gross misdemeanors.

2. Evaluate the effectiveness and fiscal impact of various policies and practices regarding sentencing which are employed in this State and other states, including, but not limited to, the use of plea bargaining, probation, programs of intensive supervision, programs of regimental discipline, imprisonment, sentencing recommendations, mandatory and minimum sentencing, mandatory sentencing for crimes involving the possession, manufacture and distribution of controlled substances, structured or tiered sentencing, enhanced penalties for habitual criminals, parole, credits against sentences, residential confinement and alternatives to incarceration.

3. Recommend changes in the structure of sentencing in this State which, to the extent practicable and with consideration for their fiscal impact, incorporate general objectives and goals for sentencing, including, but not limited to, the following:

(a) Offenders must receive sentences that increase in direct proportion to the severity of their crimes and their histories of criminality.

(b) Offenders who have extensive histories of criminality or who have exhibited a propensity to commit crimes of a predatory or violent nature must receive sentences which reflect the need to ensure the safety and protection of the public and which allow for the imprisonment for life of such offenders.

(c) Offenders who have committed offenses that do not include acts of violence and who have limited histories of criminality must receive sentences which reflect the need to conserve scarce economic resources through the use of various alternatives to traditional forms of incarceration.

(d) Offenders with similar histories of criminality who are convicted of similar crimes must receive sentences that are generally similar.

(e) Offenders sentenced to imprisonment must receive sentences which do not confuse or mislead the public as to the actual time those offenders must serve while incarcerated or before being released from confinement or supervision.

(f) Offenders must not receive disparate sentences based upon factors such as race, gender or economic status.

(g) Offenders must receive sentences which are based upon the specific circumstances and facts of their offenses, including the nature of the offense

and any aggravating factors, the savagery of the offense, as evidenced by the extent of any injury to the victim, and the degree of criminal sophistication demonstrated by the offender's acts before, during and after commission of the offense.

4. Evaluate the effectiveness and efficiency of the Department of Corrections and the State Board of Parole Commissioners with consideration as to whether it is feasible and advisable to establish an oversight or advisory board to perform various functions and make recommendations concerning:

- (a) Policies relating to parole;
- (b) Regulatory procedures and policies of the State Board of Parole Commissioners;
- (c) Policies for the operation of the Department of Corrections;
- (d) Budgetary issues; and
- (e) Other related matters.

5. Evaluate the effectiveness of specialty court programs in this State with consideration as to whether such programs have the effect of limiting or precluding reentry of offenders and parolees into the community.

6. Evaluate the policies and practices concerning presentence investigations and reports made by the Division of Parole and Probation of the Department of Public Safety, including, without limitation, the resources relied on in preparing such investigations and reports and the extent to which judges in this State rely on and follow the recommendations contained in such presentence investigations and reports.

7. Evaluate, review and comment upon issues relating to juvenile justice in this State, including, but not limited to:

- (a) The need for the establishment and implementation of evidence-based programs and a continuum of sanctions for children who are subject to the jurisdiction of the juvenile court; and
- (b) The impact on the criminal justice system of the policies and programs of the juvenile justice system.

8. Compile and develop statistical information concerning sentencing in this State.

9. Identify and study issues relating to the application of chapter 241 of NRS to meetings held by the:

- (a) State Board of Pardons Commissioners to consider an application for clemency; and
- (b) State Board of Parole Commissioners to consider an offender for parole.

10. Identify and study issues relating to the operation of the Department of Corrections, including, without limitation, the system for allowing credits against the sentences of offenders, the accounting of such credits and any

other policies and procedures of the Department which pertain to the operation of the Department.

11. Evaluate the policies and practices relating to the involuntary civil commitment of sexually dangerous persons.

12. **Evaluate the policies and practices relating to criminal violations of traffic laws and laws relating to drivers' licenses and to the registration of and insurance for motor vehicles, with consideration as to whether it is feasible and advisable to treat such violations as civil matters and, if so, the issues involved in implementing a system to treat such violations as civil matters.**

13. For each regular session of the Legislature, prepare a comprehensive report including the Commission's recommended changes pertaining to the administration of justice in this State, the Commission's findings and any recommendations of the Commission for proposed legislation. The report must be submitted to the Director of the Legislative Counsel Bureau for distribution to the Legislature not later than September 1 of each even-numbered year.

Sec. 4. The Subcommittee on Criminal and Civil Violations of Traffic Laws of the Advisory Commission on the Administration of Justice appointed pursuant to section 1 of this act shall submit a report of its findings and any recommendations for legislation to the Advisory Commission not later than 30 days before the date of the meeting at which the Advisory Commission considers findings and recommendations of the Advisory Commission for proposed legislation to the 78th Session of the Nevada Legislature. At that meeting, the Advisory Commission shall consider any recommendation for proposed legislation submitted to the Advisory Commission by the Subcommittee.

Sec. 5. The amendatory provisions of this act expire by limitation on July 31, 2015.

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 251.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 177.

SUMMARY—Requires ~~disclosure~~ **a public body to make available to the public ~~for~~ certain contact information for ~~a member of certain public bodies.~~ its members.** (BDR 19-159)

AN ACT relating to public ~~records;~~ **bodies;** requiring ~~the disclosure to the public, under certain circumstances, of the individual electronic mail address or telephone number, or both, of a member of certain public bodies;~~ **a public body to make available to the general public certain contact information for each member of the public body;** providing exceptions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~Existing law provides for the disclosure by a governmental entity of a person's individual electronic mail address or telephone number if the person provides the address or telephone number to that entity in the course of an existing business or contractual relationship with the entity, or in the course of seeking to establish such a relationship. In addition, if a person provides his or her electronic mail address or telephone number to a governmental entity for the purpose of or in the course of communicating with that entity, existing law authorizes the entity to maintain this information in a database. Except as provided by specific statute, any such database is generally confidential, is not a public record and must not be disclosed in its entirety. (NRS 239B.040))~~

Section 1 of this bill requires **, with certain exceptions, a governmental entity, upon the request of any person and with certain exceptions, to disclose the individual electronic mail address or telephone number, or both, of a member of certain public bodies, if the person who is the subject of the request has previously provided that information to the governmental entity. Pursuant to section 1, the governmental entity's record of the information is a "public record" for purposes of the statutory provisions governing public records. (Chapter 239 of NRS))** **public body to make available to the general public certain contact information pursuant to which each member of the public body may be personally contacted by a member of the general public.** **Section 1** defines the term "public body" to mean a public body subject to the Open Meeting Law (chapter 241 of NRS), but also specifically includes the Legislature of the State of Nevada, the Legislative Commission, the Interim Finance Committee and other legislative committees and commissions and specifically excludes any court or other judicial or quasi-judicial body.

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

Section 1. Chapter 239 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~Except as otherwise provided in this section:~~
~~(a) Upon the request of any person, the individual electronic mail address or individual telephone number, or both, of a member of a public body must~~

~~be disclosed by a governmental entity if the member has, personally or through his or her agent, previously provided the electronic mail address or telephone number, or both, to that governmental entity.~~

~~(b) If the individual electronic mail address or individual telephone number, or both, of a member of a public body has previously been provided to a governmental entity as described in paragraph (a):~~

~~(1) The governmental entity's record of the address or telephone number, or both, is a public record within the meaning of NRS 239.010.~~

~~(2) The governmental entity does not comply with the requirements of this section by providing the general electronic mail address of the public body.~~ Except as otherwise provided in this section, a public body shall make available to the general public contact information pursuant to which each member of the public body may be personally contacted by a member of the general public through a telephone number, mailing address or electronic mail address which is:

(a) Maintained by the public body or the member of the public body for the personal use of the member;

(b) Not a general telephone number, mailing address or electronic mail address of the public body; and

(c) Not monitored by the public body or accessible by any other member of the public body.

2. Notwithstanding his or her status as a member of any public body, the provisions of this section are not applicable to the individual electronic mail address or individual telephone number of: If the Governor, the Lieutenant Governor, the Secretary of State, the Attorney General, the State Treasurer, the or State Controller for any serves as a member of a public body, the provisions of subsection 1 shall be deemed to be satisfied by the public body if it makes available to the general public the general office telephone number, mailing address or electronic mail address of that member.

3. The provisions of subsection 1 do not apply with respect to a judge, magistrate or justice of any court of this State or the United States, who is a member of a public body.

4. This section does not require a public body to make available to the general public contact information for a member of the public body that is provided by the member to the public body strictly for the use of the public body in contacting the member.

5. As used in this section:

~~(a) "General electronic mail address" means an electronic mail address at which a public body receives items of electronic mail generally intended for receipt by the public body.~~

~~(b) “Individual electronic mail address” means an electronic mail address at which a member of a public body receives items of electronic mail generally intended for receipt by the member.~~

~~(c) “Individual telephone number” means a telephone number at which a member of a public body may ordinarily be contacted directly, on business days, between the hours of 9 a.m. and 5 p.m.~~

~~(d) “Public”~~, **“public body”** has the meaning ascribed to it in NRS 241.015, except that the term:

~~[(1)]~~ **(a)** Includes the Legislature of the State of Nevada, any committee of the Legislature, the Legislative Commission, the Interim Finance Committee and any committee or commission established by the Legislature to conduct an interim legislative study or investigation.

~~[(2)]~~ **(b)** Does not include any court or other judicial or quasi-judicial body or any committee or other body created by a court or other judicial or quasi-judicial body.

Sec. 2. NRS 603.070 is hereby amended to read as follows:

603.070 Except as otherwise provided in NRS 239.0115, **and section 1 of this act**, a governmental agency which obtains a proprietary program or the data stored in a computer must keep the program or data confidential. The governmental agency may only use the program or data for the purpose for which it was obtained, and may not release the program or data without the prior written consent of the owner.

Sec. 3. This act becomes effective on July 1, 2013.

Assemblywoman Neal moved the adoption of the amendment.

Remarks by Assemblywoman Neal.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 272.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 266.

ASSEMBLYMEN DIAZ, HORNE, KIRKPATRICK; **ELLIOTT ANDERSON**, BENITEZ-THOMPSON, BUSTAMANTE ADAMS, CARRILLO, DONDERO LOOP, FLORES, FRIERSON, MUNFORD, NEAL, PIERCE AND SWANK

CONTAINS UNFUNDED MANDATE ~~[(§§ 5, 11)]~~ **(§ 5)** (NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

AN ACT relating to education; creating the English Mastery Council; prescribing the membership and duties of the Council; requiring the board of trustees of each school district to develop a ~~{program}~~ **policy for the instruction** to teach English to pupils who are limited English proficient; prescribing certain requirements for those ~~{programs}~~ **policies**; requiring ~~to~~ **teacher who is employed by a school with a certain percentage of pupils who**

~~are limited English proficient to hold;~~ **the Commission on Professional Standards in Education to adopt regulations prescribing** an endorsement to teach English as a second language; ~~amending provisions relating to certain courses of study required to obtain an endorsement to teach English as a second language;~~ **authorizing the Board of Regents of the University of Nevada to consider the recommendations of the Council for a course of study to obtain such an endorsement; making an appropriation;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the State Board of Education, the boards of trustees of school districts and the sponsors of charter schools are required to prepare annual reports of accountability that include various information on public schools and the pupils enrolled in public schools. (NRS 385.3469, 385.347) Sections 1 and 1.3 of this bill require those reports to include information on the progression of the achievement and proficiency of pupils who are limited English proficient.

Section 3 of this bill creates and sets forth the membership of the English Mastery Council. ~~It, and section~~ Section 4 of this bill sets forth the duties of the Council, ~~which include:~~ (1) making recommendations to the State Board for the adoption of regulations concerning the criteria for the development of policies required of school districts for the instruction to teach English to pupils who are limited English proficient; (2) reviewing the policies annually and making recommendations to the school districts for improvement; (3) making recommendations to the Superintendent of Public Instruction and the Commission on Professional Standards in Education for the adoption of regulations for an endorsement to teach English as a second language; (4) developing standards for curriculum for pupils who are limited English proficient for review by the State Board; and (5) reviewing any courses of study offered by the Nevada System of Higher Education to teach English as a second language and making recommendations to the Board of Regents of the University of Nevada for improvement. Section 16 of this bill sunsets the Council on June 30, 2019.

Existing law requires the State Board of Education to establish a program to teach the English language to pupils who are limited English proficient. (NRS 388.405) **Section 7 of this bill eliminates that requirement ~~it~~ and ~~section~~ instead requires the State Board to prescribe criteria for a policy for the instruction to teach English to pupils who are limited English proficient for development by the board of trustees of each school district. Section 5 of this bill requires ~~instead that~~ the board of trustees of each school district ~~to establish~~ to develop such ~~a program to~~**

~~teach English to pupils who are limited English proficient} policies and sets forth certain requirements for the {program. Section 6 of this bill requires the board of trustees to submit an annual report to the Department of Education and to the English Mastery Council related to the program.~~

~~Section 9 of this bill provides that a teacher must hold an endorsement to teach English as a second language to be employed by a public school where more than 25 percent of the pupils are limited English proficient. Section 16 of this bill provides that this requirement goes into effect on July 1, 2016.~~

~~Section 10} policies.~~

Existing law requires the Commission on Professional Standards in Education to adopt regulations prescribing the qualifications for the licensure and endorsement of teachers and other licensed educational personnel. (NRS 391.019) Sections 12.5 and 14.7 of this bill {requires} require the Commission , on {Professional Standards in Education} or before January 1, 2015, and based upon the recommendations of the English Mastery Council, to prescribe by regulation the {educational} requirements for obtaining an endorsement to teach English as a second language . { Section 10 also requires that the educational requirements include, without limitation, the completion of 15 semester hours of credit in a course of study.

~~Section 11 of this bill requires the board of trustees of each school district to provide professional development to teachers and other educational personnel which is designed to improve the instruction of pupils who are limited English proficient.~~

Section 13 of this bill provides that if the Nevada System of Higher Education offers a course of study for obtaining an endorsement to teach English as a second language, the Board of Regents of the University of Nevada ~~{must}~~ **may** consider the recommendations submitted by the English Mastery Council in establishing the curriculum and standards for the course of study.

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

Section 1. 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) The total number of persons employed by each school district in this State, including without limitation, each charter school in the district. Each such person must be reported as either an administrator, a teacher or other staff and must not be reported in more than one category. In addition to the total number of persons employed by each school district in each category, the report must include the number of employees in each of the three categories expressed as a percentage of the total number of persons employed by the school district. As used in this paragraph:

(1) “Administrator” means a person who spends at least 50 percent of his or her work year supervising other staff or licensed personnel, or both, and who is not classified by the board of trustees of a school district as a professional-technical employee.

(2) “Other staff” means all persons who are not reported as administrators or teachers, including, without limitation:

(I) School counselors, school nurses and other employees who spend at least 50 percent of their work year providing emotional support, noninstructional guidance or medical support to pupils;

(II) Noninstructional support staff, including, without limitation, janitors, school police officers and maintenance staff; and

(III) Persons classified by the board of trustees of a school district as professional-technical employees, including, without limitation, technical employees and employees on the professional-technical pay scale.

(3) “Teacher” means a person licensed pursuant to chapter 391 of NRS who is classified by the board of trustees of a school district:

(I) As a teacher and who spends at least 50 percent of his or her work year providing instruction or discipline to pupils; or

(II) As instructional support staff, who does not hold a supervisory position and who spends not more than 50 percent of his or her work year providing instruction to pupils. Such instructional support staff includes, without limitation, librarians and persons who provide instructional support.

(l) 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) 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) 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) 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) 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.

(m) 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.

(n) 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.

(o) 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.

(p) 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.

(q) 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.

(r) 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.

(s) 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.

(t) 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.

(u) 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.

(v) 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.

(w) 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.

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

(y) 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.

(z) 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.

(aa) 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.

(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 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.

(4) A certificate of attendance.

(cc) 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.

(dd) 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.

(ee) 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.

(ff) 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.

(gg) 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.

(hh) 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.

(ii) The number of incidents resulting in suspension or expulsion for bullying, cyber-bullying, harassment or intimidation, reported for each school district, including, without limitation, each charter school in the district, and for the State as a whole.

(jj) For each school district and for this State as a whole, information regarding the progression of pupils who are limited English proficient in

attaining proficiency in the English language, including, without limitation:

(1) The number of pupils who were identified as limited English proficient at the beginning of the school year, were continually enrolled throughout the school year and were identified as proficient in English by the completion of the school year;

(2) The achievement and proficiency of pupils who are limited English proficient in comparison to the pupils who are proficient in English;

(3) A comparison of pupils who are limited English proficient and pupils who are proficient in the English language in the following areas:

(I) Retention rates;

(II) Graduation rates;

(III) Dropout rates;

(IV) Grade point averages; and

(V) Scores on the examinations administered pursuant to NRS 389.015 and 389.550; and

(4) Results of the assessments and reassessments of pupils who are limited English proficient, reported separately by the primary language of the pupils, pursuant to the policies developed by the boards of trustees of school districts pursuant to section 5 of this act.

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 October 15 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) “Bullying” has the meaning ascribed to it in NRS 388.122.
- (b) “Cyber-bullying” has the meaning ascribed to it in NRS 388.123.
- (c) “Harassment” has the meaning ascribed to it in NRS 388.125.
- (d) “Highly qualified” has the meaning ascribed to it in 20 U.S.C. § 7801(23).
- (e) “Intimidation” has the meaning ascribed to it in NRS 388.129.
- (f) “Paraprofessional” has the meaning ascribed to it in NRS 391.008.

Sec. 1.3. 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 sponsored by the school district. The board of trustees of each school district shall report the information required by subsection 2 for each charter school sponsored by the school district. The information for charter schools must be reported separately.

2. The board of trustees of each school district shall, on or before September 30 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 sponsored by 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 sponsored by 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 sponsored by 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 sponsored by 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 sponsored by 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 sponsored by 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 sponsored by the district.

(d) The total number of persons employed for each elementary school, middle school or junior high school, and high school in the district, including, without limitation, each charter school sponsored by the district. Each such person must be reported as either an administrator, a teacher or other staff and must not be reported in more than one category. In addition to the total number of persons employed by each school in each category, the report must include the number of employees in each of the three categories for each school expressed as a percentage of the total number of persons employed by the school. As used in this paragraph:

(1) “Administrator” means a person who spends at least 50 percent of his or her work year supervising other staff or licensed personnel, or both, and who is not classified by the board of trustees of the school district as a professional-technical employee.

(2) “Other staff” means all persons who are not reported as administrators or teachers, including, without limitation:

(I) School counselors, school nurses and other employees who spend at least 50 percent of their work year providing emotional support, noninstructional guidance or medical support to pupils;

(II) Noninstructional support staff, including, without limitation, janitors, school police officers and maintenance staff; and

(III) Persons classified by the board of trustees of the school district as professional-technical employees, including, without limitation, technical employees and employees on the professional-technical pay scale.

(3) “Teacher” means a person licensed pursuant to chapter 391 of NRS who is classified by the board of trustees of the school district:

(I) As a teacher and who spends at least 50 percent of his or her work year providing instruction or discipline to pupils; or

(II) As instructional support staff, who does not hold a supervisory position and who spends not more than 50 percent of his or her work year providing instruction to pupils. Such instructional support staff includes, without limitation, librarians and persons who provide instructional support.

(e) The total number of persons employed by the school district, including without limitation, each charter school sponsored by the district. Each such

person must be reported as either an administrator, a teacher or other staff and must not be reported in more than one category. In addition to the total number of persons employed by the school district in each category, the report must include the number of employees in each of the three categories expressed as a percentage of the total number of persons employed by the school district. As used in this paragraph, “administrator,” “other staff” and “teacher” have the meanings ascribed to them in paragraph (d).

(f) 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 sponsored by 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) 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) 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) 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) 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.

(g) The total expenditure per pupil for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by 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.

(h) 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 sponsored by the district.

(i) 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 sponsored by the district.

(2) For each elementary school, middle school and junior high school in the district, including, without limitation, each charter school sponsored by 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.

(j) 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.

(k) 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 sponsored by the district.

(l) Efforts made by the school district and by each school in the district, including, without limitation, each charter school sponsored by the district, to increase:

(1) Communication with the parents of pupils enrolled in the district;

(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; and

(3) The involvement of parents and the engagement of families of pupils enrolled in the district in the education of their children.

(m) Records of incidents involving weapons or violence for each school in the district, including, without limitation, each charter school sponsored by the district.

(n) 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 sponsored by the district.

(o) Records of the suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467.

(p) 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 sponsored by the district.

(q) 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 sponsored by the district.

(r) The transiency rate of pupils for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by 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.

(s) Each source of funding for the school district.

(t) 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 sponsored by the district.

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

(u) For each high school in the district, including, without limitation, each charter school sponsored by 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.

(v) The technological facilities and equipment available at each school, including, without limitation, each charter school sponsored by the district, and the district's plan to incorporate educational technology at each school.

(w) For each school in the district and the district as a whole, including, without limitation, each charter school sponsored by 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.

(4) A certificate of attendance.

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

(y) 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.

(z) 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 sponsored by the district.

(aa) 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.

(bb) Information on whether each public school in the district, including, without limitation, each charter school sponsored by 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.

(cc) Information on the paraprofessionals employed by each public school in the district, including, without limitation, each charter school sponsored by 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.

(dd) For each high school in the district, including, without limitation, each charter school sponsored by the district 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.

(ee) 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.

(ff) For each school in the district and the district as a whole, including, without limitation, each charter school sponsored by 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.

(gg) The number of incidents resulting in suspension or expulsion for bullying, cyber-bullying, harassment or intimidation, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(hh) For each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, information regarding the progression of pupils who are limited English proficient in attaining proficiency in the English language, including, without limitation:

(1) The number of pupils who were identified as limited English proficient at the beginning of the school year, were continually enrolled throughout the school year and were identified as proficient in English by the completion of the school year;

(2) The achievement and proficiency of pupils who are limited English proficient in comparison to the pupils who are proficient in English;

(3) A comparison of pupils who are limited English proficient and pupils who are proficient in the English language in the following areas:

(I) Retention rates;

(II) Graduation rates;

(III) Dropout rates;

(IV) Grade point averages; and

(V) Scores on the examinations administered pursuant to NRS 389.015 and 389.550; and

(4) Results of the assessments and reassessments of pupils who are limited English proficient, reported separately by the primary language of the pupils, pursuant to the policy developed by the board of trustees of the school district pursuant to section 5 of this act.

(ii) Such other information as is directed by the Superintendent of Public Instruction.

3. The State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school shall, on or before September 30 of each year, prepare an annual report of accountability of the charter schools sponsored by the State Public Charter School Authority or institution, as applicable, concerning the accountability information prescribed by the Department pursuant to this section. The Department, in consultation with the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school, shall prescribe by regulation the

information that must be prepared by the State Public Charter School Authority and institution, as applicable, which must include, without limitation, the information contained in paragraphs (a) to ~~(4b)~~ (ii), inclusive, of subsection 2, as applicable to charter schools. The Department shall provide for public dissemination of the annual report of accountability prepared pursuant to this section 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 Department.

4. The records of attendance maintained by a school for purposes of paragraph (k) of subsection 2 or maintained by a charter school for purposes of the reporting required pursuant to subsection 3 must include the number of teachers who are in attendance at school and the number of teachers who are absent from school. A teacher shall be deemed in attendance if the teacher is excused from being present in the classroom by the school in which 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.

5. The annual report of accountability prepared pursuant to subsection 2 or 3, as applicable, must:

(a) Comply with 20 U.S.C. § 6311(h)(2) and the regulations adopted pursuant thereto; and

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

6. The Superintendent of Public Instruction shall:

(a) Prescribe forms for the reports required pursuant to subsections 2 and 3 and provide the forms to the respective school districts, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school.

(b) Provide statistical information and technical assistance to the school districts, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school to ensure that the reports provide comparable information with respect to each school in each district, each charter school and among the districts and charter schools throughout this State.

(c) Consult with a representative of the:

(1) Nevada State Education Association;

(2) Nevada Association of School Boards;

(3) Nevada Association of School Administrators;

(4) Nevada Parent Teacher Association;

(5) Budget Division of the Department of Administration;

(6) Legislative Counsel Bureau; and

(7) Charter School Association of Nevada,

↪ concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

7. The Superintendent of Public Instruction may consult with representatives of parent groups other than the Nevada Parent Teacher Association concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

8. On or before September 30 of each year:

(a) 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 (i) of subsection 2.

(b) The State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school shall submit to each advisory board to review school attendance created in a county pursuant to NRS 392.126 the information regarding the records of the attendance and truancy of pupils enrolled in the charter school located in that county, if any, in accordance with the regulations prescribed by the Department pursuant to subsection 3.

9. On or before September 30 of each year:

(a) The board of trustees of each school district, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school shall provide written notice that the report required pursuant to subsection 2 or 3, as applicable, is available on the Internet website maintained by the school district, State Public Charter School Authority or institution, 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) The board of trustees of each school district, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school shall provide for public dissemination of the annual report of accountability prepared pursuant to subsection 2 or 3, as applicable, in the manner set forth in 20 U.S.C. § 6311(h)(2)(E) by posting a copy of the report on the Internet website maintained by the school district, the State Public Charter School Authority or the institution, 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 sponsored by 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 sponsored by the district. If the State Public Charter School Authority or the institution does not maintain a website, the State Public Charter School Authority or the institution, as applicable, shall otherwise provide for public dissemination of the annual report by providing a copy of the report to each charter school it sponsors and the parents and guardians of pupils enrolled in each charter school it sponsors.

10. Upon the request of the Governor, an entity described in paragraph (a) of subsection 9 or a member of the general public, the board of trustees of a school district, the State Public Charter School Authority or a college or university within the Nevada System of Higher Education that sponsors a charter school, as applicable, shall provide a portion or portions of the report required pursuant to subsection 2 or 3, as applicable.

11. As used in this section:

- (a) "Bullying" has the meaning ascribed to it in NRS 388.122.
- (b) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123.
- (c) "Harassment" has the meaning ascribed to it in NRS 388.125.
- (d) "Highly qualified" has the meaning ascribed to it in 20 U.S.C. § 7801(23).
- (e) "Intimidation" has the meaning ascribed to it in NRS 388.129.
- (f) "Paraprofessional" has the meaning ascribed to it in NRS 391.008.

~~[Section 1.]~~ **Sec. 1.5.** Chapter 388 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. *The Legislature finds and declares that:*

1. *It is the public policy of this State to provide every child enrolled in a public school with high-quality instruction.*

2. *Children who are limited English proficient benefit from instruction that is designed to address the academic and linguistic needs of those children.*

3. *It is the intent of the Legislature that children who are limited English proficient be provided with instruction which is designed to address the academic needs of such children so that those children attain proficiency in the English language and improve their overall academic achievement and proficiency.*

Sec. 3. 1. *The English Mastery Council is hereby created. The English Mastery Council consists of the following ~~++~~ 16 members:*

(a) *The Superintendent of Public Instruction, or his or her designee, who serves as an ex officio member of the English Mastery Council.*

(b) Two members who have knowledge and expertise in language acquisition and who represent the Nevada System of Higher Education, appointed by the ~~{Majority Leader of the Senate,}~~ Board of Regents of the University of Nevada.

(c) ~~{Three}~~ Two members who are teachers at public schools in this State, hold ~~{an endorsement}~~ a master's degree to teach English as a second language and have knowledge and expertise in providing instruction to pupils who are limited English proficient, appointed by the ~~{Speaker of the Assembly. The Speaker of the Assembly}~~ Governor from a list of nominees submitted by the Majority Leader of the Senate and the Nevada State Education Association, or its successor organization. In compiling the list of nominees, the Majority Leader of the Senate and the Nevada State Education Association, or its successor organization, shall solicit the advice and recommendation of persons who have knowledge and expertise in providing instruction to pupils who are limited English proficient. The Governor shall ensure that the members appointed pursuant to this paragraph represent the geographic and ethnic diversity of this State.

(d) Two members who are parents or legal guardians of pupils who are limited English proficient, appointed by the Governor from a list of nominees submitted by the ~~Speaker of the Assembly and the~~ Nevada Parent Teacher Association. The Governor shall ensure that the members appointed pursuant to this paragraph represent the geographic and ethnic diversity of this State.

(e) Two members who are school-level administrators ~~{of public schools in this State,}~~ , one of whom is employed by a school district in a county whose population is 100,000 or more and one of whom is employed by a school district in a county whose population is less than 100,000, appointed by the ~~{Chair of the Senate Standing Committee on Education}~~ Governor from a list of nominees submitted by the Nevada Association of School Administrators.

(f) Two members who are school-district-level administrators, one of whom is employed by a school district in a county whose population is 100,000 or more and one of whom is employed by a school district in a county whose population is less than 100,000, appointed by the Governor from a list of nominees submitted by the Nevada Association of School Administrators.

(g) One member who is a member of a board of trustees of a school district, appointed by the Governor from a list of nominees submitted by the Nevada Association of School Boards.

(h) Two members who are representatives of the general public ~~{or}~~, private business and industry in this State or nonprofit organizations and

who have been leaders in education reform related to pupils who are limited English proficient, appointed by the ~~{Chair of the Assembly Standing Committee on Education}~~ Governor.

(i) Two members with expertise in the development of public policy relating to the education of pupils who are limited English proficient, appointed by the Superintendent of Public Instruction upon the advice and recommendation of persons who have knowledge and expertise in providing instruction to pupils who are limited English proficient.

2. Each appointed member of the English Mastery Council ~~{serves at the pleasure of the person who appointed the member}~~ serves a term of 2 years and may be reappointed to additional terms.

3. A vacancy on the English Mastery Council must be filled in the same manner as the original appointment.

4. The English Mastery Council shall, at its first meeting and annually thereafter, elect a Chair from among its members.

5. The English Mastery Council shall meet at least ~~{semiannually}~~ quarterly and may meet at other times upon the call of the Chair.

6. Members of the English Mastery Council serve without compensation, except that for each day or portion of a day during which a member of the Council attends a meeting of the Council or is otherwise engaged in the business of the Council, the member is entitled to receive the per diem allowances and travel expenses provided for state officers and employees generally.

7. A member of the English Mastery Council who is a public employee must be granted administrative leave from the member's duties to engage in the business of the Council without loss of his or her regular compensation. Such leave does not reduce the amount of the member's other accrued leave.

8. The English Mastery Council may apply for and accept gifts, grants, donations and contributions from any source for the purpose of carrying out its duties pursuant to section 4 of this act.

9. The Department shall provide administrative support to the English Mastery Council.

Sec. 4. The English Mastery Council created by section 3 of this act shall:

1. Make recommendations to the State Board for the adoption of regulations concerning ~~{standards, policies and procedures}~~ criteria for the ~~{programs}~~ policies to teach English to pupils who are limited English proficient that are ~~{established}~~ developed pursuant to section 5 of this act.

2. Review annually each ~~{program}~~ policy to teach English to pupils who are limited English proficient that is ~~{established}~~ developed pursuant

to section 5 of this act and make recommendations for improvement to each board of trustees.

3. Make recommendations to the Superintendent of Public Instruction and the Commission on Professional Standards in Education for the adoption of regulations pursuant to NRS 391.019 concerning the requirements for an endorsement to teach English as a second language, including, without limitation, the teachers who should be required to obtain the endorsement.

~~4. [Make recommendations to the Teachers and Leaders Council of Nevada regarding its recommendations submitted to the State Board pursuant to NRS 391.460 concerning the statewide performance evaluation system for teachers and administrators.]~~

~~5.]~~ Develop standards and criteria for a curriculum for pupils who are limited English proficient and submit those standards and criteria to the State Board for consideration.

~~6.]~~ 5. Review any course of study offered by the Nevada System of Higher Education for training to teach English as a second language to determine if the course of study, including, without limitation, student teaching, is sufficiently rigorous to provide teachers with the tools necessary to improve the English proficiency and academic achievement and proficiency of pupils who are limited English proficient.

~~7.]~~ 6. Make recommendations to the Board of Regents of the University of Nevada for the improvement of any course of study described in subsection ~~6.]~~ 5 and submit a copy of those recommendations to the Governor.

Sec. 4.5. 1. On or before February 1 of each year, the English Mastery Council created by section 3 of this act shall prepare an annual report concerning the status of the Council in carrying out its duties prescribed by section 4 of this act, including, without limitation, a description of the recommendations made by the Council to the Superintendent of Public Instruction, the Commission on Professional Standards in Education, the State Board and the boards of trustees of school districts and the response of each of those entities to the recommendations.

2. The report prepared pursuant to subsection 1 must be submitted to the Governor and:

(a) In odd-numbered years, to the Director of the Legislative Counsel Bureau for transmittal to the Senate and Assembly Standing Committees on Education.

(b) In even-numbered years, to the Legislative Committee on Education.

Sec. 5. 1. The board of trustees of each school district shall ~~establish~~ develop a ~~program of~~ policy for the instruction to teach

English to pupils who are limited English proficient. The ~~program~~ policy must be designed to provide pupils enrolled in each public school located in the school district who are limited English proficient with instruction that enables those pupils to attain proficiency in the English language and improve their overall academic achievement and proficiency.

2. The ~~program~~ policy developed pursuant to subsection 1 must:

(a) Provide for the identification of pupils who are limited English proficient through the use of an appropriate assessment;

(b) Provide for the periodic reassessment of each pupil who is classified as limited English proficient;

(c) Be designed to eliminate any gaps in achievement between those pupils who are limited English proficient and pupils who are proficient in English;

(d) Provide opportunities for the parents or legal guardians of pupils who are limited English proficient to participate in the program; and

(e) Provide to each pupil who is limited English proficient and whose academic achievement and proficiency is two or more grade levels below the grade level in which he or she is enrolled ~~+~~

~~— (1) A) , an individualized special program of instruction for language acquisition ~~+~~~~

~~— (2) One or more instructional aides who speak the primary language of the pupil, if any such aide is available; and~~

~~— (3) Language materials which allow the pupil to interact with the materials.~~

3. The board of trustees shall:

(a) Provide teachers employed by the school district who are providing instruction to pupils who are limited English proficient with the instructional materials that are designed to improve the language acquisition and academic achievement and proficiency of such pupils; and

(b) Provide the parents ~~for~~ and legal guardians of pupils who are limited English proficient with information on other programs which are designed to improve the language acquisition and academic achievement and proficiency of pupils who are limited English proficient and assist those parents ~~for~~ and legal guardians in enrolling those pupils in such programs.

Sec. 6. ~~1. The board of trustees of each school district shall submit to the Department and to the English Mastery Council, and post on an Internet website maintained by the board of trustees, an annual report at the end of each school year on the program to teach English to pupils who are limited English proficient that is established pursuant to section 5 of this act. The report must include, without limitation:~~

~~— (a) Information regarding the progression of pupils who are limited English proficient in attaining proficiency in the English language;~~
~~— (b) Information regarding the achievement and proficiency of pupils who are limited English proficient in comparison to the pupils who are proficient in English;~~
~~— (c) The number of pupils who were identified as limited English proficient at the beginning of the school year and who were identified as being proficient in English by the completion of the school year;~~
~~— (d) A comparison of pupils who are limited English proficient and pupils who are proficient in the English language in the following areas:~~
~~— (1) Retention rates;~~
~~— (2) Graduation rates;~~
~~— (3) Dropout rates;~~
~~— (4) Grade point averages; and~~
~~— (5) Scores on the examinations administered pursuant to NRS 389.015 and 389.550; and~~
~~— (e) Results of reassessments of pupils who are limited English proficient reported separately by the primary language of the pupils.~~
~~2. The information reported pursuant to subsection 1 must be reported in the aggregate, must not disclose the identity of a pupil and must be reported separately by:~~
~~— (a) Pupils from major racial and ethnic groups, as defined by the State Board;~~
~~— (b) Pupils who are eligible for free or reduced priced lunches pursuant to 42 U.S.C. §§ 1751 et seq.; and~~
~~— (c) The national origin of pupils.~~
~~3. The Department shall:~~
~~— (a) Review and analyze the information submitted pursuant to subsection 1 and identify any problems or factors that are revealed by the review and analysis and notify the board of trustees of the problems or factors. The board of trustees shall submit to the Department within 30 days after receiving the notice a written response which identifies the actions the board of trustees will implement to address the problems or factors identified in the written notice. The Department shall monitor the implementation of the actions identified in the written response.~~
~~— (b) Compile the reports submitted pursuant to subsection 1 and post the compilation on the Internet website maintained by the Department.]~~
~~(Deleted by amendment.)~~

Sec. 7. NRS 388.405 is hereby amended to read as follows:

388.405 The State Board shall:

1. Establish a program to teach the English language to pupils who are limited English proficient.

~~—2.] Adopt regulations to carry out the program. The regulations must prescribe the procedure by which a school district may obtain a waiver from the requirements of the program.~~

~~—3.] ~~{setting forth}~~ prescribing criteria for a ~~{program}~~ policy for the instruction to teach English to pupils who are limited English proficient which is ~~{established}~~ developed by the board of trustees of ~~{a}~~ each school district pursuant to section 5 of this act. The Superintendent of Public Instruction shall monitor each school district's compliance with the criteria prescribed by the State Board pursuant to this subsection.~~

2. Submit all evaluations required pursuant to 20 U.S.C. §§ 6801 et seq. and the regulations adopted pursuant thereto regarding the programs for pupils who are limited English proficient carried out pursuant to that provision of federal law to the:

(a) Governor;

(b) Legislative Committee ~~{}~~ on Education;

(c) ~~{Bureau}~~ Director of the Legislative Counsel Bureau for transmittal to the Senate and Assembly Standing Committees on Education; and

(d) Board of trustees of each school district.

Sec. 8. ~~{Chapter 391 of NRS is hereby amended by adding thereto the provisions set forth as sections 9, 10 and 11 of this act.} (Deleted by amendment.)~~

Sec. 9. ~~{A teacher must hold an endorsement to teach English as a second language issued by the Department to be employed by a public school where more than 25 percent of the pupils are limited English proficient.} (Deleted by amendment.)~~

Sec. 10. ~~{1. The Commission shall, based upon the recommendations of the English Mastery Council created pursuant to section 3 of this act, prescribe by regulation the educational requirements for obtaining an endorsement to teach English as a second language.~~

~~2. The educational requirements for obtaining an endorsement to teach English as a second language must include, without limitation, the completion of 15 semester hours of credit in a course of study.} (Deleted by amendment.)~~

Sec. 11. ~~{The board of trustees of each school district shall provide professional development to teachers and other educational personnel employed by the school district, at no cost to the teachers and personnel, which is designed to improve the instruction of pupils who are limited English proficient.} (Deleted by amendment.)~~

Sec. 12. ~~{NRS 391.125 is hereby amended to read as follows:~~

~~391.125 1. {If} Except as otherwise provided in section 9 of this act, if the board of trustees of a school district determines that a shortage of teachers exists within the school district in a particular subject area, the board~~

~~of trustees may submit a written request to the Superintendent of Public Instruction to employ persons who are licensed teachers but who do not hold an endorsement to teach in the subject area for which there is a shortage of teachers at a public school within the school district that is not designated as demonstrating need for improvement pursuant to NRS 385.3623. The Superintendent of Public Instruction may grant such a request if the Superintendent determines that a shortage of teachers exists in the subject area. If the Superintendent of Public Instruction grants a request pursuant to this subsection, a person who holds a license to teach but not an endorsement in the subject area for which the request was granted may be employed by the school district for not more than 2 school years to teach in that subject area at a public school within the school district that is not designated as needing improvement pursuant to NRS 385.3623.~~

~~2. If the Superintendent of Public Instruction grants a request pursuant to subsection 1, the Superintendent shall submit a written report to the Commission that includes the name of the school district for which the request was granted and the subject area for which the request was granted. Upon receipt of such a report, the Commission shall consider whether to adopt revisions to the requirements for an endorsement in that subject area to address the shortage of teachers.~~ **(Deleted by amendment.)**

Sec. 12.5. NRS 391.019 is hereby amended to read as follows:

391.019 1. Except as otherwise provided in NRS 391.027, the Commission shall adopt regulations:

(a) Prescribing the qualifications for licensing teachers and other educational personnel, including, without limitation, the qualifications for a license to teach middle school or junior high school education, and the procedures for the issuance and renewal of those licenses. The regulations:

(1) Must include, without limitation, the qualifications for licensing teachers and administrators pursuant to an alternative route to licensure which provides that the required education and training may be provided by any qualified provider which has been approved by the Commission, including, without limitation, institutions of higher education and other providers that operate independently of an institution of higher education. The regulations adopted pursuant to this subparagraph must:

(I) Establish the requirements for approval as a qualified provider;

(II) Require a qualified provider to be selective in its acceptance of students;

(III) Require a qualified provider to provide supervised, school-based experiences and ongoing support for its students, such as mentoring and coaching;

(IV) Significantly limit the amount of course work required or provide for the waiver of required course work for students who achieve certain scores on tests;

(V) Allow for the completion in 2 years or less of the education and training required under the alternative route to licensure;

(VI) Provide that a person who has completed the education and training required under the alternative route to licensure and who has satisfied all other requirements for licensure may apply for a regular license pursuant to sub-subparagraph (VII) regardless of whether the person has received an offer of employment from a school district, charter school or private school; and

(VII) Upon the completion by a person of the education and training required under the alternative route to licensure and the satisfaction of all other requirements for licensure, provide for the issuance of a regular license to the person pursuant to the provisions of this chapter and the regulations adopted pursuant to this chapter.

(2) Must not prescribe qualifications which are more stringent than the qualifications set forth in NRS 391.0315 for a licensed teacher who applies for an additional license in accordance with that section.

(b) Identifying fields of specialization in teaching which require the specialized training of teachers.

(c) Except as otherwise provided in NRS 391.125, requiring teachers to obtain from the Department an endorsement in a field of specialization to be eligible to teach in that field of specialization ~~to~~, **including, without limitation, an endorsement to teach English as a second language based upon the recommendations of the English Mastery Council pursuant to section 4 of this act.**

(d) Setting forth the educational requirements a teacher must satisfy to qualify for an endorsement in each field of specialization.

(e) Setting forth the qualifications and requirements for obtaining a license or endorsement to teach American Sign Language, including, without limitation, being registered with the Aging and Disability Services Division of the Department of Health and Human Services pursuant to NRS 656A.100 to engage in the practice of interpreting in an educational setting.

(f) Requiring teachers and other educational personnel to be registered with the Aging and Disability Services Division pursuant to NRS 656A.100 to engage in the practice of interpreting in an educational setting if they:

(1) Provide instruction or other educational services; and

(2) Concurrently engage in the practice of interpreting, as defined in NRS 656A.060.

(g) Providing for the issuance and renewal of a special qualifications license to an applicant who holds a bachelor's degree, a master's degree or a

doctoral degree from an accredited degree-granting postsecondary educational institution in a field for which the applicant will provide instruction in a classroom and who has:

(1) At least 2 years of experience teaching at an accredited degree-granting postsecondary educational institution in a field for which the applicant will provide instruction in a classroom and at least 3 years of experience working in that field; or

(2) At least 5 years of experience working in a field for which the applicant will provide instruction in a classroom.

➡ An applicant for licensure pursuant to this paragraph who holds a bachelor's degree must submit proof of participation in a program of student teaching or mentoring or agree to participate in a program of mentoring or courses of pedagogy for the first 2 years of the applicant's employment as a teacher with a school district or charter school.

(h) Requiring an applicant for a special qualifications license to:

(1) Pass each examination required by NRS 391.021 for the specific subject or subjects in which the applicant will provide instruction; or

(2) Hold a valid license issued by a professional licensing board of any state that is directly related to the subject area of the bachelor's degree, master's degree or doctoral degree held by the applicant.

(i) Setting forth the subject areas that may be taught by a person who holds a special qualifications license, based upon the subject area of the bachelor's degree, master's degree or doctoral degree held by that person.

(j) Providing for the issuance and renewal of a special qualifications license to an applicant who:

(1) Holds a bachelor's degree or a graduate degree from an accredited college or university in the field for which the applicant will be providing instruction;

(2) Is not licensed to teach public school in another state;

(3) Has at least 5 years of experience teaching with satisfactory evaluations at a school that is accredited by a national or regional accrediting agency recognized by the United States Department of Education; and

(4) Submits proof of participation in a program of student teaching or mentoring or agrees to participate in a program of mentoring for the first year of the applicant's employment as a teacher with a school district or charter school if the applicant holds a graduate degree or, if the applicant holds a bachelor's degree, submits proof of participation in a program of student teaching or mentoring or agrees to participate in a program of mentoring or courses of pedagogy for the first 2 years of his or her employment as a teacher with a school district or charter school.

↪ An applicant for licensure pursuant to this paragraph is exempt from each examination required by NRS 391.021 if the applicant successfully passed the examination in another state.

(k) Prescribing course work on parental involvement and family engagement. The Commission shall work in cooperation with the Office of Parental Involvement and Family Engagement created by NRS 385.630 in developing the regulations required by this paragraph.

2. Except as otherwise provided in NRS 391.027, the Commission may adopt such other regulations as it deems necessary for its own government or to carry out its duties.

3. Any regulation which increases the amount of education, training or experience required for licensing:

(a) Must, in addition to the requirements for publication in chapter 233B of NRS, be publicized before its adoption in a manner reasonably calculated to inform those persons affected by the change.

(b) Must not become effective until at least 1 year after the date it is adopted by the Commission.

(c) Is not applicable to a license in effect on the date the regulation becomes effective.

4. A person who is licensed pursuant to paragraph (g) or (j) of subsection 1:

(a) Shall comply with all applicable statutes and regulations.

(b) Except as otherwise provided by specific statute, is entitled to all benefits, rights and privileges conferred by statutes and regulations on licensed teachers.

(c) Except as otherwise provided by specific statute, if the person is employed as a teacher by the board of trustees of a school district or the governing body of a charter school, is entitled to all benefits, rights and privileges conferred by statutes and regulations on the licensed employees of a school district or charter school, as applicable.

Sec. 12.7. NRS 391.019 is hereby amended to read as follows:

391.019 1. Except as otherwise provided in NRS 391.027, the Commission shall adopt regulations:

(a) Prescribing the qualifications for licensing teachers and other educational personnel, including, without limitation, the qualifications for a license to teach middle school or junior high school education, and the procedures for the issuance and renewal of those licenses. The regulations:

(1) Must include, without limitation, the qualifications for licensing teachers and administrators pursuant to an alternative route to licensure which provides that the required education and training may be provided by any qualified provider which has been approved by the Commission, including, without limitation, institutions of higher education and other

providers that operate independently of an institution of higher education. The regulations adopted pursuant to this subparagraph must:

- (I) Establish the requirements for approval as a qualified provider;
- (II) Require a qualified provider to be selective in its acceptance of students;
- (III) Require a qualified provider to provide supervised, school-based experiences and ongoing support for its students, such as mentoring and coaching;
- (IV) Significantly limit the amount of course work required or provide for the waiver of required course work for students who achieve certain scores on tests;
- (V) Allow for the completion in 2 years or less of the education and training required under the alternative route to licensure;
- (VI) Provide that a person who has completed the education and training required under the alternative route to licensure and who has satisfied all other requirements for licensure may apply for a regular license pursuant to sub-subparagraph (VII) regardless of whether the person has received an offer of employment from a school district, charter school or private school; and
- (VII) Upon the completion by a person of the education and training required under the alternative route to licensure and the satisfaction of all other requirements for licensure, provide for the issuance of a regular license to the person pursuant to the provisions of this chapter and the regulations adopted pursuant to this chapter.

(2) Must not prescribe qualifications which are more stringent than the qualifications set forth in NRS 391.0315 for a licensed teacher who applies for an additional license in accordance with that section.

(b) Identifying fields of specialization in teaching which require the specialized training of teachers.

(c) Except as otherwise provided in NRS 391.125, requiring teachers to obtain from the Department an endorsement in a field of specialization to be eligible to teach in that field of specialization, including, without limitation, an endorsement to teach English as a second language. ~~Based upon the recommendations of the English Mastery Council pursuant to section 4 of this act.~~

(d) Setting forth the educational requirements a teacher must satisfy to qualify for an endorsement in each field of specialization.

(e) Setting forth the qualifications and requirements for obtaining a license or endorsement to teach American Sign Language, including, without limitation, being registered with the Aging and Disability Services Division of the Department of Health and Human Services pursuant to NRS 656A.100 to engage in the practice of interpreting in an educational setting.

(f) Requiring teachers and other educational personnel to be registered with the Aging and Disability Services Division pursuant to NRS 656A.100 to engage in the practice of interpreting in an educational setting if they:

(1) Provide instruction or other educational services; and

(2) Concurrently engage in the practice of interpreting, as defined in NRS 656A.060.

(g) Providing for the issuance and renewal of a special qualifications license to an applicant who holds a bachelor's degree, a master's degree or a doctoral degree from an accredited degree-granting postsecondary educational institution in a field for which the applicant will provide instruction in a classroom and who has:

(1) At least 2 years of experience teaching at an accredited degree-granting postsecondary educational institution in a field for which the applicant will provide instruction in a classroom and at least 3 years of experience working in that field; or

(2) At least 5 years of experience working in a field for which the applicant will provide instruction in a classroom.

➔ An applicant for licensure pursuant to this paragraph who holds a bachelor's degree must submit proof of participation in a program of student teaching or mentoring or agree to participate in a program of mentoring or courses of pedagogy for the first 2 years of the applicant's employment as a teacher with a school district or charter school.

(h) Requiring an applicant for a special qualifications license to:

(1) Pass each examination required by NRS 391.021 for the specific subject or subjects in which the applicant will provide instruction; or

(2) Hold a valid license issued by a professional licensing board of any state that is directly related to the subject area of the bachelor's degree, master's degree or doctoral degree held by the applicant.

(i) Setting forth the subject areas that may be taught by a person who holds a special qualifications license, based upon the subject area of the bachelor's degree, master's degree or doctoral degree held by that person.

(j) Providing for the issuance and renewal of a special qualifications license to an applicant who:

(1) Holds a bachelor's degree or a graduate degree from an accredited college or university in the field for which the applicant will be providing instruction;

(2) Is not licensed to teach public school in another state;

(3) Has at least 5 years of experience teaching with satisfactory evaluations at a school that is accredited by a national or regional accrediting agency recognized by the United States Department of Education; and

(4) Submits proof of participation in a program of student teaching or mentoring or agrees to participate in a program of mentoring for the first year

of the applicant's employment as a teacher with a school district or charter school if the applicant holds a graduate degree or, if the applicant holds a bachelor's degree, submits proof of participation in a program of student teaching or mentoring or agrees to participate in a program of mentoring or courses of pedagogy for the first 2 years of his or her employment as a teacher with a school district or charter school.

➔ An applicant for licensure pursuant to this paragraph is exempt from each examination required by NRS 391.021 if the applicant successfully passed the examination in another state.

(k) Prescribing course work on parental involvement and family engagement. The Commission shall work in cooperation with the Office of Parental Involvement and Family Engagement created by NRS 385.630 in developing the regulations required by this paragraph.

2. Except as otherwise provided in NRS 391.027, the Commission may adopt such other regulations as it deems necessary for its own government or to carry out its duties.

3. Any regulation which increases the amount of education, training or experience required for licensing:

(a) Must, in addition to the requirements for publication in chapter 233B of NRS, be publicized before its adoption in a manner reasonably calculated to inform those persons affected by the change.

(b) Must not become effective until at least 1 year after the date it is adopted by the Commission.

(c) Is not applicable to a license in effect on the date the regulation becomes effective.

4. A person who is licensed pursuant to paragraph (g) or (j) of subsection 1:

(a) Shall comply with all applicable statutes and regulations.

(b) Except as otherwise provided by specific statute, is entitled to all benefits, rights and privileges conferred by statutes and regulations on licensed teachers.

(c) Except as otherwise provided by specific statute, if the person is employed as a teacher by the board of trustees of a school district or the governing body of a charter school, is entitled to all benefits, rights and privileges conferred by statutes and regulations on the licensed employees of a school district or charter school, as applicable.

Sec. 13. Chapter 396 of NRS is hereby amended by adding thereto a new section to read as follows:

If the System offers a course of study for obtaining an endorsement to teach English as a second language, the Board of Regents ~~shall~~ may take into consideration the recommendations submitted by the English Mastery

Council pursuant to section 4 of this act in developing the curriculum and standards for the course of study.

Sec. 13.3. 1. There is hereby appropriated from the State General Fund to the Department of Education for the costs associated with the duties of the English Mastery Council created by section 3 of this act the sum of \$50,000.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2015, 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 18, 2015, 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 18, 2015.

Sec. 13.5. On or before July 1, 2013, the appointed members of the English Mastery Council created by section 3 of this act must be appointed to initial terms commencing on July 1, 2013, as follows:

1. The Board of Regents of the University of Nevada shall appoint to the Council the members described in paragraph (b) of subsection 1 of section 3 of this act to initial terms of 2 years.

2. The Governor shall appoint to the Council:

(a) The members described in paragraphs (c) and (d) of subsection 1 of section 3 of this act to initial terms of 2 years.

(b) The members described in paragraphs (e) and (h) of subsection 1 of section 3 of this act to initial terms of 1 year.

(c) The members described in paragraphs (f) and (g) of subsection 1 of section 3 of this act to initial terms of 2 years.

3. The Superintendent of Public Instruction shall appoint to the Council the members described in paragraph (i) of subsection 1 of section 3 of this act to initial terms of 1 year.

Sec. 14. 1. Each board of trustees of a school district shall implement the ~~program of~~ policy for the instruction ~~(which teaches)~~ to teach English to pupils who are limited English proficient ~~(and which)~~ developed by the board ~~(establishes)~~ of trustees pursuant to section 5 of this act ~~(at the beginning of)~~ commencing with the 2014-2015 school year.

2. ~~(Not later than 60 days before the start of the 2014-2015 school year.)~~ On or before July 1, 2014, the board of trustees shall submit the details of the ~~program of~~ policy for the instruction ~~(established)~~ to teach English to pupils who are limited English proficient developed by the board of trustees pursuant to section 5 of this act to the State Board of Education and to the English Mastery Council created ~~(pursuant to)~~ by section 3 of this act.

Sec. 14.5. 1. The English Mastery Council created by section 3 of this act shall perform its duties prescribed by section 4 of this act expeditiously to meet the following targeted dates to:

(a) Satisfy the requirements prescribed by subsection 5 of section 4 of this act on or before January 1, 2014.

(b) Satisfy the requirements prescribed by subsection 6 of section 4 of this act on or before March 1, 2014.

(c) Satisfy the requirements of subsection 3 of section 4 of this act on or before July 1, 2014.

(d) Satisfy the requirements of subsection 2 of section 4 of this act on or before October 1, 2014.

(e) Satisfy the requirements of subsections 1 and 4 of section 4 of this act on or before January 1, 2015.

2. The report required of the English Mastery Council pursuant to section 4.5 of this act must, for the submission in 2014 and 2015, include a description of whether the Council has met or anticipates meeting the targeted dates set forth in subsection 1. If the Council did not meet a targeted date, the report must also include the projected time by which the Council will carry out the duty corresponding to that targeted date.

Sec. 14.7. On or before January 1, 2015, the Commission on Professional Standards in Education shall adopt regulations based upon the recommendations of the English Mastery Council required by paragraph (c) of subsection 1 of NRS 391.019, as amended by section 12.5 of this act.

Sec. 15. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 16. 1. This section and ~~sections 5 and 7~~ section 13.5 of this act become effective ~~1-~~

~~(a) Upon~~ upon passage and approval. ~~For the purpose of adopting regulations and performing any preparatory administrative tasks necessary to carry out the provisions of this act; and~~

~~(b) On January 1, 2014, for all other purposes.~~

2. Sections 1 to ~~4~~, inclusive, 6, 8, 10, 11, 13, 14 and 15 of this act become effective on January 1, 2014.

~~3. Section 9 and 12 of this act become effective on July 1, 2016.~~ 12.5, inclusive, 13, 13.3 and 14 to 15, inclusive, of this act become effective on July 1, 2013.

3. Sections 3, 4, 4.5 and 13 of this act expire by limitation on June 30, 2019.

4. Section 12.7 of this act becomes effective on July 1, 2019.

Assemblyman Elliot Anderson moved the adoption of the amendment.

Remarks by Assemblyman Elliot Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 287.

Bill read second time.

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

Amendment No. 551.

AN ACT relating to mental health; authorizing the involuntary court-ordered admission of certain persons with mental illness to programs of community-based or outpatient services under certain circumstances; requiring a peace officer to take into custody and deliver a person to ~~such a program~~ **the appropriate location for an evaluation by an evaluation team from the Division of Mental Health and Developmental Services of the Department of Health and Human Services** in certain circumstances; removing the provision which generally requires a person and his or her responsible relatives to pay for certain costs relating to the person's involuntary admission to such a program; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prescribes the process for initiating a petition for the involuntary court-ordered admission to a mental health facility of a person who is alleged to have a mental illness. Additionally, existing law specifies that if a court finds that a person has a mental illness and is likely to harm himself or herself or others if not treated, the court must place the person in the most appropriate course of treatment. (NRS 433A.115-433A.330) This bill authorizes the court to order the involuntary admission of such a person to a program of community-based or outpatient services if such a program is an appropriate course of treatment for that person.

Section 3 of this bill requires that: (1) a plan of treatment be developed by persons who are qualified in the field of psychiatric mental health, in consultation with the person who will receive the treatment; (2) the plan contain certain information relating to the course of treatment; and (3) the developers of the plan submit the plan to the court in writing.

Section 4 of this bill authorizes under certain circumstances both the conditional release of a person involuntarily admitted to a program of community-based or outpatient services and the revocation of such release, and **section 19** of this bill authorizes the unconditional release of such a person under certain circumstances.

Section 13 of this bill sets forth the requirements for participation in a program of community-based or outpatient services, including that: (1) the

person who is admitted to the program must be 18 years of age or older and have a history of noncompliance with treatment for mental illness; and (2) the court must approve the written plan of treatment which has been developed for the person and submitted to the court.

Section 18 of this bill sets forth the process by which a professional responsible for providing or coordinating a program of community-based or outpatient services may petition the court to order a peace officer to take into custody and deliver a person who is involuntarily admitted to the program to the appropriate location for ~~the program~~ an evaluation by an evaluation team from the Division of Mental Health and Developmental Services of the Department of Health and Human Services if the person fails to participate in the program or otherwise fails to carry out the written plan of treatment developed for the person and submitted to the court.

Section 23 of this bill removes the provision which generally requires a person and his or her responsible relatives to pay for the actual cost of the treatment and services rendered during the person's involuntary admission to a division facility.

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

Section 1. Chapter 433A of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. *“Program of community-based or outpatient services” means care, treatment and training provided to persons with mental illness, including, without limitation:*

- 1. A program or service for the treatment of abuse of alcohol;*
- 2. A program or service for the treatment of abuse of drugs;*
- 3. A program of general education or vocational training;*
- 4. A program or service that assists in the dispensing or monitoring of medication;*
- 5. A program or service that provides counseling or therapy;*
- 6. A service which provides screening tests to detect the presence of alcohol or drugs;*
- 7. A program of supervised living; or*
- 8. Any combination of programs and services for persons with mental illness.*

↪ *The term does not include care, treatment and training provided to residents of a mental health facility.*

Sec. 3. *If a court determines pursuant to NRS 433A.310 that a person should be involuntarily admitted to a program of community-based or outpatient services, the court shall promptly cause two or more persons professionally qualified in the field of psychiatric mental health, which*

may include the person who filed the petition for involuntary court-ordered admission pursuant to NRS 433A.200 if he or she is so qualified, in consultation with the person to be involuntarily admitted, to develop and submit to the court a written plan prescribing a course of treatment and enumerating the program of community-based or outpatient services for the person. The plan must include, without limitation:

1. A description of the types of services in which the person will participate;
2. The medications, if any, which the person must take and the manner in which those medications will be administered;
3. The name of the person professionally qualified in the field of psychiatric mental health who is responsible for providing or coordinating the program of community-based or outpatient services; and
4. Any other requirements which the court deems necessary.

Sec. 4. 1. Except as otherwise provided in subsection 3, any person involuntarily admitted to a program of community-based or outpatient services may be conditionally released from the program when, in the judgment of the professional responsible for providing or coordinating the program of community-based or outpatient services, the conditional release is in the best interest of the person and will not be detrimental to the public welfare. The professional responsible for providing or coordinating the program of community-based or outpatient services shall prescribe the period for which the conditional release is effective. The period must not extend beyond the last day of the court-ordered period of admission to a program of community-based or outpatient services pursuant to NRS 433A.310.

2. When a person is conditionally released pursuant to subsection 1, the State of Nevada, ~~and~~ the agents and employees of the State or a mental health facility, the professionals responsible for providing or coordinating programs of community-based or outpatient services and any other professionals providing mental health services are not liable for any debts or contractual obligations incurred, medical or otherwise, or damages caused by the actions of the person who is released.

3. A person who is involuntarily admitted to a program of community-based or outpatient services may be conditionally released only if, at the time of the release, written notice is given to the court which ordered the person to participate in the program and to the district attorney of the county in which the proceedings for admission were held.

4. Except as otherwise provided in subsection 6, the professional responsible for providing or coordinating the program of community-based or outpatient services shall order a person who is conditionally released pursuant to subsection 1 to resume participation in the program if the

professional determines that the conditional release is no longer appropriate because that person presents a clear and present danger of harm to himself or herself or others. Except as otherwise provided in this subsection, the professional responsible for providing or coordinating the program of community-based or outpatient services shall, at least 3 days before the issuance of the order to resume participation, give written notice of the order to the court that admitted the person to the program. If an emergency exists in which the person presents an imminent threat of danger of harm to himself or herself or others, the order must be submitted to the court not later than 1 business day after the order is issued.

5. *The court shall review an order submitted pursuant to subsection 4 and the current condition of the person who was ordered to resume participation in a program of community-based or outpatient services at the next regularly scheduled hearing for the review of petitions for involuntary admissions, but in no event later than 5 judicial days after participation in the program is resumed. The professional responsible for providing or coordinating the program of community-based or outpatient services to the person who was ordered to resume participation in the program shall give written notice to that person and to his or her attorney, if the person is represented by legal counsel, of the time, date and place of the hearing and of the facts necessitating that the person resume participation in the program.*

6. *The provisions of subsection 4 do not apply if the period of conditional release has expired.*

Sec. 5. NRS 433A.011 is hereby amended to read as follows:

433A.011 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 433A.012 to 433A.018, inclusive, **and section 2 of this act** have the meanings ascribed to them in those sections.

Sec. 6. NRS 433A.115 is hereby amended to read as follows:

433A.115 1. As used in NRS 433A.115 to 433A.330, inclusive, **and sections 3 and 4 of this act**, unless the context otherwise requires, “person with mental illness” means any person whose capacity to exercise self-control, judgment and discretion in the conduct of the person’s affairs and social relations or to care for his or her personal needs is diminished, as a result of a mental illness, to the extent that the person presents a clear and present danger of harm to himself or herself or others, but does not include any person in whom that capacity is diminished by epilepsy, mental retardation, dementia, delirium, brief periods of intoxication caused by alcohol or drugs, or dependence upon or addiction to alcohol or drugs, unless a mental illness that can be diagnosed is also present which contributes to the diminished capacity of the person.

2. A person presents a clear and present danger of harm to himself or herself if, within the immediately preceding 30 days, the person has, as a result of a mental illness:

(a) Acted in a manner from which it may reasonably be inferred that, without the care, supervision or continued assistance of others, the person will be unable to satisfy his or her need for nourishment, personal or medical care, shelter, self-protection or safety, and if there exists a reasonable probability that the person's death, serious bodily injury or physical debilitation will occur within the next following 30 days unless he or she is admitted to a mental health facility pursuant to the provisions of NRS 433A.115 to 433A.330, inclusive, **and sections 3 and 4 of this act** and adequate treatment is provided to the person;

(b) Attempted or threatened to commit suicide or committed acts in furtherance of a threat to commit suicide, and if there exists a reasonable probability that the person will commit suicide unless he or she is admitted to a mental health facility pursuant to the provisions of NRS 433A.115 to 433A.330, inclusive, **and sections 3 and 4 of this act** and adequate treatment is provided to the person; or

(c) Mutilated himself or herself, attempted or threatened to mutilate himself or herself or committed acts in furtherance of a threat to mutilate himself or herself, and if there exists a reasonable probability that he or she will mutilate himself or herself unless the person is admitted to a mental health facility pursuant to the provisions of NRS 433A.115 to 433A.330, inclusive, **and sections 3 and 4 of this act** and adequate treatment is provided to the person.

3. A person presents a clear and present danger of harm to others if, within the immediately preceding 30 days, the person has, as a result of a mental illness, inflicted or attempted to inflict serious bodily harm on any other person, or made threats to inflict harm and committed acts in furtherance of those threats, and if there exists a reasonable probability that he or she will do so again unless the person is admitted to a mental health facility pursuant to the provisions of NRS 433A.115 to 433A.330, inclusive, **and sections 3 and 4 of this act** and adequate treatment is provided to him or her.

Sec. 7. NRS 433A.130 is hereby amended to read as follows:

433A.130 All applications and certificates for the admission of any person in the State of Nevada to a mental health facility **or to a program of community-based or outpatient services** under the provisions of this chapter shall be made on forms approved by the Division and the Office of the Attorney General and furnished by the clerks of the district courts in each county.

Sec. 8. NRS 433A.150 is hereby amended to read as follows:

433A.150 1. Any person alleged to be a person with mental illness may, upon application pursuant to NRS 433A.160 and subject to the provisions of subsection 2, be detained in a public or private mental health facility or hospital under an emergency admission for evaluation, observation and treatment.

2. Except as otherwise provided in subsection 3, a person detained pursuant to subsection 1 must be released within 72 hours, including weekends and holidays, after the certificate required pursuant to NRS 433A.170 and the examination required by paragraph (a) of subsection 1 of NRS 433A.165 have been completed, if such an examination is required, or within 72 hours, including weekends and holidays, after the person arrives at the mental health facility or hospital, if an examination is not required by paragraph (a) of subsection 1 of NRS 433A.165, unless, before the close of the business day on which the 72 hours expires, a written petition for an involuntary court-ordered admission **to a mental health facility** is filed with the clerk of the district court pursuant to NRS 433A.200, including, without limitation, the documents required pursuant to NRS 433A.210, or the status of the person is changed to a voluntary admission.

3. If the period specified in subsection 2 expires on a day on which the office of the clerk of the district court is not open, the written petition must be filed on or before the close of the business day next following the expiration of that period.

Sec. 9. NRS 433A.200 is hereby amended to read as follows:

433A.200 1. Except as otherwise provided in NRS 432B.6075, a proceeding for an involuntary court-ordered admission of any person in the State of Nevada may be commenced by the filing of a petition **for the involuntary admission to a mental health facility or to a program of community-based or outpatient services** with the clerk of the district court of the county where the person who is to be treated resides. The petition may be filed by the spouse, parent, adult children or legal guardian of the person to be treated or by any physician, psychologist, social worker or registered nurse, by an accredited agent of the Department or by any officer authorized to make arrests in the State of Nevada. The petition must be accompanied:

(a) By a certificate of a physician, psychiatrist or licensed psychologist stating that he or she has examined the person alleged to be a person with mental illness and has concluded that the person has a mental illness and, because of that illness, is likely to harm himself or herself or others if allowed his or her liberty ~~to~~ **or if not required to participate in a program of community-based or outpatient services;** or

(b) By a sworn written statement by the petitioner that:

(1) The petitioner has, based upon the petitioner's personal observation of the person alleged to be a person with mental illness, probable cause to believe that the person has a mental illness and, because of that illness, is likely to harm himself or herself or others if allowed his or her liberty ~~to~~ **or if not required to participate in a program of community-based or outpatient services;** and

(2) The person alleged to be a person with mental illness has refused to submit to examination or treatment by a physician, psychiatrist or licensed psychologist.

2. Except as otherwise provided in NRS 432B.6075, if the person to be treated is a minor and the petitioner is a person other than a parent or guardian of the minor, the petition must, in addition to the certificate or statement required by subsection 1, include a statement signed by a parent or guardian of the minor that the parent or guardian does not object to the filing of the petition.

Sec. 10. NRS 433A.240 is hereby amended to read as follows:

433A.240 1. After the filing of a petition to commence proceedings for the involuntary court-ordered admission of a person pursuant to NRS 433A.200 or 433A.210, the court shall promptly cause two or more physicians or licensed psychologists, one of whom must always be a physician, to examine the person alleged to be a person with mental illness, or request an evaluation by an evaluation team from the Division of the person alleged to be a person with mental illness.

2. To conduct the examination of a person who is not being detained at a mental health facility or hospital under emergency admission pursuant to an application made pursuant to NRS 433A.160, the court may order a peace officer to take the person into protective custody and transport the person to a mental health facility or hospital where the person may be detained until a hearing is had upon the petition.

3. If the person is not being detained under an emergency admission pursuant to an application made pursuant to NRS 433A.160, the person may be allowed to remain in his or her home or other place of residence pending an ordered examination or examinations and to return to his or her home or other place of residence upon completion of the examination or examinations. The person may be accompanied by one or more of his or her relations or friends to the place of examination.

4. ***Each physician and licensed psychologist who examines a person pursuant to subsection 1 shall, in conducting such an examination, consider the least restrictive treatment appropriate for the person.***

5. Except as otherwise provided in this subsection, each physician and licensed psychologist who examines a person pursuant to subsection 1 shall, not later than 48 hours before the hearing set pursuant to NRS 433A.220,

submit to the court in writing a summary of his or her findings and evaluation regarding the person alleged to be a person with mental illness. If the person alleged to be a person with mental illness is admitted under an emergency admission pursuant to an application made pursuant to NRS 433A.160, the written findings and evaluation must be submitted to the court not later than 24 hours before the hearing set pursuant to subsection 1 of NRS 433A.220.

Sec. 11. NRS 433A.250 is hereby amended to read as follows:

433A.250 1. The Administrator shall establish such evaluation teams as are necessary to aid the courts under NRS 433A.240 and 433A.310 ~~to~~ **and section 3 of this act.**

2. Each team must be composed of a psychiatrist and other persons professionally qualified in the field of psychiatric mental health who are representative of the Division, selected from personnel in the Division.

3. Fees for the evaluations must be established and collected as set forth in NRS 433.414 or 433B.260, as appropriate.

Sec. 12. NRS 433A.270 is hereby amended to read as follows:

433A.270 1. The person alleged to be a person with mental illness or any relative or friend on the person's behalf is entitled to retain counsel to represent the person in any proceeding before the district court relating to involuntary court-ordered admission, and if he or she fails or refuses to obtain counsel, the court shall advise the person and the person's guardian or next of kin, if known, of such right to counsel and shall appoint counsel, who may be the public defender or his or her deputy.

2. Any counsel appointed pursuant to subsection 1 must be awarded compensation by the court for his or her services in an amount determined by it to be fair and reasonable. The compensation must be charged against the estate of the person for whom the counsel was appointed or, if the person is indigent, against the county where the person alleged to be a person with mental illness last resided.

3. The court shall, at the request of counsel representing the person alleged to be a person with mental illness in proceedings before the court relating to involuntary court-ordered admission, grant a recess in the proceedings for the shortest time possible, but for not more than 5 days, to give the counsel an opportunity to prepare his or her case.

4. Each district attorney or his or her deputy shall appear and represent the State in all involuntary court-ordered admission proceedings in the district attorney's county. The district attorney is responsible for the presentation of evidence, if any, in support of the involuntary court-ordered admission of a person to a mental health facility **or to a program of community-based or outpatient services** in proceedings held pursuant to NRS 433A.200 or 433A.210.

Sec. 13. NRS 433A.310 is hereby amended to read as follows:

433A.310 1. Except as otherwise provided in NRS 432B.6076 and 432B.6077, if the district court finds, after proceedings for the involuntary court-ordered admission of a person : ~~{to a public or private mental health facility;}~~

(a) That there is not clear and convincing evidence that the person with respect to whom the hearing was held has a mental illness or exhibits observable behavior such that the person is likely to harm himself or herself or others if allowed his or her liberty ~~{}~~ **or if not required to participate in a program of community-based or outpatient services**, the court shall enter its finding to that effect and the person must not be involuntarily ~~{detained in such a facility.}~~ **admitted to a public or private mental health facility or to a program of community-based or outpatient services.**

(b) That there is clear and convincing evidence that the person with respect to whom the hearing was held has a mental illness and, because of that illness, is likely to harm himself or herself or others if allowed his or her liberty ~~{}~~ **or if not required to participate in a program of community-based or outpatient services**, the court may order the involuntary admission of the person for the most appropriate course of treatment ~~{}~~ **, including, without limitation, admission to a public or private mental health facility or participation in a program of community-based or outpatient services.** The order of the court must be interlocutory and must not become final if, within 30 days after the involuntary admission, the person is unconditionally released pursuant to NRS 433A.390.

2. **A court shall not admit a person to a program of community-based or outpatient services unless:**

(a) **A program of community-based or outpatient services is available in the community in which the person resides or is otherwise made available to the person;**

(b) **The person is 18 years of age or older;**

(c) **The person has a history of noncompliance with treatment for mental illness ; ~~{which has:~~**

~~— (1) Been a significant factor in the need for his or her hospitalization within the immediately preceding 36 months, which period does not include the 6 months immediately preceding the date on which the petition is filed; or~~

~~— (2) Resulted in one or more acts of violent behavior toward himself or herself or others or threats to harm himself or herself or others within the immediately preceding 48 months, which period does not include the 6 months immediately preceding the date on which the petition is filed;}~~

(d) **The person is capable of surviving safely in the community in which he or she resides with available supervision;**

(e) The court determines that, ~~as a result of a~~ based on the person's history of ~~noncompliance with~~ treatment for mental illness, the person needs to be admitted to a program of community-based or outpatient services to prevent ~~the relapse~~ further disability or deterioration of the person which is likely to result in harm to himself or herself or others;

~~[(e) The court determines that the person would benefit from participation in a program of community-based or outpatient services;]~~

(f) The **current mental status of the person** ~~is unlikely to participate~~ or the nature of the person's illness limits or negates his or her ability to make an informed decision to seek treatment for mental illness voluntarily ~~in a program of~~ or to comply with recommended treatment for mental illness;

(g) The program of community-based or outpatient services is the least restrictive treatment which is in the best interest of the person; and

(h) The court has approved a plan of treatment developed for the person pursuant to section 3 of this act.

3. Except as otherwise provided in NRS 432B.608, an involuntary admission pursuant to paragraph (b) of subsection 1 automatically expires at the end of 6 months if not terminated previously by the medical director of the public or private mental health facility as provided for in subsection 2 of NRS 433A.390 ~~or~~ **or by the professional responsible for providing or coordinating the program of community-based or outpatient services as provided for in subsection 3 of NRS 433A.390.** Except as otherwise provided in NRS 432B.608, at the end of the court-ordered period of treatment, the Division, ~~for~~ any mental health facility that is not operated by the Division **or a program of community-based or outpatient services** may petition to renew the ~~detention~~ **involuntary admission** of the person for additional periods not to exceed 6 months each. For each renewal, the petition must set forth to the court specific reasons why further treatment would be in the person's own best interests.

~~3.~~ 4. Before issuing an order for involuntary admission or a renewal thereof, the court shall explore other alternative courses of treatment within the least restrictive appropriate environment, **including involuntary admission to a program of community-based or outpatient services**, as suggested by the evaluation team who evaluated the person, or other persons professionally qualified in the field of psychiatric mental health, which the court believes may be in the best interests of the person.

~~4.~~ 5. If the court issues an order involuntarily admitting a person to a public or private mental health facility **or to a program of community-based or outpatient services** pursuant to this section, the court shall, notwithstanding the provisions of NRS 433A.715, cause, on a form prescribed by the Department of Public Safety, a record of such order to be transmitted to the Central Repository for Nevada Records of Criminal

History, along with a statement indicating that the record is being transmitted for inclusion in each appropriate database of the National Instant Criminal Background Check System.

~~15.1~~ **6.** As used in this section, “National Instant Criminal Background Check System” has the meaning ascribed to it in NRS 179A.062.

Sec. 14. NRS 433A.320 is hereby amended to read as follows:

433A.320 The order for involuntary court admission of any person to a **public or private** mental health facility ~~to a public or private facility~~ **or to a program of community-based or outpatient services must** be accompanied by a clinical abstract, including a history of illness, diagnosis, treatment and the names of relatives or correspondents.

Sec. 15. NRS 433A.330 is hereby amended to read as follows:

433A.330 1. When ~~any~~ **an** involuntary court admission **to a mental health facility** is ordered under the provisions of this chapter, the involuntarily admitted person, together with the court orders and certificates of the physicians, certified psychologists or evaluation team and a full and complete transcript of the notes of the official reporter made at the examination of such person before the court, must be delivered to the sheriff of the county who shall:

(a) Transport the person; or

(b) Arrange for the person to be transported by:

(1) A system for the nonemergency medical transportation of persons whose operation is authorized by the Nevada Transportation Authority; or

(2) If medically necessary, an ambulance service that holds a permit issued pursuant to the provisions of chapter 450B of NRS,

➡ to the appropriate public or private mental health facility.

2. No person with mental illness may be transported to the mental health facility without at least one attendant of the same sex or a relative in the first degree of consanguinity or affinity being in attendance.

Sec. 16. NRS 433A.350 is hereby amended to read as follows:

433A.350 1. Upon admission to any public or private mental health facility ~~to a public or private facility~~ **or to a program of community-based or outpatient services**, each consumer ~~of the facility~~ and the consumer’s spouse and legal guardian, if any, must receive a written statement outlining in simple, nontechnical language all procedures for release provided by this chapter, setting out all rights accorded to such a consumer by this chapter and chapters 433 and 433B of NRS and, if the consumer has no legal guardian, describing procedures provided by law for adjudication of incompetency and appointment of a guardian for the consumer.

2. Written information regarding the services provided by and means of contacting the local office of an agency or organization that receives money from the Federal Government pursuant to 42 U.S.C. §§ 10801 et seq., to

protect and advocate the rights of persons with mental illnesses must be posted in each public and private mental health facility and ***in each location in which a program of community-based or outpatient services is provided and must be*** provided to each consumer ~~of such a facility~~ upon admission.

Sec. 17. NRS 433A.360 is hereby amended to read as follows:

433A.360 1. A clinical record for each consumer must be diligently maintained by any division facility , ~~for~~ private institution , ~~for~~ facility offering mental health services ~~for~~ ***or program of community-based or outpatient services.*** The record must include information pertaining to the consumer's admission, legal status, treatment and individualized plan for habilitation. The clinical record is not a public record and no part of it may be released, except:

(a) If the release is authorized or required pursuant to NRS 439.538.

(b) The record must be released to physicians, attorneys and social agencies as specifically authorized in writing by the consumer, the consumer's parent, guardian or attorney.

(c) The record must be released to persons authorized by the order of a court of competent jurisdiction.

(d) The record or any part thereof may be disclosed to a qualified member of the staff of a division facility, an employee of the Division or a member of the staff of an agency in Nevada which has been established pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 15001 et seq., or the Protection and Advocacy for Mentally Ill Individuals Act of 1986, 42 U.S.C. §§ 10801 et seq., when the Administrator deems it necessary for the proper care of the consumer.

(e) Information from the clinical records may be used for statistical and evaluative purposes if the information is abstracted in such a way as to protect the identity of individual consumers.

(f) To the extent necessary for a consumer to make a claim, or for a claim to be made on behalf of a consumer for aid, insurance or medical assistance to which the consumer may be entitled, information from the records may be released with the written authorization of the consumer or the consumer's guardian.

(g) The record must be released without charge to any member of the staff of an agency in Nevada which has been established pursuant to 42 U.S.C. §§ 15001 et seq. or 42 U.S.C. §§ 10801 et seq. if:

(1) The consumer is a consumer of that office and the consumer or the consumer's legal representative or guardian authorizes the release of the record; or

(2) A complaint regarding a consumer was received by the office or there is probable cause to believe that the consumer has been abused or neglected and the consumer:

(I) Is unable to authorize the release of the record because of the consumer's mental or physical condition; and

(II) Does not have a guardian or other legal representative or is a ward of the State.

(h) The record must be released as provided in NRS 433.332 or 433B.200 and in chapter 629 of NRS.

2. As used in this section, "consumer" includes any person who seeks, on the person's own or others' initiative, and can benefit from, care, treatment and training in a private institution or facility offering mental health services, ~~for~~ from treatment to competency in a private institution or facility offering mental health services ~~for~~ , ***or from a program of community-based or outpatient services.***

Sec. 18. NRS 433A.370 is hereby amended to read as follows:

433A.370 1. When a consumer committed by a court to a division facility on or before June 30, 1975, or a consumer who is judicially admitted on or after July 1, 1975, or a person who is involuntarily detained pursuant to NRS 433A.145 to 433A.300, inclusive, escapes from any division facility, or when a judicially admitted consumer has not returned to a division facility from conditional release after the administrative officer of the facility has ordered the consumer to do so, any peace officer shall, upon written request of the administrative officer or the administrative officer's designee and without the necessity of a warrant or court order, apprehend, take into custody and deliver the person to such division facility or another state facility.

2. ***When a consumer who is judicially admitted to a program of community-based or outpatient services fails to participate in the program or otherwise fails to carry out the plan of treatment developed pursuant to section 3 of this act, despite efforts by the professional responsible for providing or coordinating the program of community-based or outpatient services for the consumer to solicit the consumer's compliance, the professional may petition the court to issue an order requiring a peace officer to take into custody and deliver the consumer to the appropriate location ~~(of the program.)~~ for an evaluation by an evaluation team from the Division pursuant to NRS 433A.240. The petition must be accompanied by:***

- (a) A copy of the order for involuntary admission;***
- (b) A copy of the plan of treatment submitted to the court pursuant to section 3 of this act;***
- (c) A list that sets forth the specific provisions of the plan of treatment which the consumer has failed to carry out; and***
- (d) A statement by the petitioner which explains how the consumer's failure to participate in the program of community-based or outpatient***

services or failure to carry out the plan of treatment will likely cause the consumer to harm himself or herself or others.

3. *If the court determines that there is probable cause to believe that the consumer is likely to harm himself or herself or others if the consumer does not ~~participate in the program of community-based or outpatient services or does not otherwise carry out~~ **comply with the plan of treatment**, the court may issue an order requiring a peace officer to take into custody and deliver the consumer to the appropriate location ~~of the program~~ **for an evaluation by an evaluation team from the Division pursuant to NRS 433A.240.***

4. Any person appointed or designated by the Director of the Department to take into custody and transport ~~to a division facility~~ persons who have escaped, ~~or~~ failed to return **or failed to participate in a program of treatment** as described in ~~subsection 1~~ **this section** may participate in the apprehension and delivery of any such person, but may not take the person into custody without a warrant.

Sec. 19. NRS 433A.390 is hereby amended to read as follows:

433A.390 1. When a consumer, involuntarily admitted to a mental health facility **or to a program of community-based or outpatient services** by court order, is released at the end of the ~~time~~ **period** specified pursuant to NRS 433A.310, written notice must be given to the admitting court and to the consumer's legal guardian at least 10 days before the release of the consumer. The consumer may then be released without requiring further orders of the court. If the consumer has a legal guardian, the facility **or the professional responsible for providing or coordinating the program of community-based or outpatient services** shall notify the guardian before discharging the consumer from the facility ~~or~~ **program**. The legal guardian has discretion to determine where the consumer will be released, taking into consideration any discharge plan proposed by the facility assessment team ~~or~~ **the professional responsible for providing or coordinating the program of community-based or outpatient services**. If the legal guardian does not inform the facility **or professional** as to where the consumer will be released within 3 days after the date of notification, the facility **or professional** shall discharge the consumer according to its proposed discharge plan.

2. ~~An involuntarily court-admitted~~ **A consumer who is involuntarily admitted to a mental health facility** may be unconditionally released before the period specified in NRS 433A.310 when:

(a) An evaluation team established under NRS 433A.250 or two persons professionally qualified in the field of psychiatric mental health, at least one of them being a physician, determines that the consumer has recovered from his or her mental illness or has improved to such an extent that the consumer

is no longer considered to present a clear and present danger of harm to himself or herself or others; and

(b) Under advisement from the evaluation team or two persons professionally qualified in the field of psychiatric mental health, at least one of them being a physician, the medical director of the mental health facility authorizes the release and gives written notice to the admitting court and to the consumer's legal guardian at least 10 days before the release of the consumer. If the consumer has a legal guardian, the facility shall notify the guardian before discharging the consumer from the facility. The legal guardian has discretion to determine where the consumer will be released, taking into consideration any discharge plan proposed by the facility assessment team. If the legal guardian does not inform the facility as to where the consumer will be released within 3 days after the date of notification, the facility shall discharge the consumer according to its proposed discharge plan.

3. A consumer who is involuntarily admitted to a program of community-based or outpatient services may be unconditionally released before the period specified in NRS 433A.310 when:

(a) The professional responsible for providing or coordinating the program of community-based or outpatient services for the consumer determines that the consumer has recovered from his or her mental illness or has improved to such an extent that the consumer is no longer considered to present a clear and present danger of harm to himself or herself or others; and

(b) Under advisement from an evaluation team established under NRS 433A.250 or two persons professionally qualified in the field of psychiatric mental health, at least one of them being a physician, the professional responsible for providing or coordinating the program of community-based or outpatient services for the consumer authorizes the release and gives written notice to the admitting court at least 10 days before the release of the consumer from the program.

Sec. 20. NRS 433A.460 is hereby amended to read as follows:

433A.460 1. No person admitted to a public or private mental health facility **or to a program of community-based or outpatient services** pursuant to this chapter shall, by reason of such admission, be denied the right to dispose of property, marry, execute instruments, make purchases, enter into contractual relationships, vote and hold a driver's license, unless such person has been specifically adjudicated incompetent by a court of competent jurisdiction and has not been restored to legal capacity.

2. If the responsible physician of the mental health facility in which any person is detained **or the professional responsible for providing or coordinating the program of community-based or outpatient services for a**

person is of the opinion that such person is unable to exercise any of the aforementioned rights, the responsible physician **or other responsible professional, as applicable**, shall immediately notify the person and the person's attorney, legal guardian, spouse, parents or other nearest-known adult relative, and the district court of that fact.

Sec. 21. NRS 433A.580 is hereby amended to read as follows:

433A.580 No person may be admitted to a private hospital ~~for~~, a division mental health facility **or a program of community-based or outpatient services** pursuant to the provisions of this chapter unless mutually agreeable financial arrangements relating to the costs of treatment are made between the private hospital, ~~for~~ division facility **or professional responsible for providing or coordinating a program of community-based or outpatient services** and the consumer or person requesting his or her admission.

Sec. 22. NRS 433A.600 is hereby amended to read as follows:

433A.600 1. A person who is admitted to a **division** facility **or to a program of community-based or outpatient services** operated by the Division and not determined to be indigent and every responsible relative pursuant to NRS 433A.610 of the person shall be charged for the cost of treatment and is liable for that cost. If after demand is made for payment the person or his or her responsible relative fails to pay that cost, the administrative officer **or professional responsible for providing or coordinating the program of community-based or outpatient services, as applicable**, may recover the amount due by civil action.

2. All sums received ~~by the administrative officer of a facility operated by the Division~~ pursuant to subsection 1 must be deposited in the State Treasury and may be expended by the Division for the support of that facility **or program** in accordance with the allotment, transfer, work program and budget provisions of NRS 353.150 to 353.245, inclusive.

Sec. 23. NRS 433A.640 is hereby amended to read as follows:

433A.640 1. Once a court has ordered the admission of a person to a division facility, the administrative officer shall make an investigation, pursuant to the provisions of this chapter, to determine whether the person or his or her responsible relatives pursuant to NRS 433A.610 are capable of paying for all or a portion of the costs that will be incurred during the period of admission.

2. ~~If a person is admitted to a division facility pursuant to a court order, that person and his or her responsible relatives are responsible for the payment of the actual cost of the treatment and services rendered during his or her admission to the division facility unless the investigation reveals that the person and his or her relatives are not capable of paying the full amount of the costs.~~ **Once a court has ordered the admission of a person to a**

program of community-based or outpatient services operated by the Division, the professional responsible for providing or coordinating the program shall make an investigation, pursuant to the provisions of this chapter, to determine whether the person or his or her responsible relatives pursuant to NRS 433A.610 are capable of paying for all or a portion of the costs that will be incurred during the period of admission.

Sec. 24. NRS 433A.650 is hereby amended to read as follows:

433A.650 Determination of ability to pay pursuant to NRS 433A.640 shall include investigation of whether the consumer has benefits due and owing to the consumer for the cost of his or her treatment from third-party sources, such as Medicare, Medicaid, social security, medical insurance benefits, retirement programs, annuity plans, government benefits or any other financially responsible third parties. The administrative officer of a division mental health facility *or professional responsible for providing or coordinating a program of community-based or outpatient services* may accept payment for the cost of a consumer's treatment from the consumer's insurance company, Medicare or Medicaid and other similar third parties.

Sec. 25. NRS 433A.660 is hereby amended to read as follows:

433A.660 1. If the consumer, his or her responsible relative pursuant to NRS 433A.610, guardian or the estate neglects or refuses to pay the cost of treatment to the division facility *or to the program of community-based or outpatient services operated by the Division* rendering service pursuant to the fee schedule established under NRS 433.404 or 433B.250, as appropriate, the State is entitled to recover by appropriate legal action all sums due, plus interest.

2. Before initiating such legal action, the division facility *or program, as applicable*, shall demonstrate efforts at collection, which may include contractual arrangements for collection through a private collection agency.

Sec. 26. NRS 433A.715 is hereby amended to read as follows:

433A.715 1. A court shall seal all court records relating to the admission and treatment of any person who was admitted, voluntarily or as the result of a noncriminal proceeding, to a public or private hospital ~~for~~, a mental health facility *or a program of community-based or outpatient services* in this State for the purpose of obtaining mental health treatment.

2. Except as otherwise provided in subsections 4 and 5, a person or governmental entity that wishes to inspect records that are sealed pursuant to this section must file a petition with the court that sealed the records. Upon the filing of a petition, the court shall fix a time for a hearing on the matter. The petitioner must provide notice of the hearing and a copy of the petition to the person who is the subject of the records. If the person who is the subject of the records wishes to oppose the petition, the person must appear before

the court at the hearing. If the person appears before the court at the hearing, the court must provide the person an opportunity to be heard on the matter.

3. After the hearing described in subsection 2, the court may order the inspection of records that are sealed pursuant to this section if:

(a) A law enforcement agency must obtain or maintain information concerning persons who have been admitted to a public or private hospital ~~for~~ , a mental health facility **or a program of community-based or outpatient services** in this State pursuant to state or federal law;

(b) A prosecuting attorney or an attorney who is representing the person who is the subject of the records in a criminal action requests to inspect the records; or

(c) The person who is the subject of the records petitions the court to permit the inspection of the records by a person named in the petition.

4. A governmental entity is entitled to inspect court records that are sealed pursuant to this section without following the procedure described in subsection 2 if:

(a) The governmental entity has made a conditional offer of employment to the person who is the subject of the records;

(b) The position of employment conditionally offered to the person concerns public safety, including, without limitation, employment as a firefighter or peace officer;

(c) The governmental entity is required by law, rule, regulation or policy to obtain the mental health records of each individual conditionally offered the position of employment; and

(d) An authorized representative of the governmental entity presents to the court a written authorization signed by the person who is the subject of the records and notarized by a notary public or judicial officer in which the person who is the subject of the records consents to the inspection of the records.

5. Upon its own order, any court of this State may inspect court records that are sealed pursuant to this section without following the procedure described in subsection 2 if the records are necessary and relevant for the disposition of a matter pending before the court. The court may allow a party in the matter to inspect the records without following the procedure described in subsection 2 if the court deems such inspection necessary and appropriate.

6. Following the sealing of records pursuant to this section, the admission of the person who is the subject of the records to the public or private hospital , ~~for~~ mental health facility **or program of community-based or outpatient services**, is deemed never to have occurred, and the person may answer accordingly any question related to its occurrence, except in connection with:

(a) An application for a permit to carry a concealed firearm pursuant to the provisions of NRS 202.3653 to 202.369, inclusive;

(b) A transfer of a firearm; or

(c) An application for a position of employment described in subsection 4.

7. As used in this section:

(a) "Firefighter" means a person who is a salaried employee of a fire-fighting agency and whose principal duties are to control, extinguish, prevent and suppress fires. As used in this paragraph, "fire-fighting agency" means a public fire department, fire protection district or other agency of this State or a political subdivision of this State, the primary functions of which are to control, extinguish, prevent and suppress fires.

(b) "Peace officer" has the meaning ascribed to it in NRS 289.010.

(c) "Seal" means placing records in a separate file or other repository not accessible to the general public.

Sec. 27. NRS 433A.750 is hereby amended to read as follows:

433A.750 1. A person who:

(a) Without probable cause for believing a person to be mentally ill causes or conspires with or assists another to cause the involuntary court-ordered admission of the person under this chapter; or

(b) Causes or conspires with or assists another to cause the denial to any person of any right accorded to the person under this chapter,

➤ is guilty of a category D felony and shall be punished as provided in NRS 193.130.

2. Unless a greater penalty is provided in subsection 1, a person who knowingly and willfully violates any provision of this chapter regarding the admission of a person to, or discharge of a person from, a public or private mental health facility **or a program of community-based or outpatient services** is guilty of a gross misdemeanor.

3. A person who, without probable cause for believing another person to be mentally ill, executes a petition, application or certificate pursuant to this chapter, by which the person secures or attempts to secure the apprehension, hospitalization, detention, **admission** or restraint of the person alleged to be mentally ill, or any physician, psychiatrist, ~~for~~ licensed psychologist **or other person professionally qualified in the field of psychiatric mental health** who knowingly makes any false certificate or application pursuant to this chapter as to the mental condition of any person is guilty of a category D felony and shall be punished as provided in NRS 193.130.

Sec. 28. This act becomes effective on July 1, 2013.

Assemblywoman Dondero Loop moved the adoption of the amendment.

Remarks by Assemblywoman Dondero Loop.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 288.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 267.

ASSEMBLYMEN FLORES, DONDERO LOOP,~~FR~~ **KIRNER**; AND ELLIOT ANDERSON

SUMMARY—~~[Removes the high school proficiency examination and provides for the administration of a standardized, curriculum-based achievement college entrance examination.]~~ **Revises provisions governing graduation from high school.** (BDR 34-524)

AN ACT relating to education; requiring the ~~[Superintendent of Public Instruction]~~ **State Board of Education** to select a ~~[standardized, curriculum-based achievement college entrance examination]~~ **college and career readiness assessment** for administration to pupils enrolled in grade 11 in public high schools; revising the requirements to receive a standard high school diploma ~~by requiring pupils enrolled in grades 9 and 10 to pass end-of-course examinations for the courses of study prescribed by the State Board; eliminating the option for the issuance of a certificate of attendance indicating a pupil attended high school but did not satisfy the requirements for a standard high school diploma;~~ eliminating the high school proficiency examination; repealing provisions relating to the high school proficiency examination; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law requires the State Board of Education to prescribe the high school proficiency examination, which must include the subjects of reading, mathematics and science. Existing law also requires the State Board, in consultation with the Council to Establish Academic Standards for Public Schools, to prescribe a writing examination for the high school proficiency examination. Existing law further requires the board of trustees of each school district and the governing body of a charter school that enrolls pupils at the high school grade levels to administer the high school proficiency examination in all public high schools.]~~ **Existing law requires the administration of examinations based upon the State's academic standards to pupils enrolled in grades 3 through 8 and requires pupils to pass the high school proficiency examination to receive a standard high school diploma.** (NRS 389.015, 389.550) **Section 43** of this bill eliminates the high school proficiency examination ~~. [and section]~~ **Section 19** of this bill ~~[instead]~~ requires the ~~[Superintendent of Public Instruction]~~ **State Board of Education** to select a ~~[standardized, curriculum-based achievement college entrance examination]~~ **college and career readiness assessment** for administration to pupils enrolled in grade 11 in public high schools ~~by~~

commencing with the 2014-2015 school year. Section 19 further requires a pupil enrolled in grade 11 to take the assessment to receive a standard high school diploma, but prohibits the use of the results of the assessment in determining the pupil's eligibility for such a diploma.

Existing law prescribes ~~for a standard high school diploma and an adjusted diploma and provides that to receive a standard high school diploma, a pupil must satisfy~~ the requirements for ~~graduation from high school and either pass the high school proficiency examination in its entirety or satisfy certain alternative criteria if the student fails to pass certain subject areas of the examination.~~ **a standard high school diploma, including passage of the high school proficiency examination.** (NRS 389.805) Section 33 of this bill eliminates ~~these existing provisions~~ **the requirement of passage of the high school proficiency examination** and instead requires the State Board to prescribe the criteria for receipt of a standard high school diploma, which must include the requirement that, **commencing with the 2014-2015 school year**, a pupil ~~successfully~~ **enrolled in grade 9 or 10** pass an **end-of-course examination**. ~~Upon completion of a course of study.~~ Section 33 also requires the State Board to ~~prescribe~~ **adopt** the courses of study in which ~~a pupil~~ **pupils enrolled in grades 9 and 10** must ~~successfully~~ pass such an examination, which must include, without limitation, the subject areas for which the State Board has adopted the common core standards.

Under existing law, a pupil who does not pass the high school proficiency examination may be issued a certificate of attendance in lieu of a diploma if he or she is 18 years of age. (NRS 389.015) Section 33 of this bill prohibits the issuance to a pupil of a certificate of attendance or any other document indicating that the pupil attended high school but did not satisfy the requirements for a standard high school diploma.

As a transition from the administration of the high school proficiency examination to the administration of end-of-course examinations, sections 44-44.7 of this bill require the State Board of Education to prescribe the requirements which a pupil enrolled in grade 10, 11 or 12 in the 2013-2014 school year who has not passed the high school proficiency examination and is required to pass the examination to receive a standard high school diploma must satisfy to receive a standard high school diploma. Such requirements may include the continuation of the administration of the high school proficiency examination to those pupils.

The remaining sections of this bill make conforming changes relating to the elimination of the high school proficiency examination.

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

Section 1. 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, ~~§~~ and 389.805, 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, ~~§~~ and 389.805, 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) The total number of persons employed by each school district in this State, including without limitation, each charter school in the district. Each such person must be reported as either an administrator, a teacher or other staff and must not be reported in more than one category. In addition to the total number of persons employed by each school district in each category, the report must include the number of employees in each of the three categories expressed as a percentage of the total number of persons employed by the school district. As used in this paragraph:

(1) "Administrator" means a person who spends at least 50 percent of his or her work year supervising other staff or licensed personnel, or both, and who is not classified by the board of trustees of a school district as a professional-technical employee.

(2) "Other staff" means all persons who are not reported as administrators or teachers, including, without limitation:

(I) School counselors, school nurses and other employees who spend at least 50 percent of their work year providing emotional support, noninstructional guidance or medical support to pupils;

(II) Noninstructional support staff, including, without limitation, janitors, school police officers and maintenance staff; and

(III) Persons classified by the board of trustees of a school district as professional-technical employees, including, without limitation, technical employees and employees on the professional-technical pay scale.

(3) "Teacher" means a person licensed pursuant to chapter 391 of NRS who is classified by the board of trustees of a school district:

(I) As a teacher and who spends at least 50 percent of his or her work year providing instruction or discipline to pupils; or

(II) As instructional support staff, who does not hold a supervisory position and who spends not more than 50 percent of his or her work year

providing instruction to pupils. Such instructional support staff includes, without limitation, librarians and persons who provide instructional support.

(l) 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) 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) 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) 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) 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.

(m) 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.

(n) 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.

(o) 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.

(p) 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.

(q) 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.

(r) 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.

(s) 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.

(t) 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.

(u) 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.

(v) 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.

(w) 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.

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

(y) 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.

(z) 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.

(aa) 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.

(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 received:

(1) A standard high school diploma . ~~It 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.

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

(cc) ~~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.~~

~~(dd)~~ 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.

~~{(ee)}~~ **(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.

~~{(ff)}~~ **(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.

~~{(gg)}~~ **(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.

~~{(hh)}~~ **(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 ~~or an adjusted diploma; for 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.~~

~~—(ii) satisfy the criteria prescribed by the State Board pursuant to NRS 389.805.~~

(hh) The number of incidents resulting in suspension or expulsion for bullying, cyber-bullying, harassment or intimidation, reported for each school district, including, without limitation, each charter school in the district, and for the State as a whole.

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 October 15 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) “Bullying” has the meaning ascribed to it in NRS 388.122.

(b) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123.

(c) "Harassment" has the meaning ascribed to it in NRS 388.125.

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

(e) "Intimidation" has the meaning ascribed to it in NRS 388.129.

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

Sec. 2. NRS 385.34691 is hereby amended to read as follows:

385.34691 1. The State Board shall prepare a plan to improve the achievement of pupils enrolled in the public schools in this State. The plan:

(a) Must be prepared in consultation with:

(1) Employees of the Department;

(2) At least one employee of a school district in a county whose population is 100,000 or more, appointed by the Nevada Association of School Boards;

(3) At least one employee of a school district in a county whose population is less than 100,000, appointed by the Nevada Association of School Boards; and

(4) At least one representative of the Statewide Council for the Coordination of the Regional Training Programs created by NRS 391.516, appointed by the Council; and

(b) May be prepared in consultation with:

(1) Representatives of institutions of higher education;

(2) Representatives of regional educational laboratories;

(3) Representatives of outside consultant groups;

(4) Representatives of the regional training programs for the professional development of teachers and administrators created by NRS 391.512;

(5) The Bureau; and

(6) Other persons who the State Board determines are appropriate.

2. A plan to improve the achievement of pupils enrolled in public schools in this State must include:

(a) A review and analysis of the data upon which the report required pursuant to NRS 385.3469 is based and a review and analysis of any data that is more recent than the data upon which the report is based.

(b) The identification of any problems or factors common among the school districts or charter schools in this State, as revealed by the review and analysis.

(c) Strategies based upon scientifically based research, as defined in 20 U.S.C. § 7801(37), that will strengthen the core academic subjects, as set forth in NRS 389.018.

(d) Strategies to improve the academic achievement of pupils enrolled in public schools in this State, including, without limitation, strategies to:

(1) Instruct pupils who are not achieving to their fullest potential, including, without limitation:

(I) The curriculum appropriate to improve achievement;

(II) The manner by which the instruction will improve the achievement and proficiency of pupils on the examinations administered pursuant to NRS ~~389.015 and 389.550, 41 and 389.805;~~ and

(III) An identification of the instruction and curriculum that is specifically designed to improve the achievement and proficiency of pupils in each group identified in paragraph (b) of subsection 1 of NRS 385.361;

(2) Increase the rate of attendance of pupils and reduce the number of pupils who drop out of school;

(3) Integrate technology into the instructional and administrative programs of the school districts;

(4) Manage effectively the discipline of pupils; and

(5) Enhance the professional development offered for the teachers and administrators employed at public schools in this State to include the activities set forth in 20 U.S.C. § 7801(34) and to address the specific needs of the pupils enrolled in public schools in this State, as deemed appropriate by the State Board.

(e) Strategies designed to provide to the pupils enrolled in middle school, junior high school and high school, the teachers and counselors who provide instruction to those pupils, and the parents and guardians of those pupils information concerning:

(1) The requirements for admission to an institution of higher education and the opportunities for financial aid;

(2) The availability of Governor Guinn Millennium Scholarships pursuant to NRS 396.911 to 396.945, inclusive; and

(3) The need for a pupil to make informed decisions about his or her curriculum in middle school, junior high school and high school in preparation for success after graduation.

(f) An identification, by category, of the employees of the Department who are responsible for ensuring that each provision of the plan is carried out effectively.

(g) A timeline for carrying out the plan, including, without limitation:

(1) The rate of improvement and progress which must be attained annually in meeting the goals and benchmarks established by the State Board pursuant to subsection 3; and

(2) For each provision of the plan, a timeline for carrying out that provision, including, without limitation, a timeline for monitoring whether the provision is carried out effectively.

(h) For each provision of the plan, measurable criteria for determining whether the provision has contributed toward improving the academic

achievement of pupils, increasing the rate of attendance of pupils and reducing the number of pupils who drop out of school.

(i) Strategies to improve the allocation of resources from this State, by program and by school district, in a manner that will improve the academic achievement of pupils. 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.

(j) Based upon the reallocation of resources set forth in paragraph (i), the resources available to the State Board and the Department to carry out the plan, including, without limitation, a budget for the overall cost of carrying out the plan.

(k) A summary of the effectiveness 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.

(l) A 5-year strategic plan which identifies the recurring issues in improving the achievement and proficiency of pupils in this State and which establishes strategic goals to address those issues. The 5-year strategic plan must be:

(1) Based upon the data from previous years which is collected by the Department for the plan developed pursuant to this section; and

(2) Designed to track the progress made in achieving the strategic goals established by the Department.

(m) Any additional plans addressing the achievement and proficiency of pupils adopted by the Department.

3. The State Board shall:

(a) In developing the plan to improve the achievement of pupils enrolled in public schools, establish clearly defined goals and benchmarks for improving the achievement of pupils, including, without limitation, goals for:

(1) Improving proficiency results in core academic subjects;

(2) Increasing the number of pupils enrolled in public middle schools and junior high schools, including, without limitation, charter schools, who enter public high schools with the skills necessary to succeed in high school;

(3) Improving the percentage of pupils who enroll in grade 9 and who graduate from a public high school, including, without limitation, a charter school, with a standard or higher diploma upon completion;

(4) Improving the performance of pupils on standardized college entrance examinations;

(5) Increasing the percentage of pupils enrolled in high schools who enter postsecondary educational institutions or who are career and workforce ready; and

(6) Reengaging disengaged youth who have dropped out of high school or who are at risk of dropping out of high school, including, without limitation, a mechanism for tracking and maintaining communication with those youth who have dropped out of school or who are at risk of doing so;

(b) Review the plan annually to evaluate the effectiveness of the plan;

(c) Examine the timeline for implementing the plan and each provision of the plan to determine whether the annual goals and benchmarks have been attained; and

(d) Based upon the evaluation of the plan, make revisions, as necessary, to ensure that:

(1) The goals and benchmarks set forth in the plan are being attained in a timely manner; and

(2) The plan is designed to improve the academic achievement of pupils enrolled in public schools in this State.

4. On or before January 31 of each year, the State Board shall submit the plan or the revised plan, as applicable, to the:

(a) Governor;

(b) Committee;

(c) Bureau;

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

(e) Council to Establish Academic Standards for Public Schools created by NRS 389.510;

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

(g) Governing body of each charter school.

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;
 - (5) Possession or use of alcohol; and
 - (6) Bullying, cyber-bullying, harassment or intimidation;
- (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; ***and***
 - (3) Adjusted diploma; ~~and~~
 - ~~(4) Certificate of attendance;~~
- (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 ~~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 administered pursuant to NRS 389.015; and~~ End-of-course examinations administered pursuant to NRS 389.805; and

(s) 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 October 20 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.

6. As used in this section:

(a) “Bullying” has the meaning ascribed to it in NRS 388.122.

(b) “Cyber-bullying” has the meaning ascribed to it in NRS 388.123.

(c) “Harassment” has the meaning ascribed to it in NRS 388.125.

(d) “Intimidation” has the meaning ascribed to it in NRS 388.129.

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 sponsored by the school district. The board of trustees of each school district shall report the information required by subsection 2 for each charter school sponsored by the school district. The information for charter schools must be reported separately.

2. The board of trustees of each school district shall, on or before September 30 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 sponsored by 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 389.805 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 sponsored by 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 ~~and~~ 389.805, 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 sponsored by 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 sponsored by 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 sponsored by 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 sponsored by 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 sponsored by the district.

(d) The total number of persons employed for each elementary school, middle school or junior high school, and high school in the district, including, without limitation, each charter school sponsored by the district. Each such person must be reported as either an administrator, a teacher or other staff and must not be reported in more than one category. In addition to the total number of persons employed by each school in each category, the report must include the number of employees in each of the three categories for each school expressed as a percentage of the total number of persons employed by the school. As used in this paragraph:

(1) “Administrator” means a person who spends at least 50 percent of his or her work year supervising other staff or licensed personnel, or both,

and who is not classified by the board of trustees of the school district as a professional-technical employee.

(2) "Other staff" means all persons who are not reported as administrators or teachers, including, without limitation:

(I) School counselors, school nurses and other employees who spend at least 50 percent of their work year providing emotional support, noninstructional guidance or medical support to pupils;

(II) Noninstructional support staff, including, without limitation, janitors, school police officers and maintenance staff; and

(III) Persons classified by the board of trustees of the school district as professional-technical employees, including, without limitation, technical employees and employees on the professional-technical pay scale.

(3) "Teacher" means a person licensed pursuant to chapter 391 of NRS who is classified by the board of trustees of the school district:

(I) As a teacher and who spends at least 50 percent of his or her work year providing instruction or discipline to pupils; or

(II) As instructional support staff, who does not hold a supervisory position and who spends not more than 50 percent of his or her work year providing instruction to pupils. Such instructional support staff includes, without limitation, librarians and persons who provide instructional support.

(e) The total number of persons employed by the school district, including without limitation, each charter school sponsored by the district. Each such person must be reported as either an administrator, a teacher or other staff and must not be reported in more than one category. In addition to the total number of persons employed by the school district in each category, the report must include the number of employees in each of the three categories expressed as a percentage of the total number of persons employed by the school district. As used in this paragraph, "administrator," "other staff" and "teacher" have the meanings ascribed to them in paragraph (d).

(f) 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 sponsored by 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) 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) 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) 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) 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.

(g) The total expenditure per pupil for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by 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.

(h) 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 sponsored by the district.

(i) 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 sponsored by the district.

(2) For each elementary school, middle school and junior high school in the district, including, without limitation, each charter school sponsored by 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.

(j) 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.

(k) 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 sponsored by the district.

(l) Efforts made by the school district and by each school in the district, including, without limitation, each charter school sponsored by the district, to increase:

(1) Communication with the parents of pupils enrolled in the district;

(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; and

(3) The involvement of parents and the engagement of families of pupils enrolled in the district in the education of their children.

(m) Records of incidents involving weapons or violence for each school in the district, including, without limitation, each charter school sponsored by the district.

(n) 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 sponsored by the district.

(o) Records of the suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467.

(p) 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 sponsored by the district.

(q) 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 sponsored by the district.

(r) The transiency rate of pupils for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by 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.

(s) Each source of funding for the school district.

(t) 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 sponsored by the district.

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

(u) For each high school in the district, including, without limitation, each charter school sponsored by 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.

(v) The technological facilities and equipment available at each school, including, without limitation, each charter school sponsored by the district, and the district's plan to incorporate educational technology at each school.

(w) For each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, the number and percentage of pupils who received:

(1) A standard high school diploma . ~~It 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.

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

(x) ~~For each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, the number~~

~~and percentage of pupils who failed to pass the high school proficiency examination.~~

~~(y)~~ 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.

~~{(z)}~~ (y) 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 sponsored by the district.

~~{(aa)}~~ (z) 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.

~~{(bb)}~~ (aa) Information on whether each public school in the district, including, without limitation, each charter school sponsored by 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.

~~{(cc)}~~ (bb) Information on the paraprofessionals employed by each public school in the district, including, without limitation, each charter school sponsored by 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.

~~{(dd)}~~ (cc) For each high school in the district, including, without limitation, each charter school sponsored by the district 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.

~~{{ee}}~~ **(dd)** 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.

~~{{ff}}~~ **(ee)** For each school in the district and the district as a whole, including, without limitation, each charter school sponsored by 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 ~~or an adjusted diploma; for 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.~~

~~—(gg)~~ **satisfy the criteria prescribed by the State Board pursuant to NRS 389.805.**

(ff) The number of incidents resulting in suspension or expulsion for bullying, cyber-bullying, harassment or intimidation, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

~~{{hh}}~~ **(gg)** Such other information as is directed by the Superintendent of Public Instruction.

3. The State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school shall, on or before September 30 of each year, prepare an annual report of accountability of the charter schools sponsored by the State Public Charter School Authority or institution, as applicable, concerning the accountability information prescribed by the Department pursuant to this section. The Department, in consultation with the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school, shall prescribe by regulation the information that must be prepared by the State Public Charter School Authority and institution, as applicable, which must include, without limitation, the information contained in paragraphs (a) to ~~{{hh}}~~ **(gg).**

inclusive, of subsection 2, as applicable to charter schools. The Department shall provide for public dissemination of the annual report of accountability prepared pursuant to this section 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 Department.

4. The records of attendance maintained by a school for purposes of paragraph (k) of subsection 2 or maintained by a charter school for purposes of the reporting required pursuant to subsection 3 must include the number of teachers who are in attendance at school and the number of teachers who are absent from school. A teacher shall be deemed in attendance if the teacher is excused from being present in the classroom by the school in which 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.

5. The annual report of accountability prepared pursuant to subsection 2 or 3, as applicable, must:

(a) Comply with 20 U.S.C. § 6311(h)(2) and the regulations adopted pursuant thereto; and

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

6. The Superintendent of Public Instruction shall:

(a) Prescribe forms for the reports required pursuant to subsections 2 and 3 and provide the forms to the respective school districts, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school.

(b) Provide statistical information and technical assistance to the school districts, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school to ensure that the reports provide comparable information with respect to each school in each district, each charter school and among the districts and charter schools throughout this State.

(c) Consult with a representative of the:

- (1) Nevada State Education Association;
- (2) Nevada Association of School Boards;
- (3) Nevada Association of School Administrators;
- (4) Nevada Parent Teacher Association;
- (5) Budget Division of the Department of Administration;
- (6) Legislative Counsel Bureau; and
- (7) Charter School Association of Nevada,

↪ concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

7. The Superintendent of Public Instruction may consult with representatives of parent groups other than the Nevada Parent Teacher Association concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

8. On or before September 30 of each year:

(a) 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 (i) of subsection 2.

(b) The State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school shall submit to each advisory board to review school attendance created in a county pursuant to NRS 392.126 the information regarding the records of the attendance and truancy of pupils enrolled in the charter school located in that county, if any, in accordance with the regulations prescribed by the Department pursuant to subsection 3.

9. On or before September 30 of each year:

(a) The board of trustees of each school district, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school shall provide written notice that the report required pursuant to subsection 2 or 3, as applicable, is available on the Internet website maintained by the school district, State Public Charter School Authority or institution, 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) The board of trustees of each school district, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school shall provide for public dissemination of the annual report of accountability prepared pursuant to subsection 2 or 3, as applicable, in the manner set forth in 20 U.S.C. § 6311(h)(2)(E) by posting a copy of the report on the Internet website maintained by the school district, the State Public Charter School Authority or the institution, 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 sponsored by 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 sponsored by the district. If the State Public Charter School Authority or the institution does not maintain a website, the State Public Charter School Authority or the institution, as applicable, shall otherwise provide for public dissemination of the annual report by providing a copy of the report to each charter school it sponsors and the parents and guardians of pupils enrolled in each charter school it sponsors.

10. Upon the request of the Governor, an entity described in paragraph (a) of subsection 9 or a member of the general public, the board of trustees of a school district, the State Public Charter School Authority or a college or university within the Nevada System of Higher Education that sponsors a charter school, as applicable, shall provide a portion or portions of the report required pursuant to subsection 2 or 3, as applicable.

11. As used in this section:

- (a) “Bullying” has the meaning ascribed to it in NRS 388.122.
- (b) “Cyber-bullying” has the meaning ascribed to it in NRS 388.123.
- (c) “Harassment” has the meaning ascribed to it in NRS 388.125.
- (d) “Highly qualified” has the meaning ascribed to it in 20 U.S.C. § 7801(23).
- (e) “Intimidation” has the meaning ascribed to it in NRS 388.129.
- (f) “Paraprofessional” has the meaning ascribed to it in NRS 391.008.

Sec. 5. NRS 385.357 is hereby amended to read as follows:

385.357 1. Except as otherwise provided in NRS 385.37603 and 385.37607, the principal of each school, including, without limitation, each charter school, shall, in consultation with the employees of the school, prepare a plan to improve the achievement of the pupils enrolled in the school.

2. The plan developed pursuant to subsection 1 must include:

(a) A review and analysis of the data pertaining to the school upon which the report required pursuant to subsection 2 or 3 of NRS 385.347, as applicable, is based and a review and analysis of any data that is more recent than the data upon which the report is based.

(b) The identification of any problems or factors at the school that are revealed by the review and analysis.

(c) Strategies based upon scientifically based research, as defined in 20 U.S.C. § 7801(37), that will strengthen the core academic subjects, as defined in NRS 389.018.

(d) Policies and practices concerning the core academic subjects which have the greatest likelihood of ensuring that each group of pupils identified in paragraph (b) of subsection 1 of NRS 385.361 who are enrolled in the school

will make adequate yearly progress and meet the minimum level of proficiency prescribed by the State Board.

(e) Annual measurable objectives, consistent with the annual measurable objectives established by the State Board pursuant to NRS 385.361, for the continuous and substantial progress by each group of pupils identified in paragraph (b) of subsection 1 of that section who are enrolled in the school to ensure that each group will make adequate yearly progress and meet the level of proficiency prescribed by the State Board.

(f) Strategies and practices which:

(1) Are consistent with the policy adopted pursuant to NRS 392.457 by the board of trustees of the school district in which the school is located, to promote effective involvement by parents and families of pupils enrolled in the school in the education of their children; and

(2) Are designed to improve and promote effective involvement and engagement by parents and families of pupils enrolled in the school which are consistent with the policies and recommendations of the Office of Parental Involvement and Family Engagement made pursuant to NRS 385.635.

(g) As appropriate, programs of remedial education or tutoring to be offered before and after school, during the summer, or between sessions if the school operates on a year-round calendar for pupils enrolled in the school who need additional instructional time to pass or to reach a level considered proficient.

(h) Strategies to improve the academic achievement of pupils enrolled in the school, including, without limitation, strategies to:

(1) Instruct pupils who are not achieving to their fullest potential, including, without limitation:

(I) The curriculum appropriate to improve achievement;

(II) The manner by which the instruction will improve the achievement and proficiency of pupils on the examinations administered pursuant to NRS ~~389.015 and 389.550~~ **and 389.805**; and

(III) An identification of the instruction and curriculum that is specifically designed to improve the achievement and proficiency of pupils in each group identified in paragraph (b) of subsection 1 of NRS 385.361;

(2) Increase the rate of attendance of pupils and reduce the number of pupils who drop out of school;

(3) Integrate technology into the instructional and administrative programs of the school;

(4) Manage effectively the discipline of pupils; and

(5) Enhance the professional development offered for the teachers and administrators employed at the school to include the activities set forth in 20

U.S.C. § 7801(34) and to address the specific needs of pupils enrolled in the school, as deemed appropriate by the principal.

(i) An identification, by category, of the employees of the school who are responsible for ensuring that the plan is carried out effectively.

(j) In consultation with the school district or governing body, as applicable, an identification, by category, of the employees of the school district or governing body, if any, who are responsible for ensuring that the plan is carried out effectively or for overseeing and monitoring whether the plan is carried out effectively.

(k) In consultation with the Department, an identification, by category, of the employees of the Department, if any, who are responsible for overseeing and monitoring whether the plan is carried out effectively.

(l) For each provision of the plan, a timeline for carrying out that provision, including, without limitation, a timeline for monitoring whether the provision is carried out effectively.

(m) For each provision of the plan, measurable criteria for determining whether the provision has contributed toward improving the academic achievement of pupils, increasing the rate of attendance of pupils and reducing the number of pupils who drop out of school.

(n) The resources available to the school to carry out the plan. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, each school shall use that statewide program in complying with this paragraph. If a statewide program is not available, each school shall use the financial analysis program used by the school district in which the school is located in complying with this paragraph.

(o) A summary of the effectiveness of appropriations made by the Legislature that are available to the school to improve the academic achievement of pupils and programs approved by the Legislature to improve the academic achievement of pupils.

(p) A budget of the overall cost for carrying out the plan.

3. In addition to the requirements of subsection 2, if a school has been designated as demonstrating need for improvement pursuant to NRS 385.3623, the plan must comply with 20 U.S.C. § 6316(b)(3) and the regulations adopted pursuant thereto.

4. Except as otherwise provided in subsection 5, the principal of each school shall, in consultation with the employees of the school:

(a) Review the plan prepared pursuant to this section annually to evaluate the effectiveness of the plan; and

(b) Based upon the evaluation of the plan, make revisions, as necessary, to ensure that the plan is designed to improve the academic achievement of pupils enrolled in the school.

5. If a school has been designated as demonstrating need for improvement pursuant to NRS 385.3623 and a support team has been established for the school, the support team shall review the plan and make revisions to the most recent plan for improvement of the school pursuant to NRS 385.36127. If the school is a Title I school that has been designated as demonstrating need for improvement, the support team established for the school shall, in making revisions to the plan, work in consultation with parents and guardians of pupils enrolled in the school and, to the extent deemed appropriate by the entity responsible for creating the support team, outside experts.

6. On or before December 15 of each year, the principal of each school or the support team established for the school, as applicable, shall submit the plan or the revised plan, as applicable, to:

(a) If the school is a public school of the school district, the superintendent of schools of the school district.

(b) If the school is a charter school, the governing body of the charter school.

7. If a Title I school is designated as demonstrating need for improvement pursuant to NRS 385.3623, the superintendent of schools of the school district or the governing body, as applicable, shall carry out a process for peer review of the plan or the revised plan, as applicable, in accordance with 20 U.S.C. § 6316(b)(3)(E) and the regulations adopted pursuant thereto. Not later than 45 days after receipt of the plan, the superintendent of schools of the school district or the governing body, as applicable, shall approve the plan or the revised plan, as applicable, if it meets the requirements of 20 U.S.C. § 6316(b)(3) and the regulations adopted pursuant thereto and the requirements of this section. The superintendent of schools of the school district or the governing body, as applicable, may condition approval of the plan or the revised plan, as applicable, in the manner set forth in 20 U.S.C. § 6316(b)(3)(B) and the regulations adopted pursuant thereto. The State Board shall prescribe the requirements for the process of peer review, including, without limitation, the qualifications of persons who may serve as peer reviewers.

8. If a school is designated as demonstrating exemplary achievement, high achievement or adequate achievement, or if a school that is not a Title I school is designated as demonstrating need for improvement, not later than 45 days after receipt of the plan or the revised plan, as applicable, the superintendent of schools of the school district or the governing body, as applicable, shall approve the plan or the revised plan if it meets the requirements of this section.

9. On or before January 31 of each year, the principal of each school or the support team established for the school, as applicable, shall submit the final plan or the final revised plan, as applicable, to the:

- (a) Superintendent of Public Instruction;
- (b) Governor;
- (c) State Board;
- (d) Department;
- (e) Committee;
- (f) Bureau; and
- (g) Board of trustees of the school district in which the school is located or, if the school is a charter school, the sponsor of the charter school and the governing body of the charter school.

10. A plan for the improvement of a school must be carried out expeditiously, but not later than February 15 after approval of the plan pursuant to subsection 7 or 8, as applicable.

Sec. 6. NRS 385.361 is hereby amended to read as follows:

385.361 1. The State Board shall define the measurement for determining whether each public school, each school district and this State are making adequate yearly progress. The definition of adequate yearly progress must:

(a) Comply with 20 U.S.C. § 6311(b)(2) and the regulations adopted pursuant thereto;

(b) Be designed to ensure that all pupils will meet or exceed the minimum level of proficiency set by the State Board, including, without limitation:

(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; and

(4) Pupils who are limited English proficient;

(c) Be based primarily upon the measurement of progress of pupils on the examinations administered pursuant to NRS 389.550 ~~for~~ or the high school proficiency examination. **examinations administered pursuant to NRS 389.805, as applicable;**

(d) Include annual measurable objectives established pursuant to 20 U.S.C. § 6311(b)(2)(G) and the regulations adopted pursuant thereto;

(e) For high schools, include the rate of graduation; and

(f) For elementary schools, junior high schools and middle schools, include the rate of attendance.

2. The examination in science must not be included in the definition of adequate yearly progress.

3. The State Board shall prescribe, by regulation, the differentiated corrective actions, the consequences or the sanctions, or any combination thereof, based upon the identified needs of a public school, including, without limitation, the educational needs of English language learners, pupils with disabilities or other groups of pupils identified in paragraph (b) of subsection 1, that apply to the public school that has been designated as demonstrating need for improvement for 4 consecutive years or more, including, without limitation, the establishment of a support team for a school if deemed necessary by the Department in accordance with the regulations of the State Board. In no event may the consequences or sanctions be more strict than the restructuring that applies to Title I schools.

Sec. 7. NRS 385.3612 is hereby amended to read as follows:

385.3612 1. The State Board shall adopt regulations that prescribe, consistent with 20 U.S.C. §§ 6301 et seq., and the regulations adopted pursuant thereto, the manner in which pupils enrolled in:

(a) A program of distance education pursuant to NRS 388.820 to 388.874, inclusive;

(b) An alternative program for the education of pupils at risk of dropping out of school pursuant to NRS 388.537; or

(c) A program of education that:

(1) Primarily serves pupils with disabilities; or

(2) Is operated within a:

(I) Local, regional or state facility for the detention of children;

(II) Juvenile forestry camp;

(III) Child welfare agency; or

(IV) Correctional institution,

↪ will be included within the statewide system of accountability set forth in NRS 385.3455 to 385.391, inclusive.

2. The regulations adopted pursuant to subsection 1 must also set forth the manner in which:

(a) The progress of pupils enrolled in a program of distance education, an alternative program or a program of education described in subsection 1 will be accounted for within the statewide system of accountability; and

(b) The results of pupils enrolled in a program of distance education, an alternative program or a program of education described in subsection 1 on the examinations administered pursuant to NRS ~~{389.015 and}~~ 389.550 and 389.805 will be reported.

Sec. 8. NRS 385.36129 is hereby amended to read as follows:

385.36129 1. In addition to the duties prescribed in NRS 385.36127, a support team established for a school shall prepare an annual written report that includes:

(a) Information concerning the most recent plan to improve the achievement of the school's pupils, the turnaround plan for the school or the plan for restructuring the school, whichever is applicable for the school, including, without limitation, an evaluation of:

- (1) The appropriateness of the plan for the school; and
- (2) Whether the school has achieved the goals and objectives set forth in the plan;

(b) The written revisions to the plan to improve the achievement of the school's pupils or written recommendations for revisions to the turnaround plan for the school or the plan for restructuring the school, whichever is applicable for the school, submitted by the support team pursuant to NRS 385.36127;

(c) A summary of each program for remediation, if any, purchased for the school with money that is available from the Federal Government, this state and the school district in which the school is located, including, without limitation:

- (1) The name of the program;
- (2) The date on which the program was purchased and the date on which the program was carried out by the school;
- (3) The percentage of personnel at the school who were trained regarding the use of the program;
- (4) The satisfaction of the personnel at the school with the program; and
- (5) An evaluation of whether the program has improved the academic achievement of the pupils enrolled in the school who participated in the program;

(d) An analysis of the problems and factors at the school which contributed to the designation of the school as demonstrating need for improvement, including, without limitation, issues relating to:

- (1) The financial resources of the school;
- (2) The administrative and educational personnel of the school;
- (3) The curriculum of the school;
- (4) The facilities available at the school, including the availability and accessibility of educational technology; and
- (5) Any other factors that the support team believes contributed to the designation of the school as demonstrating need for improvement; and

(e) Other information concerning the school, including, without limitation:

- (1) The results of the pupils who are enrolled in the school on the examinations that are administered pursuant to NRS 389.550 ~~for the high school proficiency examination, as applicable;~~ **and, if applicable for the grade levels of the school, the end-of-course examinations administered pursuant to NRS 389.805;**

(2) Records of the attendance and truancy of pupils who are enrolled in the school;

(3) The transiency rate of pupils who are enrolled in the school;

(4) A description of the number of years that each teacher has provided instruction at the school and the rate of turnover of teachers and other educational personnel employed at the school;

(5) A description of the participation of parents and legal guardians in the educational process and other activities relating to the school;

(6) A description of each source of money for the remediation of pupils who are enrolled in the school;

(7) Except as otherwise provided in subparagraph (8), a description of the disciplinary problems of the pupils who are enrolled in the school, including, without limitation, the information contained in paragraphs (m) to (p), inclusive, of subsection 2 of NRS 385.347; and

(8) For a charter school, a description of the disciplinary problems of the pupils enrolled in the charter school as reported in the annual report of accountability prepared by the State Public Charter School Authority or the college or university within the Nevada System of Higher Education that sponsors the charter school, as applicable, pursuant to subsection 3 of NRS 385.347.

2. On or before December 15, the support team of a school other than a charter school shall submit a copy of the final written report to the:

(a) Principal of the school;

(b) Board of trustees of the school district in which the school is located;

(c) Superintendent of schools of the school district in which the school is located;

(d) Department; and

(e) Bureau.

➡ The support team shall make the written report available, upon request, to each parent or legal guardian of a pupil who is enrolled in the school.

3. On or before December 15, the support team for a charter school shall submit a copy of the final written report to the:

(a) Principal of the charter school;

(b) Sponsor of the charter school;

(c) Governing body of the charter school;

(d) Department; and

(e) Bureau.

➡ The support team shall make the written report available, upon request, to each parent or legal guardian of a pupil who is enrolled in the charter school.

Sec. 9. NRS 385.3613 is hereby amended to read as follows:

385.3613 1. Except as otherwise provided in subsection 2, on or before July 31 of each year, the Department shall determine whether each public

school is making adequate yearly progress, as defined by the State Board pursuant to NRS 385.361.

2. On or before July 31 of each year, the Department shall determine whether each public school that operates on a schedule other than a traditional 9-month schedule is making adequate yearly progress, as defined by the State Board pursuant to NRS 385.361.

3. The determination pursuant to subsection 1 or 2, as applicable, for a public school, including, without limitation, a charter school sponsored by the board of trustees of the school district, must be made in consultation with the board of trustees of the school district in which the public school is located. If a charter school is sponsored by the State Public Charter School Authority or by a college or university within the Nevada System of Higher Education, the Department shall make a determination for the charter school in consultation with the State Public Charter School Authority or the institution within the Nevada System of Higher Education that sponsors the charter school, as applicable. The determination made for each school must be based only upon the information and data for those pupils who are enrolled in the school for a full academic year. On or before July 31 of each year, the Department shall transmit:

(a) Except as otherwise provided in paragraph (b) or (c), the determination made for each public school to the board of trustees of the school district in which the public school is located.

(b) To the State Public Charter School Authority the determination made for each charter school that is sponsored by the State Public Charter School Authority.

(c) The determination made for the charter school to the institution that sponsors the charter school if a charter school is sponsored by a college or university within the Nevada System of Higher Education.

4. Except as otherwise provided in this subsection, the Department shall determine that a public school has failed to make adequate yearly progress if any group identified in paragraph (b) of subsection 1 of NRS 385.361 does not satisfy the annual measurable objectives established by the State Board pursuant to that section. To comply with 20 U.S.C. § 6311(b)(2)(I) and the regulations adopted pursuant thereto, the State Board shall prescribe by regulation the conditions under which a school shall be deemed to have made adequate yearly progress even though a group identified in paragraph (b) of subsection 1 of NRS 385.361 did not satisfy the annual measurable objectives of the State Board.

5. In addition to the provisions of subsection 4, the Department shall determine that a public school has failed to make adequate yearly progress if:

(a) The number of pupils enrolled in the school who took the examinations administered pursuant to NRS 389.550 or the high school

~~proficiency examination,~~ examinations administered pursuant to NRS 389.805, as applicable, is less than 95 percent of all pupils enrolled in the school who were required to take the examinations; or

(b) Except as otherwise provided in subsection 6, for each group of pupils identified in paragraph (b) of subsection 1 of NRS 385.361, the number of pupils in the group enrolled in the school who took the examinations administered pursuant to NRS 389.550 ~~or the high school proficiency examination,~~ examinations administered pursuant to NRS 389.805, as applicable, is less than 95 percent of all pupils in that group enrolled in the school who were required to take the examinations.

6. If the number of pupils in a particular group who are enrolled in a public school is insufficient to yield statistically reliable information:

(a) The Department shall not determine that the school has failed to make adequate yearly progress pursuant to paragraph (b) of subsection 5 based solely upon that particular group.

(b) The pupils in such a group must be included in the overall count of pupils enrolled in the school who took the examinations.

➔ The State Board shall prescribe the mechanism for determining the number of pupils that must be in a group for that group to yield statistically reliable information.

7. If an irregularity in testing administration or an irregularity in testing security occurs at a school and the irregularity invalidates the test scores of pupils, those test scores must be included in the scores of pupils reported for the school, the attendance of those pupils must be counted towards the total number of pupils who took the examinations and the pupils must be included in the total number of pupils who were required to take the examinations.

8. As used in this section:

(a) “Irregularity in testing administration” has the meaning ascribed to it in NRS 389.604.

(b) “Irregularity in testing security” has the meaning ascribed to it in NRS 389.608.

Sec. 10. NRS 385.3762 is hereby amended to read as follows:

385.3762 1. On or before August 15 of each year, the Department shall determine whether each school district is making adequate yearly progress, as defined by the State Board pursuant to NRS 385.361. The pupils who are enrolled in a charter school, if any, located within a school district must not be included in the determination made for that school district. The determination made for each school district must be based only upon the information and data for those pupils who were enrolled in the school district for a full academic year, regardless of whether those pupils attended more than one school within the school district for that academic year.

2. Except as otherwise provided in this subsection, the Department shall determine that a school district has failed to make adequate yearly progress if any group of pupils identified in paragraph (b) of subsection 1 of NRS 385.361 who are enrolled in the school district does not satisfy the annual measurable objectives established by the State Board pursuant to that section. To comply with 20 U.S.C. § 6311(b)(2)(I) and the regulations adopted pursuant thereto, the State Board shall prescribe by regulation the conditions under which a school district shall be deemed to have made adequate yearly progress even though a group of pupils identified in paragraph (b) of subsection 1 of NRS 385.361 who are enrolled in the school district did not satisfy the annual measurable objectives of the State Board.

3. In addition to the provisions of subsection 2, the Department shall determine that a school district has failed to make adequate yearly progress if:

(a) The number of pupils enrolled in the school district who took the examinations administered pursuant to NRS 389.550 ~~or the high school proficiency examination,~~ examinations administered pursuant to NRS 389.805, as applicable, is less than 95 percent of all pupils enrolled in the school district who were required to take the examinations; or

(b) Except as otherwise provided in subsection 4, for each group of pupils identified in paragraph (b) of subsection 1 of NRS 385.361, the number of pupils enrolled in the school district who took the examinations administered pursuant to NRS 389.550 ~~or the high school proficiency examination,~~ examinations administered pursuant to NRS 389.805, as applicable, is less than 95 percent of all pupils in the group who were required to take the examinations.

4. If the number of pupils in a particular group who are enrolled in a school district is insufficient to yield statistically reliable information:

(a) The Department shall not determine that the school district has failed to make adequate yearly progress pursuant to paragraph (b) of subsection 3 based solely upon that particular group.

(b) The pupils in such a group must be included in the overall count of pupils enrolled in the school district who took the examinations.

➤ 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.

Sec. 11. NRS 385.389 is hereby amended to read as follows:

385.389 1. The Department shall adopt programs of remedial study for each subject tested on the examinations administered pursuant to NRS ~~389.015 and~~ 389.550 ~~and~~ and 389.805, including, without limitation, programs that are designed for pupils who are limited English proficient. The

programs adopted for pupils who are limited English proficient must be designed to:

- (a) Improve the academic achievement of those pupils; or
- (b) Assist those pupils with attaining proficiency in the English language.

➡ In adopting these programs of remedial study, the Department shall consider the recommendations submitted by the Committee pursuant to NRS 218E.615 and programs of remedial study that have proven to be successful in improving the academic achievement of pupils.

2. If a school fails to make adequate yearly progress based upon the results of the examinations administered pursuant to NRS ~~389.015 or~~ 389.550 ~~or~~ or 389.805, the school shall adopt a program of remedial study that has been adopted by the Department pursuant to subsection 1 or a program, practice or strategy recommended by the Commission on Educational Excellence pursuant to NRS 385.3785, or any combination thereof, as applicable.

3. A school district that includes a school described in subsection 2 shall ensure that each of the pupils enrolled in the school who failed to demonstrate at least adequate achievement on the examinations administered pursuant to NRS ~~389.015 or~~ 389.550 ~~or~~ or 389.805, as applicable, completes remedial study that is determined to be appropriate for the pupil.

Sec. 12. NRS 385.3891 is hereby amended to read as follows:

385.3891 1. The Department shall establish a monitoring system for the statewide system of accountability. The monitoring system must identify significant levels of achievement of pupils on the examinations that are administered pursuant to NRS 389.550 ~~or~~ and the high school proficiency examination that is examinations administered pursuant to NRS ~~389.015, or~~ 389.805, identified by school and by school district.

2. On or before October 1 of each year, the Department shall prepare a written summary of the findings made pursuant to subsection 1. The written summary must be provided to:

- (a) The Committee; and
- (b) If the findings show inconsistencies applicable to a particular school district or school within a school district, the board of trustees of that school district.

3. The Committee shall review the report submitted pursuant to subsection 2 and take such action as it deems appropriate.

Sec. 13. NRS 386.550 is hereby amended to read as follows:

386.550 1. A charter school shall:

- (a) Comply with all laws and regulations relating to discrimination and civil rights.
- (b) Remain nonsectarian, including, without limitation, in its educational programs, policies for admission and employment practices.

- (c) Refrain from charging tuition or fees, levying taxes or issuing bonds.
- (d) Comply with any plan for desegregation ordered by a court that is in effect in the school district in which the charter school is located.
- (e) Comply with the provisions of chapter 241 of NRS.
- (f) Except as otherwise provided in this paragraph, schedule and provide annually at least as many days of instruction as are required of other public schools located in the same school district as the charter school is located. The governing body of a charter school may submit a written request to the Superintendent of Public Instruction for a waiver from providing the days of instruction required by this paragraph. The Superintendent of Public Instruction may grant such a request if the governing body demonstrates to the satisfaction of the Superintendent that:
 - (1) Extenuating circumstances exist to justify the waiver; and
 - (2) The charter school will provide at least as many hours or minutes of instruction as would be provided under a program consisting of 180 days.
- (g) Cooperate with the board of trustees of the school district in the administration of the ~~{achievement and proficiency}~~ examinations administered pursuant to ~~[NRS 389.015 and the examinations required pursuant to]~~ NRS 389.550 **and, if the charter school enrolls pupils at a high school grade level, the end-of-course examinations administered pursuant to NRS 389.805 and the college and career readiness assessment administered pursuant to section 19 of this act** to the pupils who are enrolled in the charter school.
- (h) Comply with applicable statutes and regulations governing the achievement and proficiency of pupils in this State.
- (i) Provide instruction in the core academic subjects set forth in subsection 1 of NRS 389.018, as applicable for the grade levels of pupils who are enrolled in the charter school, and provide at least the courses of study that are required of pupils by statute or regulation for promotion to the next grade or graduation from a public high school and require the pupils who are enrolled in the charter school to take those courses of study. This paragraph does not preclude a charter school from offering, or requiring the pupils who are enrolled in the charter school to take, other courses of study that are required by statute or regulation.
- (j) If the parent or legal guardian of a child submits an application to enroll in kindergarten, first grade or second grade at the charter school, comply with NRS 392.040 regarding the ages for enrollment in those grades.
- (k) Refrain from using public money to purchase real property or buildings without the approval of the sponsor.
- (l) Hold harmless, indemnify and defend the sponsor of the charter school against any claim or liability arising from an act or omission by the governing body of the charter school or an employee or officer of the charter

school. An action at law may not be maintained against the sponsor of a charter school for any cause of action for which the charter school has obtained liability insurance.

(m) Provide written notice to the parents or legal guardians of pupils in grades 9 to 12, inclusive, who are enrolled in the charter school of whether the charter school is accredited by the Commission on Schools of the Northwest Association of Schools and of Colleges and Universities.

(n) Adopt a final budget in accordance with the regulations adopted by the Department. A charter school is not required to adopt a final budget pursuant to NRS 354.598 or otherwise comply with the provisions of chapter 354 of NRS.

(o) If the charter school provides a program of distance education pursuant to NRS 388.820 to 388.874, inclusive, comply with all statutes and regulations that are applicable to a program of distance education for purposes of the operation of the program.

2. A charter school shall not provide instruction through a program of distance education to children who are exempt from compulsory attendance authorized by the State Board pursuant to subsection 1 of NRS 392.070. As used in this subsection, “distance education” has the meaning ascribed to it in NRS 388.826.

Sec. 14. NRS 386.5515 is hereby amended to read as follows:

386.5515 1. To the extent money is available from legislative appropriation or otherwise, a charter school may apply to the Department for money for facilities if:

(a) The charter school has been operating in this State for at least 5 consecutive years and is in good financial standing;

(b) Each financial audit and each performance audit of the charter school required by the Department pursuant to NRS 386.540 contains no major notations, corrections or errors concerning the charter school for at least 5 consecutive years;

(c) The charter school has met or exceeded adequate yearly progress as determined pursuant to NRS 385.3613 or has demonstrated improvement in the achievement of pupils enrolled in the charter school, as indicated by annual measurable objectives determined by the State Board, for the majority of the years of its operation; and

(d) At least 75 percent of the pupils enrolled in grade 12 in the charter school in the immediately preceding school year ~~who have completed the required course work for graduation have passed the high school proficiency examination,~~ **satisfied the criteria prescribed by the State Board pursuant to NRS 389.805,** if the charter school enrolls pupils at a high school grade level.

2. A charter school that satisfies the requirements of subsection 1 shall submit to a performance audit as required by the Department one time every 3 years. The sponsor of the charter school and the Department shall not request a performance audit of the charter school more frequently than every 3 years without reasonable evidence of noncompliance in achieving the educational goals and objectives of the charter school based upon the annual report submitted to the Department pursuant to NRS 386.610. If the charter school no longer satisfies the requirements of subsection 1 or if reasonable evidence of noncompliance in achieving the educational goals and objectives of the charter school exists based upon the annual report, the charter school shall, upon written notice from the sponsor, submit to an annual performance audit. Notwithstanding the provisions of paragraph (b) of subsection 1, such a charter school:

(a) May, after undergoing the annual performance audit, reapply to the sponsor to determine whether the charter school satisfies the requirements of paragraphs (a), (c) and (d) of subsection 1.

(b) Is not eligible for any available money pursuant to subsection 1 until the sponsor determines that the charter school satisfies the requirements of that subsection.

3. A charter school that does not satisfy the requirements of subsection 1 shall submit a quarterly report of the financial status of the charter school if requested by the sponsor of the charter school.

Sec. 15. NRS 386.740 is hereby amended to read as follows:

386.740 1. Each empowerment plan for a school must:

(a) Set forth the manner by which the school will be governed;

(b) Set forth the proposed budget for the school, including, without limitation, the cost of carrying out the empowerment plan, and the manner by which the money apportioned to the school will be administered;

(c) If a school support team has been established for the school in accordance with the regulations of the State Board adopted pursuant to NRS 385.361, require the principal and the empowerment team for the school to work in consultation with the school support team;

(d) Prescribe the academic plan for the school, including, without limitation, the manner by which courses of study will be provided to the pupils enrolled in the school and any special programs that will be offered for pupils;

(e) Prescribe the manner by which the achievement of pupils will be measured and reported for the school, including, without limitation, the results of the pupils on the examinations administered pursuant to NRS ~~389.015 and~~ 389.550 ~~1; and section 19 of this act;~~ and, if applicable for the grade levels of the empowerment school, the end-of-course examinations administered pursuant to NRS 389.805;

(f) Prescribe the manner by which teachers and other licensed educational personnel will be selected and hired for the school, which must be determined and negotiated pursuant to chapter 288 of NRS;

(g) Prescribe the manner by which all other staff for the school will be selected and hired, which must be determined and negotiated pursuant to chapter 288 of NRS;

(h) Indicate whether the empowerment plan will offer an incentive pay structure for staff and a description of that pay structure, if applicable;

(i) Indicate the intended ratio of pupils to teachers at the school, designated by grade level, which must comply with NRS 388.700 or 388.720, as applicable;

(j) Provide a description of the professional development that will be offered to the teachers and other licensed educational personnel employed at the school;

(k) Prescribe the manner by which the empowerment plan will increase the involvement of parents and legal guardians of pupils enrolled in the school;

(l) Comply with the plan to improve the achievement of the pupils enrolled in the school prepared pursuant to NRS 385.357, the turnaround plan for the school implemented pursuant to NRS 385.37603 or the plan for restructuring the school implemented pursuant to NRS 385.37607, whichever is applicable for the school;

(m) Address the specific educational needs and concerns of the pupils who are enrolled in the school; and

(n) Set forth the calendar and schedule for the school.

2. If the empowerment plan includes an incentive pay structure, that pay structure must:

(a) Provide an incentive for all staff employed at the school;

(b) Set forth the standards that must be achieved by the pupils enrolled in the school and any other measurable objectives that must be met to be eligible for incentive pay; and

(c) Be in addition to the salary or hourly rate of pay negotiated pursuant to chapter 288 of NRS that is otherwise payable to the employee.

3. An empowerment plan may:

(a) Request a waiver from a statute contained in this title or a regulation of the State Board or the Department.

(b) Identify the services of the school district which the school wishes to receive, including, without limitation, professional development, transportation, food services and discretionary services. Upon approval of the empowerment plan, the school district may deduct from the total apportionment to the empowerment school the costs of such services.

4. For purposes of determining the budget pursuant to paragraph (b) of subsection 1, if a public school which converts to an empowerment school is a:

(a) Charter school, the amount of the budget is the amount equal to the apportionments and allowances from the State Distributive School Account pursuant to NRS 387.121 to 387.126, inclusive, and its proportionate share of any other money available from federal, state or local sources that the school or the pupils enrolled in the school are eligible to receive.

(b) Public school, other than a charter school, the empowerment team for the school shall have discretion of 90 percent of the amount of money from the state financial aid and local funds that the school district apportions for the school, without regard to any line-item specifications or specific uses determined advisable by the school district, unless the empowerment team determines that a lesser amount is necessary to carry out the empowerment plan.

Sec. 16. NRS 386.765 is hereby amended to read as follows:

386.765 1. Except as otherwise provided pursuant to a waiver granted in accordance with NRS 386.745 or 386.750, each empowerment school, each person employed by an empowerment school and each pupil enrolled in an empowerment school shall comply with the applicable requirements of state law, including, without limitation, the standards of content and performance prescribed pursuant to NRS 389.520 and the examinations that are administered pursuant to NRS ~~{389.015 and}~~ 389.550 ~~{-}~~ **and 389.805** **and the college and career readiness assessment administered pursuant to section 19 of this act.**

2. Each empowerment school may accept gifts, grants and donations from any source for the support of its empowerment plan. A person who gives a gift, grant or donation may designate all or part of the gift, grant or donation specifically to carry out the incentive pay structure of the school, if applicable.

Sec. 17. 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 may ensure that each pupil enrolled in ninth grade and the pupil's parent or legal guardian are 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;

~~—(d)—~~ (c) The requirements for admission to the Nevada System of Higher Education and the eligibility requirements for a Governor Guinn Millennium Scholarship; and

~~—(e)—~~ (d) The charter schools within the school district.

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) Be notified of opportunities to work in consultation with a school counselor to develop and review an academic plan for the pupil;

(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.

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.

5. ~~If the administration of the high school proficiency examination in the subject area of mathematics or science, or both, is postponed for a pupil pursuant to NRS 389.016, the pupil's academic plan must be revised in consultation with the pupil's teacher who provides instruction in the applicable subject area and the pupil's parent or legal guardian as set forth in NRS 389.016.~~

~~—6.—~~ 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. 18. NRS 388.874 is hereby amended to read as follows:

388.874 1. The State Board shall adopt regulations that prescribe:

(a) The process for submission of an application by a person or entity for inclusion of a course of distance education on the list prepared by the Department pursuant to NRS 388.834 and the contents of the application;

(b) The process for submission of an application by the board of trustees of a school district, the governing body of a charter school or a committee to form a charter school to provide a program of distance education and the contents of the application;

(c) The qualifications and conditions for enrollment that a pupil must satisfy to enroll in a program of distance education, consistent with NRS 388.850;

(d) A method for reporting to the Department the number of pupils who are enrolled in a program of distance education and the attendance of those pupils;

(e) The requirements for assessing the achievement of pupils who are enrolled in a program of distance education, which must include, without limitation, the administration of the ~~achievement and proficiency~~ examinations required pursuant to NRS ~~389.015 and~~ 389.550 ~~to~~ and 389.805; and

(f) A written description of the process pursuant to which the State Board may revoke its approval for the operation of a program of distance education.

2. The State Board may adopt regulations as it determines are necessary to carry out the provisions of NRS 388.820 to 388.874, inclusive.

Sec. 19. Chapter 389 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~The [Superintendent of Public Instruction]~~ State Board shall select a [standardized, curriculum based achievement college entrance examination] college and career readiness assessment for administration , commencing with the 2014-2015 school year and each school year thereafter, to pupils who are enrolled in grade 11 in public high schools.

2- Except as otherwise provided in this subsection, a pupil must take the college and career readiness assessment to receive a standard high school diploma. The results of a pupil on the assessment must not be used in the determination of whether the pupil satisfies the requirements for receipt of a standard high school diploma. A pupil with a disability may, in accordance with his or her individualized education program, be exempt from the requirement to take the college and career readiness assessment.

3. ~~The [examination]~~ assessment selected pursuant to subsection 1 must be:

(a) Administered at the same time during the school year by the board of trustees of each school district to pupils enrolled in grade 11 in all public high schools of the school district and by the governing body of each charter school that enrolls pupils in grade 11, as prescribed by the State

Board, and in accordance with uniform procedures adopted by the State Board. The Department shall monitor the compliance of the school districts and individual schools with the uniform procedures and report to the State Board any instance of noncompliance.

(b) Administered in accordance with the plan adopted by the Department pursuant to NRS 389.616 and with the plan adopted by the board of trustees of the school district in which the ~~examination~~ assessment is administered pursuant to NRS 389.620. The Department shall monitor the compliance of the school districts and individual schools with:

(1) The plan adopted by the Department; and

(2) The plan adopted by the board of trustees of the applicable school district, to the extent that the plan adopted by the board of trustees of the school district is consistent with the plan adopted by the Department,

↪ and shall report to the State Board any instance of noncompliance.

4. The assessment selected pursuant to subsection 1 must:

(a) Be used to provide data and information to each pupil who takes the assessment in a manner that allows the pupil to review the areas of his or her academic strengths and weaknesses, including, without limitation, areas where additional work in the subject areas tested on the assessment is necessary to prepare for college and career success without the need for remediation; and

(b) Allow teachers and other educational personnel to use the results of a pupil on the assessment to provide appropriate interventions for the pupil to prepare for college and career success.

5. The State Board may work in consultation with the boards of trustees of school districts and, if a charter school enrolls pupils at a high school grade level, the governing body of the charter school to develop and implement appropriate plans of remediation for pupils based upon the results of the pupils on the assessment.

Sec. 20. NRS 389.004 is hereby amended to read as follows:

389.004 The board of trustees of each school district shall maintain on its Internet website, and shall post in a timely manner, all pertinent information concerning the examinations and assessments available to children who reside in the school district, including, without limitation, the dates and times of, and contact information concerning, such examinations ~~and~~ and assessments. The examinations and assessments posted must include, without limitation:

1. The ~~high school proficiency~~ college entrance examination ~~and career readiness assessment~~ administered pursuant to ~~NRS 389.015; and~~ section 19 of this act.

2. The examinations required pursuant to NRS 389.805.

3. All **other** college entrance examinations offered in this State, including, without limitation, the Scholastic Aptitude Test, the American College Test, the Preliminary Scholastic Aptitude Test and the National Merit Scholarship Qualifying Test.

Sec. 21. NRS 389.006 is hereby amended to read as follows:

389.006 1. In addition to any other test, examination or assessment required by state or federal law, the board of trustees of each school district may require the administration of district-wide tests, examinations and assessments ~~[including, without limitation, the practice test of the high school proficiency examination to pupils enrolled in high school,]~~ that the board of trustees determines are vital to measure the achievement and progress of pupils. In making this determination, the board of trustees shall consider any applicable findings and recommendations of the Legislative Committee on Education.

2. The tests, examinations and assessments required pursuant to subsection 1 must be limited to those which can be demonstrated to provide a direct benefit to pupils or which are used by teachers to improve instruction and the achievement of pupils.

3. The board of trustees of each school district and the State Board shall periodically review the tests, examinations and assessments administered to pupils to ensure that the time taken from instruction to conduct a test, examination or assessment is warranted because it is still accomplishing its original purpose.

Sec. 22. NRS 389.0115 is hereby amended to read as follows:

389.0115 1. If a pupil with a disability is unable to take an examination administered pursuant to NRS ~~[389.015 or]~~ 389.550 **or 389.805** under regular testing conditions, the pupil may take the examination with modifications and accommodations that the pupil's individualized education program team determines, in consultation with the Department and in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and the No Child Left Behind Act of 2001, 20 U.S.C. §§ 6301 et seq., are necessary to measure the progress of the pupil. If modifications or accommodations are made in the administration of an examination for a pupil with a disability, the modifications or accommodations must be set forth in the pupil's individualized education program. The results of each pupil with a disability who takes an examination with modifications or accommodations must be reported and must be included in the determination of whether the school and the school district have made adequate yearly progress.

2. The State Board shall prescribe an alternate examination for administration to a pupil with a disability if the pupil's individualized education program team determines, in consultation with the Department, that the pupil cannot participate in all or a portion of an examination

administered pursuant to NRS ~~389.015 or~~ 389.550 **or 389.805** even with modifications and accommodations.

3. The State Board shall prescribe, in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and the No Child Left Behind Act of 2001, 20 U.S.C. §§ 6301 et seq., the modifications and accommodations that must be used in the administration of an examination to a pupil with a disability who is unable to take the examination under regular testing conditions.

4. As used in this section:

(a) "Individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

(b) "Individualized education program team" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(B).

Sec. 23. NRS 389.012 is hereby amended to read as follows:

389.012 1. The State Board shall:

(a) In accordance with guidelines established by the National Assessment Governing Board and National Center for Education Statistics and in accordance with 20 U.S.C. §§ 6301 et seq. and the regulations adopted pursuant thereto, adopt regulations requiring the schools of this State that are selected by the National Assessment Governing Board or the National Center for Education Statistics to participate in the examinations of the National Assessment of Educational Progress.

(b) Report the results of those examinations to the:

(1) Governor;

(2) Board of trustees of each school district of this State;

(3) Legislative Committee on Education created pursuant to NRS 218E.605; and

(4) Legislative Bureau of Educational Accountability and Program Evaluation created pursuant to NRS 218E.625.

(c) Include in the report required pursuant to paragraph (b) an analysis and comparison of the results of pupils in this State on the examinations required by this section with:

(1) The results of pupils throughout this country who participated in the examinations of the National Assessment of Educational Progress; and

(2) The results of pupils on the achievement and proficiency examinations administered pursuant to this chapter.

2. If the report required by subsection 1 indicates that the percentage of pupils enrolled in the public schools in this State who are proficient on the National Assessment of Educational Progress differs by more than 10 percent of the pupils who are proficient on the examinations administered pursuant to NRS 389.550 ~~and the high school proficiency examination~~ examinations administered pursuant to NRS ~~389.015,~~ 389.805, the

Department shall prepare a written report describing the discrepancy. The report must include, without limitation, a comparison and evaluation of:

(a) The standards of content and performance for English and mathematics established pursuant to NRS 389.520 with the standards for English and mathematics that are tested on the National Assessment.

(b) The standards for proficiency established for the National Assessment with the standards for proficiency established for the examinations that are administered pursuant to NRS 389.550 ~~for and the high school proficiency examination~~ examinations administered pursuant to NRS ~~389.015,~~ 389.805.

3. The report prepared by the Department pursuant to subsection 2 must be submitted to the:

- (a) Governor;
- (b) Legislative Committee on Education;
- (c) Legislative Bureau of Educational Accountability and Program Evaluation; and
- (d) Council to Establish Academic Standards for Public Schools.

4. The Council to Establish Academic Standards for Public Schools shall review and evaluate the report provided to the Council pursuant to subsection 3 to identify any discrepancies in the standards of content and performance established by the Council that require revision and a timeline for carrying out the revision, if necessary. The Council shall submit a written report of its review and evaluation to the Legislative Committee on Education and Legislative Bureau of Educational Accountability and Program Evaluation.

Sec. 24. NRS 389.0173 is hereby amended to read as follows:

389.0173 1. The Department shall develop an informational pamphlet concerning the ~~high school proficiency examination~~ end-of-course examinations required pursuant to NRS 389.805 for pupils who are enrolled in ~~junior high, middle school and high school,~~ grades 9 and 10 and their parents and legal guardians. The pamphlet must include a written explanation of the:

(a) Importance of passing the ~~examination, including, without limitation, an explanation that if the pupil fails the examination, or does not satisfy the requirements of paragraph (b) of subsection 1 of NRS 389.805, the pupil is not eligible to receive a standard high school diploma;~~

~~— (b) Subject areas tested on the examination;~~

~~— (c) Format for the examination, including, without limitation, the range of items that are contained on the examination;~~

~~— (d) Manner by which the scaled score, as reported to pupils and their parents or legal guardians, is derived from the raw score;~~

~~— (e) Timeline by which the results of the examination must be reported to pupils and their parents or legal guardians;~~

~~— (f) Maximum number of times that a pupil is allowed to take the examination if the pupil fails to pass the examination after the first administration;~~

~~— (g) Courses of study that the Department recommends that pupils take to prepare the pupils to successfully meet the academic challenges of the examination and pass the examination; and~~

~~— (h) Courses of study which the Department recommends that pupils take in high school to successfully prepare for the college entrance examinations.]~~

end-of-course examinations;

(b) Courses of study for which the end-of-course examinations are administered;

(c) Format for the end-of-course examinations, including, without limitation, the range of items that are contained on the examinations; and

(d) Maximum number of times ,if any, that a pupil is allowed to take the end-of-course examinations if the pupil fails to pass the examinations after the first administration.

2. The Department shall review the pamphlet on an annual basis and make such revisions to the pamphlet as it considers necessary to ensure that pupils and their parents or legal guardians fully understand the ~~[examination.]~~ **end-of-course examinations.**

3. On or before September 1, the Department shall provide a copy of the pamphlet or revised pamphlet to the board of trustees of each school district and the governing body of each charter school that includes pupils enrolled in a junior high, middle school or high school grade level.

4. The board of trustees of each school district shall provide a copy of the pamphlet to each junior high, middle school or high school within the school district for posting. The governing body of each charter school shall ensure that a copy of the pamphlet is posted at the charter school. Each principal of a junior high, middle school, high school or charter school shall ensure that the teachers, counselors and administrators employed at the school fully understand the contents of the pamphlet.

5. On or before ~~January 15,~~ **October 1,** the:

(a) Board of trustees of each school district shall provide a copy of the pamphlet to each pupil who is enrolled in ~~at a junior high, middle school or high school,~~ **grade 9 or 10** of the school district and to the parents or legal guardians of such a pupil.

(b) Governing body of each charter school shall provide a copy of the pamphlet to each pupil who is enrolled **in grade 9 or 10** in the charter school ~~[at a junior high, middle school or high school grade level]~~ and to the parents or legal guardians of such a pupil.

Sec. 25. NRS 389.550 is hereby amended to read as follows:

389.550 1. The State Board shall, in consultation with the Council, prescribe examinations that comply with 20 U.S.C. § 6311(b)(3) and that measure the achievement and proficiency of pupils:

(a) For grades 3, 4, 5, 6, 7 and 8 in the standards of content established by the Council for the subjects of English and mathematics.

(b) For grades 5 and 8, in the standards of content established by the Council for the subject of science.

↪ The examinations prescribed pursuant to this subsection must be written, developed, printed and scored by a nationally recognized testing company.

2. In addition to the examinations prescribed pursuant to subsection 1, the State Board shall, in consultation with the Council, prescribe a writing examination for grades 5 and 8 . ~~{and for the high school proficiency examination.}~~

3. The board of trustees of each school district and the governing body of each charter school shall administer the examinations prescribed by the State Board. The examinations must be:

(a) Administered to pupils in each school district and each charter school at the same time during the spring semester, as prescribed by the State Board.

(b) Administered in each school in accordance with uniform procedures adopted by the State Board. The Department shall monitor the school districts and individual schools to ensure compliance with the uniform procedures.

(c) Administered in each school in accordance with the plan adopted pursuant to NRS 389.616 by the Department and with the plan adopted pursuant to NRS 389.620 by the board of trustees of the school district in which the examinations are administered. The Department shall monitor the compliance of school districts and individual schools with:

(1) The plan adopted by the Department; and

(2) The plan adopted by the board of trustees of the applicable school district, to the extent that the plan adopted by the board of trustees of the school district is consistent with the plan adopted by the Department.

Sec. 26. NRS 389.604 is hereby amended to read as follows:

389.604 “Irregularity in testing administration” means the failure to administer an examination to pupils pursuant to NRS ~~{389.015 or}~~ 389.550 or 389.805 or the college and career readiness assessment pursuant to section 19 of this act in the manner intended by the person or entity that created the examination. ~~{H}~~ or assessment.

Sec. 27. NRS 389.608 is hereby amended to read as follows:

389.608 “Irregularity in testing security” means an act or omission that tends to corrupt or impair the security of an examination administered to pupils pursuant to NRS ~~{389.015 or}~~ 389.550 ~~{H}~~ or 389.805 or the college

and career readiness assessment administered pursuant to section 19 of this act, including, without limitation:

1. The failure to comply with security procedures adopted pursuant to NRS 389.616 or 389.620;
2. The disclosure of questions or answers to questions on an examination **or assessment** in a manner not otherwise approved by law; and
3. Other breaches in the security or confidentiality of the questions or answers to questions on an examination ~~or assessment~~ **or assessment**.

Sec. 28. NRS 389.616 is hereby amended to read as follows:

389.616 1. The Department shall, by regulation or otherwise, adopt and enforce a plan setting forth procedures to ensure the security of examinations that are administered to pupils pursuant to NRS ~~389.015 and~~ 389.550 ~~or~~ **and 389.805 and the college and career readiness assessment administered pursuant to section 19 of this act.**

2. A plan adopted pursuant to subsection 1 must include, without limitation:

(a) Procedures pursuant to which pupils, school officials and other persons may, and are encouraged to, report irregularities in testing administration and testing security.

(b) Procedures necessary to ensure the security of test materials and the consistency of testing administration.

(c) Procedures that specifically set forth the action that must be taken in response to a report of an irregularity in testing administration or testing security and the actions that must be taken during an investigation of such an irregularity. For each action that is required, the procedures must identify:

(1) By category, the employees of the school district, charter school or Department, or any combination thereof, who are responsible for taking the action; and

(2) Whether the school district, charter school or Department, or any combination thereof, is responsible for ensuring that the action is carried out successfully.

(d) Objective criteria that set forth the conditions under which a school, including, without limitation, a charter school or a school district, or both, is required to file a plan for corrective action in response to an irregularity in testing administration or testing security for the purposes of NRS 389.636.

3. A copy of the plan adopted pursuant to this section and the procedures set forth therein must be submitted on or before September 1 of each year to:

- (a) The State Board; and
- (b) The Legislative Committee on Education, created pursuant to NRS 218E.605.

Sec. 29. NRS 389.620 is hereby amended to read as follows:

389.620 1. The board of trustees of each school district shall, for each public school in the district, including, without limitation, charter schools, adopt and enforce a plan setting forth procedures to ensure the security of examinations ~~and~~ and assessments.

2. A plan adopted pursuant to subsection 1 must include, without limitation:

(a) Procedures pursuant to which pupils, school officials and other persons may, and are encouraged to, report irregularities in testing administration and testing security.

(b) Procedures necessary to ensure the security of test materials and the consistency of testing administration.

(c) With respect to secondary schools, procedures pursuant to which the school district or charter school, as appropriate, will verify the identity of pupils taking an examination ~~and~~ or assessment.

(d) Procedures that specifically set forth the action that must be taken in response to a report of an irregularity in testing administration or testing security and the action that must be taken during an investigation of such an irregularity. For each action that is required, the procedures must identify, by category, the employees of the school district or charter school who are responsible for taking the action and for ensuring that the action is carried out successfully.

➡ The procedures adopted pursuant to this subsection must be consistent, to the extent applicable, with the procedures adopted by the Department pursuant to NRS 389.616.

3. A copy of each plan adopted pursuant to this section and the procedures set forth therein must be submitted on or before September 1 of each year to:

(a) The State Board; and

(b) The Legislative Committee on Education, created pursuant to NRS 218E.605.

4. On or before September 30 of each school year, the board of trustees of each school district and the governing body of each charter school shall provide a written notice regarding the examinations and assessments to all teachers and educational personnel employed by the school district or governing body, all personnel employed by the school district or governing body who are involved in the administration of the examinations ~~and~~ and assessments, all pupils who are required to take the examinations or assessments and all parents and legal guardians of such pupils. The written notice must be prepared in a format that is easily understood and must include, without limitation, a description of the:

(a) Plan adopted pursuant to this section; and

5. As used in this section:

(b) “Examination” means:

(2) Any other examinations which measure the achievement and proficiency of pupils and which are administered to pupils on a district-wide basis.

~~(e)~~ or assessment.

(1) The failure to comply with security procedures adopted pursuant to section or NRS 389.616;

(3) Other breaches in the security or confidentiality of the questions or

answers to questions on an examination **or** assessment.

Sec. 30. NRS 389.624 is hereby amended to read as follows:

389.624 1. If the Department:

(a) Has reason to believe that a violation of the plan adopted pursuant to NRS 389.616 may have occurred;

(b) Has reason to believe that a violation of the plan adopted pursuant to NRS 389.620 may have occurred with respect to an examination that is administered pursuant to NRS ~~389.015 or 389.550~~ **or 389.805 or the college and career readiness assessment administered pursuant to section 19 of this act**; or

(c) Receives a request pursuant to subparagraph (2) of paragraph (b) of subsection 1 of NRS 389.628 to investigate a potential violation of the plan adopted pursuant to NRS 389.620 with respect to an examination that is administered pursuant to NRS ~~389.015 or~~ 389.550 ~~or~~ 389.805 or the college and career readiness assessment administered pursuant to section 19 of this act,

→ the Department shall investigate the matter as it deems appropriate.

2. If the Department investigates a matter pursuant to subsection 1, the Department may issue a subpoena to compel the attendance or testimony of a witness or the production of any relevant materials, including, without limitation, books, papers, documents, records, photographs, recordings, reports and tangible objects.

3. If a witness refuses to attend, testify or produce materials as required by the subpoena, the Department may report to the district court by petition, setting forth that:

(a) Due notice has been given of the time and place of attendance or testimony of the witness or the production of materials;

(b) The witness has been subpoenaed by the Department pursuant to this section; and

(c) The witness has failed or refused to attend, testify or produce materials before the Department as required by the subpoena, or has refused to answer questions propounded to him or her,

➡ and asking for an order of the court compelling the witness to attend, testify or produce materials before the Department.

4. Upon receipt of such a petition, the court shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 10 days after the date of the order, and then and there show cause why the witness has not attended, testified or produced materials before the Department. A certified copy of the order must be served upon the witness.

5. If it appears to the court that the subpoena was regularly issued by the Department, the court shall enter an order that the witness appear before the Department at a time and place fixed in the order and testify or produce materials, and that upon failure to obey the order the witness must be dealt with as for contempt of court.

Sec. 31. NRS 389.628 is hereby amended to read as follows:

389.628 1. If a school official has reason to believe that a violation of the plan adopted pursuant to NRS 389.620 may have occurred, the school official shall immediately report the incident to the board of trustees of the school district. If the board of trustees of a school district has reason to believe that a violation of the plan adopted pursuant to NRS 389.620 may have occurred, the board of trustees shall:

(a) If the violation is with respect to an examination administered pursuant to NRS ~~389.015 or~~ 389.550 ~~1.1~~ or 389.805 or the college and career readiness assessment administered pursuant to section 19 of this act, immediately report the incident to the Department orally or in writing followed by a comprehensive written report within 14 school days after the incident occurred; and

(b) Cause to be commenced an investigation of the incident. The board of trustees may carry out the requirements of this paragraph by:

(1) Investigating the incident as it deems appropriate, including, without limitation, using the powers of subpoena set forth in this section.

(2) With respect to an examination that is administered pursuant to NRS ~~389.015 or~~ 389.550 ~~1~~ or 389.805 or the college and career readiness assessment administered pursuant to section 19 of this act, requesting that the Department investigate the incident pursuant to NRS 389.624.

➡ The fact that a board of trustees elects initially to carry out its own investigation pursuant to subparagraph (1) of paragraph (b) does not affect the ability of the board of trustees to request, at any time, that the Department investigate the incident as authorized pursuant to subparagraph (2) of paragraph (b).

2. Except as otherwise provided in this subsection, if the board of trustees of a school district proceeds in accordance with subparagraph (1) of paragraph (b) of subsection 1, the board of trustees may issue a subpoena to compel the attendance or testimony of a witness or the production of any relevant materials, including, without limitation, books, papers, documents, records, photographs, recordings, reports and tangible objects. A board of trustees shall not issue a subpoena to compel the attendance or testimony of a witness or the production of materials unless the attendance, testimony or production sought to be compelled is related directly to a violation or an alleged violation of the plan adopted pursuant to NRS 389.620.

3. If a witness refuses to attend, testify or produce materials as required by the subpoena, the board of trustees may report to the district court by petition, setting forth that:

(a) Due notice has been given of the time and place of attendance or testimony of the witness or the production of materials;

(b) The witness has been subpoenaed by the board of trustees pursuant to this section; and

(c) The witness has failed or refused to attend, testify or produce materials before the board of trustees as required by the subpoena, or has refused to answer questions propounded to him or her,

➡ and asking for an order of the court compelling the witness to attend, testify or produce materials before the board of trustees.

4. Upon receipt of such a petition, the court shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 10 days after the date of the order, and then and there show cause why the witness has not attended, testified or produced materials before the board of trustees. A certified copy of the order must be served upon the witness.

5. If it appears to the court that the subpoena was regularly issued by the board of trustees, the court shall enter an order that the witness appear before the board of trustees at a time and place fixed in the order and testify or produce materials, and that upon failure to obey the order the witness must be dealt with as for contempt of court.

Sec. 32. NRS 389.644 is hereby amended to read as follows:

389.644 1. The Department shall establish a program of education and training regarding the administration and security of the examinations administered pursuant to NRS ~~389.015 and~~ 389.550 ~~1.1~~ **or 389.805 and the college and career readiness assessment administered pursuant to section 19 of this act.** Upon approval of the Department, the board of trustees of a school district or the governing body of a charter school may establish an expanded program of education and training that includes additional education and training if the expanded program complies with the program established by the Department.

2. The board of trustees of each school district and the governing body of each charter school shall ensure that:

(a) All the teachers and other educational personnel who provide instruction to pupils enrolled in a grade level that is required to be tested pursuant to NRS ~~389.015 or~~ 389.550 ~~1.1~~ **or 389.805 or section 19 of this act,** and all other personnel who are involved with the administration of the examinations that are administered pursuant to NRS ~~389.015 or~~ 389.550 ~~1.1~~ **or 389.805 or the college and career readiness assessment administered pursuant to section 19 of this act,** receive, on an annual basis, the program of education and training established by the Department or the expanded program, if applicable; and

(b) The training and education is otherwise available for all personnel who are not required to receive the training and education pursuant to paragraph (a).

Sec. 33. NRS 389.805 is hereby amended to read as follows:

389.805 1. ~~Except as otherwise provided in subsection 3, a pupil must receive a standard high school diploma if the pupil:~~

~~—(a) Passes all subject areas of the high school proficiency examination administered pursuant to NRS 389.015 and otherwise satisfies the requirements for graduation from high school; or~~

~~—(b) Has failed to pass the high school proficiency examination administered pursuant to NRS 389.015 in its entirety not less than two times before beginning grade 12 and the pupil:~~

~~—(1) Passes the subject areas of mathematics and reading on the proficiency examination;~~

~~—(2) Has an overall grade point average of not less than 2.75 on a 4.0 grading scale;~~

~~—(3) Satisfies the alternative criteria prescribed by the State Board pursuant to subsection 4; and~~

~~—(4) Otherwise satisfies the requirements for graduation from high school.~~

~~—2.] A pupil with a disability who does not satisfy the requirements for receipt of a standard high school diploma may receive a diploma designated as an adjusted diploma if the pupil satisfies the requirements set forth in his or her individualized education program. As used in this subsection, “individualized education program” has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).~~

~~—[3.— A pupil who transfers during grade 12 to a school in this State from a school outside this State because of the military transfer of the parent or legal guardian of the pupil may receive a waiver from the requirements of paragraphs (a) and (b) of subsection 1 if, in accordance with the provisions of NRS 392C.010, the school district in which the pupil is enrolled:~~

~~—(a) Accepts the results of the exit or end of course examinations required for graduation in the local education agency in which the pupil was previously enrolled;~~

~~—(b) Accepts the results of a national norm referenced achievement examination taken by the pupil; or~~

~~—(c) Establishes an alternative test for the pupil which demonstrates proficiency in the subject areas tested on the high school proficiency examination, and the pupil successfully passes that test.~~

~~— 4.] 2. The State Board shall adopt [:~~

~~—(a) Adopt] regulations that prescribe the [alternative] [criteria];~~

~~— (a) Criteria for a pupil to receive a standard high school diploma [pursuant to paragraph (b) of subsection 1, including, without limitation:~~

~~—(a) An essay;~~

~~—(b) A senior project; or~~

~~—(c) A portfolio of work;~~

~~→ or any combination thereof, that demonstrate proficiency in the subject areas on the high school proficiency examination which the pupil failed to pass.] , which must include, without limitation, the requirement that ~~{a}~~ :~~

~~(1) Commencing with the 2014-2015 school year and each school year thereafter, a pupil enrolled in grade 11 take the college and career readiness assessment administered pursuant to section 19 of this act; and~~

~~(2) Commencing with the 2014-2015 school year and each school year thereafter, a pupil enrolled in grade 9 or 10 who completes the required instruction in a course of study [successfully complete] pass an end-of-course examination [which measures the proficiency of the pupil] in [the] that course of study.~~

(b) ~~Prescribe the courses~~ Courses of study in which ~~a pupil~~ pupils enrolled in grades 9 and 10 must ~~successfully~~ pass the end-of-course examinations required by subparagraph (2) of paragraph (a), which must include, without limitation, the subject areas for which the State Board has adopted the common core standards.

(c) The maximum number of times, if any, that a pupil is allowed to take the end-of-course examinations if the pupil fails to pass the examinations after the first administration.

3. The criteria prescribed by the State Board pursuant to subsection 2 for a pupil to receive a standard high school diploma must not include the results of the pupil on the college and career readiness assessment administered to the pupil in grade 11 pursuant to section 19 of this act.

4. If a pupil does not satisfy the requirements prescribed by the State Board to receive a standard high school diploma, the pupil must not be issued a certificate of attendance or any other document indicating that the pupil attended high school but did not satisfy the requirements for such a diploma. The provisions of this subsection do not apply to a pupil who receives an adjusted diploma pursuant to subsection 1.

Sec. 34. NRS 389.900 is hereby amended to read as follows:

389.900 If the Department enters into a contract with a person or entity to score the results of an examination that is administered to pupils pursuant to NRS ~~389.015 or~~ 389.550 or, if applicable, pursuant to NRS 389.805, and the contract sets forth penalties or sanctions in the event that the person or entity fails to deliver the scored results to a school district or charter school on a timely basis, the Department shall ensure that any such penalties or sanctions are fully enforced.

Sec. 34.5. Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:

“Assessment” means the college and career readiness assessment administered to pupils in grade 11 pursuant to section 19 of this act.

Sec. 35. 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 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;

and

(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. 36. NRS 391.312 is hereby amended to read as follows:

391.312 1. A teacher may be suspended, dismissed or not reemployed and an administrator may be demoted, suspended, dismissed or not reemployed for the following reasons:

(a) Inefficiency;

(b) Immorality;

(c) Unprofessional conduct;

(d) Insubordination;

(e) Neglect of duty;

(f) Physical or mental incapacity;

(g) A justifiable decrease in the number of positions due to decreased enrollment or district reorganization;

(h) Conviction of a felony or of a crime involving moral turpitude;

(i) Inadequate performance;

(j) Evident unfitness for service;

(k) Failure to comply with such reasonable requirements as a board may prescribe;

(l) Failure to show normal improvement and evidence of professional training and growth;

(m) Advocating overthrow of the Government of the United States or of the State of Nevada by force, violence or other unlawful means, or the advocating or teaching of communism with the intent to indoctrinate pupils to subscribe to communistic philosophy;

(n) Any cause which constitutes grounds for the revocation of a teacher's license;

(o) Willful neglect or failure to observe and carry out the requirements of this title;

(p) Dishonesty;

(q) Breaches in the security or confidentiality of the questions and answers of the ~~achievement and proficiency~~ examinations that are administered pursuant to NRS ~~[389.015;]~~ **389.550 or 389.805 and the college and career readiness assessment administered pursuant to section 19 of this act;**

(r) Intentional failure to observe and carry out the requirements of a plan to ensure the security of examinations **and assessments** adopted pursuant to NRS 389.616 or 389.620;

(s) An intentional violation of NRS 388.5265 or 388.527;

(t) Gross misconduct; or

(u) An intentional failure to report a violation of NRS 388.135 if the teacher or administrator witnessed the violation.

2. In determining whether the professional performance of a licensed employee is inadequate, consideration must be given to the regular and special evaluation reports prepared in accordance with the policy of the employing school district and to any written standards of performance which may have been adopted by the board.

3. As used in this section, "gross misconduct" includes any act or omission that is in wanton, willful, reckless or deliberate disregard of the interests of a school or school district or a pupil thereof.

Sec. 37. NRS 391.330 is hereby amended to read as follows:

391.330 The State Board may suspend or revoke the license of any teacher, administrator or other licensed employee, after notice and an opportunity for hearing have been provided pursuant to NRS 391.322 and 391.323, for:

1. Immoral or unprofessional conduct.
2. Evident unfitness for service.
3. Physical or mental incapacity which renders the teacher, administrator or other licensed employee unfit for service.
4. Conviction of a felony or crime involving moral turpitude.

5. Conviction of a sex offense under NRS 200.366, 200.368, 201.190, 201.220, 201.230, 201.540 or 201.560 in which a pupil enrolled in a school of a county school district was the victim.

6. Knowingly advocating the overthrow of the Federal Government or of the State of Nevada by force, violence or unlawful means.

7. Persistent defiance of or refusal to obey the regulations of the State Board, the Commission or the Superintendent of Public Instruction, defining and governing the duties of teachers, administrators and other licensed employees.

8. Breaches in the security or confidentiality of the questions and answers of the ~~{achievement and proficiency}~~ examinations that are administered pursuant to NRS ~~{389.015,}~~ 389.550 or 389.805 and the college and career readiness assessment administered pursuant to section 19 of this act.

9. Intentional failure to observe and carry out the requirements of a plan to ensure the security of examinations and assessments adopted pursuant to NRS 389.616 or 389.620.

10. An intentional violation of NRS 388.5265 or 388.527.

Sec. 37.5. NRS 391.600 is hereby amended to read as follows:

391.600 As used in NRS 391.600 to 391.648, inclusive, unless the context otherwise requires, the words and terms defined in NRS 391.604 to 391.620, inclusive, and section 34.5 of this act have the meanings ascribed to them in those sections.

Sec. 38. NRS 391.604 is hereby amended to read as follows:

391.604 “Examination” means:

1. ~~{Achievement and proficiency}~~ The examinations that are administered to pupils pursuant to NRS ~~{389.015 or}~~ 389.550 ~~{;}~~ for section 19 of this act, or 389.805; and

2. Any other examinations which measure the achievement and proficiency of pupils and which are administered to pupils on a district-wide basis.

Sec. 38.3. NRS 391.608 is hereby amended to read as follows:

391.608 “Irregularity in testing administration” means the failure to administer an examination or assessment in the manner intended by the person or entity that created the examination ~~{;}~~ or assessment.

Sec. 38.7. NRS 391.612 is hereby amended to read as follows:

391.612 “Irregularity in testing security” means an act or omission that tends to corrupt or impair the security of an examination ~~{;}~~ or assessment, including, without limitation:

1. The failure to comply with security procedures adopted pursuant to NRS 389.616 or 389.620;

2. The disclosure of questions or answers to questions on an examination or assessment in a manner not otherwise approved by law; and

3. Other breaches in the security or confidentiality of the questions or answers to questions on an examination ~~or~~ or assessment.

Sec. 39. NRS 392.700 is hereby amended to read as follows:

392.700 1. If the parent of a child who is subject to compulsory attendance wishes to homeschool the child, the parent must file with the superintendent of schools of the school district in which the child resides a written notice of intent to homeschool the child. The Department shall develop a standard form for the notice of intent to homeschool. The form must not require any information or assurances that are not otherwise required by this section or other specific statute. The board of trustees of each school district shall, in a timely manner, make only the form developed by the Department available to parents who wish to homeschool their child.

2. The notice of intent to homeschool must be filed before beginning to homeschool the child or:

(a) Not later than 10 days after the child has been formally withdrawn from enrollment in public school; or

(b) Not later than 30 days after establishing residency in this State.

3. The purpose of the notice of intent to homeschool is to inform the school district in which the child resides that the child is exempt from the requirement of compulsory attendance.

4. If the name or address of the parent or child as indicated on a notice of intent to homeschool changes, the parent must, not later than 30 days after the change, file a new notice of intent to homeschool with the superintendent of schools of the school district in which the child resides.

5. A notice of intent to homeschool must include only the following:

(a) The full name, age and gender of the child;

(b) The name and address of each parent filing the notice of intent to homeschool;

(c) A statement signed and dated by each such parent declaring that the parent has control or charge of the child and the legal right to direct the education of the child, and assumes full responsibility for the education of the child while the child is being homeschooled;

(d) An educational plan for the child that is prepared pursuant to subsection 12;

(e) If applicable, the name of the public school in this State which the child most recently attended; and

(f) An optional statement that the parent may sign which provides:

I expressly prohibit the release of any information contained in this document, including, without limitation, directory information as defined in 20 U.S.C. § 1232g(a)(5)(A), without my prior written consent.

6. Each superintendent of schools of a school district shall accept notice of intent to homeschool that is filed with the superintendent pursuant to this section and meets the requirements of subsection 5, and shall not require or request any additional information or assurances from the parent who filed the notice.

7. The school district shall provide to a parent who files a notice a written acknowledgment which clearly indicates that the parent has provided notification required by law and that the child is being homeschooled. The written acknowledgment shall be deemed proof of compliance with Nevada's compulsory school attendance law. The school district shall retain a copy of the written acknowledgment for not less than 15 years. The written acknowledgment may be retained in electronic format.

8. The superintendent of schools of a school district shall process a written request for a copy of the records of the school district, or any information contained therein, relating to a child who is being or has been homeschooled not later than 5 days after receiving the request. The superintendent of schools may only release such records or information:

(a) To a person or entity specified by the parent of the child, or by the child if the child is at least 18 years of age, upon suitable proof of identity of the parent or child; or

(b) If required by specific statute.

9. If a child who is or was homeschooled seeks admittance or entrance to any school in this State, the school may use only commonly used practices in determining the academic ability, placement or eligibility of the child. If the child enrolls in a charter school, the charter school shall, to the extent practicable, notify the board of trustees of the school district in which the child resides of the child's enrollment in the charter school. Regardless of whether the charter school provides such notification to the board of trustees, the charter school may count the child who is enrolled for the purposes of the calculation of basic support pursuant to NRS 387.1233. A homeschooled child seeking admittance to public high school must comply with NRS 392.033.

10. A school or organization shall not discriminate in any manner against a child who is or was homeschooled.

11. Each school district shall allow homeschooled children to participate in ~~the high school proficiency examination administered pursuant to NRS 389.015 and~~ all college entrance examinations offered in this State, including, without limitation, the SAT, the ACT, the Preliminary SAT and the National Merit Scholarship Qualifying Test. Each school district shall ensure that the homeschooled children who reside in the school district have adequate notice of the availability of information concerning such

examinations on the Internet website of the school district maintained pursuant to NRS 389.004.

12. The parent of a child who is being homeschooled shall prepare an educational plan of instruction for the child in the subject areas of English, including reading, composition and writing, mathematics, science and social studies, including history, geography, economics and government, as appropriate for the age and level of skill of the child as determined by the parent. The educational plan must be included in the notice of intent to homeschool filed pursuant to this section. If the educational plan contains the requirements of this section, the educational plan must not be used in any manner as a basis for denial of a notice of intent to homeschool that is otherwise complete. The parent must be prepared to present the educational plan of instruction and proof of the identity of the child to a court of law if required by the court. This subsection does not require a parent to ensure that each subject area is taught each year that the child is homeschooled.

13. No regulation or policy of the State Board, any school district or any other governmental entity may infringe upon the right of a parent to educate his or her child based on religious preference unless it is:

- (a) Essential to further a compelling governmental interest; and
- (b) The least restrictive means of furthering that compelling governmental interest.

14. As used in this section, “parent” means the parent, custodial parent, legal guardian or other person in this State who has control or charge of a child and the legal right to direct the education of the child.

Sec. 40. NRS 392A.100 is hereby amended to read as follows:

392A.100 1. A university school for profoundly gifted pupils shall determine the eligibility of a pupil for admission to the school based upon a comprehensive assessment of the pupil’s potential for academic and intellectual achievement at the school, including, without limitation, intellectual and academic ability, motivation, emotional maturity and readiness for the environment of an accelerated educational program. The assessment must be conducted by a broad-based committee of professionals in the field of education.

2. A person who wishes to apply for admission to a university school for profoundly gifted pupils must:

- (a) Submit to the governing body of the school:
 - (1) A completed application;
 - (2) Evidence that the applicant possesses advanced intellectual and academic ability, including, without limitation, proof that he or she satisfies the requirements of NRS 392A.030;
 - (3) At least three letters of recommendation from teachers or mentors familiar with the academic and intellectual ability of the applicant;

(4) A transcript from each school previously attended by the applicant; and

(5) Such other information as may be requested by the university school or governing body of the school.

(b) If requested by the governing body of the school, participate in an on-campus interview.

3. The curriculum developed for pupils in a university school for profoundly gifted pupils must provide exposure to the subject areas required of pupils enrolled in other public schools.

4. The Superintendent of Public Instruction shall, upon recommendation of the governing body, issue a high school diploma to a pupil who is enrolled in a university school for profoundly gifted pupils if that pupil ~~successfully passes the high school proficiency examination~~ **satisfies the criteria prescribed by the State Board pursuant to NRS 389.805** and the courses in American government and American history as required by NRS 389.020 and 389.030, and successfully completes any requirements established by the State Board of Education for graduation from high school.

5. On or before March 1 of each odd-numbered year, the governing body of a university school for profoundly gifted pupils shall prepare and submit to the Superintendent of Public Instruction, the president of the university where the university school for profoundly gifted pupils is located, the State Board and the Director of the Legislative Counsel Bureau a report that contains information regarding the school, including, without limitation, the process used by the school to identify and recruit profoundly gifted pupils from diverse backgrounds and with diverse talents, and data assessing the success of the school in meeting the educational needs of its pupils.

Sec. 41. NRS 392A.110 is hereby amended to read as follows:

392A.110 1. At least 70 percent of the teachers employed by a university school for profoundly gifted pupils must be licensed teachers.

2. A university school for profoundly gifted pupils shall administer to its pupils the achievement and proficiency examinations required by NRS ~~389.015 and~~ 389.550.

Sec. 42. NRS 218E.615 is hereby amended to read as follows:

218E.615 1. The Committee may:

(a) Evaluate, review and comment upon issues related to education within this State, including, but not limited to:

(1) Programs to enhance accountability in education;

(2) Legislative measures regarding education;

(3) The progress made by this State, the school districts and the public schools in this State in satisfying the goals and objectives of the federal No Child Left Behind Act of 2001, 20 U.S.C. §§ 6301 et seq., and the annual

measurable objectives established by the State Board of Education pursuant to NRS 385.361;

(4) Methods of financing public education;

(5) The condition of public education in the elementary and secondary schools;

(6) The program to reduce the ratio of pupils per class per licensed teacher prescribed in NRS 388.700, 388.710 and 388.720;

(7) The development of any programs to automate the receipt, storage and retrieval of the educational records of pupils; and

(8) Any other matters that, in the determination of the Committee, affect the education of pupils within this State.

(b) Conduct investigations and hold hearings in connection with its duties pursuant to this section.

(c) Request that the Legislative Counsel Bureau assist in the research, investigations, hearings and reviews of the Committee.

(d) Make recommendations to the Legislature concerning the manner in which public education may be improved.

2. The Committee shall:

(a) In addition to any standards prescribed by the Department of Education, prescribe standards for the review and evaluation of the reports of the State Board of Education, State Public Charter School Authority, school districts and public schools pursuant to paragraph (a) of subsection 1 of NRS 385.359.

(b) For the purposes set forth in NRS 385.389, recommend to the Department of Education programs of remedial study for each subject tested on the examinations administered pursuant to NRS ~~389.015~~ **389.550** ~~or~~ **389.805**. In recommending these programs of remedial study, the Committee shall consider programs of remedial study that have proven to be successful in improving the academic achievement of pupils.

(c) Recommend to the Department of Education providers of supplemental educational services for inclusion on the list of approved providers prepared by the Department pursuant to NRS 385.384. In recommending providers, the Committee shall consider providers with a demonstrated record of effectiveness in improving the academic achievement of pupils.

(d) For the purposes set forth in NRS 385.3785, recommend to the Commission on Educational Excellence created by NRS 385.3784 programs, practices and strategies that have proven effective in improving the academic achievement and proficiency of pupils.

Sec. 43. NRS 389.015, 389.016, 389.017, 389.0175 and 389.045 are hereby repealed.

Sec. 44. 1. The Legislature hereby recognizes that to receive federal money under the Elementary and Secondary Education Act of 1965, 20 U.S.C. §§ 6301 et seq., pupils enrolled in public high schools in this State must be administered an assessment at least one time while in high school based upon the State's academic and content standards. To continue to receive federal money under the Act, the State Board of Education may, for the purposes set forth in subsection 2, continue to provide for the administration of the high school proficiency examination.

2. On or before August 1, 2013, the State Board of Education shall:

(a) Prescribe the requirements, in addition to any requirements prescribed by statute, that a pupil enrolled in grade 12 in the 2013-2014 school year, the 2014-2015 school year or the 2015-2016 school year must satisfy to receive a standard high school diploma, which may include, without limitation, passage of the high school proficiency examination pursuant to section 44.3 of this act;

(b) Provide timely notice to the board of trustees of each school district and the governing body of each charter high school of the requirements prescribed pursuant to paragraph (a); and

(c) Post notice of the requirements on the Internet website maintained by the Department of Education.

3. On or before September 1, 2013, the board of trustees of each school district and the governing body of each charter school shall:

(a) Provide timely notice to each pupil and the parent or legal guardian of each pupil enrolled in grade 10, 11 or 12 in the 2013-2014 school year of the requirements the pupil must satisfy to receive a standard high school diploma.

(b) Post notice of the requirements on the Internet website maintained by the board of trustees or the governing body of the charter school, as applicable.

4. If a pupil to whom the provisions of this section apply is retained in grade 10, 11 or 12, the requirements for receipt of a standard high school diploma prescribed by the State Board of Education pursuant to subsection 2 continue to apply to that pupil until he or she exits high school.

Sec. 44.3. If the State Board of Education prescribes passage of the high school proficiency examination pursuant to paragraph (a) of subsection 2 of section 44 of this act as a requirement that a pupil must satisfy to receive a standard high school diploma:

1. The board of trustees of each school district shall administer the high school proficiency examination to pupils who have not passed the examination and are required to pass the examination to receive a

standard high school diploma. The governing body of a charter school that enrolls pupils at the high school grade levels shall administer the same examination to pupils who have not passed the examination and are required to pass the examination to receive a standard high school diploma. The high school proficiency examination administered by the board of trustees and governing body must determine the achievement and proficiency of those pupils in:

- (a) Reading;
- (b) Mathematics;
- (c) Science; and
- (d) Writing.

2. The high school proficiency examination required by subsection 1 must be:

(a) Administered in each school district and each charter school that enrolls pupils at the high school grade levels who have not passed the high school proficiency examination and are required to pass the examination to receive a standard high school diploma at the same time, as prescribed by the State Board, and in accordance with uniform procedures adopted by the State Board. The Department of Education shall monitor the compliance of school districts and individual schools with the uniform procedures.

(b) Administered in accordance with the plan adopted pursuant to NRS 389.616 by the Department and the plan adopted pursuant to NRS 389.620 by the board of trustees of the school district in which the high school proficiency examination is administered. The Department shall monitor the compliance of school districts and individual schools with:

- (1) The plan adopted by the Department; and
- (2) The plan adopted by the board of trustees of the applicable school district, to the extent that the plan adopted by the board of trustees of the school district is consistent with the plan adopted by the Department.

(c) Scored by a single private entity that has contracted with the State Board to score the examinations. The private entity that scores the high school proficiency examination shall report the results of the examinations in the form and by the date required by the Department.

3. Not more than 14 working days after the results of the examinations are reported to the Department of Education by a private entity that scored the examinations, the Superintendent of Public Instruction shall certify that the results of the examinations have been transmitted to each school district and each applicable charter school. Not more than 10 working days after a school district receives the results

of the examinations, the superintendent of schools of each school district shall certify that the results of the examinations have been transmitted to each school within the school district at which the high school proficiency examination was administered pursuant to this section. Except as otherwise provided in this subsection, not more than 15 working days after each such school receives the results of the examinations, the principal of each such school and the governing body of each such charter school shall certify that the results for each pupil that took the examination have been provided to the parent or legal guardian of the pupil:

(a) During a conference between the teacher of the pupil or the administrator of the school and the parent or legal guardian of the pupil; or

(b) By mailing the results of the high school proficiency examination to the last known address of the parent or legal guardian of the pupil.

➡ If a pupil fails the high school proficiency examination, the school shall notify the pupil and the parents or legal guardian of the pupil of each subject area that the pupil failed as soon as practicable but not later than 15 working days after the school receives the results of the examination.

4. A pupil who transfers during grade 12 to a school in this State from a school outside of this State because of the military transfer of the parent or legal guardian of the pupil may receive a waiver from the requirements of subsection 4 if, in accordance with the provisions of NRS 392C.010, the school district in which the pupil is enrolled:

(a) Accepts the results of the exit or end-of-course examinations required for graduation in the local education agency in which the pupil was previously enrolled;

(b) Accepts the results of a national norm-referenced achievement examination taken by the pupil; or

(c) Establishes an alternative test for the pupil which demonstrates proficiency in the subject areas tested on the high school proficiency examination, and the pupil successfully passes that test.

5. For the purposes of this section, the State Board shall prescribe the high school proficiency examination, which must include the subjects of reading, mathematics and science and, except for the writing portion, must be developed, printed and scored by a nationally recognized testing company in accordance with the process established by the testing company. The State Board, in consultation with the Council to Establish Academic Standards for Public Schools created by NRS 389.510, shall prescribe the writing portion of the high school proficiency examination. The questions contained in the high school proficiency examination and

the approved answers used for grading them are confidential, and disclosure is unlawful except:

(a) To the extent necessary for administering and evaluating the high school proficiency examination.

(b) That a disclosure may be made to a:

(1) State officer who is a member of the Executive or Legislative Branch of State Government, to the extent that it is necessary for the performance of his or her duties;

(2) Superintendent of schools of a school district, to the extent that it is necessary for the performance of his or her duties;

(3) Director of curriculum of a school district, to the extent that it is necessary for the performance of his or her duties; and

(4) Director of testing of a school district, to the extent that it is necessary for the performance of his or her duties.

(c) That specific questions and answers may be disclosed if the Superintendent of Public Instruction determines that the content of the questions and answers is not being used in a current examination and making the content available to the public poses no threat to the security of the current examination process.

(d) As required pursuant to NRS 239.0115.

6. The administrative regulations adopted by the State Board of Education for purposes of carrying out NRS 389.015 as of June 30, 2013, continue in effect if the high school proficiency examination is administered pursuant to this section.

Sec. 44.7 If the State Board of Education prescribes passage of the high school proficiency examination pursuant to paragraph (a) of subsection 2 of section 44 of this act as a requirement that a pupil must satisfy to receive a standard high school diploma:

1. The results of the high school proficiency examination administered pursuant to section 44.3 of this act must be reported for the applicable school year for each school, including, without limitation, each charter school that enrolls pupils at the high school grade levels who have not passed the high school proficiency examination and are required to pass the examination to receive a standard high school diploma, each school district and this State, as follows:

(a) The average score, as defined by the Department, of such pupils who took the high school proficiency examination under regular testing conditions; and

(b) The average score, as defined by the Department of Education, of such pupils who took the high school proficiency examination with modifications or accommodations, if such reporting does not violate the confidentiality of the test scores of any individual pupil.

2. The superintendent of schools of each school district and the governing body of each charter school that enrolls pupils at the high school grade levels who have not passed the high school proficiency examination and are required to pass the examination to receive a standard high school diploma, through the sponsor of the charter school, shall certify that the number of pupils who have not passed the high school proficiency examination and are required to pass the examination to receive a standard high school diploma and who took the high school proficiency examination in the applicable school year is equal to the number of such pupils in each school in the school district or in the charter school who are required to take the high school proficiency examination in that school year.

3. In addition to the information required by subsection 2, the Superintendent of Public Instruction shall, for each applicable school year:

(a) Report the number of pupils who have not passed the high school proficiency examination and are required to pass the examination to receive a standard high school diploma and who were absent from school on the day that the high school proficiency examination was administered; and

(b) Reconcile the number of pupils who have not passed the high school proficiency examination and are required to pass the examination to receive a standard high school diploma with the number of such pupils who were absent from school on the day that the examination was administered.

~~{Sec. 44.}~~ Sec. 45. 1. This section and sections 44, 44.3, and 44.7 of this act become effective ~~upon passage and approval.~~

~~1. Upon passage and approval. For the purposes of selecting the examination as required pursuant to section 19 of this act and for adopting any regulations and performing any preparatory administrative tasks necessary to carry out the provisions of this act, and~~

~~2. On Sections 1 to 43, inclusive, of this act become effective on July 1, 2013. For all other purposes.~~

LEADLINES OF REPEALED SECTIONS

389.015 Administration and scoring; transmission of results; effect of failure to pass; certain exceptions for child transferred due to military transfer of parent; confidentiality of examinations.

389.016 Postponement of administration of examination in mathematics and science for pupil enrolled in grade 10; revision of pupil's academic plan; annual report by school district.

389.017 Reporting of results of examinations; reconciliation of number of pupils taking examinations.

389.0175 Establishment of statewide program for preparation of pupils to take examination; compliance with program required of school districts and certain schools; use of additional materials and information.

389.045 Course of study designed to assist pupils with passing high school proficiency examination; board of trustees authorized to offer course as elective.

Assemblyman Elliot Anderson moved the adoption of the amendment.

Remarks by Assemblyman Elliot Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 326.

Bill read second time.

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

Amendment No. 431.

AN ACT relating to arbitration; requiring certain agreements that require arbitration of disputes arising under the agreement to include specific authorization for the arbitration; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill requires an agreement which includes a provision requiring a person to submit to arbitration any dispute arising between the parties to the agreement to include specific authorization of the provision by the person. **Section 1** further provides that an agreement which includes such a provision concerning submitting a dispute to arbitration and which fails to include specific authorization of that provision by the person is void. **Section 1 excludes a collective bargaining agreement from these new provisions.**

Existing law which governs the provisions for arbitration provided by the parties to an agreement is set forth in the Uniform Arbitration Act. (NRS 38.206-38.248) **Section 2** of this bill provides an exception to a provision of the Uniform Arbitration Act which governs the validity of an agreement to arbitrate to account for the requirement set forth in **section 1**.

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

Section 1. Chapter 597 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[Am]~~ Except as otherwise provided in subsection 3, an agreement which includes a provision which requires a person to submit to arbitration any dispute arising between the parties to the agreement must include specific authorization for the provision which indicates that the person has affirmatively agreed to the provision.

2. *If an agreement includes a provision which requires a person to submit to arbitration any dispute arising between the parties to the agreement and the agreement fails to include the specific authorization required pursuant to subsection 1, the provision is void and unenforceable.*

3. The provisions of this section do not apply to an agreement that is a collective bargaining agreement. As used in this subsection, "collective bargaining" has the meaning ascribed to it in NRS 288.033.

Sec. 2. NRS 38.219 is hereby amended to read as follows:

38.219 1. An agreement contained in a record to submit to arbitration any existing or subsequent controversy arising between the parties to the agreement is valid, enforceable and irrevocable except ***as otherwise provided in section 1 of this act*** or upon a ground that exists at law or in equity for the revocation of a contract.

2. The court shall decide whether an agreement to arbitrate exists or a controversy is subject to an agreement to arbitrate.

3. An arbitrator shall decide whether a condition precedent to arbitrability has been fulfilled and whether a contract containing a valid agreement to arbitrate is enforceable.

4. If a party to a judicial proceeding challenges the existence of, or claims that a controversy is not subject to, an agreement to arbitrate, the arbitral proceeding may continue pending final resolution of the issue by the court, unless the court otherwise orders.

Sec. 3. The amendatory provisions of this act apply only to agreements entered into or renewed on or after October 1, 2013.

Assemblyman Bobzien moved the adoption of the amendment.

Remarks by Assemblyman Bobzien.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 332.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 392.

AN ACT relating to real property; revising provisions governing the exercise of the power of sale under a deed of trust with respect to abandoned residential property; authorizing nonprofit corporations or agencies or

political subdivisions of this State to establish land banks for certain purposes; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for a trustee under a deed of trust to exercise a power of sale on real property after a breach of an obligation or payment of debt secured by the deed of trust. Under existing law, a notice of default and election to sell real property that is subject to a deed of trust must include an affidavit setting forth certain information concerning the authority to exercise the power of sale. If the affidavit is not recorded in accordance with existing law, a court must declare void the trustee's sale and a civil action may be brought against the beneficiary, the successor in interest of the beneficiary or the trustee who did not comply with the requirement. (NRS 107.080)

Section 2 of this bill establishes the criteria to be used to determine whether real property constitutes abandoned residential property. Under **section 3** of this bill, if, at any time after recording a notice of default and election to sell and after an investigation of the property, ~~the beneficiary or its successor in interest or the agent authorized to act on behalf of the beneficiary or its successor in interest~~ **a private process server hired by the beneficiary** determines that the property constitutes abandoned residential property, the beneficiary ~~or successor or agent~~ may record an affidavit setting forth the circumstances and conditions supporting the determination that the property is abandoned residential property. **Section 3 authorizes the private process server to charge the beneficiary a fee of not more than \$120 for determining whether property is abandoned residential property.** If ~~such~~ an **abandoned residential property** affidavit is recorded: (1) the beneficiary or its successor in interest or the agent authorized to act on behalf of the beneficiary or its successor in interest must provide certain notice of the affidavit; and (2) the grantor of the deed of trust, the successor in interest of the grantor or the person who holds title of record may cause the affidavit to be deemed to be withdrawn by recording an affidavit declaring that the property is not abandoned residential property and setting forth the circumstances and conditions supporting the withdrawal determination. Under **sections 3 and 4** of this bill, if ~~an affidavit indicating that property is abandoned residential property is recorded and not withdrawn and~~ the purchaser of ~~the~~ **abandoned residential** property at ~~the~~ a trustee's sale occupies the property as owner-occupied housing or sells the property to **a land bank established by a nonprofit corporation or an agency or political subdivision of this State or to** a person who occupies the property as owner-occupied housing: (1) the trustee's sale may not be declared void on the ground that the affidavit of authority to exercise the power of sale required by existing law was not recorded or is defective; and

(2) a civil action may not be brought for a failure to comply with certain requirements governing the exercise of the power of sale.

Section 3.5 of this bill authorizes nonprofit corporations and agencies or political subdivisions of this State to establish a land bank for the purpose of: (1) purchasing abandoned residential property and residential property in need of rehabilitation; and (2) selling such property to persons who will occupy the property as owner-occupied housing.

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

Section 1. Chapter 107 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, ~~and 3~~ **and 3.5** of this act.

Sec. 2. *As used in this section and NRS 107.080 to NRS 107.110, inclusive, and ~~section~~ sections 3 and 3.5 of this act, unless the context otherwise requires:*

1. *“Abandoned residential property” means residential real property:*

(a) *Consisting of not more than four family dwelling units or a single-family residential unit, including, without limitation, a condominium, townhouse or home within a subdivision, if the unit is sold, leased or otherwise conveyed unit by unit, regardless of whether the unit is part of a larger building or parcel that consists of more than four units; and*

(b) *That the grantor or the successor in interest of the grantor has surrendered as evidenced by a document signed by the grantor or successor confirming the surrender or by the delivery of the keys to the property to the beneficiary or that satisfies the following conditions:*

(1) *The residential real property is not currently occupied as a principal residence by the grantor of the deed of trust, the person who holds title of record or any lawful occupant;*

(2) *The obligation secured by the deed of trust is in default and the deficiency in performance or payment has not been cured;*

(3) *The gas, electric and water utility services to the property have been terminated;*

(4) *There are no children enrolled in school residing at the address of the residential real property;*

(5) *Payments pursuant to the federal Social Security Act, including, without limitation, retirement and survivors’ benefits, supplemental security income benefits and disability insurance benefits, payments for unemployment compensation or payments for public assistance, as defined in NRS 422.050 and 422A.065, are not currently being ~~mailed~~ **registered** to the address of the residential real property;*

(6) *An owner of the property is not presently serving in the Armed Forces of the United States, a reserve component thereof or the National Guard; and*

(7) ~~Two~~ *Three or more of the following conditions exist:*

(I) *Construction was initiated on the residential real property and was discontinued before completion, leaving a building unsuitable for occupancy, and no construction has taken place for at least 6 months;*

(II) *Multiple windows on the property are boarded up or closed off or are smashed through, broken off or unhinged, or multiple window panes are broken and unrepaired;*

(III) *Doors on the property are smashed through, broken off, unhinged or continuously unlocked;*

(IV) *The property has been stripped of copper or other materials, or interior fixtures to the property have been removed;*

(V) *Assessments owed to a unit-owners' association, as defined in NRS 116.011 or 116B.030, are past due;*

(VI) *At least two or more written statements of occupants of neighboring properties indicate a clear intent to abandon the property;*

(VII) *Law enforcement officials have received at least one report of trespassing or vandalism or other illegal acts being committed at the property within the immediately preceding 6 months;*

(VIII) *The property has been declared unfit for occupancy and ordered to remain vacant and unoccupied under an order issued by a municipal or county authority or a court of competent jurisdiction;*

(IX) *The local police, fire or code enforcement authority has requested that the owner or other interested or authorized party secure the property because the local authority has declared the property to be an imminent danger to the health, safety and welfare of the public;*

(X) *The property is open and unprotected and in reasonable danger of significant damage resulting from exposure to the elements or vandalism; or*

(XI) *The residential real property contains overgrown or dead vegetation ~~that is in violation of a city or county ordinance.~~*

2. *The term does not include residential real property if:*

(a) *There is construction, renovation or rehabilitation on the property that is proceeding diligently to completion, and any building being constructed, renovated or rehabilitated is in substantial compliance with all applicable ordinances, codes, regulations and laws;*

(b) *The property is occupied on a seasonal basis, but is otherwise secure;*

(c) *There are bona fide rental or sale signs on the property, or the property is listed on the Multiple Listing Service, and the property is secure; or*

(d) The residential real property is secure but is the subject of a probate action, action to quiet title or other ownership dispute.

Sec. 3. 1. At any time after a notice of default and election to sell has been recorded pursuant to subsection 2 of NRS 107.080, the beneficiary may elect to use the procedures set forth in this section in connection with the exercise of the power of sale pursuant to NRS 107.080 if, after an investigation, a process server hired by the beneficiary determines that the real property is abandoned residential property. A process server hired by a beneficiary pursuant to this subsection must be licensed pursuant to chapter 648 of NRS and may charge the beneficiary a fee of not more than \$120 to determine whether real property is abandoned residential property.

2. If a beneficiary or a process server hired by the beneficiary has a reasonable belief that real property may be abandoned residential property, the beneficiary or process server, or ~~its~~ an agent thereof, may enter the property to investigate whether the property is abandoned residential property. Notwithstanding any other provision of law, a beneficiary, a process server and ~~its agents~~ any agent of a beneficiary or process server who ~~enter~~ enters property pursuant to this subsection are not liable for trespass.

3. A beneficiary who elects to use the procedures set forth in this section in connection with the exercise of the power of sale pursuant to NRS 107.080 must:

(a) Record, or cause to be recorded, in the office of the recorder of the county wherein the real property, or some part thereof, is located an affidavit from the process server hired by the beneficiary pursuant to subsection 1 setting forth the facts supporting the process server's determination that the real property is abandoned residential property. The affidavit required by this subsection must:

(1) Be signed and verified by the ~~beneficiary~~ process server;

(2) State that, upon information and belief of the ~~beneficiary~~ process server after investigation by the ~~beneficiary~~ process server or its agent, the property is abandoned residential property; and

(3) State the conditions or circumstances supporting the determination that the property is abandoned residential property and have attached to the affidavit photographic or other documentary evidence in support of such conditions or circumstances; and

(b) Post in a conspicuous place on the real property, and mail by first class mail to the last known address of the grantor of the deed of trust, a successor in interest of the grantor or the person who holds title of record, a notice, in at least 12-point bold type in a font that is easy to read, in substantially the following form, with the applicable telephone numbers provided on the notice:

NOTICE**FORECLOSURE PROCEEDINGS AGAINST THIS PROPERTY
HAVE STARTED, AND AN AFFIDAVIT DECLARING THIS
PROPERTY TO BE ABANDONED HAS BEEN RECORDED.**

If you believe that the property has not been abandoned, you may record with the county recorder an affidavit declaring that the property is not abandoned.

If you do not record with the county recorder an affidavit declaring that the property is not abandoned and mail a copy of the affidavit to your lender, you may lose the right to challenge the foreclosure sale of the property.

For help, call:

Consumer Credit Counseling _____

The Attorney General _____

The Division of Mortgage Lending _____

The Division of Financial Institutions _____

Legal Services _____

Your Lender _____

Nevada Fair Housing Center _____

4. Except as otherwise provided in this subsection, if an affidavit described in subsection 3 has been recorded, at any time before the date of the sale of the real property conducted pursuant to NRS 107.080, the grantor, a successor in interest of the grantor or the person who holds title of record may record in the office of the county recorder in the county where the affidavit described in subsection 3 was recorded, an affidavit stating that the real property is not abandoned residential property and setting forth the conditions or circumstances supporting the claim that the property is not abandoned residential property. The grantor, a successor in interest of the grantor or the person who holds title of record may not record the affidavit described in this subsection if he or she has surrendered the property, as evidenced by a signed document confirming the surrender or by the delivery of the keys to the property to the beneficiary. Upon the recording of the affidavit described in this subsection:

(a) The person who recorded the affidavit must mail by registered or certified mail, return receipt requested, to the beneficiary and the trustee a copy of the affidavit; and

(b) The affidavit described in subsection 3 is deemed to be withdrawn.

5. If:

(a) An affidavit described in subsection 3 has been recorded and has not been withdrawn; and

(b) The purchaser of the property at a sale conducted pursuant to NRS 107.080:

(1) Occupies the real property as owner-occupied housing; or

(2) Sells the property to a land bank or to a person who occupies the real property as owner-occupied housing,

↳ the sale vests in the purchaser the title of the grantor and any successors in interest without equity or right of redemption and may not be declared void on the ground that the affidavit of authority to exercise the power of sale required by paragraph (c) of subsection 2 of NRS 107.080 has not been recorded or is defective, and an action pursuant to subsection 7 of NRS 107.080 may not be commenced.

6. As used in this section:

(a) “Beneficiary” means the beneficiary of the deed of trust or the successor in interest of the beneficiary or any person designated or authorized to act on behalf of the beneficiary or its successor in interest.

(b) “Land bank” means a land bank established by a nonprofit corporation or an agency or political subdivision of this State pursuant to section 3.5 of this act.

(c) “Owner-occupied housing” has the meaning ascribed to it in NRS 107.086.

(d) “Process server” has the meaning ascribed to it in NRS 648.014.

Sec. 3.5. 1. A nonprofit corporation or an agency or political subdivision of this State may establish a land bank for the purposes of purchasing and selling abandoned residential real property or residential real property in need of rehabilitation, or both.

2. A land bank established pursuant to this section:

(a) May purchase abandoned residential real property and residential real property in need of rehabilitation, including, without limitation, purchasing such real property at a foreclosure sale conducted pursuant to NRS 40.430 or at a trustee’s sale held pursuant to NRS 107.080.

(b) May sell any abandoned residential real property or residential property in need of rehabilitation purchased by the land bank only to persons who will occupy the abandoned residential real property as owner-occupied housing.

3. As used in this section, “political subdivision” means a city or county of this State.

Sec. 4. NRS 107.080 is hereby amended to read as follows:

107.080 1. Except as otherwise provided in NRS 106.210, 107.085 and 107.086, if any transfer in trust of any estate in real property is made after March 29, 1927, to secure the performance of an obligation or the payment

of any debt, a power of sale is hereby conferred upon the trustee to be exercised after a breach of the obligation for which the transfer is security.

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

(a) Except as otherwise provided in paragraph (b), in the case of any trust agreement coming into force:

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

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

(b) In the case of any trust agreement which concerns owner-occupied housing as defined in NRS 107.086, the grantor, the person who holds the title of record, a beneficiary under a subordinate deed of trust or any other person who has a subordinate lien or encumbrance of record on the property has, for a period that commences in the manner and subject to the requirements described in subsection 3 and expires 5 days before the date of sale, failed to make good the deficiency in performance or payment.

(c) The beneficiary, the successor in interest of the beneficiary or the trustee first executes and causes to be recorded in the office of the recorder of the county wherein the trust property, or some part thereof, is situated a notice of the breach and of the election to sell or cause to be sold the property to satisfy the obligation which, except as otherwise provided in this paragraph, includes a notarized affidavit of authority to exercise the power of sale stating, based on personal knowledge and under the penalty of perjury:

(1) The full name and business address of the trustee or the trustee's personal representative or assignee, the current holder of the note secured by the deed of trust, the current beneficiary of record and the servicers of the obligation or debt secured by the deed of trust;

(2) The full name and last known business address of every prior known beneficiary of the deed of trust;

(3) That the beneficiary under the deed of trust, the successor in interest of the beneficiary or the trustee is in actual or constructive possession of the note secured by the deed of trust;

(4) That the trustee has the authority to exercise the power of sale with respect to the property pursuant to the instruction of the beneficiary of record and the current holder of the note secured by the deed of trust;

(5) The amount in default, the principal amount of the obligation or debt secured by the deed of trust, a good faith estimate of all fees imposed and to be imposed because of the default and the costs and fees charged to the debtor in connection with the exercise of the power of sale; and

(6) The date, recordation number or other unique designation of the instrument that conveyed the interest of each beneficiary and a description of the instrument that conveyed the interest of each beneficiary.

➔ The affidavit described in this paragraph is not required for the exercise of the trustee's power of sale with respect to any trust agreement which concerns a time share within a time share plan created pursuant to chapter 119A of NRS if the power of sale is being exercised for the initial beneficiary under the deed of trust or an affiliate of the initial beneficiary.

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

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

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

(b) If the property is a residential foreclosure, comply with the provisions of NRS 107.087.

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

(a) Providing the notice to each trustor, any other person entitled to notice pursuant to this section and, if the property is operated as a facility licensed under chapter 449 of NRS, the State Board of Health, by personal service or

by mailing the notice by registered or certified mail to the last known address of the trustor and any other person entitled to such notice pursuant to this section;

(b) Posting a similar notice particularly describing the property, for 20 days successively, in a public place in the county where the property is situated;

(c) Publishing a copy of the notice three times, once each week for 3 consecutive weeks, in a newspaper of general circulation in the county where the property is situated or, if the property is a time share, by posting a copy of the notice on an Internet website and publishing a statement in a newspaper in the manner required by subsection 3 of NRS 119A.560; and

(d) If the property is a residential foreclosure, complying with the provisions of NRS 107.087.

5. Every sale made under the provisions of this section and other sections of this chapter vests in the purchaser the title of the grantor and any successors in interest without equity or right of redemption. ~~{A}~~ ***Except as otherwise provided in section 3 of this act, a*** sale made pursuant to this section must be declared void by any court of competent jurisdiction in the county where the sale took place if:

(a) The trustee or other person authorized to make the sale does not substantially comply with the provisions of this section or any applicable provision of NRS 107.086 and 107.087;

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

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

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

7. ~~{F,}~~ ***Except as otherwise provided in section 3 of this act, if*** in an action brought by the grantor or the person who holds title of record in the district court in and for the county in which the real property is located, the court finds that the beneficiary, the successor in interest of the beneficiary or the trustee did not comply with any requirement of subsection 2, 3 or 4, the court must award to the grantor or the person who holds title of record:

(a) Damages of \$5,000 or treble the amount of actual damages, whichever is greater;

(b) An injunction enjoining the exercise of the power of sale until the beneficiary, the successor in interest of the beneficiary or the trustee complies with the requirements of subsections 2, 3 and 4; and

(c) Reasonable attorney's fees and costs,
➔ unless the court finds good cause for a different award. The remedy provided in this subsection is in addition to the remedy provided in subsection 5.

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

9. After a sale of property is conducted pursuant to this section, the trustee shall:

(a) Within 30 days after the date of the sale, record the trustee's deed upon sale in the office of the county recorder of the county in which the property is located; or

(b) Within 20 days after the date of the sale, deliver the trustee's deed upon sale to the successful bidder. Within 10 days after the date of delivery of the deed by the trustee, the successful bidder shall record the trustee's deed upon sale in the office of the county recorder of the county in which the property is located.

10. If the successful bidder fails to record the trustee's deed upon sale pursuant to paragraph (b) of subsection 9, the successful bidder:

(a) Is liable in a civil action to any party that is a senior lienholder against the property that is the subject of the sale in a sum of up to \$500 and for reasonable attorney's fees and the costs of bringing the action; and

(b) Is liable in a civil action for any actual damages caused by the failure to comply with the provisions of subsection 9 and for reasonable attorney's fees and the costs of bringing the action.

11. The county recorder shall, in addition to any other fee, at the time of recording a notice of default and election to sell collect:

(a) A fee of \$150 for deposit in the State General Fund.

(b) A fee of \$45 for deposit in the Account for Foreclosure Mediation, which is hereby created in the State General Fund. The Account must be administered by the Court Administrator, and the money in the Account may be expended only for the purpose of supporting a program of foreclosure mediation established by Supreme Court Rule.

(c) A fee of \$5 to be paid over to the county treasurer on or before the fifth day of each month for the preceding calendar month. The county recorder may direct that 1.5 percent of the fees collected by the county recorder pursuant to this paragraph be transferred into a special account for use by the

office of the county recorder. The county treasurer shall remit quarterly to the organization operating the program for legal services that receives the fees charged pursuant to NRS 19.031 for the operation of programs for the indigent all the money received from the county recorder pursuant to this paragraph.

12. The fees collected pursuant to paragraphs (a) and (b) of subsection 11 must be paid over to the county treasurer by the county recorder on or before the fifth day of each month for the preceding calendar month, and, except as otherwise provided in this subsection, must be placed to the credit of the State General Fund or the Account for Foreclosure Mediation as prescribed pursuant to subsection 11. The county recorder may direct that 1.5 percent of the fees collected by the county recorder be transferred into a special account for use by the office of the county recorder. The county treasurer shall, on or before the 15th day of each month, remit the fees deposited by the county recorder pursuant to this subsection to the State Controller for credit to the State General Fund or the Account as prescribed in subsection 11.

13. The beneficiary, the successor in interest of the beneficiary or the trustee who causes to be recorded the notice of default and election to sell shall not charge the grantor or the successor in interest of the grantor any portion of any fee required to be paid pursuant to subsection 11.

14. As used in this section:

(a) "Residential foreclosure" means the sale of a single family residence under a power of sale granted by this section. As used in this paragraph, "single family residence":

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

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

(b) "Trustee" means the trustee of record.

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assemblyman Horne moved that the Assembly recess until 2:30 p.m.

Motion carried.

Assembly in recess at 1:05 p.m.

ASSEMBLY IN SESSION

At 2:58 p.m.

Madam Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 33, 36, 86, 153, 187, 199, 339, 341, 404, 494, 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*

Madam Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 87, 99, 408, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

TERESA BENITEZ-THOMPSON, *Chair*

Madam Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 309, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

RICHARD CARRILLO, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Frierson moved that Assembly Bills Nos. 33, 36, 86, 87, 99, 153, 187, 199, 309, 339, 341, 404, 408, and 494, just reported out of committee, be placed on the bottom of the Second Reading File.

Motion carried.

Assemblyman Frierson moved that Assembly Bills Nos. 90, 363, 374, and 441 be taken from the General File and placed at the bottom of the General File for the next legislative day.

Motion carried.

Assemblyman Frierson moved that Assembly Bills Nos. 77 and 421 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Frierson moved that Assembly Bill No. 418 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 333.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 428.

SUMMARY—~~Requires the proposed budget of the Executive Department of the State Government to contain certain information~~ **Revises provisions** relating to incentives for economic development. (BDR 31-811)

AN ACT relating to state financial administration; requiring ~~each state agency which approves an abatement of taxes or other incentive for economic development;~~ **the Office of Economic Development and the Office of Energy each** periodically to conduct an analysis of the costs and benefits of ~~the~~ **an approved abatement of taxes or other** incentive **for economic development** and report the results of its analysis to the Chief of the Budget Division of the Department of Administration; requiring that the results of the ~~analysis;~~ **analyses,** as so reported, be included in the proposed state budget; **revising the required contents of a report of certain abatements from taxation which must be submitted to the Legislature; revising the factors which must be considered in the evaluation of an application for a partial abatement of certain taxes;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Various provisions of existing law provide for the approval by state agencies of tax abatements and other incentives for economic development. (NRS 274.310, 274.320, 274.330, 360.750, 361.0687, 374.357, 701A.210) **Section 1** of this bill requires ~~each state agency which approves such an incentive, including, without limitation,~~ **the Office of Economic Development** ~~and the Office of Energy each~~ periodically to conduct an analysis of the costs and benefits of the incentives in effect during the immediately preceding 2 fiscal years ~~in accordance with a methodology prescribed by~~ **and report to** the Chief of the Budget Division of the Department of Administration ~~and report to the Chief~~ concerning the results of the ~~agency's~~ analysis. **Section 1** provides that any such report is a public record.

Section 3 of this bill requires that the results of ~~each agency's analysis,~~ **the analyses,** as reported to the Chief for the immediately preceding 2 fiscal years, be included as part of the proposed state budget for each biennium.

Existing law requires the Office of Economic Development periodically to prepare and submit for the Legislature a report concerning certain abatements from taxation. (NRS 231.0685) Section 3.3 of this bill revises the period covered by and information to be included in the report.

Existing law requires the Office of Economic Development to adopt regulations relating to the minimum level of benefits that certain businesses applying for a partial abatement of certain taxes must provide to employees. (NRS 360.750) Section 3.7 of this bill revises these provisions to apply solely to health care benefits.

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

Section 1. Chapter 353 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Chief shall:

(a) ~~Require each state agency, including, without limitation, the Office of Economic Development, and the Office of Energy each periodically to conduct an analysis of the relative costs and benefits of each incentive for economic development previously approved by the agency, respective office and in effect during the immediately preceding 2 fiscal years, including, without limitation, any abatement of taxes approved by the Office of Economic Development pursuant to NRS 274.310, 274.320, 274.330, 360.750, 361.0687, 374.357 or 701A.210, to assist the Governor and the Legislature in determining whether the economic benefits of the incentive have accomplished the purposes of the statute pursuant to which the incentive was approved and warrant additional incentives of that kind;~~

(b) ~~Require each such state agency office to report in writing to the Chief the results of the analysis conducted by the agency office pursuant to paragraph (a); and~~

(c) ~~Prescribe by regulation the methodology for performing and reporting the results of the analysis required by paragraph (a); and~~

~~(d)~~ Establish a schedule for performing and reporting the results of the analysis required by paragraph (a) which ensures that the results of the analysis reported by each ~~state agency~~ office are included in the proposed budget prepared pursuant to NRS 353.205, as required by that section.

2. Each report prepared ~~by a state agency~~ for the Chief pursuant to this section is a public record and is open to inspection pursuant to the provisions of NRS 239.010.

Sec. 2. NRS 353.155 is hereby amended to read as follows:

353.155 As used in NRS 353.150 to 353.246, inclusive, **and section 1 of this act** “Chief” means the Chief of the Budget Division of the Department of Administration.

Sec. 3. NRS 353.205 is hereby amended to read as follows:

353.205 1. The proposed budget for the Executive Department of the State Government for each fiscal year must be set up in ~~three~~ **four** parts:

(a) Part 1 must consist of a budgetary message by the Governor which includes:

(1) A general summary of the long-term performance goals of the Executive Department of the State Government for:

(I) Core governmental functions, including the education of pupils in kindergarten through grade 12, higher education, human services and public safety and health; and

(II) Other governmental services;

(2) An explanation of the means by which the proposed budget will provide adequate funding for those governmental functions and services such that ratable progress will be made toward achieving those long-term performance goals;

(3) An outline of any other important features of the financial plan of the Executive Department of the State Government for the next 2 fiscal years; and

(4) A general summary of the proposed budget setting forth the aggregate figures of the proposed budget in such a manner as to show the balanced relations between the total proposed expenditures and the total anticipated revenues, together with the other means of financing the proposed budget for the next 2 fiscal years, contrasted with the corresponding figures for the last completed fiscal year and fiscal year in progress. The general summary of the proposed budget must be supported by explanatory schedules or statements, classifying the expenditures contained therein by organizational units, objects and funds, and the income by organizational units, sources and funds. The organizational units may be subclassified by functions and by agencies, bureaus or commissions, or in any other manner determined by the Chief.

(b) Part 2 must embrace the detailed budgetary estimates both of expenditures and revenues as provided in NRS 353.150 to 353.246, inclusive ~~[]~~, **and section 1 of this act**. The information must be presented in a manner which sets forth separately the cost of continuing each program at the same level of service as the current year and the cost, by budgetary issue, of any recommendations to enhance or reduce that level of service. Revenues must be summarized by type, and expenditures must be summarized by program or budgetary account and by category of expense. Part 2 must include:

(1) The identification of each long-term performance goal of the Executive Department of the State Government for:

(I) Core governmental functions, including the education of pupils in kindergarten through grade 12, higher education, human services, and public safety and health; and

(II) Other governmental services,

➡ and of each intermediate objective for the next 2 fiscal years toward achieving those goals.

(2) An explanation of the means by which the proposed budget will provide adequate funding for those governmental functions and services such that those intermediate objectives will be met and progress will be made toward achieving those long-term performance goals.

(3) A mission statement and measurement indicators for each department, institution and other agency of the Executive Department of the State Government, which articulate the intermediate objectives and long-term

performance goals each such department, institution and other agency is tasked with achieving and the particular measurement indicators tracked for each such department, institution and other agency to determine whether the department, institution or other agency is successful in achieving its intermediate objectives and long-term performance goals, provided in sufficient detail to assist the Legislature in performing an analysis of the relative costs and benefits of program budgets and in determining priorities for expenditures. If available, information regarding such measurement indicators must be provided for each of the previous 4 fiscal years. If a new measurement indicator is being added, a rationale for that addition must be provided. If a measurement indicator is being modified, information must be provided regarding both the modified indicator and the indicator as it existed before modification. If a measurement indicator is being deleted, a rationale for that deletion and information regarding the deleted indicator must be provided.

(4) Statements of the bonded indebtedness of the State Government, showing the requirements for redemption of debt, the debt authorized and unissued, and the condition of the sinking funds.

(5) Any statements relative to the financial plan which the Governor may deem desirable, or which may be required by the Legislature.

(c) Part 3 ~~must set forth, for each state agency which is required to conduct an analysis and report~~ **the Office of Economic Development and the Office of Energy, the results of the analyses conducted by those offices and reported to the Chief pursuant to section 1 of this act**, ~~the results of the analysis as so reported~~ **for the immediately preceding 2 fiscal years.**

(d) **Part 4** must include a recommendation to the Legislature for the drafting of a general appropriation bill authorizing, by departments, institutions and agencies, and by funds, all expenditures of the Executive Department of the State Government for the next 2 fiscal years, and may include recommendations to the Legislature for the drafting of such other bills as may be required to provide the income necessary to finance the proposed budget and to give legal sanction to the financial plan if adopted by the Legislature.

2. Except as otherwise provided in NRS 353.211, as soon as each part of the proposed budget is prepared, a copy of the part must be transmitted to the Fiscal Analysis Division of the Legislative Counsel Bureau for confidential examination and retention.

3. Except for the information provided to the Fiscal Analysis Division of the Legislative Counsel Bureau pursuant to NRS 353.211, parts 1 and 2 of the proposed budget are confidential until the Governor transmits the proposed budget to the Legislature pursuant to NRS 353.230, regardless of whether those parts are in the possession of the Executive or Legislative

Department of the State Government. Part ~~{3}~~ 4 of the proposed budget is confidential until the bills which result from the proposed budget are introduced in the Legislature. As soon as practicable after the Governor transmits the proposed budget to the Legislature pursuant to NRS 353.230, the information required to be included in the proposed budget pursuant to subparagraphs (1), (2) and (3) of paragraph (b) of subsection 1 must be posted on the Internet websites maintained by the Governor, the Department of Administration and the Budget Division of the Department of Administration.

Sec. 3.3. NRS 231.0685 is hereby amended to read as follows:

231.0685 The Office shall, on or before January 15 of each odd-numbered year, prepare and submit to the Director of the Legislative Counsel Bureau for transmission to the Legislature a report concerning the abatements from taxation that the Office approved pursuant to NRS 274.310, 274.320, 274.330 or 360.750. The report must set forth, for each abatement from taxation that the Office approved ~~in the 2 year period~~ **during the fiscal years which are 3 fiscal years and 6 fiscal years** immediately preceding the submission of the report:

1. The dollar amount of the abatement;
2. The location of the business for which the abatement was approved;
3. **The value of infrastructure included as an incentive for the business;**
4. If applicable, the number of employees that the business for which the abatement was approved employs or will employ;
- ~~4. 5.~~ Whether the business for which the abatement was approved is a new business or an existing business; ~~and~~
- ~~5. 6.~~ **The economic sector in which the business operates, the number of primary jobs related to the business, the average wage paid to employees of the business and the assessed values of personal property and real property of the business; and**
7. Any other information that the Office determines to be useful.

Sec. 3.7. NRS 360.750 is hereby amended to read as follows:

360.750 1. A person who intends to locate or expand a business in this State may apply to the Office of Economic Development for a partial abatement of one or more of the taxes imposed on the new or expanded business pursuant to chapter 361, 363B or 374 of NRS.

2. The Office of Economic Development shall approve an application for a partial abatement if the Office makes the following determinations:

(a) The business is consistent with:

(1) The State Plan for Economic Development developed by the Executive Director of the Office of Economic Development pursuant to subsection 2 of NRS 231.053; and

(2) Any guidelines adopted by the Executive Director of the Office to implement the State Plan for Economic Development.

(b) The applicant has executed an agreement with the Office which must:

(1) Comply with the requirements of NRS 360.755;

(2) State that the business will, after the date on which a certificate of eligibility for the abatement is issued pursuant to subsection 4, continue in operation in this State for a period specified by the Office, which must be at least 5 years, and will continue to meet the eligibility requirements set forth in this subsection; and

(3) Bind the successors in interest of the business for the specified period.

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

(d) Except as otherwise provided in NRS 361.0687, if the business is a new business in a county whose population is 100,000 or more or a city whose population is 60,000 or more, the business meets at least two of the following requirements:

(1) The business will have 75 or more full-time employees on the payroll of the business by the fourth quarter that it is in operation.

(2) Establishing the business will require the business to make a capital investment of at least \$1,000,000 in this State.

(3) The average hourly wage that will be paid by the new business to its employees in this State is at least 100 percent of the average statewide hourly wage as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The business will provide a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost to the business for the health care benefits the business provides to its employees in this State will meet the minimum requirements for health care benefits established by the Office by regulation pursuant to subsection 8.

(e) Except as otherwise provided in NRS 361.0687, if the business is a new business in a county whose population is less than 100,000 or a city whose population is less than 60,000, the business meets at least two of the following requirements:

(1) The business will have 15 or more full-time employees on the payroll of the business by the fourth quarter that it is in operation.

(2) Establishing the business will require the business to make a capital investment of at least \$250,000 in this State.

(3) The average hourly wage that will be paid by the new business to its employees in this State is at least 100 percent of the average statewide hourly wage or the average countywide hourly wage, whichever is less, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The business will provide a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost to the business for the health care benefits the business provides to its employees in this State will meet the minimum requirements for health care benefits established by the Office by regulation pursuant to subsection 8.

(f) If the business is an existing business, the business meets at least two of the following requirements:

(1) The business will increase the number of employees on its payroll by 10 percent more than it employed in the immediately preceding fiscal year or by six employees, whichever is greater.

(2) The business will expand by making a capital investment in this State in an amount equal to at least 20 percent of the value of the tangible property possessed by the business in the immediately preceding fiscal year. The determination of the value of the tangible property possessed by the business in the immediately preceding fiscal year must be made by the:

(I) County assessor of the county in which the business will expand, if the business is locally assessed; or

(II) Department, if the business is centrally assessed.

(3) The average hourly wage that will be paid by the existing business to its new employees in this State is at least the amount of the average hourly wage required to be paid by businesses pursuant to subparagraph (2) of either paragraph (a) or (b) of subsection 2 of NRS 361.0687, whichever is applicable, and:

(I) The business will provide a health insurance plan for all new employees that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost to the business for the health care benefits the business provides to its new employees in this State will meet the minimum requirements for health care benefits established by the Office by regulation pursuant to subsection 8.

(g) In lieu of meeting the requirements of paragraph (d), (e) or (f), if the business furthers the development and refinement of intellectual property, a patent or a copyright into a commercial product, the business meets at least two of the following requirements:

(1) The business will have 10 or more full-time employees on the payroll of the business by the fourth quarter that it is in operation.

(2) Establishing the business will require the business to make a capital investment of at least \$500,000 in this State.

(3) The average hourly wage that will be paid by the new business to its employees in this State is at least the amount of the average hourly wage required to be paid by businesses pursuant to subparagraph (2) of either paragraph (a) or (b) of subsection 2 of NRS 361.0687, whichever is applicable, and:

(I) The business will provide a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost to the business for the health care benefits the business provides to its employees in this State will meet with minimum requirements for health care benefits established by the Office by regulation pursuant to subsection 8.

3. Notwithstanding the provisions of subsection 2, the Office of Economic Development:

(a) Shall not consider an application for a partial abatement unless the Office has requested a letter of acknowledgment of the request for the abatement from any affected county, school district, city or town.

(b) Shall consider the level of health care benefits provided by the business to its employees, the projected economic impact of the business and the projected tax revenue of the business after deducting projected revenue from the abated taxes.

(c) May, if the Office determines that such action is necessary:

(1) Approve an application for a partial abatement by a business that does not meet the requirements set forth in paragraph (d), (e), (f) or (g) of subsection 2;

(2) Make the requirements set forth in paragraph (d), (e), (f) or (g) of subsection 2 more stringent; or

(3) Add additional requirements that a business must meet to qualify for a partial abatement.

4. If the Office of Economic Development approves an application for a partial abatement, the Office shall immediately forward a certificate of eligibility for the abatement to:

(a) The Department;

(b) The Nevada Tax Commission; and

(c) If the partial abatement is from the property tax imposed pursuant to chapter 361 of NRS, the county treasurer.

5. An applicant for a partial abatement pursuant to this section or an existing business whose partial abatement is in effect shall, upon the request

of the Executive Director of the Office of Economic Development, furnish the Executive Director with copies of all records necessary to verify that the applicant meets the requirements of subsection 2.

6. If a business whose partial abatement has been approved pursuant to this section and is in effect ceases:

(a) To meet the requirements set forth in subsection 2; or

(b) Operation before the time specified in the agreement described in paragraph (b) of subsection 2,

↪ the business shall repay to the Department or, if the partial abatement was from the property tax imposed pursuant to chapter 361 of NRS, to the county treasurer, the amount of the exemption that was allowed pursuant to this section before the failure of the business to comply unless the Nevada Tax Commission determines that the business has substantially complied with the requirements of this section. Except as otherwise provided in NRS 360.232 and 360.320, the business shall, in addition to the amount of the exemption required to be paid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

7. A county treasurer:

(a) Shall deposit any money that he or she receives pursuant to subsection 6 in one or more of the funds established by a local government of the county pursuant to NRS 354.6113 or 354.6115; and

(b) May use the money deposited pursuant to paragraph (a) only for the purposes authorized by NRS 354.6113 and 354.6115.

8. The Office of Economic Development:

(a) Shall adopt regulations relating to the minimum level of health care benefits that a business must provide to its employees; ~~if the business is going to use benefits paid to employees as a basis to qualify for a partial abatement;~~ and

(b) May adopt such other regulations as the Office of Economic Development determines to be necessary to carry out the provisions of this section and NRS 360.755.

9. The Nevada Tax Commission:

(a) Shall adopt regulations regarding:

(1) The capital investment that a new business must make to meet the requirement set forth in paragraph (d), (e) or (g) of subsection 2; and

(2) Any security that a business is required to post to qualify for a partial abatement pursuant to this section.

(b) May adopt such other regulations as the Nevada Tax Commission determines to be necessary to carry out the provisions of this section and NRS 360.755.

10. An applicant for an abatement who is aggrieved by a final decision of the Office of Economic Development may petition for judicial review in the manner provided in chapter 233B of NRS.

Sec. 4. This act becomes effective on July 1, 2013.

Assemblywoman Neal moved the adoption of the amendment.

Remarks by Assemblywoman Neal.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 348.

Bill read second time.

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

Amendment No. 386.

AN ACT relating to foster care; establishing certain requirements for the operation of a foster care agency; requiring a foster care agency to ~~submit~~ **create and maintain** reports on its programs and services ; ~~to the licensing authority;~~ ~~to the licensing authority;~~ allowing a foster care agency to encourage and assist a potential foster home to apply for a license; requiring a contract between a foster care agency and a provider of foster care with which the foster care agency places a child; requiring a foster care agency to provide certain services to each foster home in which the foster care agency places children; providing for the operation of independent living foster homes; allowing a licensing authority to suspend or revoke the license of a provider of foster care in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Division of Child and Family Services of the Department of Health and Human Services is required to adopt regulations relating to the licensure and operation of foster homes and foster care agencies. (NRS 424.020, 424.093) **Sections 4- ~~17~~ 6** of this bill establish certain requirements for the governance of a foster care agency. **Sections 8-14** of this bill establish certain requirements for owners, members of the governing body, employees, paid consultants, contractors, volunteers and vendors of a foster care agency. **Section 15** of this bill requires a foster care agency to create and ~~update at least once each year a~~ **maintain an annual** report on each program or service the agency provides . ~~and to provide this report to the licensing authority.~~ **Section 16** of this bill allows a foster care agency to identify potential foster homes and encourage a potential foster home to apply for licensure. **Section 17** of this bill requires a foster care

agency to coordinate the submission of applications for licensure as a foster home to the licensing authority and to conduct a home study of each applicant. **Section 18** of this bill requires a foster care agency to execute a contract containing certain provisions with each provider of foster care with whom the foster care agency places a child and to make each such contract available to the licensing authority upon request. **Sections 19 and 20** of this bill require a foster care agency which places children in a specialized foster home or an independent living foster home to develop and implement certain provisions relating to the care the foster home provides. **Section 21** of this bill requires a foster care agency to provide support to and to review and evaluate its contracted foster homes. **Sections 22 and 23** of this bill require a foster care agency to make crisis intervention available to its contracted foster homes and to report certain potential violations to the licensing authority. **Section 24** of this bill: (1) prohibits a foster care agency from accepting certain children for placement in certain circumstances; and (2) requires a foster care agency to give priority to assisting with the placement of children from an agency which provides child welfare services or a juvenile court. **Section 25** of this bill requires a foster care agency to monitor and evaluate its programs and services and implement any necessary improvements to its programs and services revealed by its evaluations. **Section 26** of this bill allows the licensing authority to charge and collect certain fees from a foster care agency.

Section 35 of this bill prohibits a foster home from accepting a child placed by a juvenile court ~~for commingling a child placed by a juvenile court with foster children not placed by a juvenile court~~ without the approval of the licensing authority. **Section 35** also requires a specialized foster home or a group foster home to maintain a policy of general liability insurance. **Section 36** of this bill revises the crimes that preclude a person from being employed by or being a resident of a foster home. **Section 44** of this bill allows a licensing authority to release certain information at the request of a provider of foster care upon the payment of a fee to cover the costs of the licensing authority in gathering that information. **Section 45** of this bill allows a licensing authority to suspend or revoke the license of a provider of foster care in certain circumstances.

Sections 2, 34, 35, 38, 41, 42, 48, 50 and 54 of this bill provide for the licensing and regulation of independent living foster homes.

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

Section 1. Chapter 424 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 26, inclusive, of this act.

Sec. 2. *“Independent living foster home” means a foster home which provides assistance with the transition to independent living for children who have entered into an agreement to transition to independent living and for children who:*

1. *Are at least 16 years of age but less than 18 years of age or who remain under the jurisdiction of a court pursuant to NRS 432B.594;*
2. *Are not related within the first degree of consanguinity or affinity to any natural person maintaining or operating the home; and*
3. *Are received, cared for and maintained for compensation or otherwise, including the provision of free care.*

Sec. 3. *“Juvenile court” has the meaning ascribed to it in NRS 62A.180.*

Sec. 4. 1. *A foster care agency must:*

(a) *Be organized as a business entity that is registered with the Secretary of State and holds a valid state business license pursuant to chapter 76 of NRS;*

(b) *Have a governing body, ~~consisting of not less than five members,~~ at least one member of ~~whom~~ which has knowledge of and experience in the programs and services offered by the foster care agency; and*

(c) *Operate under articles of incorporation.*

2. *The governing body of a foster care agency must have a written constitution or bylaws which prescribe the responsibility for the operation and maintenance of the foster care agency and which must include, without limitation, provisions that:*

(a) *Define the qualifications for and types of membership on the governing body;*

(b) *Specify the process for selecting members of the governing body, the terms of office for the members and officers of the governing body and orientation for new members of the governing body;*

(c) *Specify how frequently the governing body must meet; and*

(d) *Specify prohibited conflicts of interest of members of the governing body and employees, volunteers and independent contractors of the foster care agency.*

3. *The governing body of a foster care agency shall appoint ~~an executive director~~ a person to provide oversight of the foster care agency who meets the qualifications described in section 8 of this act.*

4. *If the foster care agency is organized in another state, the governing body must meet at least once each year within this State or have a subcommittee ~~of at least three members, each of whom is a resident~~ whose members are residents of this State, and one of whom is a member of the governing body, which is responsible to the governing body for ensuring*

that the foster care agency complies with the provisions of this chapter and any regulations adopted pursuant thereto.

Sec. 5. The governing body of a foster care agency must be responsible for:

1. Ensuring that the foster care agency is and remains fiscally sound;
2. Overseeing the management and operations of the programs and services offered by the foster care agency;
3. Ensuring that the foster care agency remains in compliance with the rules and policies of the governing body; and
4. Ensuring that the foster care agency complies with the provisions of this chapter and any regulations adopted pursuant thereto.

Sec. 6. The governing body shall submit annually to the licensing authority or its designee:

1. The name, address, contact information, position held on the governing body and any other information required by the licensing authority of each member of the governing body;
2. A copy of the articles of incorporation, constitution and bylaws of the foster care agency;
3. Evidence satisfactory to the licensing authority that the foster care agency ~~has adequate money available to~~ has the ability to financially support and sustain its activities, ~~for at least 12 months,~~ which may include, without limitation, financial statements and budgets;
4. A report from an independent auditor of the complete financial information for the foster care agency for the immediately preceding fiscal year;
5. A statement of purpose; and
6. An organizational chart or other chart that sets forth the structure of the foster care agency which includes, without limitation, a job description for each position listed in the chart.

Sec. 7. ~~[A member of the governing body must not have a conflict of interest that could interfere with his or her ability to make objective decisions relating to the foster care agency. A member shall be deemed to have a conflict of interest if:~~

- ~~1. The member or a member of the member's family is employed by the foster care agency;~~
- ~~2. The member owns a controlling interest in the foster care agency; or~~
- ~~3. The member otherwise benefits financially from the operation of the foster care agency, including, without limitation, as a paid consultant, contractor or vendor.] (Deleted by amendment.)~~

Sec. 8. 1. The ~~[executive director]~~ person appointed to provide oversight of a foster care agency by the governing body of ~~for~~ the foster care agency pursuant to section 4 of this act must have:

(a) A ~~{master's}~~ bachelor's degree or more advanced degree from an accredited college or university; ~~{in the field of social work,}~~ and

(b) At least ~~{5}~~ 7 years of experience in an agency or program which provides social services, including at least ~~{1 year}~~ 3 years of experience as an administrator, supervisor or consultant.

2. The ~~{executive director}~~ person appointed to provide oversight of a foster care agency is responsible for the day-to-day operations of the foster care agency, including, without limitation, employing such staff as he or she deems necessary to provide administrative services and services to families and children. The staff ~~{must}~~ may include, without limitation:

(a) ~~{A program director}~~ Program supervisors who ~~{is}~~ are responsible for the supervision of ~~{all}~~ members of the staff and activities relating to foster care and for assisting ~~{the executive director}~~ in formulating and carrying out the policies and programs of the foster care agency. ~~{The}~~ Each program ~~{director}~~ supervisor must have ~~{-~~

~~——~~ (1) ~~A master's}~~ a bachelor's degree or more advanced degree from an accredited college or university ~~{in the field of social work}~~ and at least 3 years of experience in providing services to children and their families, including at least 1 year of experience as an administrator or supervisor ~~—~~

~~——~~ (2) ~~A master's degree or more advanced degree from an accredited college or university in a field related to social work, which may include, without limitation, psychology, sociology, education or counseling, and at least 4 years of experience in providing services to children and their families, including at least 2 years of experience providing services to children and their families in a foster care agency and at least 1 year of experience as an administrator or supervisor.}~~

(b) ~~{A number of supervisors and caseworkers that the executive director determines to be necessary to}~~ Caseworkers who support the operations of the foster care agency, including, without limitation, to ~~{supervise and}~~ work with children and families, perform home studies, support service plans for individualized cases and treatments, prepare and maintain records and coordinate services for children and families. ~~{A supervisor or}~~ Each caseworker must have:

(1) ~~{A master's degree or more advanced degree from an accredited college or university in the field of social work or a field related to social work, which may include, without limitation, psychology, sociology, education or counseling, and at least 1 year of experience in providing services to children and their families or, while the supervisor or caseworker was a student, the completion of a student placement in providing services to children and their families}~~

~~—(2) A bachelor's degree from an accredited college or university in the field of social work or a field related to social work, which may include, without limitation, psychology, sociology, education or counseling ; ~~and at least 1 year of experience in providing services to children and their families;~~ or~~

~~{(2)}~~ (2) A bachelor's degree from an accredited college or university in any field and at least 2 years of experience in providing services to children and their families.

Sec. 9. 1. The ~~{executive director}~~ foster care agency may accept volunteers to provide certain specified services for the foster care agency. The ~~{executive director}~~ foster care agency shall not rely solely upon volunteers to provide any service.

2. If the ~~{executive director}~~ foster care agency accepts volunteers pursuant to subsection 1, the ~~{executive director}~~ foster care agency must have a written plan for the selection, training, supervision and assignment of volunteers, and each volunteer who performs an activity that would otherwise be performed by a member of the staff must meet the same qualifications that would be required for the member of the staff.

Sec. 10. 1. The ~~{executive director}~~ foster care agency shall develop and carry out a written plan for the orientation, training, supervision and evaluation of members of the staff.

2. The orientation must include, without limitation, information on the policies and procedures of the foster care agency, goals for the programs and services of the foster care agency, the responsibilities of members of the staff and the provisions of this chapter and the regulations adopted pursuant to thereto that relate to licensing. The training must include, without limitation, any training required by the licensing authority. Each member of the staff must be evaluated at least once each year.

3. The ~~{executive director}~~ foster care agency shall maintain comprehensive written policies and procedures for the personnel, services and programs of the foster care agency and make the policies and procedures readily available to the members of the staff and to the licensing authority. ~~{The policies and procedures must prohibit the employment of any member of the staff who holds a professional license that is related to the programs and services offered by the foster care agency and who has been subject to disciplinary action relating to that license and allow a reasonable time for a complaint made against a member of the staff who holds a professional license to be resolved.}~~

4. The ~~{executive director}~~ foster care agency shall maintain comprehensive records for personnel that, upon request, must be made available to the licensing authority.

Sec. 11. 1. *The licensing authority or a person designated by the licensing authority shall obtain from appropriate law enforcement agencies information on the background and personal history of each applicant for or holder of a license to conduct a foster care agency and each owner, member of the governing body, employee, paid consultant, contractor, volunteer or vendor of that applicant or licensee ~~and~~ who may come into direct contact with a child placed by the foster care agency, to determine whether the person investigated has been arrested for, has charges pending for or has been convicted of:*

- (a) Murder, voluntary manslaughter or mayhem;*
- (b) Any other felony involving the use or threatened use of force or violence against the victim or the use of a firearm or other deadly weapon;*
- (c) Assault with intent to kill or to commit sexual assault or mayhem;*
- (d) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime or a felony relating to prostitution;*
- (e) Abuse or neglect of a child or contributory delinquency;*
- (f) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;*
- (g) Abuse, neglect, exploitation or isolation of older persons or vulnerable persons, including, without limitation, a violation of any provision of NRS 200.5091 to 200.50995, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct;*
- (h) Any offense involving fraud, theft, embezzlement, burglary, robbery, fraudulent conversion or misappropriation of property within the immediately preceding 7 years;*
- (i) Any offense relating to pornography involving minors, including, without limitation, a violation of any provision of NRS 200.700 to 200.760, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct;*
- (j) Prostitution, solicitation, lewdness or indecent exposure, or any other sexually related crime that is punishable as a misdemeanor, within the immediately preceding 7 years;*
- (k) A crime involving domestic violence that is punishable as a felony;*
- (l) A crime involving domestic violence that is punishable as a misdemeanor, within the immediately preceding 7 years;*
- (m) A criminal offense under the laws governing Medicaid or Medicare, within the immediately preceding 7 years;*
- (n) Any offense involving the sale, furnishing, purchase, consumption or possession of alcoholic beverages by a minor, including, without limitation, a violation of any provision of NRS 202.015 to 202.067,*

inclusive, or driving a vehicle under the influence of alcohol or a controlled substance in violation of chapter 484C of NRS or a law of any other jurisdiction that prohibits the same or similar conduct, within the immediately preceding 7 years; or

(o) An attempt or conspiracy to commit any of the offenses listed in this subsection within the immediately preceding 7 years.

2. The licensing authority or its approved designee may charge each person investigated pursuant to this section for the reasonable cost of that investigation.

3. Unless a preliminary Federal Bureau of Investigation Interstate Identification Index name-based check of the records of criminal history has been conducted pursuant to NRS 424.039, a person who is required to submit to an investigation pursuant to this section shall not have contact with a child in a foster home without supervision before the investigation of the background and personal history of the person is completed.

4. The licensing authority or its designee shall conduct an investigation of each holder of a license to conduct a foster care agency and each owner, member of a governing body, employee, paid consultant, contractor, volunteer or vendor who may come into direct contact with a child placed by the foster care agency pursuant to this section at least once every 5 years after the initial investigation.

Sec. 12. 1. Each applicant for or holder of a license to conduct a foster care agency, and each owner, member of the governing body, employee, paid consultant, contractor, volunteer or vendor of that applicant or licensee ~~to~~ who may come into direct contact with a child placed by the foster care agency, must submit to the licensing authority or its approved designee:

(a) A complete set of fingerprints and written permission authorizing the licensing authority or its approved designee to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report to enable the licensing authority or its approved designee to conduct an investigation pursuant to section 11 of this act; and

(b) Written permission to conduct a child abuse and neglect screening.

2. For each person who submits the documentation required pursuant to subsection 1, the licensing authority or its approved designee shall conduct a child abuse and neglect screening of the person in every state in which the person has resided during the immediately preceding 5 years.

3. The licensing authority or its approved designee may exchange with the Central Repository or the Federal Bureau of Investigation any information respecting the fingerprints submitted.

4. When a report from the Federal Bureau of Investigation is received by the Central Repository, it shall immediately forward a copy of the report to the licensing authority or its approved designee.

5. Upon receiving a report pursuant to this section, the licensing authority or its approved designee shall determine whether the person has been arrested for, has charges pending for or has been convicted of a crime listed in section 11 of this act.

6. The licensing authority shall immediately inform the foster care agency whether an owner, member of the governing body, employee, paid consultant, contractor, volunteer or vendor of the foster care agency who may come into direct contact with a child placed by the foster care agency has been arrested for, has charges pending for or has been convicted of a crime listed in section 11 of this act.

Sec. 13. 1. Upon receiving information from the licensing authority or its approved designee pursuant to section 12 of this act or evidence from any other source that an owner, member of the governing body, employee, consultant, contractor, volunteer or vendor of a foster care agency who may come into direct contact with a child placed by the foster care agency has been arrested for, has charges pending for or has been convicted of a crime listed in section 11 of this act, the foster care agency shall terminate the employment, contract or volunteer activities of the person after allowing the person time to correct the information as required pursuant to subsection 2.

2. If a person believes that the information provided about him or her pursuant to subsection 1 is incorrect, the person must inform the foster care agency immediately. A foster care agency that is so informed shall give the person 30 days to correct the information.

3. During the period in which a person seeks to correct information pursuant to subsection 2, it is within the discretion of the foster care agency whether to allow the person to continue to be associated with the foster care agency, except that the person must not have contact with a child in any foster home without supervision during any such period.

Sec. 14. ~~{1}~~ A member of the governing body, employee, consultant, contractor, volunteer or vendor of a foster care agency may not:

~~{(a)} Actively seek to adopt a child in the custody of or seek to use adoption services through an agency which provides child welfare services;~~

~~{(b)} 1. Be a provider of foster care who has a contract with the foster care agency for the placement of children;~~

~~{(c)} Be a person professionally qualified in the field of psychiatric mental health, as defined in NRS 433A.018, who authorizes mental or behavioral health services on behalf of any child placed in a foster home operated by the foster care agency; or~~

~~—(d)— unless approved by the licensing authority; or~~

2. Be a biological parent of a child in the custody of an agency which provides child welfare services or of a child placed by a juvenile court in a foster home operated by the foster care agency.

~~{ 2. A foster care agency shall not provide services to any employee of the foster care agency. }~~

Sec. 15. 1. A foster care agency shall create and maintain ~~{a}~~ an annual report concerning each program or service provided by the foster care agency.

2. ~~{The foster care agency shall update the report at least once each year and shall provide the report to the licensing authority as soon as practicable after its creation or revision. }~~

~~—3.—~~ The report must include, without limitation, a description of each program or service provided by the foster care agency, the goals for the program or service relating to family foster homes, specialized foster homes, independent living foster homes and group foster homes and information relating to any special populations of children served, including, without limitation, children who require special care for physical, mental or emotional issues or who were placed in a foster home by a juvenile court.

Sec. 16. 1. A foster care agency may identify potential foster homes and encourage a potential foster home to apply to the licensing authority for a license to conduct a foster home.

2. A foster care agency shall ensure that each person with whom it contracts as a provider of foster care receives any training required by the provisions of this chapter or by the licensing authority, including, without limitation, specific training to meet the needs of a population that requires specific services.

Sec. 17. 1. A foster care agency shall coordinate the submission of applications for the licensing of prospective foster homes with the licensing authority.

2. A foster care agency shall conduct a fair and impartial investigation of the home and standards of care for each prospective foster home.

3. Upon receiving a completed application for a prospective foster home from a foster care agency, the licensing authority must review the qualifications of the prospective foster home to be licensed pursuant to NRS 424.030.

4. The licensing authority may provide any training it determines to be necessary to a foster care agency for the foster care agency to fulfill the provisions of this section.

Sec. 18. 1. A foster care agency may not assist an agency which provides child welfare services or a juvenile court in the placement of a

child in foster care unless a contract exists between the foster care agency and the provider of foster care for the placement of children. Such a contract must include, without limitation, provisions that:

(a) Allow the provider of foster care to change its affiliation with the foster care agency or to terminate its affiliation with the foster care agency and become affiliated with a different foster care agency without restriction.

(b) Specify the type of foster home and related services that the provider of foster care will provide on behalf of the foster care agency, including, without limitation, the services that each party agrees to provide for foster children, biological families and foster families.

(c) Specify the financial responsibilities of each party, including, without limitation, payment for both foster care and for any other expenses or services rendered, including, without limitation, providing clothing for children in its care.

(d) Waive the right of the provider of foster care to confidentiality relating to any investigations for licensing or child protective services and allow the agency which provides child welfare services and the licensing authority to share any related information about an investigation with the foster care agency after the investigation is completed.

(e) State how emergencies which occur during and outside regular business hours will be handled.

(f) Require arrangements to be made for foster children to have visitation with their biological families.

(g) Describe expectations which ensure that children will receive appropriate medical, dental, mental health, psychological and psychiatric treatment, including, without limitation, how transportation will be provided.

(h) Require the provider of foster care to adhere to the provisions of this chapter and the regulations adopted pursuant thereto relating to licensing.

(i) State that the parties agree that the ~~the foster care agency~~ licensing authority maintains the responsibility to protect the best interests of each child, which may include removing a child from the ~~the custody of~~ placement with the provider of foster care if the ~~the foster care agency~~ licensing authority determines that removal is in the best interests of the ~~the children~~ child.

(j) Include the acknowledgment by the parties of any provisions determined to be appropriate by the licensing authority.

2. The foster care agency, upon request, shall make each such contract available to the licensing authority within a reasonable period after receiving its request.

Sec. 19. 1. A foster care agency which places children in a specialized foster home shall develop and carry out written policies and procedures relating to children placed in specialized foster homes which must include, without limitation:

(a) The service and treatment philosophy of the foster care agency for children with physical, mental or emotional issues and children who are placed in a specialized foster home by a juvenile court;

(b) Specific treatment techniques that the foster care agency plans to approve for use with children described in paragraph (a) and their families;

(c) Specific strategies for behavior management that the foster care agency will allow providers of foster care to use with children described in paragraph (a); and

(d) Adequate staffing to provide the intensity of services required when caring for children described in paragraph (a).

2. A foster care agency shall require a provider of foster care to serve as an active participant in the treatment or care plan of a child who is placed in a specialized foster home. The foster care agency shall:

(a) Provide services to support the provider of foster care in reducing barriers in caring for and supporting any children placed in a specialized foster home;

(b) Arrange or provide support for the provider of foster care to arrange for the child to receive appropriate clinical services, including, without limitation, psychiatric, psychological and medication management services; and

(c) Ensure cooperation between the employees of the foster care agency, the provider of foster care, the child and the biological family of the child in meeting the goals of the child's treatment plan.

3. A foster care agency which places children in a specialized foster home shall have a written plan for alternative care in the event of an emergency if the placement of the child into a specialized foster home disrupts that specialized foster home.

Sec. 20. 1. A foster care agency which places children in an independent living foster home shall develop and implement written policies and procedures relating to children placed in independent living foster homes which must include, without limitation:

(a) A process for ensuring that a potential location for an independent living arrangement meets any standards required by the licensing authority and is evaluated on a regular basis to ensure that it continues to meet such standards;

(b) A procedure for approving a location for an independent living arrangement;

(c) *Criteria and procedures for intake and admission into the independent living foster home and discharge from the independent living foster home, including, without limitation, procedures to ensure that the child will be discharged into the care of his or her legal guardian if he or she is less than 18 years of age at the time of his or her discharge;*

(d) *The conditions under which a child may be discharged from the independent living foster home, including, without limitation, criteria and procedures for implementing an emergency discharge of the child;*

(e) *Criteria and procedures for terminating the approval of a location for an independent living arrangement;*

(f) *A detailed plan for determining and maintaining the supervision and visitation of each child after he or she has been placed in a location for an independent living arrangement; and*

(g) *The types of services that the provider of foster care will obtain or provide to meet the needs of the child during the placement.*

2. *A foster care agency which places children in an independent living foster home shall coordinate with the provider of foster care to:*

(a) *Ensure that each child is enrolled in academic, vocational education or career and technical education services appropriate to meet the needs of the child;*

(b) *Monitor the educational progress of each child as often as necessary;*

(c) *Assist each child in obtaining routine and emergency medical care and dental care;*

(d) *Evaluate the needs of each child for financial assistance upon intake and monthly thereafter or more often if necessary;*

(e) *Provide the resources to meet the basic needs of each child, including, without limitation, clothing, food and shelter;*

(f) *Provide assistance to each child in locating, securing and maintaining employment;*

(g) *Provide training in life skills to meet the needs of each child;*

(h) *Support each child who remains under the jurisdiction of a court pursuant to NRS 432B.594; and*

(i) *Obtain and provide a system for responding to a crisis that is accessible to the child 24 hours a day, 7 days a week, including holidays, and provide training to each child on how to access and use the system.*

3. *A foster care agency which places children in an independent living foster home shall provide an orientation and training to each child admitted to its program for independent living.*

Sec. 21. 1. *A foster care agency shall provide support to each foster home with which the foster care agency has a contract for the placement of children in arranging for and accessing medical, dental, mental health,*

psychological and psychiatric treatment for children. The foster care agency shall ensure that each child placed in a foster home with which the foster care agency has a contract for the placement of children receives appropriate treatment and may exercise any rights granted pursuant to this chapter or chapter 432B of NRS that are necessary to discharge this duty. The foster care agency shall ensure that the provider of foster care provides medical records and any related documentation to the licensing authority or its designee.

2. A foster care agency shall ensure that each child in its care has his or her own supply of clothing appropriate for indoors and outdoors that is in good condition and suitable for the season.

3. When a foster home with which the foster care agency has a contract for the placement of children does not have any children placed in the home, the foster care agency must visit the home at least once every 60 days to review whether it remains in compliance with the requirements of this chapter and any regulations adopted pursuant thereto and, when necessary, notify the licensing authority of any potential violations.

4. In addition to any other review that a foster care agency performs of a foster home with which the foster care agency has a contract for the placement of children, a foster care agency shall conduct a review of the foster home any time a critical event occurs in that home and report the event to the licensing authority. As used in this subsection, "critical event" includes, without limitation:

- (a) The death or disability of a family member;
- (b) The sudden onset of a health condition that may impair the ability of a provider of foster care to care for the child;
- (c) A change in marital status;
- (d) A change in home address;
- (e) A sudden or substantial loss of income; and
- (f) The birth of a child.

5. A foster care agency shall conduct an evaluation of each foster home with which the foster care agency has a contract for the placement of children at least once each year and submit the results of the evaluation to the licensing authority or its designee. The evaluation must include:

- (a) An interview with the provider of foster care and an assessment of the ability of the provider of foster care to relate to children, to help children reach their personal and educational goals, to work with children with particular issues and needs, to establish and maintain a consistent and stable environment with children and to work with biological families to support reunification ~~to the extent that reunification is determined to be consistent with the plan for the permanent placement of the child pursuant to NRS 432B.393.~~

~~(b) [The completion of all required background investigations;~~
~~== (c)]~~ An interview with each child placed in the foster home that includes a description of the relationship between each child placed in the foster home and each family member; and

~~== (d)]~~ (c) A detailed review of each instance where a child was placed in the foster home and subsequently removed from the home and a description of the reasons for the removal.

Sec. 22. 1. A foster care agency shall provide crisis intervention and assistance 24 hours a day, 7 days a week, including holidays, to each foster home with which the foster care agency has a contract for the placement of children.

2. Employees of the foster care agency who provide crisis intervention and assistance must be trained in and competent to handle a crisis situation and to provide necessary services to children and families to ensure child safety, permanency and well-being. The foster care agency shall train and encourage each provider of foster care to use techniques to support positive behavior that emphasize principles and methods to help children achieve desired behavior in a constructive and safe manner.

Sec. 23. 1. A provider of foster care shall not use physical restraint on a child placed with the provider ~~+~~ unless the child presents an imminent threat of danger or harm to himself or herself or others.

2. A foster care agency shall notify the licensing authority or its designee when any serious incident, accident or injury occurs to a child in its care within 24 hours after the incident, accident or injury. The foster care agency shall provide a written report to the licensing authority or its designee as soon as practicable after notifying the licensing authority or its designee. The written report must include, without limitation, the date and time of the incident, accident or injury, any action taken as a result of the incident, accident or injury, the name of the employee of the foster care agency who completed the written report and the name of the employee of the licensing authority or its designee who was notified.

3. A foster care agency shall report any potential violation of the provisions of this chapter or any regulations adopted pursuant thereto relating to licensing to the licensing authority within 24 hours after an employee of the foster care agency becomes aware of the potential violation. A foster care agency shall cooperate with the licensing authority in its review of such reports and support each foster home with which the foster care agency has a contract for the placement of children in completing any action required to correct a violation.

4. A foster care agency shall fully comply with any investigation of a report of the abuse or neglect of a child pursuant to NRS 432B.220.

Sec. 24. 1. A foster care agency shall notify the licensing authority before the foster care agency authorizes the placement of a child who is not being placed through the licensing authority ~~or~~ or a juvenile court.

2. A foster care agency may not agree to place a child who is relocating from another state unless the foster care agency first consults the licensing authority to determine whether the provisions of the Interstate Compact on the Placement of Children pursuant to NRS 127.320 to 127.350, inclusive, or the Interstate Compact for Juveniles pursuant to NRS 621.015 apply. If the licensing authority determines that the provisions of ~~the~~ either Compact apply, the foster care agency may not agree to place the child unless the placement would not violate the provisions of the Compact.

3. A foster care agency shall give priority to assisting with the placement of a child by an agency which provides child welfare services or a juvenile court.

Sec. 25. 1. Each foster care agency shall develop and carry out a written plan to monitor and evaluate the quality and effectiveness of its programs and services on a systemic and ongoing basis.

2. The written plan must describe the methods for the collection, summarization and analysis of data and information and include factors defined by the licensing authority for assessing the effectiveness of the programs and services provided.

3. If the findings of an evaluation suggest that improvements to its programs and services should be made, the foster care agency shall implement any necessary improvements.

Sec. 26. ~~{1. If a foster care agency submits an application for a prospective foster home pursuant to section 17 of this act, the licensing authority may charge and collect from a foster care agency a reasonable fee for the issuance of a license to the foster home. Any fee so charged must be based on the actual costs of the licensing authority to issue the license.~~

~~2. If, after investigation, a complaint regarding the licensing of a foster home with which the foster care agency has a contract for the placement of children or a report of the abuse or neglect of a child by the foster care agency or a foster home with which the foster care agency has a contract for the placement of children is determined to be substantiated or supported by evidence,~~ and any action is taken against the licensee, including, without limitation, the issuance of a plan of corrective action, the licensing authority may charge and collect from a foster care agency a reasonable fee for the cost of investigating the complaint or report. Any fee so charged must be based on the actual costs of the licensing authority in investigating the complaint or report.

Sec. 27. NRS 424.010 is hereby amended to read as follows:

424.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 424.012 to 424.018, inclusive, **and sections 2 and 3 of this act** have the meanings ascribed to them in those sections.

Sec. 28. NRS 424.013 is hereby amended to read as follows:

424.013 “Family foster home” means a family home in which one to six children who are under 18 years of age or who remain under the jurisdiction of a court pursuant to NRS 432B.594 and who are not related within the first degree of consanguinity or affinity to the person or persons maintaining the home are received, cared for and maintained, for compensation or otherwise, including the provision of ~~permanent~~ free care. The term includes a family home in which such a child is received, cared for and maintained pending completion of proceedings for the adoption of the child by the person or persons maintaining the home.

Sec. 29. NRS 424.0135 is hereby amended to read as follows:

424.0135 “Foster care agency” means a ~~nonprofit corporation, for-profit corporation or sole proprietorship~~ **business entity** that ~~assists~~ **recruits and enters into contracts with foster homes to assist** an agency which provides child welfare services **and juvenile courts** in the placement of children in **such** foster ~~care~~ **homes**.

Sec. 30. NRS 424.014 is hereby amended to read as follows:

424.014 “Foster home” **means a home that receives, nurtures, supervises and ensures routine educational services and medical, dental and mental health treatment for children. The term** includes a family foster home, specialized foster home , **independent living foster home** and group foster home.

Sec. 31. NRS 424.015 is hereby amended to read as follows:

424.015 “Group foster home” means a ~~natural person, partnership, firm, corporation or association who~~ **foster home which** provides full-time care **and services** for 7 to 15 children who are:

1. Under 18 years of age or who remain under the jurisdiction of a court pursuant to NRS 432B.594;
2. Not related within the first degree of consanguinity or affinity to any natural person maintaining or operating the home; and
3. Received, cared for and maintained for compensation or otherwise, including the provision of ~~permanent~~ free care.

Sec. 32. NRS 424.017 is hereby amended to read as follows:

424.017 “Provider of ~~family~~ foster care” means a person who is licensed to conduct a ~~family~~ foster home pursuant to NRS 424.030.

Sec. 33. NRS 424.018 is hereby amended to read as follows:

424.018 “Specialized foster home” means a ~~family~~ **foster** home which provides full-time care and services for one to six children who:

1. Require special care for physical, mental or emotional issues;
2. Are under ~~24~~ **18** years of age ~~or who remain under the jurisdiction of a court pursuant to NRS 432B.594;~~
3. Are not related within the first degree of consanguinity or affinity to any natural person maintaining or operating the home; **and**
4. Are received, cared for and maintained for compensation ~~and~~
- ~~5. Are in the custody of and placed in the home by an agency which provides child welfare services.~~ **or otherwise, including the provision of free care.**

Sec. 34. NRS 424.020 is hereby amended to read as follows:

424.020 1. The Division, in consultation with each licensing authority in a county whose population is 100,000 or more, shall adopt regulations to:

(a) Establish procedures and requirements for the licensure of family foster homes, specialized foster homes , **independent living foster homes** and group foster homes; and

(b) Monitor such licensure.

2. The Division, in cooperation with the State Board of Health and the State Fire Marshal, shall:

(a) Establish reasonable minimum standards for family foster homes, specialized foster homes , **independent living foster homes** and group foster homes.

(b) Prescribe rules for the regulation of family foster homes, specialized foster homes , **independent living foster homes** and group foster homes.

3. All family foster homes, specialized foster homes , **independent living foster homes** and group foster homes licensed pursuant to this chapter must conform to the standards established and the rules prescribed in subsection 2.

Sec. 35. NRS 424.030 is hereby amended to read as follows:

424.030 1. No person may conduct a family foster home, a specialized foster home , **an independent living foster home** or a group foster home without receiving a license to do so from the licensing authority.

2. No license may be issued to a family foster home, a specialized foster home , **an independent living foster home** or a group foster home until a fair and impartial investigation of the home and its standards of care has been made by the licensing authority or its designee.

3. Any family foster home, specialized foster home , **independent living foster home** or group foster home that conforms to the established standards of care and prescribed rules must receive a regular license from the licensing authority, which may be in force for 2 years after the date of issuance. On

reconsideration of the standards maintained, the license may be renewed upon expiration.

4. If a family foster home, a specialized foster home, ***an independent living foster home*** or a group foster home does not meet minimum licensing standards but offers values and advantages to a particular child or children and will not jeopardize the health and safety of the child or children placed therein, the family foster home, specialized foster home, ***independent living foster home*** or group foster home may be issued a special license, which must be in force for 1 year after the date of issuance and may be renewed annually. No foster children other than those specified on the license may be cared for in the home.

5. ***A family foster home, a specialized foster home, an independent living foster home or a group foster home may not accept the placement of a child by a juvenile court unless licensed by the licensing authority to accept children placed by a juvenile court ~~and~~ or otherwise approved to accept the placement by the licensing authority. A foster home that accepts the placement of such a child shall ~~ensure that the child is kept separate from other foster children who were not placed by a juvenile court unless otherwise approved by the licensing authority.~~ work cooperatively with the juvenile court, the licensing authority, any other children placed in the foster home and the legal guardian or other person or agency with legal authority over the child to ensure the safety of all children placed in the foster home.***

6. ***A license must not be issued to a specialized foster home or a group foster home unless the specialized foster home or group foster home maintains a policy of general liability insurance in an amount determined to be sufficient by the licensing authority.***

7. The license must show:

(a) The name of the persons licensed to conduct the family foster home, specialized foster home, ***independent living foster home*** or group foster home.

(b) The exact location of the family foster home, specialized foster home, ***independent living foster home*** or group foster home.

(c) The number of children that may be received and cared for at one time.

(d) If the license is a special license issued pursuant to subsection 4, the name of the child or children for whom the family foster home, specialized foster home, ***independent living foster home*** or group foster home is licensed to provide care.

~~{6.}~~ (e) ***Whether the family foster home, specialized foster home, independent living foster home or group foster home is approved to receive and care for children placed by a juvenile court.***

8. No family foster home, specialized foster home , ***independent living foster home*** or group foster home may receive for care more children than are specified in the license.

~~{7.}~~ 9. In consultation with each licensing authority in a county whose population is 100,000 or more, the Division may adopt regulations regarding the issuance of ~~{provisional and}~~ special licenses.

Sec. 36. NRS 424.031 is hereby amended to read as follows:

424.031 1. The licensing authority or a person or entity designated by the licensing authority shall obtain from appropriate law enforcement agencies information on the background and personal history of each applicant for a license to conduct a foster home, person who is licensed to conduct a foster home, employee of that applicant or licensee, and resident of a foster home who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, to determine whether the person investigated has been arrested for , ***has charges pending for or has been*** convicted of:

- (a) Murder, voluntary manslaughter or mayhem;
- (b) Any other felony involving the use ***or threatened use of force or violence against the victim or the use*** of a firearm or other deadly weapon;
- (c) Assault with intent to kill or to commit sexual assault or mayhem;
- (d) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime ~~{;}~~ ***or a felony relating to prostitution;***
- (e) Abuse or neglect of a child or contributory delinquency;
- (f) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;
- (g) Abuse, neglect, exploitation or isolation of older persons or vulnerable persons, including, without limitation, a violation of any provision of NRS 200.5091 to 200.50995, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct; ~~{or}~~
- (h) Any offense involving fraud, theft, embezzlement, burglary, robbery, fraudulent conversion or misappropriation of property within the immediately preceding 7 years ~~{;}~~;
- (i) ***Any offense relating to pornography involving minors, including, without limitation, a violation of any provision of NRS 200.700 to 200.760, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct;***
- (j) ***Prostitution, solicitation, lewdness or indecent exposure, or any other sexually related crime that is punishable as a misdemeanor, within the immediately preceding 7 years;***
- (k) ***A crime involving domestic violence that is punishable as a felony;***

(l) A crime involving domestic violence that is punishable as a misdemeanor, within the immediately preceding 7 years;

(m) A criminal offense under the laws governing Medicaid or Medicare, within the immediately preceding 7 years;

(n) Any offense involving the sale, furnishing, purchase, consumption or possession of alcoholic beverages by a minor including, without limitation, a violation of any provision of NRS 202.015 to 202.067, inclusive, or driving a vehicle under the influence of alcohol or a controlled substance in violation of chapter 484C of NRS or a law of any other jurisdiction that prohibits the same or similar conduct, within the immediately preceding 7 years; or

(o) An attempt or conspiracy to commit any of the offenses listed in this subsection within the immediately preceding 7 years.

2. The licensing authority or its approved designee may charge each person investigated pursuant to this section for the reasonable cost of that investigation.

3. Unless a preliminary Federal Bureau of Investigation Interstate Identification Index name-based check of the records of criminal history has been conducted pursuant to NRS 424.039, a person who is required to submit to an investigation pursuant to this section shall not have contact with a child in a foster home without supervision before the investigation of the background and personal history of the person has been conducted.

4. The licensing authority or its designee shall conduct an investigation of each **licensee**, employee and resident pursuant to this section at least once every 5 years after the initial investigation.

Sec. 37. NRS 424.036 is hereby amended to read as follows:

424.036 Before issuing a license to conduct a ~~{family}~~ foster home pursuant to NRS 424.030, the licensing authority shall discuss with the applicant and, to the extent possible, ensure that the applicant understands:

1. The role of a provider of ~~{family}~~ foster care, the licensing authority and the members of the immediate family of a child placed in a ~~{family}~~ foster home; and

2. The personal skills which are required of a provider of ~~{family}~~ foster care and the other residents of a ~~{family}~~ foster home to provide effective foster care.

Sec. 38. NRS 424.0365 is hereby amended to read as follows:

424.0365 1. A licensee that operates a **family foster home, a specialized foster home, an independent living foster home** or a group foster home shall ensure that each employee who comes into direct contact with children in the home receives training within 30 days after employment and annually thereafter. Such training must include, without limitation, instruction concerning:

- (a) Controlling the behavior of children;
- (b) Policies and procedures concerning the use of force and restraint on children;
- (c) The rights of children in the home;
- (d) Suicide awareness and prevention;
- (e) The administration of medication to children;
- (f) Applicable state and federal constitutional and statutory rights of children in the home;
- (g) Policies and procedures concerning other matters affecting the health, welfare, safety and civil and other rights of children in the home; and
- (h) Such other matters as required by the licensing authority or pursuant to regulations of the Division.

2. The Division shall adopt regulations necessary to carry out the provisions of this section.

Sec. 39. NRS 424.037 is hereby amended to read as follows:

424.037 1. Before placing a child with a provider of ~~family~~ foster care, the licensing authority shall inform the provider of the plans, if any, which the licensing authority has developed relating to the provision of care required for that child. If the plan for the child changes, the licensing authority shall inform the provider of ~~family~~ foster care of the changes and the reasons for those changes.

2. The licensing authority shall consult with a provider of ~~family~~ foster care concerning the care to be provided to a child placed with the provider, including appropriate disciplinary actions that may be taken.

3. If issues concerning the health, safety or care of a child occur during the placement of the child with a provider of ~~family~~ foster care, the licensing authority shall:

(a) Consider the daily routine of the provider when determining how to respond to those issues; and

(b) To the extent possible, respond to those issues in a manner which is the least disruptive to that daily routine, unless that response would not be in the best interest of the child.

Sec. 40. NRS 424.038 is hereby amended to read as follows:

424.038 1. Before placing, and during the placement of, a child in a ~~family~~ foster home, the licensing authority shall provide to the provider of ~~family~~ foster care such information relating to the child as is necessary to ensure the health and safety of the child and the other residents of the ~~family~~ foster home. This information must include the medical history and previous behavior of the child to the extent that such information is available.

2. The provider of ~~family~~ foster care may, at any time before, during or after the placement of the child in the ~~family~~ foster home, request information about the child from the licensing authority. After the child has

left the care of the provider, the licensing authority shall provide the information requested by the provider, unless the information is otherwise declared to be confidential by law or the licensing authority determines that providing the information is not in the best interests of the child.

3. The provider of ~~family~~ foster care shall maintain the confidentiality of information obtained pursuant to this section under the terms and conditions otherwise required by law.

4. The Division shall adopt regulations specifying the procedure and format for the provision of information pursuant to this section, which may include the provision of a summary of certain information. If a summary is provided pursuant to this section, the provider of ~~family~~ foster care may also obtain the information set forth in subsections 1 and 2.

Sec. 41. NRS 424.0385 is hereby amended to read as follows:

424.0385 1. A licensee that operates a specialized foster home , ***an independent living foster home*** or a group foster home shall adopt a policy concerning the manner in which to:

- (a) Document the orders of the treating physician of a child;
- (b) Administer medication to a child;
- (c) Store, handle and dispose of medication;
- (d) Document the administration of medication and any errors in the administration of medication;
- (e) Minimize errors in the administration of medication; and
- (f) Address errors in the administration of medication.

2. The licensee shall ensure that each employee of the specialized foster home , ***independent living foster home*** or group foster home who will administer medication to a child at the specialized foster home , ***independent living foster home*** or group foster home receives a copy of and understands the policy adopted pursuant to subsection 1.

Sec. 42. NRS 424.040 is hereby amended to read as follows:

424.040 A licensing authority or its designee shall visit every licensed family foster home, specialized foster home , ***independent living foster home*** and group foster home as often as necessary to ensure that proper care is given to the children.

Sec. 43. NRS 424.045 is hereby amended to read as follows:

424.045 1. The Division shall establish, by regulation, a procedure for hearing grievances related to the reissuance, suspension or revocation of a license to conduct a ~~family~~ foster home.

2. A provider of ~~family~~ foster care may be represented by legal counsel in any proceeding related to:

- (a) The reissuance, suspension or revocation of the license of the provider to conduct a ~~family~~ foster home; and
- (b) The care given to a child by that provider.

Sec. 44. NRS 424.047 is hereby amended to read as follows:

424.047 1. A licensing authority shall, upon request, provide to a provider of ~~family~~ foster care access to all information, except references, in the records maintained by the licensing authority concerning that provider.

2. After reasonable notice and by appointment, a provider of ~~family~~ foster care may inspect the information kept in those records.

3. *A licensing authority may, upon request of the provider of foster care, release to an agency which provides child welfare services or a child-placing agency, as defined in NRS 127.220, all information, except references, in the records maintained by the licensing authority concerning that provider, including, without limitation, a study conducted to determine whether to grant a license to the provider or a study of the home of the provider. The licensing authority may charge and collect from a provider of foster care a fee for providing such information in an amount determined to cover the actual costs of the licensing authority to conduct the study or prepare the information requested by the provider to be released.*

Sec. 45. NRS 424.075 is hereby amended to read as follows:

424.075 1. A provider of ~~family~~ foster care may:

(a) Refuse to accept the placement of a child in the ~~family~~ foster home; or

(b) Request that a child placed in the ~~family~~ foster home be removed, unless the provider has a written agreement with the licensing authority to the contrary.

2. ~~[(b)]~~ *Except as otherwise provided in subsection 3, if* a provider of ~~family~~ foster care refuses to accept the placement of a child in, or requests the removal of a child from, a ~~family~~ foster home, the licensing authority may not, based solely on that refusal or request:

(a) Revoke the license of the provider to conduct a ~~family~~ foster home;
 (b) Remove any other child placed in the ~~family~~ foster home;
 (c) Refuse to consider future placements of children in the ~~family~~ foster home; or

(d) Refuse or deny any other rights of the provider as may be provided by the provisions of this chapter and any regulations adopted pursuant thereto.

3. *The licensing authority may suspend or revoke the license of a provider of foster care if the provider refuses to accept the placement of a child [in the foster home more than three times in any 12 month period or requests the removal of a child placed in the foster home more than two times in any 12 month period.] or unreasonably or excessively requests the removal of a child placed with the provider of foster care when the child generally meets any preferences outlined in the fair and impartial investigation of the home and its standards of care that was conducted for*

the provider of foster care pursuant to NRS 424.030 or section 17 of this act.

Sec. 46. NRS 424.077 is hereby amended to read as follows:

424.077 1. The Division shall, in consultation with each licensing authority in a county whose population is 100,000 or more, adopt regulations for the establishment of a program pursuant to which a provider of ~~family~~ foster care may receive respite from the stresses and responsibilities that result from the daily care of children placed in the ~~family~~ foster home.

2. The licensing authority shall establish and operate a program that complies with the regulations adopted pursuant to subsection 1 to provide respite, training and support to a provider of ~~family~~ foster care in order to develop and enhance the skills of the provider to provide foster care.

Sec. 47. NRS 424.079 is hereby amended to read as follows:

424.079 Upon the request of a provider of ~~family~~ foster care, the licensing authority shall allow the provider to visit a child after the child leaves the care of the provider if:

1. The child agrees to the visitation; and
2. The licensing authority determines that the visitation is in the best interest of the child.

Sec. 48. NRS 424.085 is hereby amended to read as follows:

424.085 1. Except as otherwise provided by specific statute, a person who is licensed by the licensing authority pursuant to NRS 424.030 to conduct a family foster home, a specialized foster home, ***an independent living foster home*** or a group foster home is not liable for any act of a child in his or her foster care unless the person licensed by the licensing authority took an affirmative action that contributed to the act of the child.

2. The immunity from liability provided pursuant to this section includes, without limitation, immunity from any fine, penalty, debt or other liability incurred as a result of the act of the child.

Sec. 49. NRS 424.090 is hereby amended to read as follows:

424.090 The provisions of NRS 424.020 to 424.090, inclusive, do not apply to homes in which:

1. Care is provided only for a neighbor's or friend's child on an irregular or occasional basis for a brief period, not to exceed 90 days.
2. Care is provided by the legal guardian.
3. Care is provided for an exchange student.
4. Care is provided to enable a child to take advantage of educational facilities that are not available in his or her home community.
5. Any child or children are received, cared for and maintained pending completion of proceedings for adoption of such child or children, except as otherwise provided in regulations adopted by the Division.

6. Except as otherwise provided in regulations adopted by the Division, care is voluntarily provided to a minor child who is ~~[-~~:

~~—(a) Related~~ **related** to the caregiver by blood, adoption or marriage . ~~[-~~ and

~~—(b) Not in the custody of an agency which provides child welfare services.]~~

7. Care is provided to a minor child who is in the custody of an agency which provides child welfare services pursuant to chapter 432B of NRS **or a juvenile court pursuant to title 5 of NRS** if:

(a) The caregiver is related to the child within the fifth degree of consanguinity; and

(b) The caregiver is not licensed pursuant to the provisions of NRS 424.020 to 424.090, inclusive.

Sec. 50. NRS 424.093 is hereby amended to read as follows:

424.093 The Division shall:

1. Establish reasonable minimum standards for foster care agencies.

2. In consultation with foster care agencies and each agency which provides child welfare services, adopt:

(a) Regulations concerning ~~the operation of a~~ foster care ~~agency,~~ **agencies**, including, without limitation, a foster care agency which provides family foster care, specialized foster care , **independent living foster care** or group foster care for children placed by an agency which provides child welfare services ~~[-] or a juvenile court.~~

(b) ~~Regulations regarding the issuance of nonrenewable provisional licenses to operate a foster care agency. The regulations must provide that a provisional license is valid for not more than 1 year.~~

~~—(c)]~~ Regulations regarding the issuance and renewal of a license to operate a foster care agency.

~~[(d)]~~ (c) Any other regulations necessary to carry out its powers and duties regarding the placement of children for foster care, including, without limitation, such regulations necessary to ensure compliance with the provisions of this chapter and any regulations adopted pursuant thereto.

Sec. 51. NRS 424.094 is hereby amended to read as follows:

424.094 1. A licensing authority may license foster care agencies within its jurisdiction in accordance with the regulations adopted by the Division pursuant to NRS 424.093.

2. Except as otherwise provided in this section, if a licensing authority licenses foster care agencies, a person shall not operate a foster care agency within the jurisdiction of the licensing authority or otherwise assist an agency which provides child welfare services in placing or in arranging the placement of any child in foster care until the foster care agency has obtained a license pursuant to NRS 424.095.

3. This section does not prohibit a parent or guardian of a child from placing or arranging the placement of, or assisting in placing or arranging the placement of, the child in foster care.

4. A licensing authority that licenses foster care agencies pursuant to this section may charge a **reasonable** fee ~~for not more than \$150~~ for the issuance ~~of a provisional license, not more than \$300 for the issuance of a license and not more than \$150 for the~~ or renewal of a license. Any fee so charged must ~~not exceed the actual cost incurred by the authority for providing or renewing~~ **be set at an amount determined to cover the costs of the licensing authority to issue or renew** the license.

Sec. 52. NRS 424.095 is hereby amended to read as follows:

424.095 1. An application for a license to operate a foster care agency must be in a form prescribed by the Division and submitted to the appropriate licensing authority. Such a license is effective for 2 years after the date of its issuance and may be renewed upon expiration.

2. An applicant must provide reasonable and satisfactory assurance to the licensing authority that the applicant will conform to the ~~standards established~~ **provisions of NRS 424.093 to 424.097, inclusive, and sections 4 to 26, inclusive, of this act** and the regulations adopted by the Division pursuant ~~to NRS 424.093.~~ **thereto.**

3. Upon application for renewal, the licensing authority may renew a license if the licensing authority determines that the licensee conforms to the ~~standards established~~ **provisions of NRS 424.093 to 424.097, inclusive, and sections 4 to 26, inclusive, of this act** and the regulations adopted by the Division pursuant ~~to NRS 424.093.~~

~~4. A licensing authority may issue a nonrenewable provisional license in accordance with the regulations adopted by the Division pursuant to NRS 424.093.~~ **thereto.**

Sec. 53. NRS 424.096 is hereby amended to read as follows:

424.096 1. After notice and hearing, a licensing authority may:

(a) Deny an application for a license to operate a foster care agency if the licensing authority determines that the applicant does not ~~meet the standards established and~~ comply with the **provisions of NRS 424.093 to 424.097, inclusive, and sections 4 to 26, inclusive, of this act and the** regulations adopted by the Division pursuant ~~to NRS 424.093.~~ **thereto.**

(b) Upon a finding of deficiency, require a foster care agency to prepare a plan of corrective action and, within 90 days or a shorter period prescribed by the licensing authority require the foster care agency to complete the plan of corrective action.

(c) Refuse to renew a license or may revoke a license ~~for provisional license~~ if the licensing authority finds that the foster care agency has refused

or failed to meet any of the established standards or has violated any of the regulations adopted by the Division pursuant to NRS 424.093.

2. A notice of the time and place of the hearing must be mailed to the last known address of the applicant or licensee at least 15 days before the date fixed for the hearing.

3. When an order of a licensing authority is appealed to the district court, the trial may be de novo.

Sec. 54. NRS 424.097 is hereby amended to read as follows:

424.097 A licensed foster care agency may provide such assistance to an agency which provides child welfare services **or juvenile court** as authorized by the agency which provides child welfare services ~~[-]~~ **or juvenile court**. Such services may include, without limitation:

1. Screening, recruiting ~~[-licensing]~~ and training of persons to provide family foster care, specialized foster care , **independent living foster care** and group foster care;

2. Case management services;

3. Referral services;

4. Supportive services for persons providing foster care to meet the needs of children in foster care;

5. Coordination of case plans and treatment plans; and

6. Services, or facilitating the provision of such services, to children placed in foster care.

Sec. 55. NRS 432.515 is hereby amended to read as follows:

432.515 “Provider of ~~family~~ foster care” has the meaning ascribed to it in NRS 424.017.

Sec. 56. NRS 432.540 is hereby amended to read as follows:

432.540 1. A provider of ~~family~~ foster care that places a child in a foster home shall:

(a) Inform the child of his or her rights set forth in NRS 432.525, 432.530 and 432.535;

(b) Provide the child with a written copy of those rights; and

(c) Provide an additional written copy of those rights to the child upon request.

2. A group foster home shall post a written copy of the rights set forth in NRS 432.525, 432.530 and 432.535 in a conspicuous place inside the group foster home.

Sec. 57. NRS 432.545 is hereby amended to read as follows:

432.545 A provider of ~~family~~ foster care may impose reasonable restrictions on the time, place and manner in which a child may exercise his or her rights set forth in NRS 432.525, 432.530 and 432.535 if the provider of ~~family~~ foster care determines that such restrictions are necessary to preserve the order, discipline or safety of the foster home.

Sec. 58. NRS 432.550 is hereby amended to read as follows:

432.550 If a child believes that his or her rights set forth in NRS 432.525, 432.530 and 432.535 have been violated, the child may raise and redress a grievance with, without limitation:

1. A provider of foster care;
2. An employee of a ~~family foster home, as defined in NRS 424.013, group foster home or specialized~~ foster home;
3. An agency which provides child welfare services to the child, and any employee thereof;
4. A juvenile court with jurisdiction over the child;
5. A guardian ad litem for the child; or
6. An attorney for the child.

Sec. 59. NRS 432B.180 is hereby amended to read as follows:

432B.180 The Division of Child and Family Services shall:

1. Administer any money granted to the State by the Federal Government.
2. Request appropriations from the Legislature in amounts sufficient to:
 - (a) Provide block grants to an agency which provides child welfare services in a county whose population is 100,000 or more pursuant to NRS 432B.2185; and
 - (b) Administer a program to provide additional incentive payments to such an agency pursuant to NRS 432B.2165.
3. Monitor the performance of an agency which provides child welfare services in a county whose population is 100,000 or more through data collection, evaluation of services and the review and approval of agency improvement plans pursuant to NRS 432B.2165.
4. Provide child welfare services directly or arrange for the provision of those services in a county whose population is less than 100,000.
5. Coordinate its activities with and assist the efforts of any law enforcement agency, a court of competent jurisdiction, an agency which provides child welfare services and any public or private organization which provides social services for the prevention, identification and treatment of abuse or neglect of children and for permanent placement of children.
6. Involve communities in the improvement of child welfare services.
7. Evaluate all child welfare services provided throughout the State and, if an agency which provides child welfare services is not in substantial compliance with any federal or state law relating to the provision of child welfare services, regulations adopted pursuant to those laws or statewide plans or policies relating to the provision of child welfare services, require corrective action of the agency which provides child welfare services.
8. Coordinate with and assist:

(a) Each agency which provides child welfare services in recruiting, training and licensing providers of ~~family~~ foster care as defined in NRS 424.017;

(b) Each foster care agency licensed pursuant to NRS 424.093 to 424.097, inclusive, **and sections 4 to 26, inclusive, of this act** in screening, recruiting, licensing and training providers of ~~family~~ foster care as defined in NRS 424.017; and

(c) A nonprofit or community-based organization in recruiting and training providers of ~~family~~ foster care as defined in NRS 424.017 if the Division determines that the organization provides a level of training that is equivalent to the level of training provided by an agency which provides child welfare services.

Sec. 60. NRS 432B.623 is hereby amended to read as follows:

432B.623 1. As a condition to the provision of assistance pursuant to the Program:

(a) A child must:

(1) Have been removed from his or her home:

(I) Pursuant to a written agreement voluntarily entered by the parent or guardian of the child and an agency which provides child welfare services; or

(II) By a court which has determined that it is in the best interests of the child for the child to remain in protective custody or to be placed in temporary or permanent custody outside his or her home;

(2) For not less than 6 consecutive months, have been eligible to receive maintenance pursuant to Part E of Title IV of the Social Security Act, 42 U.S.C. §§ 670 et seq., while residing with the relative of the child;

(3) Not have as an option for permanent placement the return to the home or the adoption of the child;

(4) Demonstrate a strong attachment to the relative;

(5) If the child is 14 years of age or older, be consulted regarding the guardianship arrangement; and

(6) Meet any other requirements for eligibility set forth in 42 U.S.C. §§ 671 and 673.

(b) A relative of the child must:

(1) Demonstrate a strong commitment to caring for the child permanently;

(2) Be a provider of ~~family~~ foster care as defined in NRS 424.017;

(3) Enter into a written agreement for assistance with an agency which provides child welfare services before the relative is appointed as the legal guardian of the child;

(4) Be appointed as the legal guardian of the child by a court of competent jurisdiction and comply with any requirements imposed by the court; and

(5) Meet any other requirements for eligibility set forth in 42 U.S.C. §§ 671 and 673.

2. If the sibling of a child who is eligible for assistance pursuant to the Program is not eligible for such assistance, the sibling may be placed with the child who is eligible for assistance upon approval of the agency which provides child welfare services and the relative. In such a case, payments may be made for the sibling so placed as if the sibling is eligible for the Program.

Sec. 61. NRS 392.210 is hereby amended to read as follows:

392.210 1. Except as otherwise provided in subsection 2, a parent, guardian or other person who has control or charge of any child and to whom notice has been given of the child's truancy as provided in NRS 392.130 and 392.140, and who fails to prevent the child's subsequent truancy within that school year, is guilty of a misdemeanor.

2. A person who is licensed pursuant to NRS 424.030 to conduct a ~~family foster home, a specialized foster home or a group~~ foster home is liable pursuant to subsection 1 for a child in his or her foster care only if the person has received notice of the truancy of the child as provided in NRS 392.130 and 392.140, and negligently fails to prevent the subsequent truancy of the child within that school year.

Sec. 62. NRS 442.405 is hereby amended to read as follows:

442.405 1. The agency which provides child welfare services shall inquire, during its initial contact with a natural parent of a child who is to be placed in a family foster home, about consumption of alcohol or substance abuse by the mother of the child during pregnancy. The information obtained from the inquiry must be:

(a) Provided to the provider of ~~family~~ foster care pursuant to NRS 424.038; and

(b) Reported to the Health Division on a form prescribed by the Health Division. The report must not contain any identifying information and may be used only for statistical purposes.

2. As used in this section, "family foster home" has the meaning ascribed to it in NRS 424.013.

Sec. 63. NRS 477.030 is hereby amended to read as follows:

477.030 1. Except as otherwise provided in this section, the State Fire Marshal shall enforce all laws and adopt regulations relating to:

(a) The prevention of fire.

(b) The storage and use of:

(1) Combustibles, flammables and fireworks; and

(2) Explosives in any commercial construction, but not in mining or the control of avalanches,

↳ under those circumstances that are not otherwise regulated by the Division of Industrial Relations of the Department of Business and Industry pursuant to NRS 618.890.

(c) The safety, access, means and adequacy of exit in case of fire from mental and penal institutions, facilities for the care of children, foster homes, residential facilities for groups, facilities for intermediate care, nursing homes, hospitals, schools, all buildings, except private residences, which are occupied for sleeping purposes, buildings used for public assembly and all other buildings where large numbers of persons work, live or congregate for any purpose. As used in this paragraph, “public assembly” means a building or a portion of a building used for the gathering together of 50 or more persons for purposes of deliberation, education, instruction, worship, entertainment, amusement or awaiting transportation, or the gathering together of 100 or more persons in establishments for drinking or dining.

(d) The suppression and punishment of arson and fraudulent claims or practices in connection with fire losses.

↳ Except as otherwise provided in subsection 12, the regulations of the State Fire Marshal apply throughout the State, but except with respect to state-owned or state-occupied buildings, the State Fire Marshal’s authority to enforce them or conduct investigations under this chapter does not extend to a school district except as otherwise provided in NRS 393.110, or a county whose population is 100,000 or more or which has been converted into a consolidated municipality, except in those local jurisdictions in those counties where the State Fire Marshal is requested to exercise that authority by the chief officer of the organized fire department of that jurisdiction or except as otherwise provided in a regulation adopted pursuant to paragraph (b) of subsection 2.

2. The State Fire Marshal may:

(a) Set standards for equipment and appliances pertaining to fire safety or to be used for fire protection within this State, including the threads used on fire hose couplings and hydrant fittings; and

(b) Adopt regulations based on nationally recognized standards setting forth the requirements for fire departments to provide training to firefighters using techniques or exercises that involve the use of fire or any device that produces or may be used to produce fire.

3. The State Fire Marshal shall cooperate with the State Forester Firewarden in the preparation of regulations relating to standards for fire retardant roofing materials pursuant to paragraph (e) of subsection 1 of NRS 472.040 and the mitigation of the risk of a fire hazard from vegetation

in counties within or partially within the Lake Tahoe Basin and the Lake Mead Basin.

4. The State Fire Marshal shall cooperate with the Division of Child and Family Services of the Department of Health and Human Services in establishing reasonable minimum standards for overseeing the safety of and directing the means and adequacy of exit in case of fire from ~~family foster homes, specialized foster homes and group~~ foster homes.

5. The State Fire Marshal shall coordinate all activities conducted pursuant to 15 U.S.C. §§ 2201 et seq. and receive and distribute money allocated by the United States pursuant to that act.

6. Except as otherwise provided in subsection 10, the State Fire Marshal shall:

(a) Investigate any fire which occurs in a county other than one whose population is 100,000 or more or which has been converted into a consolidated municipality, and from which a death results or which is of a suspicious nature.

(b) Investigate any fire which occurs in a county whose population is 100,000 or more or which has been converted into a consolidated municipality, and from which a death results or which is of a suspicious nature, if requested to do so by the chief officer of the fire department in whose jurisdiction the fire occurs.

(c) Cooperate with the Commissioner of Insurance, the Attorney General and the Fraud Control Unit established pursuant to NRS 228.412 in any investigation of a fraudulent claim under an insurance policy for any fire of a suspicious nature.

(d) Cooperate with any local fire department in the investigation of any report received pursuant to NRS 629.045.

(e) Provide specialized training in investigating the causes of fires if requested to do so by the chief officer of an organized fire department.

7. The State Fire Marshal shall put the National Fire Incident Reporting System into effect throughout the State and publish at least annually a summary of data collected under the System.

8. The State Fire Marshal shall provide assistance and materials to local authorities, upon request, for the establishment of programs for public education and other fire prevention activities.

9. The State Fire Marshal shall:

(a) Except as otherwise provided in subsection 12 and NRS 393.110, assist in checking plans and specifications for construction;

(b) Provide specialized training to local fire departments; and

(c) Assist local governments in drafting regulations and ordinances,

➔ on request or as the State Fire Marshal deems necessary.

10. Except as otherwise provided in this subsection, in a county other than one whose population is 100,000 or more or which has been converted into a consolidated municipality, the State Fire Marshal shall, upon request by a local government, delegate to the local government by interlocal agreement all or a portion of the State Fire Marshal's authority or duties if the local government's personnel and programs are, as determined by the State Fire Marshal, equally qualified to perform those functions. If a local government fails to maintain the qualified personnel and programs in accordance with such an agreement, the State Fire Marshal shall revoke the agreement. The provisions of this subsection do not apply to the authority of the State Fire Marshal to adopt regulations pursuant to paragraph (b) of subsection 2.

11. The State Fire Marshal may, as a public safety officer or as a technical expert on issues relating to hazardous materials, participate in any local, state or federal team or task force that is established to conduct enforcement and interdiction activities involving:

- (a) Commercial trucking;
- (b) Environmental crimes;
- (c) Explosives and pyrotechnics;
- (d) Drugs or other controlled substances; or
- (e) Any similar activity specified by the State Fire Marshal.

12. Except as otherwise provided in this subsection, any regulations of the State Fire Marshal concerning matters relating to building codes, including, without limitation, matters relating to the construction, maintenance or safety of buildings, structures and property in this State:

(a) Do not apply in a county whose population is 700,000 or more which has adopted a code at least as stringent as the International Fire Code and the International Building Code, published by the International Code Council. To maintain the exemption from the applicability of the regulations of the State Fire Marshal pursuant to this subsection, the code of the county must be at least as stringent as the most recently published edition of the International Fire Code and the International Building Code within 1 year after publication of such an edition.

(b) Apply in a county described in paragraph (a) with respect to state-owned or state-occupied buildings or public schools in the county and in those local jurisdictions in the county in which the State Fire Marshal is requested to exercise that authority by the chief executive officer of that jurisdiction. As used in this paragraph, "public school" has the meaning ascribed to it in NRS 385.007.

Assemblywoman Dondero Loop moved the adoption of the amendment.

Remarks by Assemblywoman Dondero Loop.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 360.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 391.

AN ACT relating to gaming; **revising provisions governing the taxation of gaming**; providing certain restrictions governing restricted licenses to operate gaming; **revising provisions governing the operation of race books and sports pools**; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a nonrestricted gaming licensee is responsible to pay certain fees and taxes, including certain fees based on the gross revenue of the licensee. (NRS 463.370) Existing law further provides that a restricted gaming licensee and an operator of a slot machine route are required to pay certain fees and taxes. (Chapter 463 of NRS) Section 1 of this bill requires a person who controls more than 500 slot machines to pay the same fees and taxes as a person who operates a nonrestricted operation.

Existing law: (1) prohibits certain actions relating to gaming without procuring and maintaining the required licensure; and (2) provides that a single establishment may not contain more than one licensed operation unless the establishment holds a nonrestricted gaming license. (NRS 463.160, 463.245) Existing law also defines: (1) "race book" as the business of accepting pari-mutuel wager upon the outcome of an event held at a track; and (2) "sports pool" as the business of accepting wagers on sporting events by any system or method of wagering. (NRS 463.01858, 463.0193) Section 3 of this bill provides that a separate license is required for each location of a race book or sports pool, and further provides that certain activities relating to the acceptance and payment of wagers and transactions in person or through mechanical means, such as a kiosk or similar device, are considered within the operation of a race book or sports pool. Section 5 of this bill clarifies that the exception to the single license at one establishment only applies to those nonrestricted licenses at an establishment with 16 or more slot machines, at an establishment with any number of slot machines together with any other game, gaming device, race book or sports pool or for a mobile gaming system.

Existing law: (1) defines a “restricted license” as a state gaming license to operate not more than 15 slot machines at an establishment in which the operation of slot machines is incidental to the primary business of the establishment; and (2) provides that such a license may only be granted to the operator of the primary business or to a licensed operator of a slot machine route. (NRS 463.0189, 463.161) ~~[This]~~ **Section 4 of this** bill provides that **in a county whose population is 100,000 or more (currently Clark and Washoe Counties)**, a restricted license may only be granted at certain establishments if the establishment contains: (1) a minimum of 2,500 square feet of space available for patrons; (2) a permanent, physical bar; and (3) a restaurant which meets certain requirements.

Section 6 of this bill provides that the provisions of this bill prohibiting the granting of restricted licenses, unless the establishment meets certain criteria, apply prospectively to new restricted licenses issued on or after January 1, 2014. Section 6 also provides that the provisions of this bill pertaining to the licensure of race books and sports pools apply to all race books, sports pools and associated equipment in existence on January 1, 2014.

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

Section 1. Chapter 463 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Notwithstanding any other provision of this chapter, for the purposes of the fees and taxes imposed pursuant to this chapter, a person who controls directly or through an affiliate more than 500 slot machines in the aggregate, including, without limitation, an operator of a slot machine route:

(a) Shall be deemed to be operating a nonrestricted operation; and

(b) Is required to pay all fees and taxes imposed upon a nonrestricted operation with respect to each slot machine that the person controls directly or through an affiliate.

2. This section must not be construed to make a person described in subsection 1 who does not hold a nonrestricted license a nonrestricted licensee for any purpose other than the purpose set forth in subsection 1.

3. As used in this section, “control” of a slot machine directly or through an affiliate means:

(a) Owning or operating an establishment for which a restricted license has been issued, with respect to the slot machines at the establishment; or

(b) Placing and operating slot machines upon the premises of others, whether placed and operated in an establishment for which a restricted license or nonrestricted license has been issued.

Sec. 2. NRS 463.0189 is hereby amended to read as follows:

463.0189 “Restricted license” or “restricted operation” means a state gaming license for, or an operation consisting of, not more than 15 slot machines and no other game or gaming device, **race book or sports pool** at an establishment in which the operation of slot machines is incidental to the primary business of the establishment.

Sec. 3. NRS 463.160 is hereby amended to read as follows:

463.160 1. Except as otherwise provided in subsection 4 and NRS 463.172, it is unlawful for any person, either as owner, lessee or employee, whether for hire or not, either solely or in conjunction with others:

(a) To deal, operate, carry on, conduct, maintain or expose for play in the State of Nevada any gambling game, gaming device, inter-casino linked system, mobile gaming system, slot machine, race book or sports pool;

(b) To provide or maintain any information service;

(c) To operate a gaming salon;

(d) To receive, directly or indirectly, any compensation or reward or any percentage or share of the money or property played, for keeping, running or carrying on any gambling game, slot machine, gaming device, mobile gaming system, race book or sports pool;

(e) To operate as a cash access and wagering instrument service provider; or

(f) To operate, carry on, conduct, maintain or expose for play in or from the State of Nevada any interactive gaming system,

↪ without having first procured, and thereafter maintaining in effect, all federal, state, county and municipal gaming licenses as required by statute, regulation or ordinance or by the governing board of any unincorporated town.

2. The licensure of an operator of an inter-casino linked system is not required if:

(a) A gaming licensee is operating an inter-casino linked system on the premises of an affiliated licensee; or

(b) An operator of a slot machine route is operating an inter-casino linked system consisting of slot machines only.

3. Except as otherwise provided in subsection 4, it is unlawful for any person knowingly to permit any gambling game, slot machine, gaming device, inter-casino linked system, mobile gaming system, race book or sports pool to be conducted, operated, dealt or carried on in any house or building or other premises owned by the person, in whole or in part, by a person who is not licensed pursuant to this chapter, or that person’s employee.

4. The Commission may, by regulation, authorize a person to own or lease gaming devices for the limited purpose of display or use in the person's private residence without procuring a state gaming license.

5. For the purposes of this section, the operation of a race book or sports pool includes making the premises available for any of the following purposes:

(a) Accepting wagers from patrons;

(b) Allowing patrons to place wagers; or

(c) Allowing patrons to withdraw cash from an account for wagering or to be issued a ticket, receipt, representation of value or other credit representing a withdrawal from an account for wagering that can be redeemed for cash,

↪ whether by a transaction in person at an establishment or through mechanical means, such as a kiosk or similar device, regardless of whether that device would otherwise be considered associated equipment. A separate license must be obtained for each location at which such an operation is conducted.

6. As used in this section, "affiliated licensee" has the meaning ascribed to it in NRS 463.430.

~~{Section 1.}~~ **Sec. 4.** NRS 463.161 is hereby amended to read as follows:

463.161 **1.** A license to operate 15 or fewer slot machines at an establishment in which the operation of slot machines is incidental to the primary business conducted at the establishment may only be granted to the operator of the primary business or to a licensed operator of a slot machine route.

2. ~~{A}~~ In a county whose population is 100,000 or more, a license to operate 15 or fewer slot machines at an establishment which is a bar, tavern, saloon or other similar location licensed to sell alcoholic beverages by the drink, for consumption on the premises, may only be granted if the establishment meets all the following conditions:

(a) The establishment contains a minimum of 2,500 square feet of space available for use by patrons.

(b) The establishment contains a permanent, physical bar. ~~{If the establishment has:~~

~~— (1) One to seven slot machines, all slot machines must be embedded in the bar.~~

~~— (2) Eight to 15 slot machines, at least eight of the slot machines must be embedded in the bar.~~

(c) The establishment contains a restaurant that meets all the following requirements:

(1) *The restaurant must provide seating for at least 25 patrons. For the purposes of determining the number of seats pursuant to this subparagraph, seating that is related to or associated with gaming employees, stools at the bar, and seating in a lounge or outside dining area must not be counted.*

(2) *The restaurant must contain a kitchen which must be operated not less than 12 hours each day that the establishment is open for business.*

(3) *If the restaurant allows admittance of minors, the dining room must be divided and separated from the bar area by a structural barrier sufficient to exclude minors from the bar area. If the restaurant does not allow the admittance of minors, a physical separation from the bar is not required, but a sign must be posted at the entrance of the establishment which states that the entrance of minors is prohibited.*

3. As used in this section:

(a) *“Bar” means a physical structure with a flat horizontal counter, on one side of which alcoholic liquors are kept and maintained, where seats may be placed for patrons to sit on the side opposite from where the alcoholic liquors are kept, and where the sale and service of alcoholic beverages are by the drink across such structure.*

(b) *“Restaurant” means a space operated in conjunction with an establishment, which is kept, used, maintained, advertised and held out to the public as a place where hot meals are prepared and served on premises.*

Sec. 5. NRS 463.245 is hereby amended to read as follows:

463.245 1. Except as otherwise provided in this section:

(a) All licenses issued to the same person, including a wholly owned subsidiary of that person, for the operation of any game, including a sports pool or race book, which authorize gaming at the same establishment must be merged into a single gaming license.

(b) A gaming license may not be issued to any person if the issuance would result in more than one licensed operation at a single establishment, whether or not the profits or revenue from gaming are shared between the licensed operations.

2. A person who has been issued a nonrestricted gaming license **for an operation described in subsection 1, 2 or 5 of NRS 463.0177** may establish a sports pool or race book on the premises of the establishment ~~for which the person conducts a nonrestricted gaming operation~~ only after obtaining permission from the Commission.

3. A person who has been issued a license to operate a sports pool or race book at an establishment may be issued a license to operate a sports pool or race book at ~~another~~ **a second establishment described in subsection 1 or 2 of NRS 463.0177 only** if the second establishment is operated by a person who has been issued a nonrestricted license ~~for that establishment. A~~

person who has been issued a license to operate a race book or sports pool at an establishment is prohibited from operating a race book or sports pool at:

- (a) An establishment for which a restricted license has been granted; or
- (b) An establishment at which only a nonrestricted license has been granted for an operation described in subsection 3 or 4 of NRS 463.0177.

4. A person who has been issued a license to operate a race book or sports pool shall not enter into an agreement for the sharing of revenue from the operation of the race book or sports pool with another person except:

- (a) An affiliated licensed race book or sports pool; or
- (b) The licensee of an establishment at which the race book or sports pool holds or obtains a license to operate pursuant to this section.

↪ This subsection does not prohibit an operator of a race book or sports pool from entering into an agreement with another person for the provision of shared services relating to advertising or marketing.

5. Nothing in this section limits or prohibits an operator of an inter-casino linked system from placing and operating such a system on the premises of two or more gaming licensees and receiving, either directly or indirectly, any compensation or any percentage or share of the money or property played from the linked games in accordance with the provisions of this chapter and the regulations adopted by the Commission. An inter-casino linked system must not be used to link games other than slot machines, unless such games are located at an establishment that is licensed for games other than slot machines.

~~{5-}~~ 6. For the purposes of this section, the operation of a race book or sports pool includes making the premises available for any of the following purposes:

- (a) Allowing patrons to establish an account for wagering with the race book or sports pool;
- (b) Accepting wagers from patrons;
- (c) Allowing patrons to place wagers;
- (d) Paying winning wagers to patrons; or
- (e) Allowing patrons to withdraw cash from an account for wagering or to be issued a ticket, receipt, representation of value or other credit representing a withdrawal from an account for wagering that can be redeemed for cash,

↪ whether by a transaction in person at an establishment or through mechanical means, such as a kiosk or similar device, regardless of whether that device would otherwise be considered associated equipment.

7. The provisions of this section do not apply to a license to operate a mobile gaming system or to operate interactive gaming.

~~{Sec. 2.}~~ **Sec. 6. 1.** The amendatory provisions of **section 4 of** this act apply to any license to operate 15 or fewer slot machines granted on or after ~~{July 1, 2013.}~~ **January 1, 2014.**

2. The amendatory provisions of sections 2, 3, and 5 of this act apply to all race books, sports pools and associated equipment in existence on January 1, 2014.

~~{Sec. 3.}~~ **Sec. 7.** This act becomes effective on ~~{July 1, 2013.}~~ **January 1, 2014.**

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 367.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 389.

AN ACT relating to constructional defects; prohibiting a controlling party from seeking indemnification from a subcontractor, supplier, design professional or other person providing a service to a development project; providing that certain indemnification and insurance provisions in certain contracts are void and unenforceable; revising provisions governing certain cross claims arising under a claim for a constructional defect; **making an appropriation for a study;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, before an owner of a residence or appurtenance or certain other persons may commence a civil action against a contractor, subcontractor, supplier or design professional for certain defects in the residence or appurtenance, the claimant must provide notice of the defect to the contractor. (NRS 40.645) Under existing law, not later than 30 days after the date on which the contractor receives the notice, the contractor must forward a copy of the notice to each subcontractor, supplier or design professional whom the contractor reasonably believes is responsible for a defect specified in the notice. (NRS 40.646) The subcontractor, supplier or design professional who receives the notice must inspect the alleged constructional defect and may elect to repair the defect. (NRS 40.646, 40.647)

With respect to claims relating to certain defects in residential construction, **section 1** of this bill: (1) prohibits a controlling party for a development project from seeking indemnification from a subcontractor, supplier, design professional or any other person providing a service to the

development project; and (2) provides that any provision or clause of a contract that causes or is intended to cause any person to be responsible for the actions of another person is against public policy and is void and unenforceable. **Section 1** further provides that certain cross claims which arise under a claim for a defect in certain residential construction must be governed only by the Nevada Rules of Civil Procedure and not by existing law governing claims for a constructional defect. Under **section 4** of this bill, the provisions of **section 1** apply only if the notice of a constructional defect which existing law requires a claimant to provide to the contractor is provided to the contractor on or after October 1, 2013.

This bill also makes an appropriation for a study of the effect of indemnification clauses in construction contracts on the litigation of claims relating to defects in residential construction.

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

Section 1. Chapter 40 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *With respect to a claim governed by this section and NRS 40.600 to 40.695, inclusive, a controlling party shall not seek indemnification for a constructional defect from a subcontractor, supplier, design professional or any other person providing a service for a development project.*

2. *With respect to a claim governed by this section and NRS 40.600 to 40.695, inclusive, any provision of a contract or subcontract, any indemnification clause or agreement and any provision or clause of an agreement requiring a person to add another person as an additional insured in a policy of insurance that causes or is intended to cause any person to be responsible for the actions of another person is against public policy and is void and unenforceable.*

3. *Any cross claim between a controlling party and a subcontractor, supplier, design professional or any other person providing a service for a development project, or between any subcontractor, supplier, design professional or any other person providing a service for a development project and any other subcontractor, supplier, design professional or other person providing a service for a development project, which arises in the context of a claim governed by this section and NRS 40.600 to 40.695, inclusive:*

(a) *Is governed only by the Nevada Rules of Civil Procedure; and*

(b) *Is not governed by this section and NRS 40.600 to 40.695, inclusive.*

4. *Any provision of a contract or subcontract, any indemnification clause or agreement and any provision or clause of an agreement requiring*

a person to add another person as an additional insured in a policy of insurance which is void and unenforceable pursuant to this section is void and unenforceable only to the extent provided in this section, and the remainder of the provision, clause or agreement is enforceable, unless the provision, clause or agreement cannot, standing alone, be given legal effect.

5. As used in this section:

(a) *“Controlling party” means any person that:*

(1) Is responsible for the planning, oversight, supervision, management or selection of the design professionals or the first-tier subcontractors for a development project; or

(2) Receives, or controls the allocation of, the receipts or profits for a development project.

(b) “Development project” means the design, construction, manufacture, repair or landscaping of a new residence, of an alteration of or addition to an existing residence, or of an appurtenance.

Sec. 2. NRS 40.600 is hereby amended to read as follows:

40.600 As used in NRS 40.600 to 40.695, inclusive, **and section 1 of this act**, unless the context otherwise requires, the words and terms defined in NRS 40.603 to 40.634, inclusive, have the meanings ascribed to them in those sections.

Sec. 3. NRS 40.635 is hereby amended to read as follows:

40.635 NRS 40.600 to 40.695, inclusive ~~[-]~~, **and section 1 of this act:**

1. Apply to any claim that arises before, on or after July 1, 1995, as the result of a constructional defect, except a claim for personal injury or wrongful death, if the claim is the subject of an action commenced on or after July 1, 1995.

2. Prevail over any conflicting law otherwise applicable to the claim or cause of action.

3. Do not bar or limit any defense otherwise available, except as otherwise provided in those sections.

4. Do not create a new theory upon which liability may be based, except as otherwise provided in those sections.

Sec. 4. This act applies to any claim for which a notice is filed pursuant to NRS 40.645 on or after October 1, 2013.

Sec. 5. 1. There is hereby appropriated from the State General Fund to the Legislative Fund the sum of \$150,000 for the purpose of contracting with a consultant to conduct a study of the effect of indemnification clauses in construction contracts on the litigation of claims relating to defects in residential construction.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2015, and any

portion of the appropriated money remaining must not be spent for any purpose after September 18, 2015, and must be reverted to the State General Fund on or before September 18, 2015.

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 370.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 252.

AN ACT relating to real property; revising provisions governing the mediation and arbitration of certain claims involving certain residential property; ~~revising provisions governing persons who collect past due obligations owed to an association; authorizing the Commissioner of Financial Institutions to interpret certain provisions of law and regulations governing the collection of past due obligations owed to an association;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law ~~requires~~ **provides** that certain civil actions relating to residential property cannot be commenced in any court in this State unless the action has been submitted to mediation or arbitration. (NRS 38.310) Such a civil action must be submitted to mediation or arbitration by filing a written claim with the Real Estate Division of the Department of Business and Industry, and the written claim and required written answer must be accompanied by a reasonable fee as determined by the Division (NRS 38.320) **Section 4** of this bill removes the ~~option~~ **requirement** of submitting such a civil action to arbitration, and **instead** requires the civil action to be submitted to mediation or **, if the parties agree, to** a program established by the Division under which a person such as a referee or hearing officer renders decisions on certain claims. **Section 1** of this bill sets forth certain procedures concerning such a program. **Section 5** of this bill applies the requirement regarding a written claim being filed with the Division to a civil action submitted to such a program. **Section 5** also specifies that the fee which must accompany a written claim and written answer filed with the Division is ~~(\$25.)~~ **\$50. Section 6 of this bill provides that before commencing a civil action, the parties named in the claim may agree to arbitration if the parties have participated in mediation in which an agreement was not obtained or if a written decision and award have been issued pursuant to the referee program. Section 6 also: (1) provides that such arbitration is nonbinding unless the parties agree in writing to**

binding arbitration; and (2) specifies that the cost of such arbitration must not exceed \$300 per hour.

Existing law also sets forth the procedure for mediation when a written claim is submitted to mediation. (NRS 38.330) ~~Section 6 of this bill~~ requires that: (1) mediation be completed within 60 days after the filing of the written ~~answer;~~ **claim;** (2) **mediation** not exceed 3 hours, unless the parties ~~and the mediator~~ agree to an extension of such time; ~~and~~ (3) ~~if an agreement is not obtained through mediation, the mediator, within 20 days after the conclusion of mediation, prepare and issue a report containing certain information to the parties and the Division. Section 6 also provides that generally, the parties are responsible for the cost of mediation, which must not exceed \$300. Each party must pay \$150 as his or her portion of the fee for a mediator, but the Division may provide to a unit's owner a reimbursement of his or her portion of the fee for a mediator in certain circumstances. Additionally, if an association does not pay its portion of the fee, then: (1) the owner of the residential property is provided a refund; and (2) the Division must issue a letter to the parties which provides that mediation has been completed. Section 6 further provides that a party may commence a civil action based upon any claim which was subject to mediation within 60 days after receipt of the report of the mediator or the letter from the Division, and that each party is required to pay its own costs and attorney's fees incurred in the mediation.~~

~~Existing law further requires the Division to establish and maintain a list of mediators who are available for the mediation of claims and who, as determined by the Division, have received certain training and experience in mediation and in the resolution of disputes concerning associations. (NRS 38.340) Section 7 of this bill provides that before the Division includes a mediator on such a list, the Division may require the mediator to receive 4 hours of training relating to mediation and the resolution of disputes concerning associations.~~

~~Section 18 of this bill provides that notwithstanding any other provision of law, the Commissioner of Financial Institutions is authorized to interpret the provisions of existing law governing the collection of any past due obligation owed to a homeowner's association.~~ **the cost of mediation not exceed \$500 for 3 hours; (4) if the parties agree to extend mediation beyond 3 hours, the fee for the additional hours not exceed \$200 per hour; and (5) each party, not later than 5 days before mediation is scheduled to be conducted, submit to the mediator a written statement which sets forth the issues in dispute.**

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 a new section to read as follows:

If the Division establishes a program:

1. Upon receipt of a written claim ~~for~~ and answer filed pursuant to NRS 38.320 in which ~~a unit's owner indicates~~ all the parties indicate that ~~he or she wishes~~ they wish to have the claim referred to such a program, the Division may refer the parties to the program.

2. The person to whom the parties are referred pursuant to the program shall review the claim and answer filed pursuant to NRS 38.320 and, unless the parties agree to waive a hearing, conduct a hearing on the claim. After reviewing the claim and the answer and, if required, conducting a hearing on the claim, the person shall issue a written decision and award and provide a copy of the written decision and award to the parties. The person may not award to either party costs or attorney's fees.

3. Any party may, within 60 days after receiving the written decision and award pursuant to subsection ~~1,~~ 2, commence a civil action in the proper court concerning the claim. Any complaint filed in such an action must contain a sworn statement indicating that the issues addressed in the complaint have been referred to a program pursuant to the provisions of this section and NRS 38.300 to 38.360, inclusive. If such an action is not commenced within ~~that period,~~ 60 days after receiving the written decision and award pursuant to subsection 2, any party may, within 1 year after receiving the written decision and award, apply to the proper court for a confirmation of the written decision and award pursuant to NRS 38.239.

Sec. 2. ~~NRS 38.217 is hereby amended to read as follows:~~

~~38.217 1. Except as otherwise provided in subsections 2 and 3, a party to an agreement to arbitrate or to an arbitral proceeding may waive, or the parties may vary the effect of, the requirements of NRS 38.206 to 38.248, inclusive, to the extent permitted by law.~~

~~2. Before a controversy arises that is subject to an agreement to arbitrate, a party to the agreement may not:~~

~~(a) Waive or agree to vary the effect of the requirements of subsection 1 of NRS 38.218, subsection 1 of NRS 38.219, NRS 38.222, subsection 1 or 2 of NRS 38.233, NRS 38.244 or 38.247;~~

~~(b) Agree to unreasonably restrict the right under NRS 38.223 to notice of the initiation of an arbitral proceedings;~~

~~(c) Agree to unreasonably restrict the right under NRS 38.227 to disclosure of any facts by a neutral arbitrator; or~~

~~(d) Waive the right under NRS 38.232 of a party to an agreement to arbitrate to be represented by a lawyer at any proceeding or hearing under NRS 38.206 to 38.248, inclusive, but an employer and a labor organization may waive the right to representation by a lawyer in a labor arbitration.~~

~~2. A party to an agreement to arbitrate or arbitral proceeding may not waive, or the parties may not vary the effect of, the requirements of this section or subsection 1 or 3 of NRS 38.216, NRS 38.221, 38.229, 38.234, subsection 3 or 4 of NRS 38.237, NRS 38.239, 38.241, 38.242, subsection 1 or 2 of NRS 38.243 [,] or NRS 38.248 . [or 38.330.]] (Deleted by amendment.)~~

Sec. 3. NRS 38.300 is hereby amended to read as follows:

38.300 As used in NRS 38.300 to 38.360, inclusive, ***and section 1 of this act***, unless the context otherwise requires:

1. "Assessments" means:

(a) Any charge which an association may impose against an owner of residential property pursuant to a declaration of covenants, conditions and restrictions, including any late charges, interest and costs of collecting the charges; and

(b) Any penalties, fines, fees and other charges which may be imposed by an association pursuant to paragraphs (j) to (n), inclusive, of subsection 1 of NRS 116.3102 or subsections 10, 11 and 12 of NRS 116B.420.

2. "Association" has the meaning ascribed to it in NRS 116.011 or 116B.030.

3. "Civil action" includes an action for money damages or equitable relief. The term does not include an action in equity for injunctive relief in which there is an immediate threat of irreparable harm, or an action relating to the title to residential property.

4. "Division" means the Real Estate Division of the Department of Business and Industry.

5. ***"Program" means a program established by the Division under which a person, including, without limitation, a referee or hearing officer, can render decisions on disputes [involving a breach of the governing documents of an association. As used in this subsection, "governing documents" has the meaning ascribed to it in NRS 116.049 or 116B.110.] relating to:***

(a) The interpretation, application or enforcement of any covenants, conditions or restrictions applicable to residential property or any bylaws, rules or regulations adopted by an association; or

(b) The procedures used for increasing, decreasing or imposing additional assessments upon residential property.

6. "Residential property" includes, but is not limited to, real estate within a planned community subject to the provisions of chapter 116 of NRS or real estate within a condominium hotel subject to the provisions of chapter 116B of NRS. The term does not include commercial property if no portion thereof contains property which is used for residential purposes.

~~[7. “Unit’s owner” has the meaning ascribed to it in NRS 116.095 or 116B.240.]~~

Sec. 4. NRS 38.310 is hereby amended to read as follows:

38.310 1. No civil action based upon a claim relating to:

(a) The interpretation, application or enforcement of any covenants, conditions or restrictions applicable to residential property or any bylaws, rules or regulations adopted by an association; or

(b) The procedures used for increasing, decreasing or imposing additional assessments upon residential property,

↪ may be commenced in any court in this State unless the action has been submitted to mediation or ~~arbitration~~, **if the parties agree, has been referred to a program** pursuant to the provisions of NRS 38.300 to 38.360, inclusive, **and section 1 of this act**, and, if the civil action concerns real estate within a planned community subject to the provisions of chapter 116 of NRS or real estate within a condominium hotel subject to the provisions of chapter 116B of NRS, all administrative procedures specified in any covenants, conditions or restrictions applicable to the property or in any bylaws, rules and regulations of an association have been exhausted.

2. A court shall dismiss any civil action which is commenced in violation of the provisions of subsection 1.

Sec. 5. NRS 38.320 is hereby amended to read as follows:

38.320 1. Any civil action described in NRS 38.310 must be submitted ~~for~~ to mediation or ~~arbitration~~ **referred to a program** by filing a written claim with the Division. The claim must include:

(a) The complete names, addresses and telephone numbers of all parties to the claim;

(b) A specific statement of the nature of the claim;

(c) ~~A [If the claim is filed by a unit’s owner, a]~~ statement of whether the person wishes to have the claim ~~submitted~~ **referred** to ~~[a mediator] [mediation or to] [an arbitrator and, if the person wishes to have the claim submitted to an arbitrator, whether the person agrees to binding arbitration;]~~ **a program**; and

(d) Such other information as the Division may require.

2. The written claim must be accompanied by a ~~reasonable~~ **filing** fee ~~[as determined by the Division.] of [\$25.] \$50.~~

3. Upon the filing of the written claim, the claimant shall serve a copy of the claim in the manner prescribed in Rule 4 of the Nevada Rules of Civil Procedure for the service of a summons and complaint. The claim so served must be accompanied by a statement explaining the procedures for mediation and ~~arbitration~~ **for a program** set forth in NRS 38.300 to 38.360, inclusive ~~[, and section 1 of this act.~~

4. Upon being served pursuant to subsection 3, the person upon whom a copy of the written claim was served shall, within 30 days after the date of service, file a written answer with the Division ~~11~~, **which must include a statement of whether the person wishes to have the claim referred to a program.** The answer must be accompanied by a ~~reasonable~~ filing fee ~~as determined by the Division.~~ **of \$25.** ~~\$50.~~

Sec. 6. NRS 38.330 is hereby amended to read as follows:

38.330 1. ~~11~~ ~~If all parties named in a written claim filed pursuant to NRS 38.320 agree to have the claim submitted for mediation,~~ **Unless a program has been established and ~~the unit's owner has~~ the parties have elected to have the claim referred to a program,** the parties shall ~~reduce the agreement to writing and shall~~ select a mediator from the list of mediators maintained by the Division pursuant to NRS 38.340. Any mediator selected must be available within the geographic area. If the parties fail to agree upon a mediator, the Division shall appoint a mediator from the list of mediators maintained by the Division. Any mediator appointed must be available within the geographic area. Unless otherwise provided by an agreement of the parties, mediation must be completed within 60 days after the ~~parties agree to mediation.~~ **filing of the written ~~answer.~~ claim. Not later than 5 days before mediation is scheduled to be conducted, each party must submit to the mediator a written statement which sets forth the issues in dispute. Mediation must not exceed 3 hours, unless the parties ~~and the mediator~~ agree to an extension of such time.** Any agreement obtained through mediation conducted pursuant to this section must, within 20 days after the conclusion of mediation, be reduced to writing by the mediator and a copy thereof provided to each party. The agreement may be enforced as any other written agreement. ~~If an agreement is not obtained through mediation conducted pursuant to this section, the mediator shall, within 20 days after the conclusion of mediation, prepare and issue a report to the parties and the Division which sets forth the efforts made to settle the dispute, contains findings of fact and indicates that an agreement was not reached by the parties. The findings of fact of the mediator are not binding.~~

~~2.~~ Except as otherwise provided in this section, the parties are responsible for ~~all costs~~ **the cost** of mediation conducted pursuant to this section, **which must not exceed \$500 for 3 hours of mediation. If the parties agree to extend mediation beyond 3 hours pursuant to this subsection, the fee for the additional hours must not exceed \$200 per hour. If the parties participate in mediation and an agreement is not obtained, any party may commence a civil action in the proper court concerning the claim that was submitted to mediation. Any complaint filed in such an action must contain a sworn statement indicating that the issues addressed in the complaint have been mediated pursuant to the provisions of**

NRS 38.300 to 38.360, inclusive, and section 1 of this act, but an agreement was not obtained .

2. ~~If all~~ Before commencing a civil action in the proper court, the parties named in the claim ~~do not~~ may agree to ~~mediation, the~~ arbitration if the parties have participated in mediation in which an agreement was not obtained or if a written decision and award have been issued pursuant to section 1 of this act. Unless the parties agree in writing to binding arbitration, the arbitration is nonbinding. The cost of arbitration conducted pursuant to this section must not exceed \$300 per hour. If the parties agree to arbitration, they shall select an arbitrator from the list of arbitrators maintained by the Division pursuant to NRS 38.340. Any arbitrator selected must be available within the geographic area. If the parties fail to agree upon an arbitrator, the Division shall appoint an arbitrator from the list maintained by the Division. Any arbitrator appointed must be available within the geographic area. Upon appointing an arbitrator, the Division shall provide the name of the arbitrator to each party. An arbitrator shall, not later than 5 days after the arbitrator's selection or appointment pursuant to this subsection, provide to the parties an informational statement relating to the arbitration of a claim pursuant to this section. The written informational statement:

(a) Must be written in plain English;

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

(c) Must be accompanied by a separate form acknowledging that the party has received and read the informational statement, which must be returned to the arbitrator by the party not later than 10 days after receipt of the informational statement. ~~f, which must not exceed \$300. Before mediation begins, each party shall pay a fee of \$150 to the Division as his or her portion of the fee for a mediator. If an association does not pay its portion of the fee for a mediator, the Administrator of the Division shall:~~

~~(a) Refund to the owner of residential property any fee that he or she has paid; and~~

~~(b) Issue a letter to the parties which provides that mediation has been completed in the matter.]~~

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

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

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

4. Except as otherwise provided in this section and except where inconsistent with the provisions of NRS 38.300 to 38.360, inclusive, **and section 1 of this act**, the arbitration of a claim pursuant to this section must be conducted in accordance with the provisions of NRS 38.231, 38.232, 38.233, 38.236 to 38.239, inclusive, 38.242 and 38.243. At any time during the arbitration of a claim relating to the interpretation, application or enforcement of any covenants, conditions or restrictions applicable to residential property or any bylaws, rules or regulations adopted by an association, the arbitrator may issue an order prohibiting the action upon which the claim is based. An award must be made within 30 days after the conclusion of arbitration, unless a shorter period is agreed upon by the parties to the arbitration.

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

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

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

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

(b) Commences ~~To the extent money is available in the Account for Common-Interest Communities and Condominium Hotels created by NRS 116.630 for this purpose, the Division may provide to the unit's owner a reimbursement of the fee paid by the unit's owner pursuant to subsection 2.~~

~~4. Within 60 days after the receipt of the report of the mediator pursuant to subsection 1 or the letter from the Division pursuant to subsection 2, a party may commence~~ a civil action based upon any claim which was the subject of arbitration.

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

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

9. ~~in the mediation.~~

~~5.1~~ As used in this section, "geographic area" means an area within 150 miles from any residential property or association which is the subject of a written claim submitted pursuant to NRS 38.320.

Sec. 7. NRS 38.340 is hereby amended to read as follows:

38.340 For the purposes of NRS 38.300 to 38.360, inclusive, **and section 1 of this act**, the Division shall establish and maintain:

1. A list of mediators and arbitrators who are available for mediation and arbitration of claims. The list must include mediators and arbitrators who, as determined by the Division, have received training and experience in mediation or arbitration and in the resolution of disputes concerning associations, including, without limitation, the interpretation, application and enforcement of covenants, conditions and restrictions pertaining to residential property and the articles of incorporation, bylaws, rules and regulations of an association. In establishing and maintaining the list, the Division may use lists of qualified persons maintained by any organization which provides mediation or arbitration services. Before including a mediator or arbitrator on a list established and maintained pursuant to this section, the Division may ~~must~~ require the mediator or arbitrator ~~to receive 4 hours of training relating to mediation and the resolution of disputes concerning associations and~~ to present proof satisfactory to the Division that the mediator or arbitrator has received the training and experience required for mediators or arbitrators pursuant to this section.

2. A document which contains a written explanation of the procedures for mediating ~~mediation~~ and arbitrating claims **and for a program** pursuant to NRS 38.300 to 38.360, inclusive ~~1~~, **and section 1 of this act.**

Sec. 8. NRS 38.350 is hereby amended to read as follows:

38.350 Any statute of limitations applicable to a claim described in NRS 38.310 is tolled from the time the claim is submitted ~~for~~ **to** mediation

or arbitration **or referred to a program** pursuant to NRS ~~{38.320}~~ **38.300 to 38.360, inclusive, and section 1 of this act** until the conclusion of mediation or arbitration of the claim and the period for vacating the award has expired, ~~{ }~~ or until the issuance of a written decision and award for a letter from the Division stating that mediation is completed **pursuant to the program.**

Sec. 9. NRS 38.360 is hereby amended to read as follows:

38.360 1. The Division shall administer the provisions of NRS 38.300 to 38.360, inclusive, ***and section 1 of this act***, and may adopt such regulations as are necessary to carry out those provisions.

2. All fees collected by the Division pursuant to the provisions of NRS 38.300 to 38.360, inclusive, ***and section 1 of this act*** must be accounted for separately and may only be used by the Division to administer the provisions of NRS 38.300 to 38.360, inclusive.

Sec. 10. NRS 116.625 is hereby amended to read as follows:

116.625 1. The Office of the Ombudsman for Owners in Common-Interest Communities and Condominium Hotels is hereby created within the Division.

2. The Administrator shall appoint the Ombudsman. The Ombudsman is in the unclassified service of the State.

3. The Ombudsman must be qualified by training and experience to perform the duties and functions of office.

4. In addition to any other duties set forth in this chapter, the Ombudsman shall:

(a) Assist in processing claims submitted to mediation or arbitration **or referred to a program** pursuant to NRS 38.300 to 38.360, inclusive ~~{ }~~, ***and section 1 of this act***;

(b) Assist owners in common-interest communities and condominium hotels to understand their rights and responsibilities as set forth in this chapter and chapter 116B of NRS and the governing documents of their associations, including, without limitation, publishing materials related to those rights and responsibilities;

(c) Assist members of executive boards and officers of associations to carry out their duties;

(d) When appropriate, investigate disputes involving the provisions of this chapter or chapter 116B of NRS or the governing documents of an association and assist in resolving such disputes; and

(e) Compile and maintain a registration of each association organized within the State which includes, without limitation, the following information:

(1) The name, address and telephone number of the association;

(2) The name of each community manager for the common-interest community or the association of a condominium hotel and the name of any

other person who is authorized to manage the property at the site of the common-interest community or condominium hotel;

(3) The names, mailing addresses and telephone numbers of the members of the executive board of the association;

(4) The name of the declarant;

(5) The number of units in the common-interest community or condominium hotel;

(6) The total annual assessment made by the association;

(7) The number of foreclosures which were completed on units within the common-interest community or condominium hotel and which were based on liens for the failure of the unit's owner to pay any assessments levied against the unit or any fines imposed against the unit's owner; and

(8) Whether the study of the reserves of the association has been conducted pursuant to NRS 116.31152 or 116B.605 and, if so, the date on which it was completed.

Sec. 11. NRS 116.630 is hereby amended to read as follows:

116.630 1. There is hereby created the Account for Common-Interest Communities and Condominium Hotels in the State General Fund. The Account must be administered by the Administrator.

2. Except as otherwise provided in subsection 3, all money received by the Commission, a hearing panel or the Division pursuant to this chapter or chapter 116B of NRS, including, without limitation, the fees collected pursuant to NRS 116.31155 and 116B.620, must be deposited into the Account.

3. If the Commission imposes a fine or penalty, the Commission shall deposit the money collected from the imposition of the fine or penalty with the State Treasurer for credit to the State General Fund. If the money is so deposited, the Commission may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is required to pay attorney's fees or the costs of an investigation, or both.

4. The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account.

5. The money in the Account must be used solely to defray:

(a) The costs and expenses of the Commission and the Office of the Ombudsman;

(b) If authorized by the Commission or any regulations adopted by the Commission, the costs and expenses of subsidizing proceedings for mediation, ~~and arbitration for for~~ **and a program** conducted pursuant to NRS 38.300 to 38.360, inclusive ~~;~~, **and section 1 of this act;** and

(c) If authorized by the Legislature or by the Interim Finance Committee if the Legislature is not in session, the costs and expenses of administering the Division.

Sec. 12. NRS 116.665 is hereby amended to read as follows:

116.665 1. The Commission shall conduct such hearings and other proceedings as are required by the provisions of this chapter.

2. The Commission shall collect and maintain or cause to be collected and maintained accurate information relating to:

(a) The number and kind of common-interest communities in this State;

(b) The effect of the provisions of this chapter and any regulations adopted pursuant thereto on the development and construction of common-interest communities, the residential lending market for units within common-interest communities and the operation and management of common-interest communities;

(c) Violations of the provisions of this chapter and any regulations adopted pursuant thereto;

(d) The accessibility and use of, and the costs related to, the arbitration, ~~and mediation~~ **and program** procedures set forth in NRS 38.300 to 38.360, inclusive, **and section 1 of this act**, and the decisions rendered and awards made pursuant to those ~~arbitration and mediation~~ procedures;

(e) The number of foreclosures which were completed on units within common-interest communities and which were based on liens for the failure of the unit's owner to pay any assessments levied against the unit or any fines imposed against the unit's owner;

(f) The study of the reserves required by NRS 116.31152; and

(g) Other issues that the Commission determines are of concern to units' owners, associations, community managers, developers and other persons affected by common-interest communities.

3. The Commission shall develop and promote:

(a) Educational guidelines for conducting the elections of the members of an executive board, the meetings of an executive board and the meetings of the units' owners of an association; and

(b) Educational guidelines for the enforcement of the governing documents of an association through liens, penalties and fines.

4. The Commission shall recommend and approve for accreditation programs of education and research relating to common-interest communities, including, without limitation:

(a) The management of common-interest communities;

(b) The sale and resale of units within common-interest communities;

(c) Alternative methods that may be used to resolve disputes relating to common-interest communities; and

(d) The enforcement, including by foreclosure, of liens on units within common-interest communities for the failure of the unit's owner to pay any assessments levied against the unit or any fines imposed against the unit's owner.

Sec. 13. NRS 116.670 is hereby amended to read as follows:

116.670 The Commission may:

1. By regulation, establish standards for subsidizing proceedings for mediation, ~~and arbitration for for~~ **and a program** conducted pursuant to NRS 38.300 to 38.360, inclusive, **and section 1 of this act**, to ensure that such proceedings are not lengthy and are affordable and readily accessible to all parties;

2. By regulation, establish standards for subsidizing educational programs for the benefit of units' owners, members of executive boards and officers of associations;

3. Accept any gifts, grants or donations; and

4. Enter into agreements with other entities that are required or authorized to carry out similar duties in this State or in other jurisdictions and cooperate with such entities to develop uniform procedures for carrying out the provisions of this chapter and for accumulating information needed to carry out those provisions.

Sec. 14. NRS 116B.815 is hereby amended to read as follows:

116B.815 The Office of the Ombudsman for Owners in Common-Interest Communities and Condominium Hotels created by NRS 116.625 shall:

1. Assist in processing claims arising under this chapter that are submitted to mediation or arbitration **or referred to a program** pursuant to NRS 38.300 to 38.360, inclusive ~~to~~, **and section 1 of this act**;

2. Assist owners in condominium hotels to understand their rights and responsibilities as set forth in this chapter and the governing documents of their associations, including, without limitation, publishing materials related to those rights and responsibilities;

3. Assist members of executive boards and officers of associations to carry out their duties;

4. When appropriate, investigate disputes involving the provisions of this chapter or the governing documents of an association and assist in resolving such disputes; and

5. Compile and maintain a registration of each association organized within the State which includes, without limitation, the following information:

- (a) The name, address and telephone number of the association;
- (b) The names, mailing addresses and telephone numbers of the members of the executive board of the association;
- (c) The name of the declarant;
- (d) The number of units in the condominium hotel;
- (e) The total annual assessment made by the association; and

(f) The number of foreclosures which were completed on units within the condominium hotel and which were based on liens for the failure of the unit's owner to pay any assessments levied against the unit or any fines imposed against the unit's owner.

Sec. 15. NRS 116B.845 is hereby amended to read as follows:

116B.845 1. The Commission shall conduct such hearings and other proceedings as are required by the provisions of this chapter.

2. The Commission shall collect and maintain or cause to be collected and maintained accurate information relating to:

(a) The number of condominium hotels in this State;

(b) The effect of the provisions of this chapter and any regulations adopted pursuant thereto on the development and construction of condominium hotels, the residential lending market for units within condominium hotels and the operation and management of condominium hotels;

(c) Violations of the provisions of this chapter and any regulations adopted pursuant thereto;

(d) The accessibility and use of, and the costs related to, the arbitration, and mediation ~~and program~~ procedures set forth in NRS 38.300 to 38.360, inclusive, **and section 1 of this act**, and the decisions rendered and awards made pursuant to those ~~arbitration and mediation~~ procedures;

(e) The number of foreclosures which were completed on units within condominium hotels and which were based on liens for the failure of the unit's owner to pay any assessments levied against the unit or any fines imposed against the unit's owner; and

(f) Other issues that the Commission determines are of concern to units' owners, associations, developers and other persons affected by condominium hotels.

3. The Commission shall develop and promote:

(a) Educational guidelines for conducting the elections of the members of an executive board, the meetings of an executive board and the meetings of the units' owners of an association; and

(b) Educational guidelines for the enforcement of the governing documents of an association through liens, penalties and fines.

4. The Commission shall recommend and approve for accreditation programs of education and research relating to condominium hotels, including, without limitation:

(a) The management of condominium hotels;

(b) The sale and resale of units within condominium hotels;

(c) Alternative methods that may be used to resolve disputes relating to condominium hotels; and

(d) The enforcement, including by foreclosure, of liens on units within condominium hotels for the failure of the unit's owner to pay any assessments levied against the unit or any fines imposed against the unit's owner.

Sec. 16. NRS 116B.850 is hereby amended to read as follows:

116B.850 The Commission may:

1. By regulation, establish standards for subsidizing proceedings for mediation, ~~and~~ arbitration ~~for for~~ **and a program** conducted pursuant to NRS 38.300 to 38.360, inclusive, **and section 1 of this act**, to ensure that such proceedings are not lengthy and are affordable and readily accessible to all parties;

2. By regulation, establish standards for subsidizing educational programs for the benefit of units' owners, members of executive boards and officers of associations;

3. Accept any gifts, grants or donations; and

4. Enter into agreements with other entities that are required or authorized to carry out similar duties in this State or in other jurisdictions and cooperate with such entities to develop uniform procedures for carrying out the provisions of this chapter and for accumulating information needed to carry out those provisions.

Sec. 17. ~~NRS 649.020 is hereby amended to read as follows:~~

~~649.020 1. "Collection agency" means all persons engaging, directly or indirectly, and as a primary or a secondary object, business or pursuit, in the collection of or in soliciting or obtaining in any manner the payment of a claim owed or due or asserted to be owed or due to another.~~

~~2. "Collection agency" does not include any of the following unless they are conducting collection agencies:~~

~~(a) Individuals regularly employed on a regular wage or salary, in the capacity of credit men or in other similar capacity upon the staff of employees of any person not engaged in the business of a collection agency or making or attempting to make collections as an incident to the usual practices of their primary business or profession.~~

~~(b) Banks.~~

~~(c) Nonprofit cooperative associations.~~

~~(d) Unit owners' associations and the board members, officers, employees and units' owners of those associations when acting under the authority of and in accordance with chapter 116 or 116B of NRS and the governing documents of the association, except for those community managers included within the term "collection agency" pursuant to subsection 3.~~

~~(e) Abstract companies doing an escrow business.~~

~~(f) Duly licensed real estate brokers, except for those real estate brokers who are community managers included within the term "collection agency" pursuant to subsection 3.~~

~~(g) Attorneys and counselors at law licensed to practice in this State, so long as they are retained by their clients to collect or to solicit or obtain payment of such clients' claims in the usual course of the practice of their profession.~~

~~3. "Collection agency":~~

~~(a) Includes any person, other than a person described in paragraph (d) of subsection 2 or a master association, and a community manager while engaged in the management of a common-interest community or the management of an association of a condominium hotel if the person or the community manager, or any employee, agent or affiliate of the community manager, performs or offers to perform any act associated with the foreclosure of a lien pursuant to NRS 116.31162 to 116.31168, inclusive, or 116B.635 to 116B.660, inclusive; and~~

~~(b) Does not include any other community manager while engaged in the management of a common-interest community or the management of an association of a condominium hotel.~~

~~4. As used in this section:~~

~~(a) "Community manager" has the meaning ascribed to it in NRS 116.023 or 116B.050.~~

~~(b) "Master association" has the meaning ascribed to it in NRS 116.063.~~

~~(c) "Unit owners' association" has the meaning ascribed to it in NRS 116.011 or 116B.030.] (Deleted by amendment.)~~

Sec. 18. [NRS 649.051 is hereby amended to read as follows:

~~649.051 The Commissioner [shall]:~~

~~1. Shall administer and enforce the provisions of this chapter, subject to the administrative supervision of the Director of the Department of Business and Industry [.] ; and~~

~~2. Notwithstanding any other provision of law, may interpret the provisions of chapter 116 of NRS and any regulations adopted pursuant thereto concerning the collection of any past due obligation, including, without limitation, the:~~

~~(a) Administration and enforcement of such provisions;~~

~~(b) Discipline or regulation of licensees; or~~

~~(c) Issuance and enforcement of an advisory opinion or declaratory order.~~

~~As used in this subsection, "obligation" has the meaning ascribed to it in NRS 116.310313.] (Deleted by amendment.)~~

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 382.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 442.

AN ACT relating to cities; authorizing the governing bodies of certain cities to impose a fee on the construction of a structure or the grading of land for certain purposes; authorizing, ratifying, approving and confirming certain ordinances enacted by Boulder City and the cities of Henderson, Las Vegas, Mesquite and North Las Vegas which impose such a fee; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law allows the board of county commissioners in a county whose population is 700,000 or more (currently Clark County) and which is home to an endangered or threatened species to enact an ordinance to impose a fee on the construction of a structure or the grading of land in the unincorporated areas of the county. The money collected from the fee is deposited into an enterprise fund and used to fund an area or zone for the preservation of the endangered or threatened species or subspecies. (NRS 244.386) **Section 2.3** of this bill allows the governing body of a city to impose the fee if the county in which the city is located has created such an enterprise fund. **Section 2.5 of this bill authorizes the governing body of a city that has imposed the fee and in which exists an endangered or threatened species to: (1) take measures necessary to conserve the endangered or threatened species and to deposit the fee in an enterprise fund managed by the city; and (2) use the money in the fund to pay for measures taken to conserve the endangered or threatened species. Section 2.5 also provides that the governing body may not take such actions if those actions conflict with an agreement for the administration and management of any area established for the conservation, protection, restoration and propagation of species of native fish, wildlife and other fauna which are threatened with extinction.** Section 5 of this bill retroactively authorizes Boulder City and the cities of Henderson, Las Vegas, Mesquite and North Las Vegas to impose such a fee, thereby validating any such fee which was previously imposed by any of those cities. (*See Harris v. City of Reno*, 81 Nev. 256, 259-60 (1965))

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

Section 1. The Legislature hereby finds and declares:

1. Clark County, Boulder City, and the cities of Henderson, Las Vegas, Mesquite and North Las Vegas have obtained a permit under 16 U.S.C. § 1539(a) for the incidental taking of the desert tortoise (*Gopherus agassizii*), a species listed as “threatened” pursuant to the federal Endangered Species Act, 16 U.S.C. § 1531 et seq., **and other species listed as “threatened” or “endangered” pursuant to that Act.**

2. In order to maintain the permit described in subsection 1, Clark County, Boulder City and the cities of Henderson, Las Vegas, Mesquite and North Las Vegas are required to maintain a conservation zone which is supported by a fee imposed by the Board of County Commissioners of Clark County and the governing bodies of Boulder City and the cities of Henderson, Las Vegas, Mesquite and North Las Vegas on the construction of a structure or the grading of land.

3. The maintenance of the conservation zone described in subsection 2 helps ensure the preservation of all species and subspecies of plants and animals present in Clark County and thus avoid the listing of these species and subspecies pursuant to the federal Endangered Species Act, 16 U.S.C. § 1531 et seq.

4. A question has been raised with respect to the statutory or charter authority of the governing bodies of Boulder City and the cities of Henderson, Las Vegas, Mesquite and North Las Vegas to enact the following ordinances, which impose the fee described in subsection 2:

(a) Boulder City Ordinances No. 859 (October 24, 1989), No. 891 (June 11, 1991) and No. 1130 (October 10, 2000);

(b) City of Henderson Ordinances No. 1145 (October 3, 1989), No. 1163 (March 13, 1990), No. 1166 (April 3, 1990), No. 1256 (September 17, 1991), No. 1597 (August 1, 1995) and No. 1864 (October 6, 1998);

(c) City of Las Vegas Ordinances No. 3459 (October 18, 1989), No. 3586 (June 19, 1991), No. 3922 (August 16, 1995), No. 5268 (November 1, 2000) and No. 6135 (March 16, 2011);

(d) City of Mesquite Ordinances No. 53 (November 9, 1989) and No. 144 (July 25, 1995); and

(e) City of North Las Vegas Ordinances No. 949 (October 4, 1989), No. 1148 (July 19, 1995) and No. 1425 (September 6, 2000).

5. Through the enactment of NRS 244.386, the Legislature intended not only to authorize the Board of County Commissioners of Clark County to impose the fee described in subsection 2 in unincorporated areas of Clark County, but also to authorize the governing bodies of Boulder City and the cities of Henderson, Las Vegas, Mesquite and North Las Vegas to impose the fee described in subsection 2 within the boundaries of those cities.

6. The conservation zone would not be adequately funded if the governing bodies of Boulder City and the cities of Henderson, Las Vegas, Mesquite and North Las Vegas were prohibited from imposing the fee described in subsection 2 to fund the conservation zone or were required to refund fees they have already collected.

7. Inadequate funding for the conservation zone could result in the loss of the permit described in subsection 1 and in the listing of other species and subspecies present in Clark County as “threatened” or “endangered” pursuant to the federal Endangered Species Act, 16 U.S.C. § 1531 et seq., which would significantly inhibit economic development in Clark County and throughout the State of Nevada. This result would be detrimental to the public health, safety, convenience and welfare of the people of the State of Nevada.

8. That a general law cannot be made applicable for the provisions of this act and therefore a special act is necessary.

Sec. 2. Chapter 268 of NRS is hereby amended by adding thereto ~~to new section to read as follows:~~ **the provisions set forth as sections 2.3 and 2.5 of this act.**

Sec. 2.3. 1. *The governing body of a city which is located in a county in which the board of county commissioners has created an enterprise fund pursuant to subsection 3 of NRS 244.386 may, by ordinance, impose a reasonable fee of not more than \$550 per acre on the construction of a structure or the grading of land within the city for the expense of carrying out the provisions of subsection 1 of NRS 244.386. The fee must be collected at the same time and in the same manner as the fee for the issuance of a building permit collected pursuant to NRS 278.580.*

2. ~~But~~ *Except as otherwise provided in section 2.5 of this act, if a fee is imposed pursuant to subsection 1, the governing body of the city shall transfer the money to the county treasurer for deposit in the enterprise fund created pursuant to subsection 3 of NRS 244.386.*

Sec. 2.5. 1. *The governing body of a city which has imposed a fee pursuant to section 2.3 of this act and in which exists a species or subspecies that has been declared endangered or threatened pursuant to the Endangered Species Act of 1973, 16 U.S.C. § 1531 et seq., as amended, may by ordinance establish, control, manage and operate or provide money for the establishment, control, management and operation of an area or zone for the preservation of species or subspecies. In addition, the governing body of the city, in cooperation with the responsible local, state and federal agencies, may encourage in any other manner the preservation of those species or subspecies or any species or subspecies in the city which have been determined by the governing body of the city to be likely to have a significant impact upon the economy and lifestyles of the residents of the*

city if listed as endangered or threatened, including the expenditure for this purpose of money collected pursuant to section 2.3 of this act. The governing body of the city may purchase, sell, exchange or lease real property, personal property, water rights, grazing permits and other interests in such property for this purpose, pursuant to such reasonable regulations as the governing body may establish. If any such property, rights or other interests are purchased from a nonprofit organization, the governing body of the city may reimburse the organization for its cost of acquisition, not to exceed its appraised value, and any interest, carrying costs, direct expenses and reasonable overhead charges.

2. If a fee is imposed pursuant to section 2.3 of this act, the governing body of the city may create an enterprise fund exclusively for fees collected pursuant to section 2.3 of this act. Any interest or other income earned on the money in the fund, after deducting any applicable charges, must be credited to the fund. The money in the fund may be used to pay the actual direct costs of the program or programs established pursuant to subsection 1.

3. The provisions of this section do not authorize the governing body of a city to take any action that conflicts with any provision of an agreement entered into pursuant to NRS 503.589.

Sec. 3. NRS 244.386 is hereby amended to read as follows:

244.386 1. In a county whose population is 700,000 or more and in which exists a species or subspecies that has been declared endangered or threatened pursuant to the federal Endangered Species Act of 1973, as amended, the board of county commissioners may by ordinance establish, control, manage and operate or provide money for the establishment, control, management and operation of an area or zone for the preservation of species or subspecies. In addition, the board, in cooperation with the responsible local, state and federal agencies, may encourage in any other manner the preservation of those species or subspecies or any species or subspecies in the county which have been determined by ~~the committee, appointed by~~ the board of county commissioners, to be likely to have a significant impact upon the economy and lifestyles of the residents of the county if listed as endangered or threatened, including the expenditure for this purpose of money collected pursuant to subsection 2 ~~or section 2.3 of this act~~ or section 2.3 of this act or the participation in an agreement made pursuant to NRS 503.589. The board may purchase, sell, exchange or lease real property, personal property, water rights, grazing permits and other interests in such property for this purpose, pursuant to such reasonable regulations as the board may establish. If any such property, rights or other interests are purchased from a nonprofit organization, the board of county commissioners may reimburse the

organization for its cost of acquisition, not to exceed its appraised value, and any interest, carrying costs, direct expenses and reasonable overhead charges.

2. The board of county commissioners may, by ordinance, impose a reasonable fee of not more than \$550 per acre on the construction of a structure or the grading of land in the unincorporated areas of the county for the expense of carrying out the provisions of subsection 1. The fee must be collected at the same time and in the same manner as the fee for the issuance of a building permit collected pursuant to NRS 278.580.

3. If a fee is imposed pursuant to subsection 2 ~~1~~ **or section ~~2~~ 2.3 of this act**, the board of county commissioners shall create an enterprise fund exclusively for fees collected pursuant to subsection 2 ~~1~~ **and section ~~2~~ 2.3 of this act**. Any interest or other income earned on the money in the fund, after deducting any applicable charges, must be credited to the fund. The money in the fund may only be used to pay the actual direct costs of the program or programs established pursuant to subsection 1.

Sec. 4. NRS 354.59891 is hereby amended to read as follows:

354.59891 1. As used in this section:

(a) “Barricade permit” means the official document issued by the building officer of a local government which authorizes the placement of barricade appurtenances or structures within a public right-of-way.

(b) “Building permit” means the official document or certificate issued by the building officer of a local government which authorizes the construction of a structure.

(c) “Building permit basis” means the combination of the rate and the valuation method used to calculate the total building permit fee.

(d) “Building permit fee” means the total fees that must be paid before the issuance of a building permit, including, without limitation, all permit fees and inspection fees. The term does not include, without limitation, fees relating to water, sewer or other utilities, residential construction tax, tax for the improvement of transportation imposed pursuant to NRS 278.710, any fee imposed pursuant to NRS 244.386 **or section ~~2~~ 2.3 of this act** or any amount expended to change the zoning of the property.

(e) “Current asset” means any cash maintained in an enterprise fund and any interest or other income earned on the money in the enterprise fund that, at the end of the current fiscal year, is anticipated by a local government to be consumed or converted into cash during the next ensuing fiscal year.

(f) “Current liability” means any debt incurred by a local government to provide the services associated with issuing building permits that, at the end of the current fiscal year, is determined by the local government to require payment within the next ensuing fiscal year.

(g) “Encroachment permit” means the official document issued by the building officer of a local government which authorizes construction activity within a public right-of-way.

(h) “Operating cost” means the amount paid by a local government for supplies, services, salaries, wages and employee benefits to provide the services associated with issuing building permits.

(i) “Working capital” means the excess of current assets over current liabilities, as determined by the local government at the end of the current fiscal year.

2. Except as otherwise provided in subsections 3 and 4, a local government shall not increase its building permit basis by more than an amount equal to the building permit basis on June 30, 1989, multiplied by a percentage equal to the percentage increase in the Western Urban Nonseasonally Adjusted Consumer Price Index, as published by the United States Department of Labor, from January 1, 1988, to the January 1 next preceding the fiscal year for which the calculation is made.

3. A local government may submit an application to increase its building permit basis by an amount greater than otherwise allowable pursuant to subsection 2 to the Nevada Tax Commission. The Nevada Tax Commission may allow the increase only if it finds that:

(a) Emergency conditions exist which impair the ability of the local government to perform the basic functions for which it was created; or

(b) The building permit basis of the local government is substantially below that of other local governments in the State and the cost of providing the services associated with the issuance of building permits in the previous fiscal year exceeded the total revenue received from building permit fees, excluding any amount of residential construction tax collected, for that fiscal year.

4. Upon application by a local government, the Nevada Tax Commission shall exempt the local government from the limitation on the increase of its building permit basis if:

(a) The local government creates an enterprise fund pursuant to NRS 354.612 exclusively for building permit fees, fees imposed for the issuance of barricade permits and fees imposed for encroachment permits;

(b) The purpose of the enterprise fund is to recover the costs of operating the activity for which the fund was created, including overhead;

(c) Any interest or other income earned on the money in the enterprise fund is credited to the enterprise fund;

(d) The local government maintains a balance of unreserved working capital in the enterprise fund that does not exceed 50 percent of the annual operating costs and capital expenditures for the program for the issuance of barricade permits, encroachment permits and building permits of the local

government, as determined by the annual audit of the local government conducted pursuant to NRS 354.624; and

(e) The local government does not use any of the money in the enterprise fund for any purpose other than the actual direct and indirect costs of the program for the issuance of barricade permits, encroachment permits and building permits, including, without limitation, the cost of checking plans, issuing permits, inspecting buildings and administering the program. The Committee on Local Government Finance shall adopt regulations governing the permissible expenditures from an enterprise fund pursuant to this paragraph.

5. Any amount in an enterprise fund created pursuant to this section that is designated for special use, including, without limitation, prepaid fees and any other amount subject to a contractual agreement, must be identified as a restricted asset and must not be included as a current asset in the calculation of working capital.

6. If a balance in excess of the amount authorized pursuant to paragraph (d) of subsection 4 is maintained in an enterprise fund created pursuant to this section at the close of 2 consecutive fiscal years, the local government shall reduce the fees for barricade permits, encroachment permits and building permits it charges by an amount that is sufficient to ensure that the balance in the enterprise fund at the close of the fiscal year next following those 2 consecutive fiscal years does not exceed the amount authorized pursuant to paragraph (d) of subsection 4.

Sec. 5. 1. The Legislature hereby authorizes, ratifies, approves and confirms with respect to the imposition, modification and disposition of the fee on the construction of a structure or the grading of land imposed for the purposes described in subsection 1 of section ~~14~~ 2.3 of this act:

(a) All of the provisions of Ordinance No. 859, of Boulder City, Nevada, passed and adopted by the City Council of Boulder City and approved by the Mayor thereof all on October 24, 1989, entitled “An ordinance to amend Title 11 adding Chapter 11-43 to provide that Title 11 is applicable to all development in Boulder City and to eliminate any appeals or exceptions to the provisions of proposed 11-43 and to add a new chapter to Title 11, Chapter 11-43 entitled ‘Desert Tortoise Habitat Conservation’ and providing for other matters properly related thereto.”

(b) All of the provisions of Ordinance No. 891, of Boulder City, Nevada, passed and adopted by the City Council of Boulder City and approved by the Mayor thereof all on June 11, 1991, entitled “An ordinance to repeal and replace Title 11, Chapter 43, to facilitate the implementation of a habitat conservation plan for the desert tortoise in Clark County including raising the mitigation fee for development permits for property located within the boundary of the area covered by the section 10(a) permit and requiring

property owners within this area to complete a Habitat Conservation Plan compliance report prior to the issuance of a development permit; and providing for other matters properly relating thereto.”

(c) All of the provisions of Ordinance No. 1130, of Boulder City, Nevada, passed and adopted by the City Council of Boulder City and approved by the Mayor thereof all on October 10, 2000, entitled “An ordinance amending Title 11 by repealing Chapter 11-43 entitled, ‘Desert Tortoise Habitat Conservation’ and replacing it with a new Chapter 11-43 entitled ‘Multiple Species Habitat Conservation’ in lieu thereof.”

(d) All of the provisions of Ordinance No. 1145, of the City of Henderson, Nevada, passed and adopted by the City Council of the City of Henderson and approved by the Mayor thereof all on October 3, 1989, entitled “An ordinance of the City Council of the City of Henderson, Nevada, establishing a new section in Chapter 18.04 entitled ‘Desert Tortoise Habitat Conservation’, and other matters related thereto.”

(e) All of the provisions of Ordinance No. 1163, of the City of Henderson, Nevada, passed and adopted by the City Council of the City of Henderson and approved by the Mayor thereof all on March 13, 1990, entitled “An ordinance to amend Title 18, Chapter 18.04 by amending Section 18.36.030(e) to specifically provide that demolition permits and temporary power permits are not considered development permits, to add new sections 18.36.032 and 18.36.034 to provide for the applicable interim mitigation fee for off-premises signs, communication towers, townhouses, condominiums and planned unit developments and by amending 18.36.070 exempting residential accessory structures and additions that do not exceed 50 percent of the size of the existing residence, commercial accessory structures and additions that do not exceed 10 percent of the size of the existing commercial structures and replacement of existing mobile homes or manufactured housing from imposition of the interim mitigation fee; and providing other matters properly relating thereto.”

(f) All of the provisions of Ordinance No. 1166, of the City of Henderson, Nevada, passed and adopted by the City Council of the City of Henderson and approved by the Mayor thereof all on April 3, 1990, entitled “An ordinance of the City Council of the City of Henderson, to amend Title 18 of the Henderson Municipal Code by amending Chapter 18.36 to make provisions and exemptions for mobile homes and modular buildings, to reduce the acreage requirement, and providing for other matters properly related thereto.”

(g) All of the provisions of Ordinance No. 1256, of the City of Henderson, Nevada, passed and adopted by the City Council of the City of Henderson and approved by the Mayor thereof all on September 17, 1991, entitled “An ordinance to amend Title 18 Chapter 18.36 to facilitate the implementation of

a Habitat Conservation Plan for the Desert Tortoise in Clark County including raising the mitigation fee to \$550.00 a gross acre for development permits for property located within the boundary of the area covered by the Section 10(a) Permit and requiring property owners within this area to complete a Habitat Conservation Plan compliance report prior to the issuance of a development permit; and providing for other matters properly for relating thereto.”

(h) All of the provisions of Ordinance No. 1597, of the City of Henderson, Nevada, passed and adopted by the City Council of the City of Henderson and approved by the Mayor thereof all on August 1, 1995, entitled “An ordinance of the City Council of the City of Henderson, to amend Title 18, Chapter 18.36 to facilitate the implementation of the Desert Conservation Plan for the desert tortoise and other sensitive species in Clark County including the imposition of a mitigation fee to \$550.00 a gross acre for development permits for all property located within Clark County below 5000 feet in elevation and requiring property owners within this area to complete a Land Disturbance Report prior to the issuance of a development permit; and providing for other matters properly relating thereto.”

(i) Section 19.9.10 of Ordinance No. 1864, of the City of Henderson, Nevada, passed and adopted by the City Council of the City of Henderson and approved by the Mayor thereof all on October 6, 1998, entitled “An ordinance to amend the Henderson Municipal Code by repealing Titles 18 (subdivisions) and 19 (zoning), and by adopting a new Title 19, entitled the Henderson Development Code, which regulates subdivisions and zoning, and other matters related thereto.”

(j) All of the provisions of Ordinance No. 3459, of the City of Las Vegas, Nevada, passed and adopted by the City Council of the City of Las Vegas and approved by the Mayor thereof all on October 18, 1989, entitled “An ordinance to amend Title 18 by adding thereto a new Chapter 47 entitled ‘Desert Tortoise Habitat Conservation’; providing for Clark County to apply for a Section 10(a) permit under the Federal Endangered Species Act of 1973, and to develop a Habitat Conservation Plan; defines the terms as used in the ordinance, including development permit, which is defined as a building, grading, encroachment or offsite improvement permit; designating all of unincorporated Clark County as the Clark County Desert Tortoise Habitat Conservation Plan Study Area and includes all of this territory in the fee assessment area; provides for an Interim Mitigation Fee of \$250.00 per gross acre or portion thereof of a development except for one single family residence on a lot greater than five acres where at least four acres remain in ungraded natural condition, in which case the fee will be \$250.00; exempt from the payment of fees reconstruction of a structure damaged or destroyed by fire or natural causes, rehabilitation or remodeling of existing structures or

existing offsite improvements, development of parcel by a governmental entity for a governmental purpose when the governmental entity or district has contributed money for the development of the Habitat Conservation Plan; development of a parcel for which the proper Interim Mitigation Fee has previously been paid; construction of certain public utility transmission facilities and development of any parcel which has been issued a Section 10(a) permit; allows the board to adjust the fee in the future; provides that all fees collected are to be deposited into a Desert Tortoise Special Reserve Fund and are to be used solely for preparation and development of a Habitat Conservation Plan; and for the application for a Section 10(a) permit under the Federal Endangered Species Act for the Desert Tortoise; providing for other matters properly relating thereto; and repealing all ordinances and parts of ordinances in conflict herewith.”

(k) All of the provisions of Ordinance No. 3586, of the City of Las Vegas, Nevada, passed and adopted by the City Council of the City of Las Vegas and approved by the Mayor thereof all on June 19, 1991, entitled “An ordinance to amend Title 18, Chapter 47 of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, to facilitate the implementation of a Habitat Conservation Plan for the Desert Tortoise in the City of Las Vegas, including raising the mitigation fee to \$550.00 a gross acre for development permits for property located within the boundary of the area covered by the Section 10(a) permit and requiring property owners within this area to complete a Habitat Conservation Plan Compliance Report prior to the issuance of a development permit; providing for other matters properly relating thereto; and repealing all ordinances and parts of ordinances in conflict herewith.”

(l) All of the provisions of Ordinance No. 3922, of the City of Las Vegas, Nevada, passed and adopted by the City Council of the City of Las Vegas and approved by the Mayor thereof all on August 16, 1995, entitled “An ordinance relating to habitat conservation; repealing Title 18, Chapter 30, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition; adopting as part of said Title a new chapter, designated as Chapter 30, to facilitate the implementation of a Desert Conservation Plan for the Desert Tortoise and other sensitive species; providing for other matters properly relating thereto; and repealing all ordinances and parts of ordinances in conflict herewith.”

(m) All of the provisions of Ordinance No. 5268, of the City of Las Vegas, Nevada, passed and adopted by the City Council of the City of Las Vegas and approved by the Mayor thereof all on November 1, 2000, entitled “An ordinance to repeal the Municipal Code chapter regarding Desert Tortoise habitat conservation, replace it with a new chapter regarding multiple species habitat conservation, and provide for other related matters.”

(n) Section 19.02.300 of Ordinance No. 6135, of the City of Las Vegas, Nevada, passed and adopted by the city council of the City of Las Vegas and approved by the mayor thereof all on March 16, 2011, entitled “An ordinance relating to zoning and land development; repealing Titles 18 and 19 of the municipal code and adopting by reference a unified development code, to be contained in a new Title 19; and providing for other related matters.”

(o) All of the provisions of Ordinance No. 53, of the City of Mesquite, Nevada, passed and adopted by the City Council of the City of Mesquite and approved by the Mayor thereof all on November 9, 1989, entitled “An ordinance entitled ‘Desert Tortoise Habitat Conservation’ applicable to all development in the Mesquite City, and providing for Mesquite City to apply, as set out in interlocal agreement with Clark County and other incorporated cities of the county, for a Section 10(a) permit under the Federal Endangered Species Act of 1973, and to develop a Habitat Conservation Plan; define the terms as used in the ordinance including development permit which is defined as a building, grading, encroachment or offsite improvement permit; designating all of incorporated Mesquite City as part of Clark County Desert Tortoise Habitat Conservation Plan Study Area and includes all of this territory in the fee assessment area; provides for an Interim Mitigation Fee of \$250.00 per gross acre or portion thereof of a development except for one single family residence on a lot greater than five acres where at least four acres remain in ungraded natural condition in which case the fee will be \$250.00; exempt from the payment of fees: reconstruction of a structure damaged or destroyed by fire or natural causes, rehabilitation or remodeling of existing structures or existing offsite improvements, development of parcel by a governmental entity for a governmental purpose when the governmental entity or district has contributed money for the development of the Habitat Conservation Plan, development of a parcel for which the proper Interim Mitigation Fee has been previously paid, construction of certain public utility transmission facilities and development of any parcel which has been issued a Section 10(a) permit; allows the council to adjust the fee in the future; provides that all fees collected are to be deposited into a Desert Tortoise Special Reserve Fund and are to be used solely for preparation and development of a Habitat Conservation Plan; and for the application for a Section 10(a) permit under the Federal Endangered Species Act for the Desert Tortoise and providing for other matters properly related thereto.”

(p) All of the provisions of Ordinance No. 144, of the City of Mesquite, Nevada, passed and adopted by the City Council of the City of Mesquite and approved by the Mayor thereof all on July 25, 1995, entitled “An ordinance of the City of Mesquite to amend Title 7, Chapter 2 to facilitate the implementation of the Desert Conservation Plan for the Desert Tortoise and other sensitive species in Clark County including the imposition of a

mitigation fee of \$550.00 a gross acre for development permits for all property located within the City of Mesquite and requiring property owners within this area to complete a land disturbance report prior to the issuance of a development permit; and providing for other matters properly relating thereto.”

(q) All of the provisions of Ordinance No. 949, of the City of North Las Vegas, Nevada, passed and adopted by the City Council of the City of North Las Vegas and approved by the Mayor thereof all on October 4, 1989, entitled “An ordinance to amend Title 13, by adding thereto a new chapter designated 13.70 which shall be entitled ‘Desert Tortoise Habitat Conservation’ providing for North Las Vegas to apply for a Section 10(a) permit under the Federal Endangered Species Act of 1973, and to develop a Habitat Conservation Plan, defines the terms as used in the ordinance including development permit which is defined as a building, grading, encroachment or offsite improvement permit, designating all of North Las Vegas to be within the Clark County Desert Tortoise Habitat Conservation Plan Study Area and includes all of this territory in the fee assessment area, provides for an Interim Mitigation Fee of \$250.00 per gross acre or portion thereof of a development except for one single family residence on a lot greater than five acres where at least four acres remain in ungraded natural condition in which case the fee will be \$250.00, exempts from the payment of fees reconstruction of a structure damaged or destroyed by fire or natural causes, rehabilitation or remodeling of existing structures or existing offsite improvements, development of parcel by a governmental entity for a governmental purpose when the governmental entity or district has contributed money for the development of the Habitat Conservation Plan, development of a parcel for which the proper Interim Mitigation Fee has previously been paid, construction of certain public utility transmission facilities and development of any parcel which has been issued a Section 10(a) permit, allows the council to adjust the fee in the future, provides that all fees collected are to be deposited into a Desert Tortoise Special Reserve Fund and are to be used solely for preparation and development of a Habitat Conservation Plan, and for the application for a Section 10(a) permit under the Federal Endangered Species Act for the Desert Tortoise and providing for other matters properly related thereto.”

(r) All of the provisions of Ordinance No. 1148, of the City of North Las Vegas, Nevada, passed and adopted by the City Council of the City of North Las Vegas and approved by the Mayor thereof all on July 19, 1995, entitled “An ordinance of the City Council of the City of North Las Vegas to repeal Title 13, Chapter 13.70 to facilitate the implementation of the Desert Conservation Plan for the Desert Tortoise and other sensitive species in Clark County including the imposition of a mitigation fee to \$550.00 a gross acre

for development permits for all property located within Clark County below 5000 feet in elevation and requiring property owners within this area to complete a land disturbance report prior to the issuance of a development permit; and providing for other matters properly relating thereto.”

(s) All of the provisions of Ordinance No. 1425, of the City of North Las Vegas, Nevada, passed and adopted by the City Council of the City of North Las Vegas and approved by the Mayor thereof all on September 6, 2000, entitled “An ordinance of the City Council of the City of North Las Vegas, Nevada, to amend Ordinance No. 1148, Chapter 15.44 of Title 15 of the North Las Vegas Municipal Code to change the desert conservation plan to the multiple species habitat conservation plan; and providing for other matters properly related thereto.”

2. This section shall operate to supply such legislative authority as may be necessary to validate any and all acts performed, or proceedings taken, by or on behalf of Boulder City, Nevada, the City of Henderson, Nevada, the City of Las Vegas, Nevada, the City of Mesquite, Nevada, and the City of North Las Vegas, Nevada, pursuant to, or in anywise appertaining to the provisions of the ordinances described in subsection 1.

Sec. 6. This act is necessary to secure and preserve the public health, safety, convenience and welfare of the people of the State of Nevada, and it shall be liberally construed to effect its purpose.

Sec. 7. This act becomes effective upon passage and approval.

Assemblywoman Neal moved the adoption of the amendment.

Remarks by Assemblywoman Neal.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 386.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 347.

AN ACT relating to education; establishing a pilot program in the Clark County School District and the Washoe County School District for the administration of mental health screenings to pupils enrolled in selected secondary schools within each school district; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

This bill establishes a pilot program in the Clark County School District and the Washoe County School District for the administration of mental health screenings to pupils enrolled in at least one secondary school within each school district.

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

Section 1. 1. There is hereby established a pilot program in the Clark County School District and the Washoe County School District. For purposes of the pilot program, the board of trustees of the Clark County School District and the board of trustees of the Washoe County School District shall each:

(a) ~~Provide~~ **Identify and coordinate with interested stakeholders in the community to implement the pilot program, including, without limitation, universities and colleges, local mental health professionals and medical professionals, juvenile and family courts within the county, persons who are involved in the provision of juvenile justice services, charitable organizations and child welfare agencies.**

(b) With the input and coordination of the interested stakeholders identified pursuant to paragraph (a), provide for the administration of mental health screenings to pupils enrolled in at least one secondary school within the school district, as selected by the school district.

~~[(b) Select]~~

(c) With the input and coordination of the interested stakeholders identified pursuant to paragraph (a), provide an age-appropriate, professionally recognized mental health screening for administration to the pupils enrolled in each secondary school selected for the pilot program.

~~[(c)]~~ **(d) Assist the principal of each secondary school selected for the pilot program with identifying professionally qualified persons , including the interested stakeholders identified pursuant to paragraph (a), to administer the mental health screenings to pupils and to conduct follow-up screenings if a pupil scores in a range which indicates that he or she may have a mental health issue.**

2. Except as otherwise provided in subsection 3, each secondary school selected for the pilot program shall provide for the administration of the mental health screening selected by the school district by qualified persons **, including the interested stakeholders identified pursuant to paragraph (a) of subsection 1,** to the pupils enrolled in the secondary school or to pupils enrolled in selected grades at the secondary school, as determined by the school district. The school district shall ensure that if a pupil is absent or otherwise not available on the day scheduled for administration of the mental health screenings, a make-up administration is scheduled for the pupil within a reasonable time period.

3. Before administration of the mental health screening to a pupil pursuant to subsection 2, the principal of the secondary school shall provide advance written notice of the screening to the parent or guardian of the pupil

~~It~~, **including a form for consent or exemption.** The notice must inform the parent or guardian of his or her right to **consent to the screening or** exempt the pupil from the screening and contain a form for the signature of the parent or guardian to **consent to the screening or** exempt the pupil from the screening. If a form ~~of exemption~~ **exempting a pupil from the screening** is signed by the parent or guardian and returned to the school, the principal must exempt the pupil and the pupil must not undergo the mental health screening. **If a form is not returned on behalf of a pupil, the principal of the school must exempt the pupil and the pupil must not undergo the mental health screening.**

4. If a pupil scores on a mental health screening administered pursuant to subsection 2 in a range which indicates the pupil may have a mental health issue, the school district shall ~~ensure that an appropriate qualified professional conducts an in-person assessment of the pupil to determine the need, if any, for further diagnosis and treatment. If such a professional determines that the pupil should undergo further diagnosis or treatment, the school district shall~~ provide the parent or guardian of the pupil with **the results of the mental health screening, to the extent feasible, and** a list of resources available ~~from the school district and~~ in the county to assist the parent or guardian with obtaining appropriate further professional diagnosis and, if necessary, treatment for the pupil. **The school district is not responsible for providing to such a pupil, or ensuring that such a pupil receives, further professional diagnosis or treatment.**

Sec. 2. 1. On or before April 1, 2014, the Clark County School District and the Washoe County School District shall provide a report to the Legislative Committee on Education concerning the status of the implementation of the pilot program for mental health screenings required by section 1 of this act.

2. On or before December 1, 2014, the Clark County School District and the Washoe County School District shall each submit a report to the Department of Education which includes, without limitation, and except as otherwise provided in subsection 3:

(a) The number of secondary schools in the school district selected for the pilot program;

(b) The number of pupils in each grade level of the secondary school selected for the pilot program and the actual number of pupils who underwent mental health screenings pursuant to the pilot program;

(c) The number of pupils **who did not undergo a mental health screening based upon the number of pupils** whose parents or guardians opted out of administering the mental health screening to the pupil ~~It~~ **and the number of pupils for whom a form was not returned pursuant to subsection 3 of section 1 of this act;**

(d) The number of pupils who scored in a range indicating that the pupil may have a mental health issue and a description of the types of resources which were referred to the parent or guardian of the pupil;

(e) If available, an indication of how many parents and guardians followed up by seeking professional help for further diagnosis and, if necessary, treatment for the pupil;

(f) An evaluation of whether the pilot program was useful in identifying pupils with possible mental health issues and assisting the parents and guardians of those pupils with obtaining appropriate professional diagnosis and treatment; and

(g) Recommendations for expanding the number of schools that participate in a program of mental health screenings for pupils if the Legislature determines to continue and expand the program.

3. ~~##~~ **The information required by the report pursuant to subsection 2 must be provided in an aggregated format and if** any of the information ~~required by the report pursuant to subsection 2~~ would reveal the individual identity of a pupil, the school district shall not include that information in the report.

4. On or before January 1, 2015, the Department of Education shall compile each report received pursuant to subsection 2 and submit the written compilation, including, without limitation, recommendations for continuing and expanding the pilot program for mental health screenings to pupils, to the Director of the Legislative Counsel Bureau for transmittal to the 78th Session of the Nevada Legislature.

Sec. 3. This act becomes effective on July 1, 2013.

Assemblyman Elliot Anderson moved the adoption of the amendment.

Remarks by Assemblyman Elliot Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 410.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 237.

AN ACT relating to economic development; directing the Office of Economic Development within the Office of the Governor to create a pilot program to encourage the growth and expansion of existing businesses that are located in this State; setting forth the goals and functions of the pilot program; **making an appropriation;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill provides for the development, creation and operation of a pilot program that will operate in this State from January 1, 2014, through June 30, 2017, and focus its efforts on the growth of businesses already located in this State by emphasizing the use of information and technology.

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

Section 1. The Legislature hereby finds and declares that:

1. It is vital to the overall health and growth of the economy of the State of Nevada to promote favorable conditions which allow the expansion of Nevada businesses that demonstrate the ability to grow;

2. As a result of the extraordinary economic challenges which have been, and are, confronting the State, the public has an interest in expanding the resources of this State to stimulate investment in Nevada's economy;

3. It is the intent of the Legislature that resources be provided for the operation of the pilot program described in section 2 of this act; and

4. The purpose of the pilot program described in section 2 of this act is to stimulate investment in Nevada's economy by providing technical assistance for businesses in this State that are expanding or ready to expand.

Sec. 2. 1. The Office, in consultation with the ~~Center~~ **Centers** and other interested parties, shall develop, create and oversee a pilot program to stimulate Nevada's economy with a view toward providing assistance to businesses that are already located and operating in this State rather than recruiting businesses from other states to relocate in Nevada.

2. **Under the auspices of the pilot program:**

(a) The College of Southern Nevada, in Clark County, shall, in cooperation with the geographic information system specialist employed at the College, mentor and track businesses participating in the pilot program in Clark County. The Clark County Department of Business License will coordinate with the College to provide such data as may be necessary for the operation of the pilot program in Clark County.

(b) The Nevada Small Business Development Center, in Washoe County, shall mentor and track businesses participating in the pilot program in Washoe County. The Bureau of Business and Economic Research of the University of Nevada, Reno, will coordinate with the Development Center to provide such data as may be necessary for the operation of the pilot program in Washoe County.

(c) The College of Southern Nevada and the Nevada Small Business Development Center shall, in Clark County and Washoe County, respectively, assist businesses that are participating in the pilot program with marketing and other efforts.

3. The pilot program must include, without limitation:

- (a) An analysis of businesses in this State that are ready to expand;
- (b) The identification of the skilled labor that exists in this State and its potential for growth;
- (c) The targeting of business sectors and occupations in this State that have demonstrated the ability to grow and stimulate the economy of the State;
- (d) A focus on the utilization of existing resources;
- (e) The harnessing of the academic expertise of the ~~{Center}~~ **Centers** to provide economic and market data to contribute to the diversification and growth of the economy of this State;
- (f) The use of systems to map areas of this State to determine locations in which retail sales and other commerce are flourishing and locations in which retail sales and commerce demonstrate the capacity for further growth;
- (g) The selection of businesses and business sectors in this State to participate in the pilot program;

(h) **The elements described in subsection 2;**

(i) The provision of informational and other assistance to businesses and business sectors in this State; and

~~{4.}~~ ~~(i)~~ Such other components as the Office, in consultation with the ~~{Center}~~ **Centers** and other interested parties, determines are likely to be necessary, advisable or advantageous for the growth and development of businesses located in this State.

~~{3.}~~ **4.** The pilot program shall, insofar as is possible, use the resources and expertise of the ~~{Center}~~ **Centers** and make available those resources and that expertise to businesses in this State for the purpose of:

- (a) Developing business connections;
- (b) Exchanging data and other information with and between businesses and trade associations;
- (c) Creating and facilitating peer-to-peer mentoring sessions; and
- (d) Providing to businesses and business sectors data and other information that is calculated or otherwise generated through the use of systems.

~~{4.}~~ **5.** To the extent possible, the pilot program must be conducted with the goal of selecting ~~{five}~~ **10** businesses, **5** each representing ~~in a different sector of economic development,~~ **Clark County and Washoe County,** to participate in the pilot program.

~~{5.}~~ **6.** To qualify to participate in the pilot program, a business must:

- (a) ~~{Employ at least 10 but not more than 50 employees;~~
- ~~(b)~~ Have its principal place of business within the State of Nevada and have had its principal place of business in this State for at least 2 years;

~~[(c)]~~ **(b)** Generate at least ~~[\$250,000]~~ **\$100,000** but not more than ~~[\$500,000]~~ **\$700,000** in revenue; ~~for payroll;~~ and

~~[(d)]~~ **(c)** Have a business plan.

~~[(e)]~~ **7.** As used in this section:

(a) “Business plan” means a written statement of a set of business goals, the reasons those goals are believed to be attainable and the plan for reaching those goals.

(b) ~~[(Center)]~~ **“Centers”** means ~~the Center for Business and Economic Research of~~ **all institutions of the Nevada System of Higher Education, including, without limitation, the College of Southern Nevada and** the University of Nevada, ~~Las Vegas,~~ **Reno.**

(c) **“Geographic information system” means a computerized database management system for the capture, storage, retrieval, analysis and display of spatial or locationally defined data.**

(d) “Office” means the Office of Economic Development within the Office of the Governor.

~~[(e)]~~ **(e)** “System” means a geographic information system.

Sec. 2.3. In assisting and carrying out the pilot program described in section 2 of this act, the Centers shall, without limitation, perform the following services:

1. Analyze data;

2. Ensure that businesses participating in the pilot program understand the manner in which the data so analyzed will be applied to those businesses so that the businesses may make better business decisions and understand the current business market in which they exist;

3. Mentor the businesses as to the optimum use of data received under the pilot program relative to the making of business decisions; and

4. With respect to the businesses participating in the pilot program:

(a) Track the business decisions and growth of each business over the entire period of the pilot program; and

(b) Report the data tracked pursuant to paragraph (a), at least once each 6 months, to the Office of Economic Development within the Office of the Governor.

Sec. 2.6. The Office of Economic Development within the Office of the Governor shall serve as a consultant to the Centers described in subsection 2 of section 2 of this act, including, without limitation, collecting and analyzing data to ensure that the data used by those Centers is uniform.

Sec. 3. There is hereby appropriated from the State General Fund to the Nevada System of Higher Education the sum of ~~[\$250,000]~~ **\$300,000** to

allow the ~~Center for Business and Economic Research of the University of Nevada, Las Vegas,~~ **Centers that are participating in the pilot program described in section 2 of this act** to:

1. Purchase software for a geographic information system;
2. Hire a person who is a specialist in geographic information systems to operate the geographic information system; and
3. Provide such other services as may be necessary to assist and carry out the pilot program described in section 2 of this act.

Sec. 4. Any remaining balance of the appropriation made by section 3 of this act must not be committed for expenditure after June 30, 2017, 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 15, 2017, 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 15, 2017.

Sec. 5. The pilot program described in section 2 of this act must begin operating not later than January 1, 2014.

Sec. 6. This act:

1. Becomes effective upon passage and approval for the purpose of performing any preparatory administrative tasks necessary to carry out the provisions of this act, and on January 1, 2014, for all other purposes.
2. Expires by limitation on June 30, 2017.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Remarks by Assemblywoman Bustamante Adams.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 413.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 457.

AN ACT relating to taxation; authorizing certain larger counties to impose additional taxes on fuels for motor vehicles; providing for the administration, allocation, disbursement and use of the additional taxes; ~~exempting~~ **removing the exemption for** the sale of revenue bonds secured by county fuel taxes from certain requirements; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes counties to impose certain taxes on motor vehicle fuels and special fuels used in motor vehicles. (Chapter 373 of NRS) **Section 1** of this bill authorizes the board of county commissioners of a county whose population is 700,000 or more and in which a regional transportation commission has been created and a county tax is imposed on motor vehicle fuel (currently Clark County) to impose additional county taxes on motor vehicle fuel and various special fuels used in motor vehicles. **Section 1** also authorizes the board of county commissioners to provide for annual increases in these taxes , for the period beginning on January 1, 2014, and ending on December 31, 2016, in an amount equal to the lesser of: (1) a percentage established by the ordinance imposing the tax; or (2) a percentage based on historical increases in the cost of highway and street construction. **Section 1 additionally provides that for the period beginning on January 1, 2017, the increases in these taxes may not be effectuated unless a majority of the voters in the county at the general election in November 2016 authorize the board of county commissioners to continue to provide for the annual increases.**

Sections 2 and 4-11 of this bill require the administration, allocation, disbursement and use of these taxes in the same manner as certain existing fuel taxes. Additionally, **section 2** requires the annual review of these taxes by the regional transportation commission.

Section 3 of this bill applies the current exemptions from fuel taxes to the taxes authorized by this bill, other than the exemption for certain undyed special fuel which is sold or used for any purpose other than to propel a motor vehicle upon the public highways.

~~{The} Section 11.5 of this bill revises provisions of existing law {which exempt} to remove the exemption for the sale of revenue bonds that are secured by county fuel taxes from various requirements concerning the sale of bonds by competitive bid or negotiated sale. {are applicable to the sale of revenue bonds authorized by this bill. (NRS 350.155)}~~

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

Section 1. Chapter 373 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section, in a county whose population is 700,000 or more and in which a commission has been created and a tax is imposed pursuant to NRS 373.030:

(a) The board may by ordinance impose:

(1) An excise tax on each gallon of motor vehicle fuel, except aviation fuel, sold in the county in an amount equal to the product obtained by

multiplying 3.6 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) ~~Am~~ Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 3.6 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(b) The board may by ordinance impose:

(1) An excise tax on each gallon of motor vehicle fuel, except aviation fuel, sold in the county in an amount equal to the product obtained by multiplying 1.75 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) ~~Am~~ Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 1.75 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(c) The board may by ordinance impose:

(1) An excise tax on each gallon of motor vehicle fuel, except aviation fuel, sold in the county in an amount equal to the product obtained by multiplying 1 cent per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) ~~Am~~ Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 1 cent per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(d) The board may by ordinance impose:

(1) An excise tax on each gallon of motor vehicle fuel, except aviation fuel, sold in the county in an amount equal to the product obtained by multiplying 9 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) ~~4. An~~ Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 9 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(e) The board may by ordinance impose:

(1) An excise tax on each gallon of motor vehicle fuel, except aviation fuel, sold in the county in an amount equal to the product obtained by multiplying 18.455 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) ~~4. An~~ Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 18.455 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(f) The board may by ordinance impose:

(1) An excise tax on each gallon of motor vehicle fuel, except aviation fuel, sold in the county in an amount equal to the product obtained by multiplying 18.4 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) ~~4. An~~ Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 18.4 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the

immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(g) The board may by ordinance impose:

(1) An excise tax on each gallon of special fuel that consists of an emulsion of water-phased hydrocarbon fuel sold in the county in an amount equal to the product obtained by multiplying 19 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) ~~[(An)]~~ Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 19 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(h) The board may by ordinance impose:

(1) An excise tax on each gallon of special fuel that consists of liquefied petroleum gas sold in the county in an amount equal to the product obtained by multiplying 22 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) ~~[(An)]~~ Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 22 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(i) The board may by ordinance impose:

(1) An excise tax on each gallon of special fuel that consists of compressed natural gas sold in the county in an amount equal to the product obtained by multiplying 21 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street

construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) ~~Am~~ Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 21 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(j) The board may by ordinance impose:

(1) An excise tax on each gallon of special fuel sold in the county, other than any special fuel described in paragraph (g), (h) or (i), in an amount equal to the product obtained by multiplying 27.75 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) ~~Am~~ Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 27.75 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(k) The board may by ordinance impose:

(1) An excise tax on each gallon of special fuel that consists of liquefied petroleum gas sold in the county in an amount equal to the product obtained by multiplying 18.3 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) ~~Am~~ Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 18.3 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street

construction inflation index for the fiscal year in which the increase becomes effective.

(l) The board may by ordinance impose:

(1) An excise tax on each gallon of special fuel that consists of compressed natural gas sold in the county in an amount equal to the product obtained by multiplying 18.3 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) ~~Any~~ Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 18.3 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(m) The board may by ordinance impose:

(1) An excise tax on each gallon of special fuel sold in the county, other than any special fuel described in paragraph (k) or (l), which is taxed by the Federal Government at a rate per gallon or gallon equivalent of 24.4 cents or more, in an amount equal to the product obtained by multiplying 24.4 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) ~~Any~~ Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 24.4 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

2. ~~Any~~ If the board adopts an ordinance authorized by this section ~~[may be adopted in combination with any other ordinance authorized by this section, and a single ordinance may be adopted pursuant to this section which imposes all or any combination], the ordinance must impose all of the taxes authorized by this section. Upon the adoption of such an ordinance~~ ~~authorized by this section,~~ and except as otherwise provided in

subsection 5, no further action by the board is necessary to effectuate the annual increases in ~~each tax~~ the taxes imposed by the ordinance.

3. ~~Any~~ If the board adopts an ordinance ~~adopted pursuant to~~ imposing the taxes authorized by this section ~~++~~, the ordinance:

(a) Must be adopted on or before October 1, 2013;

(b) Must become effective on ~~the first day of the first calendar quarter beginning not less than 90 days after the adoption of the ordinance;~~ January 1, 2014; and

~~++~~ (c) Is not affected by any changes in the population of the county which occur after the adoption of the ordinance.

4. The applicable percentage specified by the board for the taxes imposed pursuant to this section must be the same percentage for each tax imposed pursuant to this section. ~~The~~ Except as otherwise provided in subsection 5, the board may amend the applicable percentage by ordinance from time to time, but any such amendment must not become effective earlier than 90 days after the date of the adoption of the ordinance amending the applicable percentage. Except as otherwise provided in subsection 4 of NRS 373.120, the applicable percentage must not be amended to reduce the applicable percentage at any time that bonds are outstanding secured by the taxes imposed pursuant to this section.

5. Upon the adoption of an ordinance authorized by this section:

(a) For the period beginning on January 1, 2014, and ending on December 31, 2016, no further action by the board is necessary to effectuate the annual increases in the taxes imposed by the ordinance.

(b) For the period beginning on January 1, 2017, the annual increases in the taxes imposed by the ordinance may not be effectuated unless a question is placed on the ballot at the general election on November 8, 2016, which asks the voters in the county whether to authorize the board to impose, for the period beginning on January 1, 2017, the increases authorized by this section in the taxes imposed by the ordinance and the question is approved by a majority of the registered voters voting on the question. If the question is approved by a majority of such voters, no further action by the board is necessary to effectuate the annual increases in the taxes imposed by the ordinance. If the question is not approved by a majority of such voters, the board shall not impose any additional annual increases in the taxes imposed by the ordinance after November 8, 2016, but any annual increases in the taxes imposed by the ordinance in effect on or before November 8, 2016, are not affected, amended, reduced or eliminated and must be continued for any period during which bonds are outstanding secured by the taxes imposed by the ordinance.

6. As used in this section:

(a) *“Adjusted average highway and street construction inflation index”* means:

(1) For the fiscal year in which an ordinance adopted pursuant to this section becomes effective, the percentage obtained by adding the average highway and street construction inflation index for that fiscal year to:

(I) If the average highway and street construction inflation index for the immediately preceding fiscal year is greater than the applicable percentage, the remainder obtained by subtracting the applicable percentage from the average highway and street construction inflation index for the immediately preceding fiscal year; or

(II) If the average highway and street construction inflation index for the immediately preceding fiscal year is less than or equal to the applicable percentage, zero; and

(2) For each fiscal year following the fiscal year in which the ordinance becomes effective, the percentage obtained by adding the average highway and street construction inflation index for that fiscal year to:

(I) If the adjusted average highway and street construction inflation index for the immediately preceding fiscal year is greater than the applicable percentage, the remainder obtained by subtracting the applicable percentage from the adjusted average highway and street construction inflation index for the immediately preceding fiscal year; or

(II) If the adjusted average highway and street construction inflation index for the immediately preceding fiscal year is less than or equal to the applicable percentage, zero.

(b) *“Applicable percentage”* means the lesser of 7.8 percent or the percentage specified by the board in any ordinance imposing a tax pursuant to this section.

(c) *“Average highway and street construction inflation index”* means for a fiscal year the average percentage increase in the highway and street construction inflation index for the 10 calendar years immediately preceding the beginning of that fiscal year.

(d) *“Highway and street construction inflation index”* means:

(1) The Producer Price Index for Highway and Street Construction until that index ceased to be published; and

(2) The Producer Price Index for Other Nonresidential Construction thereafter or, if that index ceases to be published by the United States Department of Labor, the published index that most closely measures inflation in the costs of highway and street construction, as determined by the commission.

(e) *“Special fuel”* has the meaning ascribed to it in NRS 366.060.

Sec. 2. NRS 373.067 is hereby amended to read as follows:

373.067 1. Any ordinance that imposes a tax pursuant to:

(a) The provisions of paragraph (a) of subsection 1 of NRS 373.066 **or paragraph (a) of subsection 1 of section 1 of this act** must require the allocation, disbursement and use in the county of the proceeds of that tax in the same proportions and manner as the allocation, disbursement and use in the county of the proceeds of the tax imposed pursuant to NRS 365.180.

(b) The provisions of paragraph (b) of subsection 1 of NRS 373.066 **or paragraph (b) of subsection 1 of section 1 of this act** must require the allocation, disbursement and use in the county of the proceeds of that tax in the same proportions and manner as the allocation, disbursement and use in the county of the proceeds of the tax imposed pursuant to NRS 365.190.

(c) The provisions of paragraph (c) of subsection 1 of NRS 373.066 **or paragraph (c) of subsection 1 of section 1 of this act** must require the allocation, disbursement and use in the county of the proceeds of that tax in the same proportions and manner as the allocation, disbursement and use in the county of the proceeds of the tax imposed pursuant to NRS 365.192.

(d) Any of the provisions of paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066 **or paragraphs (d) to (m), inclusive, of subsection 1 of section 1 of this act** must, except as otherwise required by subsection 6 of NRS 373.140, require the allocation, disbursement and use in the county of the proceeds of that tax in the same proportions and manner as the allocation, disbursement and use in the county of the proceeds of the tax imposed pursuant to NRS 373.030.

2. Any ordinance adopted pursuant to NRS 373.066 **or section 1 of this act** must:

(a) Include a provision prohibiting the imposition of any penalties and interest for the failure to make any payments of any tax imposed by the ordinance which become due within the initial 6 months after the ordinance becomes effective. This provision must apply only to taxes imposed pursuant to NRS 373.066 **or section 1 of this act** and must not apply to any tax imposed pursuant to any other ordinance.

(b) Require the commission:

(1) To review, at a public meeting conducted after the provision of public notice and before the effective date of each annual increase imposed by the ordinance:

(I) The amount of that increase and the accuracy of its calculation;

(II) The amounts of any annual increases imposed by the ordinance in previous years and the revenue collected pursuant to those increases;

(III) Any improvements to the regional system of transportation resulting from revenue collected pursuant to any annual increases imposed by the ordinance in previous years; and

(IV) Any other information relevant to the effect of the annual increases on the public; and

(2) To submit to the board any information the commission receives suggesting that the annual increase should be adjusted.

Sec. 3. NRS 373.068 is hereby amended to read as follows:

373.068 1. Any tax imposed pursuant to the provisions of:

(a) Paragraphs (a) to (f), inclusive, of subsection 1 of NRS 373.066 **or paragraphs (a) to (f), inclusive, of subsection 1 of section 1 of this act** does not apply to any fuel described in NRS 365.220 or 365.230.

(b) Paragraphs (g) to (m), inclusive, of subsection 1 of NRS 373.066 **or paragraphs (g) to (m), inclusive, of subsection 1 of section 1 of this act** does not apply to any sales or uses described in NRS 366.200, except to any sales or uses described in subsection 1 of that section of any special fuel to which dye has not been added pursuant to federal law or the law of this State, of a type which is lawfully sold in this State both:

(1) As special fuel to which dye has been added pursuant to such law; and

(2) As special fuel to which dye has not been added pursuant to such law.

2. Each tax imposed pursuant to NRS 373.066 **or section 1 of this act** is in addition to any other motor vehicle fuel taxes and special fuel taxes imposed pursuant to the provisions of this chapter and chapters 365, 366 and 590 of NRS, except that on the effective date of an ordinance adopted pursuant to:

(a) Paragraph (a) of subsection 1 of NRS 373.066, any tax increase imposed in that county pursuant to subparagraph (2) of paragraph (a) of subsection 1 of NRS 373.065 on the first day of the current fiscal year, and the authority to impose any additional tax increases in that county pursuant to that subparagraph on the first day of each subsequent fiscal year, expire by limitation.

(b) Paragraph (b) of subsection 1 of NRS 373.066, any tax increase imposed in that county pursuant to subparagraph (2) of paragraph (b) of subsection 1 of NRS 373.065 on the first day of the current fiscal year, and the authority to impose any additional tax increases in that county pursuant to that subparagraph on the first day of each subsequent fiscal year, expire by limitation.

(c) Paragraph (c) of subsection 1 of NRS 373.066, any tax increase imposed in that county pursuant to subparagraph (2) of paragraph (c) of subsection 1 of NRS 373.065 on the first day of the current fiscal year, and the authority to impose any additional tax increases in that county pursuant to that subparagraph on the first day of each subsequent fiscal year, expire by limitation.

(d) Paragraph (d) of subsection 1 of NRS 373.066, any tax increase imposed in that county pursuant to subparagraph (2) of paragraph (d) of subsection 1 of NRS 373.065 on the first day of the current fiscal year, and the authority to impose any additional tax increases in that county pursuant to that subparagraph on the first day of each subsequent fiscal year, expire by limitation.

Sec. 4. NRS 373.070 is hereby amended to read as follows:

373.070 1. Any fuel tax ordinance enacted under this chapter must include provisions in substance as follows:

(a) A provision imposing the additional excise tax and stating the amount of the tax per gallon of fuel.

(b) If the ordinance imposes a tax on motor vehicle fuel:

(1) Provisions identical to those contained in chapter 365 of NRS on the date of enactment of the ordinance, insofar as applicable, except that:

(I) The name of the county as taxing agency must be substituted for that of the State; and

(II) An additional supplier's license is not required.

(2) A provision that all amendments to chapter 365 of NRS subsequent to the date of enactment of the ordinance, not inconsistent with this chapter, automatically become a part of the motor vehicle fuel tax ordinance of the county.

(c) If the ordinance imposes a tax on special fuel:

(1) Provisions identical to those contained in chapter 366 of NRS on the date of enactment of the ordinance, insofar as applicable and not inconsistent with this chapter, except that:

(I) The name of the county as taxing agency must be substituted for that of the State;

(II) An additional special fuel supplier's license is not required;

(III) The ordinance must not include any provisions identical to NRS 366.175 other than the provisions relating to auditing; and

(IV) The ordinance must include provisions which carry out the requirements of paragraph (b) of subsection 1 of NRS 373.068 and which prohibit the refund of any tax paid on any taxable sales or uses described in that paragraph.

(2) A provision that all amendments to chapter 366 of NRS subsequent to the date of enactment of the ordinance, not inconsistent with this chapter, automatically become a part of the special fuel tax ordinance of the county.

(d) A provision that the county shall contract before the effective date of the county fuel tax ordinance with the Department to perform all functions incident to the administration or operation of the fuel tax ordinance of the county, including, if the ordinance is enacted pursuant to NRS 373.065 or

373.066, **or section 1 of this act**, the calculation of each annual increase in the tax imposed pursuant to the ordinance.

2. The provisions of this section do not subject any county fuel taxes imposed pursuant to this chapter to the provisions of NRS 366.175 or any agreement made pursuant thereto, except for those provisions of NRS 366.175 and any agreement made pursuant thereto which relate to auditing. The administration, collection and distribution of any county fuel taxes imposed pursuant to this chapter do not affect, and are not affected by, the administration, collection and distribution of any fuel taxes under any agreement made pursuant to NRS 366.175.

Sec. 5. NRS 373.080 is hereby amended to read as follows:

373.080 All fuel taxes collected during any month by the Department pursuant to a contract with a county must be transmitted each month by the Department to the county and the Department shall, in accordance with the terms of the contract, charge the county for the Department's services specified in this section and in NRS 373.070, except that in the case of a fuel tax imposed pursuant to NRS 373.065 or 373.066, **or section 1 of this act**, the charge must not exceed 1 percent of the tax collected by the Department.

Sec. 6. NRS 373.110 is hereby amended to read as follows:

373.110 All the net proceeds of any county fuel tax:

1. Imposed pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065 or paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066 **or paragraphs (d) to (m), inclusive, of subsection 1 of section 1 of this act** which are received by the county pursuant to NRS 373.080 must, except as otherwise provided in NRS 373.119, be deposited by the county treasurer in a fund to be known as the regional street and highway fund in the county treasury, and disbursed only in accordance with the provisions of this chapter and chapter 277A of NRS. After July 1, 1975, the regional street and highway fund must be accounted for as a separate fund and not as a part of any other fund.

2. Imposed pursuant to the provisions of paragraph (a), (b) or (c) of subsection 1 of NRS 373.065 or paragraph (a), (b) or (c) of subsection 1 of NRS 373.066 **or paragraph (a), (b) or (c) of subsection 1 of section 1 of this act** which are received by the county pursuant to NRS 373.080 must be allocated, disbursed and used as provided in the ordinance imposing the tax.

Sec. 7. NRS 373.119 is hereby amended to read as follows:

373.119 1. Except to the extent pledged before July 1, 1985, the board may use that portion of the revenue collected pursuant to the provisions of this chapter from any taxes imposed pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065 or paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066 **or paragraphs (d) to (m), inclusive, of subsection 1 of section 1 of this act** that represents

collections from the sale of fuel for use in boats at marinas in the county to make capital improvements or to conduct programs to encourage safety in boating. If the county does not control a body of water, where an improvement or program is appropriate, the board may contract with an appropriate person or governmental organization for the improvement or program.

2. Each marina shall report monthly to the Department the number of gallons of motor vehicle fuel sold for use in boats. The report must be made on or before the 25th day of each month for sales during the preceding month.

Sec. 8. NRS 373.120 is hereby amended to read as follows:

373.120 1. No county fuel tax ordinance may be repealed or amended or otherwise directly or indirectly modified in such a manner as to impair adversely any outstanding bonds issued under this chapter or other obligations incurred under this chapter, until all obligations for which revenues from such ordinance have been pledged or otherwise made payable from such revenues pursuant to this chapter have been discharged in full, but the board, with the approval of the governing body of each participating city, may at any time dissolve the commission and provide that no further obligations may be incurred thereafter.

2. The faith of the State of Nevada is hereby pledged that this chapter, NRS 365.180 to 365.200, inclusive, and 365.562, and any law supplemental thereto, including without limitation, provisions for the distribution to any county designated in NRS 373.030, 373.065 or 373.066, **or section 1 of this act**, of the proceeds of the fuel taxes collected thereunder will not be repealed, amended or otherwise directly or indirectly modified in such a manner as to impair adversely any outstanding bonds issued under this chapter or other obligations incurred under this chapter, until all obligations for which any such tax proceeds have been pledged or otherwise made payable from such tax proceeds pursuant to this chapter have been discharged in full, but the State of Nevada may at any time provide by act that no further obligations may be incurred thereafter.

3. ***Except as otherwise provided in subsection 4, ~~the~~ any continuing increases in any taxes imposed pursuant to section 1 of this act must not be pledged beyond June 30 of the fiscal year that is 5 full fiscal years after bonds or other obligations secured by the taxes imposed pursuant to section 1 of this act are issued or incurred, but the taxes imposed pursuant to section 1 of this act that are in effect on that June 30 must continue to be pledged to those bonds or other obligations until they are paid in full.***

4. ***At any time after bonds are issued or other obligations incurred with a pledge of the taxes imposed pursuant to section 1 of this act, the board***

may, except as otherwise provided in subsection 5 of section 1 of this act, by ordinance:

(a) Continue the pledge of the increase in taxes imposed pursuant to section 1 of this act beyond June 30 of the fiscal year that is 5 full fiscal years after bonds or other obligations secured by the taxes imposed pursuant to section 1 of this act are issued or incurred, but not beyond June 30 of the fiscal year that is 5 full fiscal years after the adoption of the ordinance pursuant to this paragraph. The process set forth in this paragraph may be repeated until all bonds or other obligations secured by the taxes imposed pursuant to section 1 of this act have been paid in full.

(b) Amend the ordinance imposing the tax to specify a different applicable percentage, including an applicable percentage of zero, but:

(1) The applicable percentage must not exceed 7.8 percent;

(2) The applicable percentage must not be reduced with respect to any fiscal year preceding the fiscal year following the effective date of an ordinance adopted pursuant to this subsection; and

(3) The effective date of any ordinance reducing the applicable percentage must not be sooner than the later of:

(I) June 30 of the fiscal year that is 5 full fiscal years after bonds or other obligations secured by the taxes imposed pursuant to section 1 of this act are issued or incurred; or

(II) June 30 of the fiscal year that is 5 full fiscal years after the date of adoption of any ordinance pursuant to paragraph (a).

5. As used in this section, "applicable percentage" has the meaning ascribed to it in paragraph (b) of subsection ~~5~~ 6 of section 1 of this act.

Sec. 9. NRS 373.131 is hereby amended to read as follows:

373.131 1. Money for the payment of the cost of a project within the area embraced by a regional plan for transportation established pursuant to NRS 277A.210 may be obtained by the issuance of revenue bonds and other revenue securities as provided in subsection 2 or, subject to any pledges, liens and other contractual limitations made pursuant to the provisions of this chapter and chapter 277A of NRS, may be obtained by direct distribution from the regional street and highway fund, except to the extent any such use is prevented by the provisions of NRS 373.150, or may be obtained both by the issuance of such securities and by such direct distribution, as the board may determine. Money for street and highway construction outside the area embraced by the plan may be distributed directly from the regional street and highway fund as provided in NRS 373.150.

2. The board or, in a county whose population is 100,000 or more, a commission, may, after the enactment of any ordinance authorized by the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065 or paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066, **or**

paragraphs (d) to (m), inclusive, of subsection 1 of section 1 of this act, issue revenue bonds and other revenue securities, on the behalf and in the name of the county or the commission, as the case may be:

(a) The total of all of which, issued and outstanding at any one time, must not be in an amount requiring a total debt service in excess of the estimated receipts to be derived from the taxes imposed pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065 ~~_, and~~ paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066 ~~_, ~~and~~~~ **paragraphs (d) to (m), inclusive, of subsection 1 of section 1 of this act ~~and~~ and, with respect to notes, warrants or interim debentures described in paragraphs (a) and (b) of subsection 6, the proceeds of bonds or interim debentures;**

(b) Which must not be general obligations of the county or the commission or a charge on any real estate within the county; and

(c) Which may be secured as to principal and interest by a pledge authorized by this chapter of the receipts from the fuel taxes designated in this chapter, except such portion of the receipts as may be required for the direct distributions authorized by NRS 373.150.

3. A county or a commission as provided in subsection 2 is authorized to issue bonds or other securities without the necessity of their being authorized at any election in such manner and with such terms as provided in this chapter.

4. Subject to the provisions of this chapter and chapter 277A of NRS, for any project authorized therein, the board of any county may, on the behalf and in the name of the county, or, in a county whose population is 100,000 or more, a commission may, on behalf and in the name of the commission, borrow money, otherwise become obligated, and evidence obligations by the issuance of bonds and other county or commission securities, and in connection with the undertaking or project, the board or the commission, as the case may be, may otherwise proceed as provided in the Local Government Securities Law.

5. All such securities constitute special obligations payable from the net receipts of the fuel taxes designated in this chapter except as otherwise provided in NRS 373.150, and the pledge of revenues to secure the payment of the securities must be limited to those net receipts.

6. Except for:

(a) Any notes or warrants which are funded with the proceeds of interim debentures or bonds;

(b) Any interim debentures which are funded with the proceeds of bonds;

(c) Any temporary bonds which are exchanged for definitive bonds;

(d) Any bonds which are reissued or which are refunded; and

(e) The use of any profit from any investment and reinvestment for the payment of any bonds or other securities issued pursuant to the provisions of this chapter,

➡ all bonds and other securities issued pursuant to the provisions of this chapter must be payable solely from the proceeds of fuel taxes collected by or remitted to the county pursuant to chapter 365 of NRS, as supplemented by this chapter. Receipts of the taxes levied in NRS 365.180 and 365.190 and pursuant to the provisions of paragraphs (a) and (b) of subsection 1 of NRS 373.065 and paragraphs (a) and (b) of subsection 1 of NRS 373.066 **and paragraphs (a) and (b) of subsection 1 of section 1 of this act** may be used by the county for the payment of securities issued pursuant to the provisions of this chapter and may be pledged therefor. Such taxes may also be used by a commission in a county whose population is 100,000 or more for the payment of bonds or other securities issued pursuant to the provisions of this chapter and may be pledged therefor if the board of the county consents to such use. If during any period any securities payable from these tax proceeds are outstanding, the tax receipts must not be used directly for the construction, maintenance and repair of any streets, roads or other highways nor for any purchase of equipment therefor, and the receipts of the tax levied in NRS 365.190 must not be apportioned pursuant to subsection 2 of NRS 365.560 unless, at any time the tax receipts are so apportioned, provision has been made in a timely manner for the payment of such outstanding securities as to the principal of, any prior redemption premiums due in connection with, and the interest on the securities as they become due, as provided in the securities, the ordinance, in the case of securities issued by a county, or the resolution, in the case of securities issued by a commission, authorizing their issuance and any other instrument appertaining to the securities.

7. The ordinance, in the case of securities issued by a county, or the resolution, in the case of securities issued by a commission, authorizing the issuance of any bond or other revenue security under this section must describe the purpose for which it is issued at least in general terms and may describe the purpose in detail. This section does not require the purpose so stated to be set forth in the detail in which the project approved by the commission pursuant to subsection 2 of NRS 373.140 is stated, or prevent the modification by the board or commission, as the case may be, of details as to the purpose stated in the ordinance authorizing the issuance of any bond or other security after its issuance, subject to approval by the commission of the project as so modified, if such bond or other security is issued by the county and not the commission.

8. Notwithstanding any other provision of this chapter, no commission has authority to issue bonds or other securities pursuant to this chapter unless

the commission has executed an interlocal agreement with the county relating to the issuance of bonds or other securities by the commission. Any such interlocal agreement must include an acknowledgment of the authority of the commission to issue bonds and other securities and contain provisions relating to the pledge of revenues for the repayment of the bonds or other securities, the lien priority of the pledge of revenues securing the bonds or other securities, and related matters.

Sec. 10. NRS 373.140 is hereby amended to read as follows:

373.140 1. After the enactment of ordinances as authorized in NRS 277A.170 and 373.030, all street and highway construction, surfacing or resurfacing projects in the county which are proposed to be financed from any county fuel tax imposed pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065 or paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066 **or paragraphs (d) to (m), inclusive, of subsection 1 of section 1 of this act** must first be submitted to the commission.

2. If the project is within the area covered by a regional plan for transportation established pursuant to NRS 277A.210, the commission shall evaluate it in terms of:

- (a) The priorities established by the plan;
- (b) The relation of the proposed work to other projects already constructed or authorized;
- (c) The relative need for the project in comparison with others proposed; and
- (d) The money available.

➡ If the commission approves the project, the board may authorize the project, using all or any part of the proceeds of any county fuel tax authorized pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065 or paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066, **or paragraphs (d) to (m), inclusive, of subsection 1 of section 1 of this act**, except as otherwise required by subsection 6 or to the extent any such use is prevented by the provisions for direct distribution required by NRS 373.150 or is prevented by any pledge to secure the payment of outstanding bonds, other securities or other obligations incurred under this chapter, and other contractual limitations appertaining to such obligations as authorized by NRS 373.160, and the proceeds of revenue bonds or other securities issued or to be issued as provided in NRS 373.131. Except as otherwise provided in subsection 3, if the board authorizes the project, the responsibilities for letting construction and other necessary contracts, contract administration, supervision and inspection of work and the performance of other duties related to the acquisition of the project must be specified in written agreements executed by the board and the governing

bodies of the cities and towns within the area covered by a regional plan for transportation established pursuant to NRS 277A.210.

3. In a county in which two or more governmental entities are represented on the commission, the governing bodies of those governmental entities may enter into a written master agreement that allows a written agreement described in subsection 2 to be executed by only the commission and the governmental entity that receives funding for the approved project. The provisions of a written master agreement must not be used until the governing body of each governmental entity represented on the commission ratifies the written master agreement.

4. If the project is outside the area covered by a plan, the commission shall evaluate it in terms of:

(a) Its relation to the regional plan for transportation established pursuant to NRS 277A.210, if any;

(b) The relation of the proposed work to other projects constructed or authorized;

(c) The relative need for the proposed work in relation to others proposed by the same city or town; and

(d) The availability of money.

➔ If the commission approves the project, the board shall direct the county treasurer to distribute the sum approved to the city or town requesting the project, in accordance with NRS 373.150.

5. In counties whose population is less than 100,000, the commission shall certify the adoption of the plan in compliance with subsections 2 and 4.

6. The proceeds of a tax imposed pursuant to any of the provisions of paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066 **or paragraphs (d) to (m), inclusive, of subsection 1 of section 1 of this act** must be expended in accordance with priorities for projects established in coordination and cooperation with the Department of Transportation.

Sec. 11. NRS 373.160 is hereby amended to read as follows:

373.160 1. The ordinance or ordinances, or the resolution or resolutions, providing for the issuance of any bonds or other securities issued under this chapter payable from the receipts from the fuel excise taxes designated in this chapter may at the discretion of the board or, in the case of bonds or other securities issued by a commission, the commission, in addition to covenants and other provisions authorized in the Local Government Securities Law, contain covenants or other provisions as to the pledge of and the creation of a lien upon the receipts of the taxes collected for the county pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065 and paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066, **and paragraphs (d) to (m), inclusive, of subsection 1 of section 1 of this act**, excluding any tax proceeds to be

distributed directly under the provisions of NRS 373.150, or the proceeds of the bonds or other securities pending their application to defray the cost of the project, or both such tax proceeds and security proceeds, to secure the payment of revenue bonds or other securities issued under this chapter.

2. If the board or, in the case of bonds or other securities issued by a commission, the commission, determines in any ordinance or resolution authorizing the issuance of any bonds or other securities under this chapter that the proceeds of the taxes levied and collected pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065 and paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066 ***and paragraphs (d) to (m), inclusive, of subsection 1 of section 1 of this act*** are sufficient to pay all bonds and securities, including the proposed issue, from the proceeds thereof, the board or, in the case of bonds or other securities issued by a commission, the commission with the consent of the board as provided in subsection 6 of NRS 373.131, may additionally secure the payment of any bonds or other securities issued pursuant to the ordinance or resolution under this chapter by a pledge of and the creation of a lien upon not only the proceeds of any fuel tax authorized at the time of the issuance of such securities to be used for such payment in subsection 6 of NRS 373.131, but also the proceeds of any such tax thereafter authorized to be used or pledged, or used and pledged, for the payment of such securities, whether such tax be levied or collected by the county, the State of Nevada, or otherwise, or be levied in at least an equivalent value in lieu of any such tax existing at the time of the issuance of such securities or be levied in supplementation thereof.

3. The pledges and liens authorized by subsections 1 and 2 extend to the proceeds of any tax collected for use by the county on any fuel so long as any bonds or other securities issued under this chapter remain outstanding and are not limited to any type or types of fuel in use when the bonds or other securities are issued.

Sec. 11.5. NRS 350.155 is hereby amended to read as follows:

350.155 1. Except as otherwise provided in subsection 2, a municipality shall sell the bonds it issues by competitive bid if the credit rating for the bonds or any other bonds of the municipality with the same security, determined without regard to insurance for the bonds or any other independent enhancement of credit, is rated by a nationally recognized rating service as “A-,” “A,” “AA,” “AAA,” or their equivalents, 90 days before and on the day the bonds are sold and:

- (a) The bonds are general obligation bonds;
- (b) The primary security for the bonds is an excise tax; or
- (c) The bonds are issued pursuant to chapter 271 of NRS and are secured by a pledge of the taxing power and the general fund of the municipality.

2. The provisions of subsection 1 and NRS 350.175 and 350.185 do not apply to:

- (a) Any bond which is issued with a variable rate of interest.
- (b) A bond issue whose principal amount is \$1,000,000 or less.
- (c) A bond issue with a term of 3 years or less.
- (d) A bond issue for which an invitation for competitive bids was issued and for which no bids were received or all bids were rejected.
- (e) Leases, contracts for purchase by installment and certificates of participation if the obligations of the municipality thereunder will terminate when the municipality fails to appropriate money to pay that obligation for the next fiscal year.
- (f) Economic development revenue bonds issued pursuant to the city economic development revenue bond law or the county economic development revenue bond law.
- (g) Bonds sold by the municipality to:
 - (1) The United States or any agency or instrumentality thereof;
 - (2) The State of Nevada;
 - (3) Any other municipality; or
 - (4) Not more than 10 investors, each of whom certifies that he or she:
 - (I) Has a net worth of \$500,000 or more; and
 - (II) Is purchasing for investment and not for resale.
- (h) Bonds which require unusual methods of financing, if the chief administrative officer of the municipality certifies in writing that the proposed method of financing:
 - (1) Has not been used previously by any municipality in this state; and
 - (2) May provide a substantial benefit to the municipality.
- (i) Refunding bonds, if the chief administrative officer of the municipality certifies in writing that the use of a negotiated sale may provide a substantial benefit to the municipality which would not be available if the bonds were sold by competitive bid.
- (j) Bonds which are sold at a time when, because of particular conditions in the market, a negotiated sale may provide a benefit to the municipality which would not be available if the bonds were sold by competitive bid, if the chief administrative officer of the municipality so certifies in writing.
- (k) Bonds which are issued pursuant to chapter 271 of NRS and are not secured by a pledge of the taxing power and general fund of the municipality.
- (l) Revenue bonds which are issued pursuant to chapter 350A of NRS and are secured by a pledge of the allocable local revenues of the municipality.

~~[(m) Revenue bonds which are sold pursuant to chapter 373 of NRS.]~~

3. The certificate required by paragraph (h) of subsection 2 must specifically describe the proposed method of financing. The certificate required by paragraph (i) of subsection 2 must specifically describe the

circumstances that may provide a substantial benefit if the refunding bonds are negotiated. The certificate required by paragraph (j) of subsection 2 must specifically describe the particular conditions in the market which indicate that a negotiated sale of the bonds may provide a benefit to the municipality. Each certificate required pursuant to subsection 2 must be submitted to the governing body of the municipality at a regularly scheduled meeting of that body and include:

(a) The estimated amount of the benefit which will accrue to the municipality.

(b) If the municipality has a financial adviser, a written report prepared by that financial adviser which specifically describes the method of sale which will be used for the proposed financing.

4. A copy of:

(a) The certificate required by paragraph (h), (i) or (j) of subsection 2; and

(b) The report required pursuant to subsection 3,

➡ must be filed with the debt management commission of the county where the municipality is located, the county clerk and the Department of Taxation. Before entering into a contract to sell bonds, at least two-thirds of the members of the governing body of the municipality must approve the certificate.

5. If a municipality is required to sell the bonds it issues by competitive bid pursuant to the provisions of this section, it must cause an invitation for competitive bids, or notice thereof, to be published before the date of the sale in the daily or weekly version of the Bond Buyer, published at One State Street Plaza in New York City, New York, or any successor publication.

6. As used in this section, “invitation for competitive bids” means a process by which sealed bids or the reasonable equivalent thereof, as approved by the governing body of a municipality, are solicited, received and publicly opened at a specified time, place and date.

Sec. 12. This act becomes effective upon passage and approval.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Remarks by Assemblywoman Bustamante Adams.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 440.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 496.

AN ACT relating to elections; ~~authorizing an elector to register to vote on the day of certain elections and setting forth requirements for such registration;~~ extending the period during which an elector can register to vote in person or by computer; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, registration for any primary, primary city, general or general city election closes on the third Tuesday before the election. Unless otherwise specified, registration for a recall or special election closes on the third Saturday before the election. After the fifth Sunday before a primary, primary city, general or general city election, a person may register to vote only by appearing in person at the office of the county or city clerk, as applicable, or other designated site for registering to vote. (NRS 293.560, 293C.527)

~~[Sections 5 and 12 of this]~~ **This bill** ~~[extend]~~ **extends** the period in which a person may register to vote for primary, primary city, general and general city elections until the last day of early voting for those elections, which is the Friday before the election. ~~[Sections 5 and 12]~~ **This bill** also ~~[allow]~~ **allows** a person to register to vote by computer after the fifth Sunday before the election. Additionally, ~~[sections 5 and 12 extend]~~ **this bill extends** the period in which a person may register to vote for all elections except otherwise specified recall and special elections until the fourth day before the election. These changes take effect on January 1, 2014.

~~[Sections 1 and 8 of this bill authorize an elector to register for a primary, primary city, general or general city election on the day of the election. Under sections 1 and 8, the county or city clerk shall, with the approval of, as applicable, the board of county commissioners or the governing body of the city, designate one or more polling places in the county or city as a site for registering to vote on election day. To register to vote, an elector must appear at such a site, complete an application to register to vote, and provide proof of identity and residence. Upon completion of the application, the elector is deemed registered to vote and may vote in that election only at the polling place at which he or she registered to vote. These changes take effect on January 1, 2016.]~~

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 a new section to read as follows:~~

~~1. Each county clerk shall, with the approval of the board of county commissioners, designate one or more polling places in the county as a site~~

~~for an elector of the county to register to vote on the day of a primary election or general election.~~

~~— 2. An elector who is not registered to vote by the close of registration may register to vote on the day of the primary election or general election at any polling place designated pursuant to subsection 1 by the county clerk in the county where the elector resides.~~

~~— 3. To register to vote on the day of the primary election or general election, an elector must:~~

~~— (a) Appear at a polling place designated by the county clerk pursuant to subsection 1 as a site for registering to vote on the day of the election before the close of the polls;~~

~~— (b) Complete the application to register to vote; and~~

~~— (c) Provides proof of his or her residence and identity as described in subsections 4 and 5.~~

~~— 4. The following forms of identification may be used to identify an elector applying to register to vote pursuant to this section:~~

~~— (a) A driver's license;~~

~~— (b) An identification card issued by the Department of Motor Vehicles;~~

~~— (c) A military identification card; or~~

~~— (d) Any other form of identification issued by a governmental agency which contains the signature and physical description or picture of the elector.~~

~~— 5. The following documents may be used to establish residency if the current residential address of the elector, as indicated on the application to register to vote, is displayed on the document:~~

~~— (a) Any form of identification set forth in subsection 4;~~

~~— (b) A utility bill, including, without limitation, a bill for electricity, gas, oil, water, sewer, septic, telephone, cellular telephone or cable television;~~

~~— (c) A bank or credit union statement;~~

~~— (d) A paycheck;~~

~~— (e) An income tax return;~~

~~— (f) A statement concerning the mortgage, rental or lease of a residence;~~

~~— (g) A motor vehicle registration;~~

~~— (h) A property tax statement;~~

~~— (i) Any other document issued by a governmental agency; or~~

~~— (j) Any other official document which the county clerk, field registrar or other person designated by the county clerk to accept applications to register to vote pursuant to this section determines, in his or her discretion, to be a reliable indication of the true residential address of the elector.~~

~~— 6. An elector who registers pursuant to this section shall be deemed to be registered to vote upon the completion of an application to register to vote and the verification of the elector's identity and residency.~~

~~7. An elector who registers to vote pursuant to this section:~~
~~(a) May vote in the primary election or general election only at the~~
~~polling place at which the elector registers to vote; and~~
~~(b) If he or she applies to vote at the polling place at which he or she~~
~~registers to vote, must sign his or her name in an election board register~~
~~designated for electors who register to vote pursuant to this section.]~~
(Deleted by amendment.)

Sec. 2. ~~[NRS 293.273 is hereby amended to read as follows:~~
~~293.273 1. Except as otherwise provided in [subsection 2 and]~~
~~NRS 293.305, at all elections held under the provisions of this title, the polls~~
~~must open at 7 a.m. and close at 7 p.m.~~
~~2. [Whenever at any election all the votes of the precinct or district, as~~
~~shown on the roster, have been cast, the election board officers shall close the~~
~~polls, and the counting of votes must begin and continue without unnecessary~~
~~delay until the count is completed.~~
~~3.] Upon opening the polls, one of the election board officers shall cause~~
~~a proclamation to be made that all present may be aware of the fact that~~
~~applications of registered voters to vote will be received.~~
~~[4.] 3. No person other than election board officers engaged in receiving,~~
~~preparing or depositing ballots may be permitted inside the guardrail during~~
~~the time the polls are open, except by authority of the election board as~~
~~necessary to keep order and carry out the provisions of this title.] **(Deleted by**~~
~~**amendment.)**~~

Sec. 3. NRS 293.356 is hereby amended to read as follows:
 293.356 If a request is made ***in person*** to vote early by a registered voter
~~[in person,], including, without limitation, a registered voter who registered~~
~~to vote after the beginning of the period for early voting by personal~~
~~appearance, the election board shall issue a ballot for early voting to the~~
~~voter. Such a ballot must be voted on the premises of a polling place for early~~
~~voting established pursuant to NRS 293.3564 or 293.3572.~~

Sec. 4. NRS 293.557 is hereby amended to read as follows:
 293.557 1. The county clerk may cause to be published once in each of
 the newspapers circulated in different parts of the county or cause to be
 published once in a newspaper circulated in the county:

(a) An alphabetical listing of all registered voters, including the precinct
 of each voter:

(1) Within the circulation area of each newspaper if the listing is
 published in each newspaper circulated in different parts of the county; or

(2) Within the entire county if the listing is published in only one
 newspaper in the county; or

(b) A statement notifying the public that the county clerk will provide an alphabetical listing of the names of all registered voters in the entire county and the precinct of each voter free of charge to any person upon request.

2. If the county clerk publishes the list of registered voters, the county clerk must do so:

(a) Not less than 2 weeks before the ~~close of registration for any~~ primary election.

(b) After each primary election and not less than 2 weeks before the ~~close of registration for the~~ ensuing general election.

3. The county may not pay more than 10 cents per name for six-point or seven-point type or 15 cents per name for eight-point type or larger to each newspaper publishing the list.

4. The list of registered voters, if published, must not be printed in type smaller than six-point.

Sec. 5. NRS 293.560 is hereby amended to read as follows:

293.560 1. Except as otherwise provided in NRS 293.502, 293D.230 and 293D.300, registration must close **at 5 p.m.** on the ~~third Tuesday~~ **Friday** preceding any primary or general election and , **except as otherwise provided by specific law, at 5 p.m.** on the ~~third Saturday~~ **fourth day** preceding any recall or special election . ~~[, except that if a recall or special election is held on the same day as a primary or general election, registration must close on the third Tuesday preceding the day of the elections.]~~

2. For a primary or special election, the office of the county clerk must be open until 7 p.m. ~~during~~ **on the next to last [2-days] day** on which registration is open ~~[,] and 5 p.m. on the last day on which registration is open.~~ In a county whose population is less than 100,000, the office of the county clerk may close at 5 p.m. ~~during~~ **on the next to last [2-days] day** before registration closes if approved by the board of county commissioners.

3. For a general election:

(a) In a county whose population is less than 100,000, the office of the county clerk must be open until 7 p.m. ~~during~~ **on the next to last [2-days] day** on which registration is open ~~[,] and 5 p.m. on the last day on which registration is open.~~ The office of the county clerk may close at 5 p.m. **on the next to last day on which registration is open** if approved by the board of county commissioners.

(b) In a county whose population is 100,000 or more, the office of the county clerk must be open during the last 4 days on which registration is open, according to the following schedule:

(1) On ~~weekdays~~ **a day other than the last day on which registration is open**, until 9 p.m.; ~~and~~

(2) A minimum of 8 hours on Saturdays, Sundays and legal holidays ~~[,]~~ **; and**

(3) On the last day on which registration is open, until 5 p.m.

4. Except for a special election held pursuant to chapter 306 or 350 of NRS:

(a) The county clerk of each county shall cause a notice signed by him or her to be published in a newspaper having a general circulation in the county indicating:

(1) The day and time that registration will be closed; and

(2) If the county clerk has designated a county facility pursuant to NRS 293.5035, the location of that facility.

➤ If no such newspaper is published in the county, the publication may be made in a newspaper of general circulation published in the nearest county in this State.

(b) The notice must be published once each week for 4 consecutive weeks next preceding the close of registration for any election.

5. The offices of the county clerk, a county facility designated pursuant to NRS 293.5035 and other ex officio registrars may remain open on the last Friday in October in each even-numbered year.

6. For the period beginning on the fifth Sunday preceding any primary or general election and ending on the ~~third Tuesday~~ **Friday** preceding any primary or general election, an elector may register to vote only by ~~appearing~~ :

(a) **Appearing** in person at the office of the county clerk ~~for, if~~ ;

(b) ~~If~~ open, **appearing in person at** a county facility designated pursuant to NRS 293.5035 ~~if~~ ; or

(c) **If the county clerk has established a system to allow electors to register to vote by computer pursuant to NRS 293.506, registering by computer.**

7. A county facility designated pursuant to NRS 293.5035 may be open during the periods described in this section for such hours of operation as the county clerk may determine, as set forth in subsection 3 of NRS 293.5035.

Sec. 6. ~~NRS 293.560 is hereby amended to read as follows:~~

~~293.560 1. Except as otherwise provided in NRS 293.502, 293D.230 and 293D.300 registration must close at 5 p.m. on the Friday preceding any primary or general election and, except as otherwise provided by specific law, at 5 p.m. on the fourth day preceding any recall or special election. **Except as otherwise provided in section 1 of this act, after the close of registration for an election, no person may register to vote for the election.**~~

~~2. For a primary or special election, the office of the county clerk must be open until 7 p.m. on the next to last day on which registration is open and 5 p.m. on the last day on which registration is open. In a county whose population is less than 100,000, the office of the county clerk may close at 5~~

~~p.m. on the next to last day before registration closes if approved by the board of county commissioners.~~

~~3. For a general election:~~

~~(a) In a county whose population is less than 100,000, the office of the county clerk must be open until 7 p.m. on the next to last day on which registration is open and 5 p.m. on the last day on which registration is open. The office of the county clerk may close at 5 p.m. on the next to last day on which registration is open if approved by the board of county commissioners.~~

~~(b) In a county whose population is 100,000 or more, the office of the county clerk must be open during the last 4 days on which registration is open, according to the following schedule:~~

~~(1) On a day other than the last day on which registration is open, until 9 p.m.;~~

~~(2) A minimum of 8 hours on Saturdays, Sundays and legal holidays; and~~

~~(3) On the last day on which registration is open, until 5 p.m.~~

~~4. Except for a special election held pursuant to chapter 306 or 350 of NRS:~~

~~(a) The county clerk of each county shall cause a notice signed by him or her to be published in a newspaper having a general circulation in the county indicating:~~

~~(1) The day and time that registration will be closed; and~~

~~(2) If the county clerk has designated a county facility pursuant to NRS 293.5035, the location of that facility.~~

~~* If no such newspaper is published in the county, the publication may be made in a newspaper of general circulation published in the nearest county in this State.~~

~~(b) The notice must be published once each week for 4 consecutive weeks next preceding the close of registration for any election.~~

~~5. The offices of the county clerk, a county facility designated pursuant to NRS 293.5035 and other ex officio registrars may remain open on the last Friday in October in each even-numbered year.~~

~~6. For the period beginning on the fifth Sunday preceding any primary or general election and ending on the Friday preceding any primary or general election, an elector may register to vote only by:~~

~~(a) Appearing in person at the office of the county clerk;~~

~~(b) If open, appearing in person at a county facility designated pursuant to NRS 293.5035; or~~

~~(c) If the county clerk has established a system to allow electors to register to vote by computer pursuant to NRS 293.506, registering by computer.~~

~~7. A county facility designated pursuant to NRS 293.5035 may be open during the periods described in this section for such hours of operation as the~~

~~county clerk may determine, as set forth in subsection 3 of NRS 293.5035.]~~
(Deleted by amendment.)

Sec. 7. 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 Friday preceding~~ ***the opening of the polls for*** the primary election and after the close of registration for each general election but not later than ~~the Friday preceding~~ ***the opening of the polls for*** 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. 8. ~~[Chapter 293C of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~—1. Each city clerk shall, with the approval of the governing body of the city, designate one or more polling places in the city as a site for an elector of the city to register to vote on the day of a primary city election or general city election.~~

~~—2. An elector who is not registered to vote by the close of registration may register to vote on the day of the primary city election or general city election at any polling place designated pursuant to subsection 1 by the city clerk in the city where the elector resides.~~

~~—3. To register to vote on the day of the primary city election or general city election, an elector must:~~

~~—(a) Appear at a polling place designated by the city clerk pursuant to subsection 1 as a site for registering to vote on the day of the election before the close of the polls;~~

~~—(b) Complete the application to register to vote; and~~

~~—(c) Provide proof of his or her residence and identity as described in subsections 4 and 5.~~

~~—4. The following forms of identification may be used to identify an elector applying to register to vote pursuant to this section:~~

~~—(a) A driver's license;~~

~~—(b) An identification card issued by the Department of Motor Vehicles;~~

~~—(c) A military identification card; or~~

~~—(d) Any other form of identification issued by a governmental agency which contains the signature and physical description or picture of the elector.~~

~~—5. The following documents may be used to establish residency if the current residential address of the elector, as indicated on the application to register to vote, is displayed on the document:~~

~~—(a) Any form of identification set forth in subsection 4;~~

~~—(b) A utility bill, including, without limitation, a bill for electricity, gas, oil, water, sewer, septic, telephone, cellular telephone or cable television;~~

~~—(c) A bank or credit union statement;~~
~~—(d) A paycheck;~~
~~—(e) An income tax return;~~
~~—(f) A statement concerning the mortgage, rental or lease of a residence;~~
~~—(g) A motor vehicle registration;~~
~~—(h) A property tax statement;~~
~~—(i) Any other document issued by a governmental agency; or~~
~~—(j) Any other document which the city clerk, field registrar or other person designated by the city clerk to accept applications to register to vote pursuant to this section determines, in his or her discretion, to be a reliable indication of the true residential address of the elector.~~

~~—6. An elector who registers to vote pursuant to this section shall be deemed to be registered to vote upon the completion of an application to register to vote and the verification of the elector's identity and residency.~~

~~—7. An elector who registers to vote pursuant to this section:~~

~~—(a) May vote in the primary city election or general city election only at the polling place at which the elector registers to vote; and~~

~~—(b) If he or she applies to vote at the polling place at which he or she registers to vote, must sign his or her name in an election board register designated for electors who register to vote pursuant to this section.]~~

(Deleted by amendment.)

Sec. 9. [NRS 293C.112 is hereby amended to read as follows:

~~—293C.112 1. [The] Except as otherwise provided in subsection 2, the governing body of a city may conduct a city election in which all ballots must be cast by mail if:~~

~~—(a) The election is a special election; or~~

~~—(b) The election is a primary city election or general city election in which the ballot includes only:~~

~~—(1) Offices and ballot questions that may be voted on by the registered voters of only one ward; or~~

~~—(2) One office or ballot question.~~

~~—2. If an elector registers to vote on the day of a primary city election or general city election pursuant to section 8 of this act, the elector must be allowed to vote in person at the polling place where he or she registered to vote.~~

~~—3. The provisions of NRS 293C.265 to 293C.302, inclusive, 293C.305 to 293C.340, inclusive, and 293C.355 to 293C.361, inclusive, do not apply to an election conducted pursuant to this section.~~

~~—[3.] 4. For the purposes of an election conducted pursuant to this section, each precinct in the city shall be deemed to have been designated a mailing precinct pursuant to NRS 293C.342.] (Deleted by amendment.)~~

Sec. 10. [NRS 293C.267 is hereby amended to read as follows:

~~293C.267 1. Except as otherwise provided in [subsection 2] and NRS 293C.297, at all elections held pursuant to the provisions of this chapter, the polls must open at 7 a.m. and close at 7 p.m.~~

~~2. [Whenever at any election all the votes of the precinct or district, as shown on the roster, have been cast, the election board officers shall close the polls and the counting of votes must begin and continue without unnecessary delay until the count is completed.~~

~~3.] Upon opening the polls, one of the election board officers shall cause a proclamation to be made so that all present may be aware of the fact that applications of registered voters to vote will be received.~~

~~[4.] 3. No person other than election board officers engaged in receiving, preparing or depositing ballots may be permitted inside the guardrail during the time the polls are open, except by authority of the election board as necessary to keep order and carry out the provisions of this chapter.]~~

(Deleted by amendment.)

Sec. 11. NRS 293C.356 is hereby amended to read as follows:

293C.356 1. If a request is made *in person* to vote early by a registered voter ~~{in person,}~~ , ***including, without limitation, a registered voter who registered to vote after the beginning of the period for early voting by personal appearance,*** the city clerk shall issue a ballot for early voting to the voter. Such a ballot must be voted on the premises of the clerk's office and returned to the clerk.

2. On the dates for early voting prescribed in NRS 293C.3568, each city clerk shall provide a voting booth, with suitable equipment for voting, on the premises of the city clerk's office for use by registered voters who are issued ballots for early voting in accordance with this section.

Sec. 12. NRS 293C.527 is hereby amended to read as follows:

293C.527 1. Except as otherwise provided in NRS 293.502, 293D.230 and 293D.300, registration must close ***at 5 p.m. on the {third Tuesday} Friday*** preceding any primary city election or general city election and , ***except as otherwise provided by specific law, at 5 p.m. on the {third Saturday} fourth day*** preceding any recall or special election . ~~{except that if a recall or special election is held on the same day as a primary city election or general city election, registration must close on the third Tuesday preceding the day of the elections.}~~

2. For a primary city election or special city election, the office of the city clerk must be open until 7 p.m. ~~{during}~~ ***on the next to last {2 days} day*** on which registration is open ~~{}~~ ***and 5 p.m. on the last day on which registration is open.*** In a city whose population is less than 25,000, the office of the city clerk may close at 5 p.m. ***on the next to last day before registration closes*** if approved by the governing body of the city.

3. For a general *city* election:

(a) In a city whose population is less than 25,000, the office of the city clerk must be open until 7 p.m. ~~during~~ on the **next to last** ~~[2 days] day~~ on which registration is open ~~[]~~ **and 5 p.m. on the last day on which registration is open.** The office of the city clerk may close at 5 p.m. **on the next to last day on which registration is open** if approved by the governing body of the city.

(b) In a city whose population is 25,000 or more, the office of the city clerk must be open during the last 4 days on which registration is open, according to the following schedule:

(1) On ~~[weekdays]~~ **a day other than the last day on which registration is open,** until 9 p.m.; ~~and~~

(2) A minimum of 8 hours on Saturdays, Sundays and legal holidays ~~[]~~ **; and**

(3) On the last day on which registration is open, until 5 p.m.

4. Except for a special election held pursuant to chapter 306 or 350 of NRS:

(a) The city clerk of each city shall cause a notice signed by him or her to be published in a newspaper having a general circulation in the city indicating:

(1) The day and time that registration will be closed; and

(2) If the city clerk has designated a municipal facility pursuant to NRS 293C.520, the location of that facility.

➔ If no newspaper is of general circulation in that city, the publication may be made in a newspaper of general circulation in the nearest city in this State.

(b) The notice must be published once each week for 4 consecutive weeks next preceding the close of registration for any election.

5. For the period beginning on the fifth Sunday preceding any primary city election or general city election and ending on the ~~[third Tuesday]~~ **Friday** preceding any primary city election or general city election, an elector may register to vote only by ~~[appearing]~~ :

(a) Appearing in person at the office of the city clerk ~~[or, if]~~ ;

(b) If open, **appearing in person at** a municipal facility designated pursuant to NRS 293C.520 ~~[]~~ ; **or**

(c) If the county clerk of the county in which the city is located has established a system to allow electors to register to vote by computer pursuant to NRS 293.506, registering by computer.

6. A municipal facility designated pursuant to NRS 293C.520 may be open during the periods described in this section for such hours of operation as the city clerk may determine, as set forth in subsection 3 of NRS 293C.520.

Sec. 13. ~~[NRS 293C.527 is hereby amended to read as follows:~~

~~293C.527 1. Except as otherwise provided in NRS 293.502, 293D.230 and 293D.300, registration must close at 5 p.m. on the Friday preceding any primary city election or general city election and, except as otherwise provided by specific law, at 5 p.m. on the fourth day preceding any recall or special election. **Except as otherwise provided in section 8 of this act, after the close of registration for an election, no person may register to vote for the election.**~~

~~2. For a primary city election or special city election, the office of the city clerk must be open until 7 p.m. on the next to last day on which registration is open and 5 p.m. on the last day on which registration is open. In a city whose population is less than 25,000, the office of the city clerk may close at 5 p.m. on the next to last day before registration closes if approved by the governing body of the city.~~

~~3. For a general city election:~~

~~(a) In a city whose population is less than 25,000, the office of the city clerk must be open until 7 p.m. on the next to last day on which registration is open and 5 p.m. on the last day on which registration is open. The office of the city clerk may close at 5 p.m. on the next to last day on which registration is open if approved by the governing body of the city.~~

~~(b) In a city whose population is 25,000 or more, the office of the city clerk must be open during the last 4 days on which registration is open, according to the following schedule:~~

~~(1) On a day other than the last day on which registration is open, until 9 p.m.;~~

~~(2) A minimum of 8 hours on Saturdays, Sundays and legal holidays; and~~

~~(3) On the last day on which registration is open, until 5 p.m.~~

~~4. Except for a special election held pursuant to chapter 306 or 350 of NRS:~~

~~(a) The city clerk of each city shall cause a notice signed by him or her to be published in a newspaper having a general circulation in the city indicating:~~

~~(1) The day and time that registration will be closed; and~~

~~(2) If the city clerk has designated a municipal facility pursuant to NRS 293C.520, the location of that facility.~~

~~** If no newspaper is of general circulation in that city, the publication may be made in a newspaper of general circulation in the nearest city in this State.~~

~~(b) The notice must be published once each week for 4 consecutive weeks next preceding the close of registration for any election.~~

~~5. For the period beginning on the fifth Sunday preceding any primary city election or general city election and ending on the Friday preceding any~~

~~primary city election or general city election, an elector may register to vote only by:~~

~~— (a) Appearing in person at the office of the city clerk;~~

~~— (b) If open, appearing in person at a municipal facility designated pursuant to NRS 293C.520; or~~

~~— (c) If the county clerk of the county in which the city is located has established a system to allow electors to register to vote by computer pursuant to NRS 293.506, registering by computer.~~

~~6. A municipal facility designated pursuant to NRS 293C.520 may be open during the periods described in this section for such hours of operation as the city clerk may determine, as set forth in subsection 3 of NRS 293C.520. (Deleted by amendment.)~~

Sec. 14. ~~[1.]~~ This ~~section and sections 3, 4, 5, 7, 11 and 12 of this~~ act ~~become~~ **becomes** effective upon passage and approval for purposes of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of ~~those sections~~ **this act** and on January 1, 2014, for all other purposes.

~~[2. Sections 1, 2, 6, 8, 9, 10 and 13 of this act become effective upon passage and approval for purposes of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of those sections and on January 1, 2016, for all other purposes.]~~

Assemblyman Ohrenschall moved the adoption of the amendment.

Remarks by Assemblyman Ohrenschall.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 496.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 543.

AN ACT relating to taxation; providing the legislative approval required for an increase in the tax imposed pursuant to the Clark County Sales and Use Tax Act of 2005; suspending temporarily the application of certain provisions of the Act; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Board of County Commissioners of Clark County to impose a sales and use tax in Clark County of one-quarter of 1 percent to employ and equip additional police officers for the Boulder City Police Department, Henderson Police Department, Las Vegas Metropolitan Police Department, Mesquite Police Department and North Las Vegas Police Department, and allows the imposition of an increase in that tax of not more than one-quarter of 1 percent if the date on which the increased rate is first

imposed is on or after October 1, 2009, and if the Legislature first approves the increased rate. (Clark County Sales and Use Tax Act of 2005) **Section 3** of this bill provides the legislative approval required for the imposition of ~~that~~ an increase in that tax of not more than fifteen-hundredths of 1 percent on or after ~~July 1, 2015,~~ October 1, 2013, if the increase is approved ~~on or after October 1, 2013,~~ by two-thirds of the members of ~~each of: (1) the City Council of Boulder City; (2) the City Council of the City of Henderson; (3) the City Council of the City of Las Vegas; (4) the City Council of the City of Mesquite; (5) the City Council of the City of North Las Vegas; and (6) the Board of County Commissioners of Clark County.~~

Section 1 of this bill amends the Clark County Sales and Use Tax Act of 2005 to suspend temporarily certain provisions of the Act which require a governing body to approve expenditures by a police department of proceeds received from the taxes imposed pursuant to the Act if the governing body determines that the proposed expenditure will not replace or supplant existing funding for the police department. **Section 1** also requires that certain periodic reports required by the Act include a separate detailed description of any expenditures as a result of the temporary suspension of those provisions of the Act. **Section 2** of this bill amends the Act to specify the method for calculating the base fiscal year for certain purposes of the Act.

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

Section 1. The Clark County Sales and Use Tax Act of 2005, being chapter 249, Statutes of Nevada 2005, at page 912, is hereby amended by adding thereto a new section to be designated as section 13.3, immediately following section 13, to read as follows:

Sec. 13.3. 1. *The provisions of paragraph (b) of subsection 1 and subsections 3 to 8, inclusive, of section 13 of this act do not apply to any expenditure of proceeds from any sales and use tax imposed pursuant to this act on or after July 1, 2013, but before July 1, ~~2015,~~ 2016.*

2. *In addition to the requirements of section 13.5 of this act, the periodic reports required by that section must include, with respect to the period covered by the report, a separate detailed description of the expenditure of any proceeds from the sales and use tax imposed pursuant to this act as a result of the provisions of subsection 1.*

Sec. 2. The Clark County Sales and Use Tax Act of 2005, being chapter 249, Statutes of Nevada 2005, at page 912, is hereby amended by adding thereto a new section to be designated as section 13.7, immediately following section 13.5, to read as follows:

Sec. 13.7. *Notwithstanding the provisions of subsection 8 of section 13 of this act, for Fiscal Year 2015-2016, the base fiscal year for each body must be adjusted for the purposes of section 13 of this act as provided in this section, and that adjusted base fiscal year must be used as the base fiscal year for all purposes, including future calculations of base fiscal years. To determine the adjusted base fiscal year for Fiscal Year 2015-2016, any expenditures authorized as a result of the provisions of subsection 1 of section 13.3 of this act must not be included when calculating the amount of money received or expended in that fiscal year.*

Sec. 3. The Legislature hereby approves an increase, pursuant to paragraph (b) of subsection 1 of section 10 of the Clark County Sales and Use Tax Act of 2005, being chapter 249, Statutes of Nevada 2005, at page 912, in the rate of the tax imposed pursuant to that Act in the amount of ~~one-quarter~~ **not more than fifteen-hundredths** of 1 percent, if:

1. The increase authorized by this section is enacted by an ordinance approved by a two-thirds majority of the members of ~~each of the following:~~

~~(a) The City Council of Boulder City;~~

~~(b) The City Council of the City of Henderson;~~

~~(c) The City Council of the City of Las Vegas;~~

~~(d) The City Council of the City of Mesquite;~~

~~(e) The City Council of the City of North Las Vegas; and~~

~~(f) The Board of County Commissioners of Clark County ;~~ **the**

~~after October 1, 2013;~~ and

2. The date on which that increased rate is first imposed is on or after ~~July 1, 2015;~~ **October 1, 2013.**

Sec. 4. 1. This act becomes effective upon passage and approval.

2. Sections 1 and 2 of this act expire by limitation on October 1, 2025.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Remarks by Assemblywoman Bustamante Adams.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 33.

Bill read second time.

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

Amendment No. 473.

AN ACT relating to energy; revising provisions governing the partial abatement of certain property taxes for certain ~~renovated~~ buildings and structures which meet certain energy efficiency standards; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Director of the Office of Energy to grant a partial abatement of certain property taxes for the: (1) construction of a building or other structure that meets certain energy efficiency standards under the Green Building Rating System adopted by the Director; or (2) renovation by certain manufacturers of an existing building or other structure to bring the building or other structure into compliance with such energy efficiency standards.

Existing law provides that the Green Building Rating System adopted by the Director must include standards and ratings equivalent to those provided pursuant to the Leadership in Energy and Environmental Design Green Building Rating System. (NRS 701A.100, 701A.110, 701A.115) Section 1 of this bill provides that the Green Building Rating System adopted by the Director must include standards and ratings equivalent to those provided pursuant to the Leadership in Energy and Environmental Design Green Building Rating System or an equivalent rating system. Section 1 additionally revises provisions relating to the Green Building Rating System used by the Director to determine the eligibility of a building or other structure for certain tax abatements.

Section 4 of this bill repeals the provisions which authorize partial abatements of property taxes specifically for certain manufacturers who renovate existing buildings . ~~1. and section 2 of this bill instead requires the Director to grant a partial abatement of certain property taxes to any owner of an existing building or other structure who renovates the building or other structure to bring it into compliance with certain energy efficiency standards under the Green Building Rating System adopted by the Director.~~ **Section 2 of this bill provides that a partial abatement for a building or other structure that qualifies for the abatement under the Leadership in Energy and Environmental Design “Existing Buildings: Operations and Maintenance” rating system, or an equivalent rating system, must be for a period of not more than 5 years. Section 2 prohibits the Director from granting a partial abatement for a building or structure that qualifies under such a rating system in an amount which exceeds \$100,000 annually.**

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

Section 1. NRS 701A.100 is hereby amended to read as follows:

701A.100 1. The Director of the Office of Energy shall adopt a Green Building Rating System for the purposes of determining the eligibility of a building or other structure for a tax abatement pursuant to NRS 701A.110 .
~~{and 701A.115.}~~

2. The Green Building Rating System must include standards and ratings equivalent to the standards and ratings provided pursuant to the Leadership in Energy and Environmental Design Green Building Rating System ~~or~~ **or an equivalent rating system**, except that the standards adopted by the Director:

(a) Except as otherwise provided in paragraphs (b) and (c), must not include:

(1) Any standard that has not been included in the Leadership in Energy and Environmental Design Green Building Rating System **or the equivalent rating system** for at least 2 years; or

(2) Standards for homes;

(b) Must provide reasonable exceptions based on the size of the area occupied by the building or other structure; and

(c) Must require a building or other structure to obtain:

(1) At least ~~13~~ **5** points ~~in the Optimize Energy Performance credit for energy conservation~~, **or its equivalent**, to meet the equivalent of the silver level;

(2) At least ~~15~~ **7** points ~~in the Optimize Energy Performance credit for energy conservation~~, **or its equivalent**, to meet the equivalent of the gold level; and

(3) At least ~~18~~ **11** points ~~in the Optimize Energy Performance credit for energy conservation~~, **or its equivalent**, to meet the equivalent of the platinum level.

3. As used in this section, “home” means a building or other structure for which the principal use is as a residential dwelling for not more than four families.

Sec. 2. NRS 701A.110 is hereby amended to read as follows:

701A.110 1. Except as otherwise provided in this section, the Director, in consultation with the Office of Economic Development, shall grant a partial abatement from the portion of the taxes imposed pursuant to chapter 361 of NRS, other than any taxes imposed for public education, on a ~~newly constructed or renovated~~ building or other structure that is determined ~~after construction or renovation~~ to meet the equivalent of the silver level or higher by an independent contractor authorized to make that determination in accordance with the Green Building Rating System adopted by the Director pursuant to NRS 701A.100, if:

(a) No funding is provided by any governmental entity in this State for the acquisition, design, ~~for~~ construction **or renovation** of the building or other structure or for the acquisition of any land therefor. For the purposes of this paragraph:

(1) Private activity bonds must not be considered funding provided by a governmental entity.

(2) The term “private activity bond” has the meaning ascribed to it in 26 U.S.C. § 141.

(b) The owner of the property:

(1) Submits an application for the partial abatement to the Director. If such an application is submitted for a project that has not been completed on the date of that submission and there is a significant change in the scope of the project after that date, the application must be amended to include the change or changes.

(2) Except as otherwise provided in this subparagraph, provides to the Director, within 48 months after applying for the partial abatement, proof that the building or other structure meets the equivalent of the silver level or higher, as determined by an independent contractor authorized to make that determination in accordance with the Green Building Rating System adopted by the Director pursuant to NRS 701A.100. The Director may, for good cause shown, extend the period for providing such proof.

(3) Files a copy of each application and amended application submitted to the Director pursuant to subparagraph (1) with the:

- (I) Chief of the Budget Division of the Department of Administration;
- (II) Department of Taxation;
- (III) County assessor;
- (IV) County treasurer;
- (V) Office of Economic Development;
- (VI) Board of county commissioners; and
- (VII) City manager and city council, if any.

(c) The abatement is consistent with the State Plan for Economic Development developed by the Executive Director of the Office of Economic Development pursuant to subsection 2 of NRS 231.053.

2. As soon as practicable after the Director receives the application and proof required by subsection 1, the Director, in consultation with the Office of Economic Development, shall determine whether the building or other structure is eligible for the abatement and, if so, forward a certificate of eligibility for the abatement to the:

- (a) Department of Taxation;
- (b) County assessor;
- (c) County treasurer; and
- (d) Office of Economic Development.

3. The Director may, with the assistance of the Chief of the Budget Division and the Department of Taxation, publish a fiscal note that indicates an estimate of the fiscal impact of the partial abatement on the State and on each affected local government. If the Director publishes a fiscal note that estimates the fiscal impact of the partial abatement on local government, the Director shall forward a copy of the fiscal note to each affected local

government. As soon as practicable after receiving a copy of a certificate of eligibility pursuant to subsection 2, the Department of Taxation shall forward a copy of the certificate to each affected local government.

4. The partial abatement ~~is~~ **for:**

(a) ~~Must~~ **A ~~newly constructed~~ building or other structure must, except as otherwise provided in paragraph (b),** be for a duration of not more than 10 years and in an annual amount that equals, for a building or other structure that meets the equivalent of:

(1) The silver level, 25 percent of the portion of the taxes imposed pursuant to chapter 361 of NRS, other than any taxes imposed for public education, that would otherwise be ~~payable~~ **owed** for the building or other structure, excluding the associated land;

(2) The gold level, 30 percent of the portion of the taxes imposed pursuant to chapter 361 of NRS, other than any taxes imposed for public education, that would otherwise be ~~payable~~ **owed** for the building or other structure, excluding the associated land; or

(3) The platinum level, 35 percent of the portion of the taxes imposed pursuant to chapter 361 of NRS, other than any taxes imposed for public education, that would otherwise be ~~payable~~ **owed** for the building or other structure, excluding the associated land.

(b) ~~Does~~ **A ~~renovated~~ building or other structure that qualifies for an abatement under the Leadership in Energy and Environmental Design “Existing Buildings: Operations and Maintenance” rating system, or its equivalent, must be for a duration of not more than 5 years and in an annual amount that equals, except as otherwise provided in subsection 5,** for a ~~renovated~~ building or other structure that meets the equivalent of:

(1) *The silver level, 25 percent of the portion of the taxes imposed pursuant to chapter 361 of NRS, other than any taxes imposed for public education, that would otherwise be owed for the ~~portion of the value of the renovated~~ building or other structure, excluding the associated land; ~~for which is attributable to the renovation as determined pursuant to subsection 5;~~*

(2) *The gold level, 30 percent of the portion of the taxes imposed pursuant to chapter 361 of NRS, other than any taxes imposed for public education, that would otherwise be owed for the ~~portion of the value of the renovated~~ building or other structure, excluding the associated land; ~~for which is attributable to the renovation as determined pursuant to subsection 5;~~ or*

(3) *The platinum level, 35 percent of the portion of the taxes imposed pursuant to chapter 361 of NRS, other than any taxes imposed for public education, that would otherwise be owed for the ~~portion of the value of the renovated~~ building or other structure, excluding the associated land.*

~~which is attributable to the renovation as determined pursuant to subsection 5.~~

~~5. For the purposes of~~ **The Director shall not grant a partial abatement of more than \$100,000 in any year for a building or other structure that qualifies for an abatement pursuant to paragraph (b) of subsection 4 .** ~~For the portion of the value of a renovated building or other structure which is attributable to the renovation shall be deemed to be equal to the percentage that the total cost of the renovation of the building or other structure bears to the total cash value of the renovated building or other structure at the time the Director issues a certificate of eligibility for the abatement, not to exceed 100 percent.~~

6. A partial abatement granted pursuant to this section:

(a) Does not apply during any period in which the owner of the building or other structure is receiving another abatement or exemption pursuant to this chapter or NRS 361.045 to 361.159, inclusive, from the taxes imposed pursuant to chapter 361 of NRS.

~~(c)~~ (b) Terminates upon any determination by the Director that the building or other structure has ceased to meet the equivalent of the silver level or higher. The Director shall provide notice and a reasonable opportunity to cure any noncompliance issues before making a determination that the building or other structure has ceased to meet that standard. The Director shall immediately provide notice of each determination of termination to the:

- (1) Department of Taxation, who shall immediately notify each affected local government of the determination;
- (2) County assessor;
- (3) County treasurer; and
- (4) Office of Economic Development.

~~(d) Must not be for an existing building or structure that is renovated.~~

~~5.~~ **7.** If a partial abatement terminates pursuant to paragraph ~~(c)~~ (b) of subsection ~~4.~~ **6**, the owner of the property to which the partial abatement applied shall repay to the county treasurer the amount of the exemption that was allowed pursuant to this section before the date of that termination. The owner shall, in addition to the amount of the exemption required to be paid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

~~6.~~ **8.** The Director, in consultation with the Office of Economic Development, shall adopt regulations:

(a) Establishing the qualifications and methods to determine eligibility for **and the duration of** the abatement;

(b) Prescribing such forms as will ensure that all information and other documentation necessary to make an appropriate determination is filed with the Director; and

(c) Prescribing the criteria for determining when there is a significant change in the scope of a project for the purposes of subparagraph (1) of paragraph (b) of subsection 1,

➤ and the Department of Taxation shall adopt such additional regulations as it determines to be appropriate to carry out the provisions of this section.

~~17.1~~ **9.** The Director shall:

(a) Cooperate with the Office of Economic Development in carrying out the provisions of this section; and

(b) Submit to the Office of Economic Development an annual report, at such a time and containing such information as the Office may require, regarding the partial abatements granted pursuant to this section.

~~18.1~~ **10.** As used in this section:

(a) “Building or other structure” does not include any building or other structure for which the principal use is as a residential dwelling for not more than four families.

(b) “Director” means the Director of the Office of Energy appointed pursuant to NRS 701.150.

(c) “Taxes imposed for public education” means:

(1) Any ad valorem tax authorized or required by chapter 387 of NRS;

(2) Any ad valorem tax authorized or required by chapter 350 of NRS for the obligations of a school district, including, without limitation, any ad valorem tax necessary to carry out the provisions of subsection 5 of NRS 350.020; and

(3) Any other ad valorem tax for which the proceeds thereof are dedicated to the public education of pupils in kindergarten through grade 12.

Sec. 3. The Legislature hereby finds that each exemption provided by this act from any ad valorem tax on property:

1. Will achieve a bona fide social or economic purpose and that the benefits of the exemption are expected to exceed any adverse effect of the exemption on the provision of services to the public by the State or a local government that would otherwise receive revenue from the tax from which the exemption would be granted; and

2. Will not impair adversely the ability of the State or a local government to pay, when due, all interest and principal on any outstanding bonds or any other obligations for which revenue from the tax from which the exemption would be granted was pledged.

Sec. 4. 1. NRS 701A.115 is hereby repealed.

2. Section 21 of chapter 298, Statutes of Nevada 2011, at page 1656, is hereby repealed.

Sec. 5. This act becomes effective upon passage and approval.

**TEXT OF REPEALED SECTION OF NRS AND
TEXT OF REPEALED SECTION OF STATUTES OF NEVADA**

701A.115 Partial abatement of certain property taxes for certain buildings or structures which are renovated for use by manufacturer and which meet certain standards under Green Building Rating System; requirements and limitations; regulations.

1. Except as otherwise provided in this section, the Director of the Office of Energy shall grant a partial abatement from the portion of taxes imposed pursuant to chapter 361 of NRS, other than any taxes imposed for public education, on an existing building or other structure which is renovated for use by a manufacturer if:

(a) The building or other structure is determined after the renovation to meet the equivalent of the silver level or higher by an independent contractor authorized to make that determination in accordance with the Green Building Rating System adopted by the Director pursuant to NRS 701A.100.

(b) The applicant:

(1) Is a manufacturer who intends to locate a new manufacturing business in this State;

(2) Employs at least 25 full-time employees at the new manufacturing business in this State during the entire period in which the applicant will receive the tax abatement; and

(3) The average hourly wage that will be paid by the manufacturer to its employees in this State is at least 100 percent of the average statewide hourly wage or the average countywide hourly wage, whichever is less, excluding management and administrative employees, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year.

(c) No funding is provided by any governmental entity in this State for the acquisition, design, construction or renovation of the building or other structure or for the acquisition of any land therefore. For the purpose of this paragraph:

(1) Private activity bonds must not be considered funding provided by a governmental entity.

(2) The term "private activity bond" has the meaning ascribed to it in 26 U.S.C. § 141.

(d) The manufacturer:

(1) Submits an application for the abatement to the Director. If such an application is submitted for a project that has not been completed on the date

of that submission and there is a significant change in the scope of the project after that date, the application must be amended to include the change or changes.

(2) Except as otherwise provided in this subparagraph, provides to the Director, within 48 months after applying for the abatement, proof that the building or other structure meets the equivalent of the silver level or higher, as determined by an independent contractor authorized to make that determination in accordance with the Green Building Rating System adopted by the Director pursuant to NRS 701A.100. The Director may, for good cause shown, extend the period for providing such proof.

(3) Files a copy of each application and amended application submitted to the Director pursuant to subparagraph (1) with the:

- (I) Chief of the Budget Division of the Department of Administration;
- (II) Department of Taxation;
- (III) County assessor;
- (IV) County treasurer;
- (V) Office of Economic Development;
- (VI) Board of county commissioners; and
- (VII) City manager and city council, if any.

2. As soon as practicable after the Director receives an application and proof required by subsection 1, the Director shall determine whether the building or other structure is eligible for the abatement and, if so, forward a certificate of eligibility for the abatement to the:

- (a) Department of Taxation;
- (b) County assessor;
- (c) County treasurer; and
- (d) Office of Economic Development.

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

(a) An application pursuant to subparagraph (3) of paragraph (d) of subsection 1:

(1) The Chief of the Budget Division shall publish a fiscal note that indicates an estimate of the fiscal impact of the partial abatement on the State; and

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

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

4. The partial abatement:

(a) Must be for a duration not to exceed 1 year, and in an annual amount that equals, for a building or other structure that meets the equivalent of:

(1) The silver level, 25 percent of the portion of the taxes imposed pursuant to chapter 361 of NRS, other than any taxes imposed for public education, that would otherwise be payable for the building or other structure, excluding the associated land;

(2) The gold level, 30 percent of the portion of the taxes imposed pursuant to chapter 361 of NRS, other than any taxes imposed for public education, that would otherwise be payable for the building or other structure, excluding the associated land; or

(3) The platinum level, 35 percent of the portion of the taxes imposed pursuant to chapter 361 of NRS, other than any taxes imposed for public education, that would otherwise be payable for the building or other structure, excluding the associated land.

(b) Does not apply during any period in which the owner of the building or other structure is receiving another abatement or exemption pursuant to this chapter or NRS 361.045 to 361.159, inclusive, from the taxes imposed pursuant to chapter 361 of NRS.

(c) Terminates upon any determination by the Director that the building or other structure has ceased to meet the equivalent of the silver level or higher. The Director shall provide notice and a reasonable opportunity to cure any noncompliance issues before making a determination that the building or other structure has ceased to meet that standard. The Director shall immediately provide notice of each determination of termination to the:

(1) Department of Taxation, who shall immediately notify each affected local government of the determination;

(2) County assessor;

(3) County treasurer; and

(4) Office of Economic Development.

5. The Director shall adopt regulations:

(a) Establishing the qualifications and methods to determine eligibility for the abatement;

(b) Prescribing such forms as will ensure that all information and other documentation necessary to make an appropriate determination is filed with the Director; and

(c) Prescribing the criteria for determining when there is a significant change in the scope of a project for the purposes of subparagraph (1) of paragraph (d) of subsection 1,

➡ and the Department of Taxation shall adopt such additional regulations as it determines to be appropriate to carry out the provisions of this section.

6. As used in this section:

(a) “Building or other structure” does not include any building or other structure for which the principal use is as a residential dwelling, even if the building or other structure is used for more than four families.

(b) “Director” means the Director of the Office of Energy appointed pursuant to NRS 701.150.

(c) “Manufacturer” means a person engaged primarily in manufacturing or processing which changes raw or unfinished materials into another form or creates another product.

(d) “Taxes imposed for public education” means:

(1) Any ad valorem tax authorized or required by chapter 387 of NRS;

(2) Any ad valorem tax authorized or required by chapter 350 of NRS for the obligations of a school district, including, without limitation, any ad valorem tax necessary to carry out the provisions of subsection 5 of NRS 350.020; and

(3) Any other ad valorem tax for which the proceeds thereof are dedicated to the public education of pupils in kindergarten through grade 12.

Section 21 of chapter 298, Statutes of Nevada 2011:

Sec. 21. An application for a partial abatement of taxes requested pursuant to NRS 701A.110 submitted on or after the effective date of this section must not be granted if the application is for a partial abatement of taxes for an existing building or other structure which is being renovated.

Assemblyman Bobzien moved the adoption of the amendment.

Remarks by Assemblyman Bobzien.

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 Commerce and Labor:

Amendment No. 476.

SUMMARY—Makes various changes concerning apprenticeships for federal recognition of the Office of the Labor Commissioner as the ~~State Apprenticeship~~ **Registration Agency** ~~for~~ **for purposes relating to apprenticeship programs and apprentices.** (BDR 53-357)

AN ACT relating to employment; making various changes concerning apprenticeships for conformity to federal regulations; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

The federal National Apprenticeship Act authorizes and directs the United States Secretary of Labor to: (1) formulate and promote the furtherance of labor standards to safeguard the welfare of apprentices; (2) encourage the

inclusion of such standards in contracts of apprenticeship; (3) bring together employers and labor for the creation of programs of apprenticeship; and (4) cooperate with state agencies in the establishment and promotion of standards of apprenticeship. (29 U.S.C. §§ 50 et seq.) In 1977, the Secretary of Labor promulgated regulations implementing the National Apprenticeship Act which placed responsibility for accomplishing those goals in the United States Department of Labor, but authorized the Department to delegate authority to administer certain portions of the regulations to states under certain circumstances where a state's apprenticeship laws conform to the federal regulations and the state's entities satisfy the requirements for recognition by the Department. (29 C.F.R. Part 29 (1977))

In 2008, the Secretary of Labor updated the federal regulations concerning apprenticeship and required participating states to conform their apprenticeship laws, regulations and policies to those federal regulations in order to continue or obtain federal recognition. (29 C.F.R. Part 29) The requirements for conformity and recognition include, among other things, certain changes in: (1) the standards for apprenticeship programs; and (2) the roles and responsibilities of administrative entities of state government responsible for apprenticeship. (29 C.F.R. §§ 29.2, 29.5, 29.13)

Existing law conforms to the federal regulations promulgated in 1977 but does not conform to those regulations promulgated in 2008. This bill makes the various changes necessary to conform the provisions of chapter 610 of NRS to the updated federal regulations to ensure continued recognition of a Nevada agency as an agency authorized to register apprenticeship programs for certain federal purposes under the National Apprenticeship Act.

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

Section 1. NRS 610.010 is hereby amended to read as follows:

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

1. ~~["Agreement" means a written and signed agreement of indenture as an apprentice.~~

~~—2.] "Apprentice" [means a person who is covered by a written agreement, issued pursuant to a program with an employer, or with an association of employers or an organization of employees acting as agent for an employer.~~

~~—3.] has the meaning ascribed to it in 29 C.F.R. § 29.2.~~

2. *"Apprenticeable occupation" means an occupation in which a person may be apprenticed that is specified by industry and satisfies the conditions set forth in 29 C.F.R. § 29.4.*

3. *"Apprenticeship agreement" or "agreement" has the meaning ascribed to "apprenticeship agreement" in 29 C.F.R. § 29.2.*

4. *“Apprenticeship committee” or “committee”* ~~[means an entity designated by a sponsor to administer an apprenticeship program.]~~ has the meaning ascribed to “apprenticeship committee” in 29 C.F.R. § 29.2.

5. *“Apprenticeship program” or “program”* has the meaning ascribed to “apprenticeship program” in 29 C.F.R. § 29.2.

6. *“Cancellation”* has the meaning ascribed to it in 29 C.F.R. § 29.2.

7. *“Certificate”* means a document issued by the State ~~[Director of]~~ Apprenticeship Agency as evidence that:

(a) A person is eligible for probationary employment as an apprentice under an apprenticeship program that is registered and approved by the State ~~[Director of]~~ Apprenticeship ~~[+]~~ Agency;

(b) A sponsor’s apprenticeship program is registered and approved by the State ~~[Director of]~~ Apprenticeship ~~[+]~~ Agency;

(c) An apprentice has successfully met the requirements to receive an interim credential; or

(d) A person has successfully completed his or her apprenticeship.

8. *“Competency”* has the meaning ascribed to it in 29 C.F.R. § 29.2.

9. *“Competency-based approach”* means a method of measuring the skills and knowledge acquired by an apprentice through his or her successful demonstration of such skills and knowledge, as verified by the sponsor, and completion of an on-the-job learning component.

10. *“Disability”* means, with respect to a person:

(a) A physical or mental impairment that substantially limits one or more of the major life activities of the person;

(b) A record of such an impairment; or

(c) Being regarded as having such an impairment.

~~[4.]~~ 11. *“Electronic media”* has the meaning ascribed to it in 29 C.F.R. § 29.2.

12. *“Employer”* has the meaning ascribed to it in 29 C.F.R. § 29.2.

~~[12.]~~ 13. *“Federal purposes”* has the meaning ascribed to it in 29 C.F.R. § 29.2.

14. *“Gender identity or expression”* means a gender-related identity, appearance, expression or behavior of a person, regardless of the person’s assigned sex at birth.

~~[5.]~~ *“Program”* means a program of training and instruction as an apprentice in an occupation in which a person may be apprenticed.

~~[6.]~~ ~~[13.]~~ 15. *“Hybrid approach”* means a method of measuring the skills and knowledge acquired by an apprentice by incorporating elements of the time-based approach and the competency-based approach by assessing a specified minimum number of hours of on-the-job learning completed by the apprentice and by his or her successful demonstration of competency as described in a work process schedule.

~~{14.}~~ 16. “Interim credential” means a certificate issued by the State ~~{Director of}~~ Apprenticeship Agency upon request of the appropriate sponsor, as certification of competency by an apprentice.

~~{15.}~~ 17. “Journeyworker” has the meaning ascribed to it in 29 C.F.R. § 29.2.

~~{16.}~~ 18. “Office of Apprenticeship” has the meaning ascribed to it in 29 C.F.R. § 29.2.

~~{17.}~~ 19. “Registration” means:

(a) The acceptance and recording of an apprenticeship agreement by the State ~~{Director of}~~ Apprenticeship Agency as evidence of an apprentice’s participation in a particular registered apprenticeship program.

(b) The acceptance and recording of an apprenticeship program by the State ~~{Director of}~~ Apprenticeship Agency as evidence that the program meets the requirements of this chapter and the basic standards and requirements of the United States Department of Labor for approval of such a program for federal purposes . ~~{, including, without limitation, the obtaining of any federal contract, grant, agreement or arrangement concerning apprenticeships, and any federal assistance, financial or otherwise, including, without limitation, a benefit, privilege, contribution, allowance, exemption, preference or right pertaining to apprenticeships.}~~

~~—18.}~~ 20. “Related instruction” means an organized and systematic form of instruction designed to provide an apprentice with the knowledge of the theoretical and technical subjects related to the apprentice’s occupation. Such instruction may be given in a classroom, through occupational or industrial courses, through correspondence courses of equivalent value, through electronic media ~~{, including, without limitation, content accessible via the Internet and interactive distance learning,}~~ or by other forms of self-study approved by the State ~~{Director of}~~ Apprenticeship ~~{,}~~ Agency in accordance with standards established by the State Apprenticeship Council pursuant to NRS 610.090.

21. “Sexual orientation” means having or being perceived as having an orientation for heterosexuality, homosexuality or bisexuality.

~~{20.}~~ 22. “Sponsor” has the meaning ascribed to it in 29 C.F.R. § 29.2.

~~{21.}~~ 23. “State Apprenticeship Agency” has the meaning ascribed to it in 29 C.F.R. § 29.2.

24. “State Apprenticeship Council” means the entity created by NRS 610.030.

~~{22.}~~ 25. “Time-based approach” means a method of measuring the skills and knowledge acquired by an apprentice through his or her completion of at least 2,000 hours of on-the-job learning as described in a work process schedule.

~~{23.}~~ 26. “Transfer” has the meaning ascribed to it in 29 C.F.R. § 29.2.

Sec. 2. NRS 610.020 is hereby amended to read as follows:

610.020 The purposes of this chapter are:

1. To open to people, without regard to race, color, creed, sex, sexual orientation, gender identity or expression, religion, disability or national origin, the opportunity to obtain training that will equip them for profitable employment and citizenship.

2. To establish, as a means to this end, an organized program for the voluntary training of persons under approved standards for apprenticeship, providing facilities for their training and guidance in the arts and crafts of industry and trade, with instruction in related and supplementary education.

3. To promote opportunities for employment for all persons, without regard to race, color, creed, sex, sexual orientation, gender identity or expression, religion, disability or national origin, under conditions providing adequate training and reasonable earnings.

4. To regulate the supply of skilled workers in relation to the demand for skilled workers.

5. To establish standards for the training of apprentices in approved programs.

6. To establish a State Apprenticeship **Agency that has the responsibility and accountability for apprenticeship within this State and the authority to carry out the purposes of this chapter.**

7. To establish a State Apprenticeship Council ~~{with the authority to carry out the purposes of this chapter and provide for local joint apprenticeship committees} {to provide advice and guidance}~~ **to assist the State {Director of} Apprenticeship {and to assist} Agency** in carrying out the purposes of this chapter.

~~{7.}~~ **8.** To provide for a State Director of Apprenticeship ~~{-}~~ **with the authority to carry** **assist in carrying out the purposes of this chapter.**

~~{8.}~~ **9.** To provide for ~~{state and local joint}~~ **apprenticeship committees to assist in carrying out the purposes of this chapter.**

~~{9.}~~ **10.** **To provide for** reports to the Legislature and to the public regarding the status of the training of apprentices in the State.

~~{9.}~~ ~~{10.}~~ **11.** To establish procedures for regulating programs and deciding controversies concerning programs and agreements.

~~{10.}~~ ~~{11.}~~ **12.** To accomplish related ends.

Sec. 3. NRS 610.030 is hereby amended to read as follows:

610.030 1. A State Apprenticeship Council composed of seven members is hereby created ~~{-}~~ **to act in a regulatory capacity as directed by the State Apprenticeship Agency, to provide advice and guidance to the State {Director of} Apprenticeship Agency and to assist in carrying out the purposes of this chapter.**

2. The Labor Commissioner shall appoint:

(a) Three members who are representatives from employer associations and have knowledge concerning occupations in which a person may be apprenticed.

(b) Three members who are representatives from employee organizations and have knowledge concerning occupations in which a person may be apprenticed.

(c) One member who is a representative of the general public and who, before appointment, must first receive the unanimous approval of the members appointed under the provisions of paragraphs (a) and (b).

3. The state official who has been designated by the State Board for Career and Technical Education as being in charge of trade and industrial education is an ex officio member of the State Apprenticeship Council but may not vote.

Sec. 4. NRS 610.090 is hereby amended to read as follows:

610.090 The State Apprenticeship Council shall ~~be~~, ***under the direction [and with the approval] of the State [Director of] Apprenticeship [Agency]***

1. Establish standards for programs and agreements that are not lower than those prescribed by this chapter.

2. Upon review and approval, extend written reciprocal recognition to multistate joint programs.

3. Adopt such regulations as may be necessary to carry out the intent and purposes of this chapter ~~and~~, ***including, without limitation:***

(a) Standards and reasonable safeguards to ensure that a course taken by correspondence, electronic media or other forms of self-study is completed by the person who receives credit for completing the course; and

(b) Standards for the approval of courses of related instruction.

4. ***Provide advice and guidance to the State Apprenticeship Agency on the operation of the apprenticeship system.***

5. Perform such other functions as may be necessary for the fulfillment of the intent and purposes of this chapter.

Sec. 5. NRS 610.095 is hereby amended to read as follows:

610.095 The State ~~Director of~~ Apprenticeship Council shall:

1. ~~Register~~ ***Review*** and approve or reject ***the registration of*** proposed programs and standards for apprenticeship ~~and~~ ***on behalf of the State Apprenticeship Agency.***

2. After providing notice and a hearing and for good cause shown, deny an application for approval of a program, suspend, terminate, cancel or place conditions upon any approved program, or place an approved program on probation for any violation of the provisions of this title as specified in regulations adopted by the State Apprenticeship Council.

Sec. 5.5. NRS 610.100 is hereby amended to read as follows:

610.100 The State Apprenticeship ~~{Council}~~ Agency shall make a report of its activities and findings, through the Labor Commissioner, as provided in NRS 607.080, to the Legislature and to the public.

Sec. 6. NRS 610.110 is hereby amended to read as follows:

610.110 **1. *The Office of the Labor Commissioner shall serve as the*** ~~*agency of this State which may be designated the*~~ ***State Apprenticeship Agency*** ~~*[by the Office of Apprenticeship pursuant to 29 C.F.R. Part 29.]*~~ ***and the Registration Agency.***

2. The Labor Commissioner ~~for the duly appointed representative of the Labor Commissioner~~ shall be ex officio State Director of Apprenticeship.

~~{2.}~~ **3. As used in this section, ~~“State Apprenticeship Agency”~~ “Registration Agency” has the meaning ascribed to it in 29 C.F.R. § 29.2.**

Sec. 7. NRS 610.120 is hereby amended to read as follows:

610.120 **1.** The State ~~Director of~~ Apprenticeship Agency shall:

(a) Administer the provisions of this chapter with the advice and guidance of the State Apprenticeship Council.

(b) **Register apprenticeship programs and apprentices whose registration is approved by the State Apprenticeship Council pursuant to NRS 610.095.**

~~(c)~~ In cooperation with the State Apprenticeship Council and ~~local or state joint~~ apprenticeship committees, set up conditions and standards for proposed programs, that are not less stringent than those prescribed by this chapter.

~~{(c)}~~ **(d) Approve any apprenticeship agreement which ~~meets~~ :**

(1) Has been approved by the State Apprenticeship Council; and

(2) Meets the standards established under this chapter and terminate or cancel any such agreement in accordance with the provisions of the agreement, the program, this chapter and the standards ~~approved~~ **established** by the State Apprenticeship Council.

~~{(d)}~~ **(e) Keep a record of agreements and their dispositions.**

~~{(e)}~~ **(f) Issue ~~certificates~~ the appropriate certificate as proof** of completion of apprenticeship at the request of ~~the local joint~~ **an** apprenticeship committee.

~~{(f)}~~ **(g) Conduct quality assurance assessments.**

~~{(g)}~~ **(h) Provide technical assistance.**

~~{(h)}~~ **(i) Conduct reviews for compliance with the provisions of this chapter and 29 C.F.R. Parts 29 and 30.**

(j) Perform such other duties as are necessary to carry out the intent and purposes of this chapter.

2. The administration and supervision of related and supplemental instruction for apprentices, coordination of instruction with job experiences, and the selection and training of teachers and coordinators for that instruction are the responsibility of the ~~local joint~~ apprenticeship committees.

3. As used in this section:

(a) *“Quality assurance assessment” means a comprehensive review conducted by the State ~~{Director of}~~ Apprenticeship Agency concerning all aspects of the performance of an apprenticeship program, including, without limitation, the determination of whether:*

(1) Apprentices are receiving on-the-job training in all phases of the apprenticeable occupation;

(2) Scheduled wage increases are consistent with registered standards;

(3) Related instruction is provided through appropriate curriculum and delivery systems; and

(4) The State ~~{Director of}~~ Apprenticeship Agency is receiving notification of all new registrations, cancellations and completions as required by this chapter.

(b) “Technical assistance” means guidance provided by the Office of the Labor Commissioner to the sponsor of a proposed or existing apprenticeship program for the development, revision, amendment or processing of standards of apprenticeship or apprenticeship agreements and the provision of advice to or consultation with such a sponsor to further compliance with the provisions of this chapter and any regulations adopted pursuant thereto.

Sec. 8. NRS 610.140 is hereby amended to read as follows:

610.140 1. ~~{A local or state joint}~~ An apprenticeship committee shall:

(a) In accordance with standards ~~{set up}~~ **established** by the State Apprenticeship Council ~~{,}~~ **pursuant to NRS 610.090,** work in an advisory capacity with employers and employees in matters regarding schedules of operations, application of wage rates, and working conditions for apprentices, which conditions must specify the number of apprentices which may be employed locally in the trade under programs and apprenticeship agreements entered into under this chapter.

(b) Adjust disputes concerning apprenticeships not otherwise provided for in bona fide collective bargaining agreements.

(c) Within 10 days after the termination of any apprenticeship agreement, submit to the State ~~{Director of}~~ Apprenticeship ~~{Council}~~ Agency a written notice which includes the name of the apprentice and the reason for the termination.

(d) Keep the State ~~{Director of}~~ Apprenticeship ~~{Council}~~ Agency informed of all actions.

2. The decisions of ~~{Local or state joint}~~ apprenticeship committees are, at all times, subject to appeal to the State Apprenticeship Council.

~~{ 3. For the purposes of this section, a local or state joint apprenticeship committee must be composed of an equal number of representatives of~~

~~employers and of employees who are represented by bona fide collective bargaining agents.~~

Sec. 9. NRS 610.144 is hereby amended to read as follows:

610.144 To be eligible for registration and approval by the State ~~{Director of}~~ Apprenticeship ~~{or Council}~~ **Agency**, a proposed program must:

1. Be an organized, written plan embodying the terms and conditions of employment, training and supervision of one or more apprentices in an **apprenticeable** occupation ~~{in which a person may be apprenticed}~~ and be subscribed to by a sponsor who has undertaken to carry out the program.

2. Contain the pledge of equal opportunity prescribed in 29 C.F.R. § 30.3(b) and, when applicable:

(a) A plan of affirmative action in accordance with 29 C.F.R. § 30.4;

(b) A method of selection authorized in 29 C.F.R. § 30.5;

(c) A nondiscriminatory pool for application as an apprentice; or

(d) Similar requirements expressed in a state plan for equal opportunity in employment in apprenticeships adopted pursuant to 29 C.F.R. Part 30 and approved by the **United States** Department of Labor.

3. Contain:

(a) Provisions concerning the employment and training of the apprentice in a skilled trade . ~~{;}~~

(b) ~~{A}~~ **The** term of **the** apprenticeship . ~~{of not less than 2,000 hours of work experience, consistent with training requirements as established by practice in the trade;}~~ **The term must be established using the time-based approach, competency-based approach or hybrid approach. The determination of the appropriate approach must be made by the sponsor, subject to approval by the State** ~~{Director of}~~ **Apprenticeship Agency of the determination as appropriate to the apprenticeable occupation for which the program standards are registered. The State** ~~{Director of}~~ **Apprenticeship Agency must not approve the use of the competency-based approach or hybrid approach unless the program standards address the manner in which the required on-the-job learning component will be integrated into the program, describe competencies and identify an appropriate means of measuring the skills and knowledge acquired by the apprentice.**

(c) An outline of the processes in which the apprentice will receive supervised experience and training on the job, and the allocation of the approximate time to be spent in each major process . ~~{;}~~

(d) Provisions for organized, related and supplemental instruction in technical subjects related to the ~~{trade}~~ **occupation** with a minimum of 144 hours for each year of apprenticeship . ~~{, given in a classroom or through trade, industrial or correspondence courses of equivalent value or other forms}~~

~~of study approved by the State Apprenticeship Council;}~~ ***Such instruction in technical subjects may be accomplished through related instruction. Any person who provides instruction must:***

(1) Meet any requirements established by the State Board for Career and Technical Education for a vocational-technical instructor, or be an expert in a particular subject matter, such as a journeyworker, who is recognized within an industry as having expertise in a specific occupation; and

(2) Be trained in teaching techniques and styles for learning by adults, which may have been attained before or during a period of instruction provided by the instructor.

(e) A progressively increasing, reasonable and profitable schedule of wages to be paid to the apprentice consistent with the skills acquired, not less than that allowed by federal or state law or regulations or by a collective bargaining agreement . ~~{ }~~

(f) Provisions for a periodic review and evaluation of the apprentice's progress in performance on the job and related instruction and the maintenance of appropriate records of such progress . ~~{ }~~

(g) A numeric ratio of apprentices to ~~{journeymen}~~ ***journeyworkers*** consistent with proper supervision, training, safety, continuity of employment and applicable provisions in collective bargaining agreements, in language that is specific and clear as to its application in terms of job sites, workforces, departments or plants . ~~{ }~~

(h) A probationary period that is reasonable in relation to the full term of apprenticeship, with full credit given for that period toward the completion of the full term of apprenticeship ~~{ }~~ , ***and which does not exceed 25 percent of the length of the program or 1 year, whichever is less.***

(i) Provisions for adequate and safe equipment and facilities for training and supervision and for the training of apprentices in safety on the job and in related instruction . ~~{ }~~

(j) The minimum qualifications required by a sponsor for persons entering the program, with an eligible starting age of ~~{not less than}~~ ***at least*** 16 years , ***except where a higher minimum age standard is otherwise fixed by law . { }***

(k) Provisions for the placement of an apprentice under a written ***apprenticeship*** agreement as required by this chapter, incorporating directly or by reference the standards of the program . ~~{ }~~

(l) Provisions for the granting of advanced standing or credit to all applicants on an equal basis for previously acquired experience, training or skills, with commensurate wages for each advanced step granted . ~~{ }~~

(m) Provisions for the transfer of ~~{the employer's training obligation when the employer is unable to fulfill his or her obligation under the agreement to another employer under the same or a similar program with the consent of}~~

an apprenticeship between apprenticeship programs and within an apprenticeship program. Any such transfer must be based on an agreement between the apprentice and the affected ~~local joint~~ apprenticeship committee or sponsor of the program ~~and~~ and comply with the following requirements:

(1) The transferring apprentice must be provided a transcript of related instruction and on-the-job learning by the committees or the sponsors of the programs from which and to which he or she is transferring;

(2) The transfer must be to the same occupation; and

(3) A new apprenticeship agreement must be executed when the transfer occurs between sponsors.

(n) Provisions for the assurance of qualified training personnel and adequate supervision on the job . ~~and~~

(o) Provisions for the issuance of an appropriate certificate evidencing the successful completion of an apprenticeship . ~~and~~ **A certificate:**

(1) Must be issued by the State ~~Director of~~ Apprenticeship Agency and be signed by the State Director of Apprenticeship and the Chair of the State Apprenticeship Council; and

(2) If requested by the sponsor of the program, must be obtained from the Office of Apprenticeship with the reasonable assistance of the State ~~Director of~~ Apprenticeship ~~and~~ Agency.

(p) An identification of the State Apprenticeship Council ~~Office of the Labor Commissioner~~ Agency as the agency for registration of the program . ~~and~~

(q) Provisions for the registration of apprenticeship agreements and of modifications and amendments thereto . ~~and~~

(r) Provisions for notice to the ~~Labor Commissioner~~ State ~~Director of~~ Apprenticeship Agency of persons who have successfully completed the program and of all cancellations, suspensions and terminations of apprenticeship agreements and the causes therefor . ~~and~~

(s) ~~Provisions~~ **Authority** for the termination of an apprenticeship agreement during the probationary period by either party without cause . ~~and~~ **Such a termination must not have an adverse impact on the completion rate of the sponsor of the program. As used in this paragraph, "completion rate" means the percentage of any group of apprentices registered to a specific program during a 1-year period, excluding the apprentices whose agreement has been terminated during the probationary period, who receive a certificate of completion of an apprenticeship within 1 year after the projected completion date.**

(t) A statement that the program will be conducted, operated and administered in conformity with the applicable provisions of 29 C.F.R. Part

30 or a state plan for equal opportunity in employment in apprenticeships adopted pursuant to 29 C.F.R. Part 30 and approved by the United States Department of Labor . ~~{, and}~~

(u) The name , ~~{and}~~ address , **telephone number and, if appropriate, electronic mail address** of the appropriate authority under the program to receive, process and make disposition of complaints . ~~{, and}~~

(v) Provisions for the recording and maintenance of all records concerning apprenticeships as may be required by the State ~~{Director of}~~ Apprenticeship ~~{Council}~~ **Agency** and applicable laws.

(w) *If a program's standards require the competency-based approach or the hybrid approach for progression through an apprenticeship and the sponsor chooses to issue interim credentials, standards which clearly identify each interim credential, which demonstrate how each credential relates to the components of the apprenticeable occupation and which establish the process for assessing an apprentice's demonstration of competency associated with each particular interim credential. An interim credential may only be issued for recognized components of an apprenticeable occupation which relate the interim credential specifically to the knowledge, skills and abilities associated with those components of the apprenticeable occupation.*

(x) *Provisions for the registration, cancellation and deregistration of the program and for the prompt submission of any modification of or amendment to the standards of the program to the State ~~{Director of}~~ Apprenticeship **Agency** for approval.*

Sec. 10. NRS 610.150 is hereby amended to read as follows:

610.150 Every **apprenticeship** agreement entered into under this chapter must contain:

1. The names and signatures of the contracting parties , **including, without limitation, the apprentice and the sponsor or employer,** and the signature of a parent or legal guardian if the apprentice is a minor.

2. The date of birth of the apprentice.

3. The name , ~~{and}~~ address , **telephone number and, if appropriate, electronic mail address** of the sponsor of the program.

4. A statement of the trade or craft in which the apprentice is to be trained, and the beginning date and expected duration of the apprenticeship.

5. A statement showing :

(a) If the apprenticeship program uses the:

(1) Time-based approach, the number of hours to be spent by the apprentice in work **on the job;**

(2) Competency-based approach, a description of the skill sets to be attained by completion of the program, including the program's on-the-job learning component; or

(3) *Hybrid approach, the minimum number of hours to be spent by the apprentice in on-the-job learning and a description of the skill sets to be attained by completion of the program;* and ~~the~~

(b) *The number of hours to be spent by the apprentice in related ~~and supplemental~~ instruction, which instruction must not be less than 144 hours per year.*

6. A statement setting forth a schedule of the processes in the trade or division of industry in which the apprentice is to be trained and the approximate time to be spent at each process.

7. A statement of the graduated scale of wages to be paid the apprentice and whether or not compensation is to be paid for the required time in school.

8. Statements providing:

(a) For a specific period of probation during which the agreement may be terminated by either party to the agreement upon written notice to the State ~~(Director of)~~ Apprenticeship ~~(Council)~~ Agency, and *without adverse impact on the sponsor; and*

(b) That after the probationary period the agreement may be cancelled at the request of the apprentice, or suspended, cancelled or terminated by the sponsor for good cause, with due notice to the apprentice and a reasonable opportunity for corrective action, and with written notice to the apprentice and the State ~~(Director of)~~ Apprenticeship ~~(Council)~~ Agency of the final action taken.

9. A reference incorporating as part of the agreement the standards of the program as it exists on the date of the agreement and as it may be amended during the period of the agreement.

10. A statement that the apprentice will be accorded equal opportunity in all phases of employment and training as an apprentice without discrimination because of race, color, creed, sex, sexual orientation, gender identity or expression, religion, ~~or~~ disability ~~or~~ *national origin.*

11. A statement naming the State Apprenticeship Council as the authority designated pursuant to NRS 610.180 to receive, process and dispose of controversies or differences arising out of the agreement when the controversies or differences cannot be adjusted locally or resolved in accordance with the program or collective bargaining agreements.

12. Such additional terms and conditions as are prescribed, established or approved by the ~~(State Director of Apprenticeship or established by the)~~ State Apprenticeship Council not inconsistent with the provisions of this chapter.

Sec. 10.2. NRS 610.160 is hereby amended to read as follows:

610.160 1. No apprenticeship agreement under this chapter is effective until it is approved by the ~~(local joint)~~ apprenticeship committee and the State ~~(Director of)~~ Apprenticeship ~~(Council)~~ Council. A copy of the apprenticeship

agreement must be forwarded within 10 days after approval by the ~~Local joint~~ apprenticeship committee to the State ~~Director of~~ Apprenticeship ~~and~~ Council.

2. Every apprenticeship agreement must be signed by the employer, by an association of employers or by an organization of employees acting as agent for an employer, and by the apprentice. If the apprentice is a minor, the apprenticeship agreement must also be signed by:

- (a) Both parents, if the minor is living with both parents;
- (b) The custodial parent, if the minor is living with only one parent; or
- (c) The minor's legal guardian.

3. If a minor enters into an apprenticeship agreement under this chapter for a period of training extending into his or her majority, the apprenticeship agreement is likewise binding for the period covered during his or her majority.

Sec. 10.4. NRS 610.170 is hereby amended to read as follows:

610.170 For the purpose of providing greater diversity of training or continuity of employment, any apprenticeship agreement made under this chapter may, at the discretion of the ~~Local joint~~ apprenticeship committee, be signed by an association of employers or an organization of employees instead of by an individual employer. In that case the apprenticeship agreement must provide expressly that the association of employers or organization of employees does not assume the obligation of an employer, but agrees to use its best endeavors to procure employment and training for the apprentice with one or more employers who will accept full responsibility, as provided in this chapter, for all the terms and conditions of employment and training set forth in the apprenticeship agreement between the apprentice and the association of employers or organization of employees during the period of employment.

Sec. 10.6. NRS 610.180 is hereby amended to read as follows:

610.180 1. Upon the complaint of any interested person or upon its own initiative, the State Apprenticeship Council may investigate to determine if there has been a violation of the terms or conditions of an approved program or an apprenticeship agreement made under this chapter. The State Apprenticeship Council may hold necessary hearings, inquiries and other proceedings. The parties to each apprenticeship agreement and the sponsors and interested participants in the program shall be given a fair and impartial hearing, after reasonable notice. A copy of the determination or decision of each hearing must be filed with the ~~Labor Commissioner,~~ State Director of Apprenticeship, and if no appeal therefrom is filed with the ~~Labor Commissioner,~~ State Director of Apprenticeship within 10 days after the date thereof the determination or decision of the State Apprenticeship

Council becomes the order of the State Director of Apprenticeship. ~~Labor Commissioner.~~

2. Any person aggrieved by any determination or action of the State Apprenticeship Council may appeal to the ~~Labor Commissioner, whose decision, when supported by evidence,~~ State Director of Apprenticeship.

3. Except as otherwise provided in this subsection, the State Director of Apprenticeship's review of the determination or decision must be confined to the whole record. In cases concerning alleged irregularities in procedure before the State Apprenticeship Council that are not shown in the whole record, the State Director of Apprenticeship may receive evidence concerning the alleged irregularities.

4. The final decision of the State Apprenticeship Council shall be deemed reasonable and lawful until reversed or set aside in whole or in part by the State Director of Apprenticeship. The burden of proof is on the party attacking or resisting the decision to show that the final decision is invalid pursuant to subsection 5.

5. The State Director of Apprenticeship shall not substitute his or her judgment for that of the State Apprenticeship Council as to the weight of evidence on a question of fact. The State Director of Apprenticeship may remand or affirm the final decision or set it aside in whole or in part if substantial rights of the appellant have been prejudiced because the decision of the State Apprenticeship Council is:

- (a) In violation of constitutional or statutory provisions;
- (b) In excess of the statutory authority of the State Apprenticeship Council;
- (c) Made upon unlawful procedure;
- (d) Affected by other error of law;
- (e) Clearly erroneous in view of the reliable, probative and substantial evidence on the whole record; or
- (f) Arbitrary or capricious or characterized by abuse of discretion.

6. The decision of the State Director of Apprenticeship is conclusive if notice of appeal therefrom to the courts is not filed within 30 days after the date of the decision of the ~~Labor Commissioner.~~

~~3.~~ State Director of Apprenticeship.

7. A person shall not institute any action based upon:

- (a) An apprenticeship agreement;
 - (b) Proposed or approved standards for apprenticeship; or
 - (c) A program governed by this chapter,
- ↪ unless the person first exhausts all administrative remedies provided by this chapter.

Sec. 11. NRS 610.190 is hereby amended to read as follows:

610.190 Nothing in this chapter or in any apprenticeship agreement, standard or program approved under this chapter invalidates any :

1. ~~Apprenticeship provision~~ **Provision** in any collective bargaining agreement between employers and employees setting up higher standards for apprenticeship ~~11~~ ; or

2. ***Special provision for veterans, members of racial or ethnic minority groups or women in the standards, apprentice qualifications or operation of the program or in the apprenticeship agreement so long as the provision is not otherwise prohibited by federal or state law, executive order or authorized regulation.***

Sec. 12. NRS 612.607 is hereby amended to read as follows:

612.607 1. All payments collected pursuant to NRS 612.606 must be deposited in the Unemployment Compensation Administration Fund. At the end of each fiscal year, the State Controller shall transfer to the Clearing Account in the Unemployment Compensation Fund the amount by which the unencumbered balance of the money deposited in the Unemployment Compensation Administration Fund pursuant to this subsection exceeds the amount of that money which the Legislature has authorized for expenditure during the first 90 days of the succeeding fiscal year.

2. Except for money transferred from the Unemployment Compensation Administration Fund pursuant to subsection 1, the Administrator may only expend the money collected for the employment and training of unemployed persons and persons employed in this State to:

(a) Establish and administer an employment training program which must foster job creation, minimize unemployment costs of employers and meet the needs of employers for skilled workers by providing training to unemployed persons.

(b) Establish or provide support for job training programs in the public and private sectors for training, retraining or improving the skills of persons employed in this State.

(c) Establish a program to provide grants of money to a nonprofit private entity to be used to make loans of money to veterans and senior citizens to start small businesses. The Administrator shall adopt regulations establishing criteria and standards relating to the eligibility for and use of any grants made pursuant to this paragraph.

(d) Pay the costs of the collection of payments required pursuant to NRS 612.606.

3. The money used for the program for the employment and training of unemployed persons and persons employed in this State must supplement and not displace money available through existing employment training programs conducted by any employer or public agency and must not replace,

parallel, supplant, compete with or duplicate in any way existing apprenticeship programs approved by the State ~~Director of~~ Apprenticeship ~~and Council~~ **Agency.**

4. As used in this section:

- (a) "Senior citizen" has the meaning ascribed to it in NRS 439.650.
- (b) "Small business" means a business conducted for profit which:
 - (1) Employs 50 or fewer full-time employees; and
 - (2) Has gross annual sales of less than \$5,000,000.

Sec. 12.5. NRS 616A.215 is hereby amended to read as follows:

616A.215 1. Except as otherwise provided in subsection ~~3, 4~~, any person who is an apprentice or trainee shall be deemed for the purposes of chapters 616A to 616D, inclusive, of NRS to be an employee of an apprenticeship committee registered with the State Apprenticeship Council at a wage of \$150 per month while the person is:

- (a) Attending a class for vocational training; or
- (b) Receiving bona fide instruction as an apprentice or trainee,
 - ↪ under the direction of the apprenticeship committee. Such an apprentice or trainee is entitled to the benefits of chapters 616A to 616D, inclusive, of NRS.

2. A person who is an apprentice or trainee shall be deemed for the purposes of chapters 616A to 616D, inclusive, of NRS to be an employee of an employer who is participating in a program of training and instruction as an apprentice or trainee approved pursuant to chapter 610 of NRS while:

- (a) The apprentice or trainee is performing work for that employer; and
- (b) The employer is paying the apprentice or trainee a wage for the work performed.
 - ↪ The apprentice or trainee shall be deemed to be an employee at a wage equal to his or her average monthly wage as determined pursuant to the regulations adopted by the Administrator pursuant to NRS 616C.420 and is entitled to the benefits of chapters 616A to 616D, inclusive, of NRS.

3. **Except as otherwise provided in subsection 4, any person who is a trainee in a program funded by a training trust authorized pursuant to 29 U.S.C. § 186 shall be deemed for the purposes of chapters 616A to 616D, inclusive, of NRS to be an employee of the trust at a wage of \$150 per month while the person is attending a class for vocational training. Such a trainee is entitled to the benefits of chapters 616A to 616D, inclusive, of NRS.**

4. If an apprentice or trainee who is employed by an employer participating in a program of training and instruction is injured while the apprentice or trainee, as applicable, is deemed to be an employee of the apprenticeship committee pursuant to subsection 1 and the apprentice or trainee is unable to work for an employer participating in the program solely

because of that injury, the apprentice or trainee shall be deemed to be an employee of the apprenticeship committee at a wage of \$150 per month or at his or her average monthly wage as determined pursuant to the regulations adopted by the Administrator pursuant to NRS 616C.420, whichever is greater.

~~4.1.5.~~ As used in this section, "trainee" means a person who is under the direction of an apprenticeship committee specified in subsection 1 and, for that purpose, is described by that apprenticeship committee as a "journeyworker trainee."

Sec. 13. NRS 616A.215 is hereby amended to read as follows:

616A.215 1. Except as otherwise provided in subsection 4, any person who is an apprentice or trainee shall be deemed for the purposes of chapters 616A to 616D, inclusive, of NRS to be an employee of an apprenticeship committee registered with the State ~~Director of~~ Apprenticeship ~~Council~~ Agency at a wage of \$150 per month while the person is:

- (a) Attending a class for vocational training; or
- (b) Receiving bona fide instruction as an apprentice or trainee,

↪ under the direction of the apprenticeship committee. Such an apprentice or trainee is entitled to the benefits of chapters 616A to 616D, inclusive, of NRS.

2. A person who is an apprentice or trainee shall be deemed for the purposes of chapters 616A to 616D, inclusive, of NRS to be an employee of an employer who is participating in a program of training and instruction as an apprentice or trainee approved pursuant to chapter 610 of NRS while:

- (a) The apprentice or trainee is performing work for that employer; and
- (b) The employer is paying the apprentice or trainee a wage for the work performed.

↪ The apprentice or trainee shall be deemed to be an employee at a wage equal to his or her average monthly wage as determined pursuant to the regulations adopted by the Administrator pursuant to NRS 616C.420 and is entitled to the benefits of chapters 616A to 616D, inclusive, of NRS.

3. Except as otherwise provided in subsection 4, any person who is a trainee in a program funded by a training trust authorized pursuant to 29 U.S.C. § 186 shall be deemed for the purposes of chapters 616A to 616D, inclusive, of NRS to be an employee of the trust at a wage of \$150 per month while the person is attending a class for vocational training. Such a trainee is entitled to the benefits of chapters 616A to 616D, inclusive, of NRS.

4. If an apprentice or trainee who is employed by an employer participating in a program of training and instruction is injured while the apprentice or trainee, as applicable, is deemed to be an employee of the apprenticeship committee pursuant to subsection 1 and the apprentice or trainee is unable to work for an employer participating in the program solely

because of that injury, the apprentice or trainee shall be deemed to be an employee of the apprenticeship committee at a wage of \$150 per month or at his or her average monthly wage as determined pursuant to the regulations adopted by the Administrator pursuant to NRS 616C.420, whichever is greater.

5. As used in this section, “trainee” means a person who is under the direction of an apprenticeship committee specified in subsection 1 and, for that purpose, is described by that apprenticeship committee as a “journeyworker trainee.”

Sec. 14. NRS 361.106 is hereby amended to read as follows:

361.106 1. Except as otherwise provided in subsection 2, the real and personal property of an apprenticeship program is exempt from taxation if the property is:

- (a) Held in a trust created pursuant to 29 U.S.C. § 186; or
- (b) Owned by a local or state apprenticeship committee and the apprenticeship program is:

(1) Operated by an organization which is qualified pursuant to 26 U.S.C. § 501(c)(3) or (5); and

(2) Registered and approved by the State ~~{Director of}~~ Apprenticeship ~~{Council}~~ **Agency** pursuant to chapter 610 of NRS.

2. If any property exempt from taxation pursuant to subsection 1 is used for a purpose other than that of the apprenticeship program required in subsection 1, and a rent or other valuable consideration is received for its use, the property must be taxed, unless the rent or other valuable consideration is paid or given by an organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c)(3).

Sec. 15. ~~{NRS 624.260 is hereby amended to read as follows:~~

~~624.260 1. The Board shall require an applicant or licensee to show such a degree of experience, financial responsibility and such general knowledge of the building, safety, health and lien laws of the State of Nevada and the administrative principles of the contracting business as the Board deems necessary for the safety and protection of the public.~~

~~2. An applicant or licensee may qualify in regard to his or her experience and knowledge in the following ways:~~

~~(a) If a natural person, the applicant or licensee may qualify by personal appearance or by the appearance of his or her responsible managing employee.~~

~~(b) If a copartnership, a corporation or any other combination or organization, it may qualify by the appearance of the responsible managing officer or member of the personnel of the applicant firm.~~

~~➔ If an applicant or licensee intends to qualify pursuant to this subsection by the appearance of another person, the applicant or licensee shall submit to the~~

~~Board such information as the Board determines is necessary to demonstrate the duties and responsibilities of the other person so appearing with respect to the supervision and control of the operations of the applicant or licensee relating to construction.~~

~~3. The natural person qualifying on behalf of another natural person or firm under paragraphs (a) and (b) of subsection 2 must prove that he or she is a bona fide member or employee of that person or firm and when his or her principal or employer is actively engaged as a contractor shall exercise authority in connection with the principal or employer's contracting business in the following manner:~~

~~—(a) To make technical and administrative decisions;~~

~~—(b) To hire, superintend, promote, transfer, lay off, discipline or discharge other employees and to direct them, either by himself or herself or through others, or effectively to recommend such action on behalf of the principal or employer; and~~

~~—(c) To devote himself or herself solely to the principal or employer's business and not to take any other employment which would conflict with his or her duties under this subsection.~~

~~4. A natural person may not qualify on behalf of another for more than one active license unless:~~

~~—(a) One person owns at least 25 percent of each licensee for which the person qualifies; or~~

~~—(b) One licensee owns at least 25 percent of the other licensee.~~

~~5. Except as otherwise provided in subsection 6, in addition to the other requirements set forth in this section, each applicant for licensure as a contractor must have had, within the 10 years immediately preceding the filing of the application for licensure, at least 4 years of experience as a [journeyman,] **journeyworker**, foreman, supervising employee or contractor in the specific classification in which the applicant is applying for licensure. Training received in a program offered at an accredited college or university or an equivalent program accepted by the Board may be used to satisfy not more than 3 years of experience required pursuant to this subsection.~~

~~6. If the applicant who is applying for licensure has previously qualified for a contractor's license in the same classification in which the applicant is applying for licensure, the experience required pursuant to subsection 5 need not be accrued within the 10 years immediately preceding the application.~~

~~7. As used in this section, ["journeyman" means a person who:~~

~~—(a) Is fully qualified to perform, without supervision, work in the classification in which the person is applying for licensure; or~~

~~—(b) Has successfully completed:~~

~~(1) A program of apprenticeship for the classification in which the person is applying for licensure that has been approved by the State Apprenticeship Council; or~~

~~(2) An equivalent program accepted by the Board.] “journeyworker” has the meaning ascribed to it in NRS 610.010. (Deleted by amendment.)~~

Sec. 16. NRS 701B.921 is hereby amended to read as follows:

701B.921 1. The Department of Employment, Training and Rehabilitation and the Housing Division of the Department of Business and Industry shall establish contractual relationships with one or more nonprofit collaboratives to carry out the State’s mission of creating new jobs in the fields of energy efficiency and renewable energy by combining job training with weatherization, energy retrofit applications or the development of renewable energy plants.

2. To qualify as a nonprofit collaborative for the purposes of this section, a nonprofit entity:

(a) Must enter into a written agreement relating to job training and career development activities with:

(1) A labor management agency or other affiliated agency which has established an apprenticeship program that is registered and approved by the State ~~{Director of}~~ Apprenticeship ~~{Council}~~ **Agency** pursuant to chapter 610 of NRS; and

(2) A community college or another institution of higher education; and

(b) Must conduct or have the ability to conduct training programs in at least one of the three geographic regions of this State, including southern Nevada, northern Nevada and rural Nevada.

↪ Such a nonprofit entity may also enter into a written agreement relating to job training and career development activities with a trade association which has an accredited job skills training program.

3. Within the limits of money available to the Department for this purpose, the Department shall contract with one or more qualified nonprofit collaboratives to:

(a) Carry out programs for job training in fields relating to energy efficiency and the use of renewable energy.

(b) In concert with a labor management agency or other affiliated agency which has established an apprenticeship program that is registered and approved by the State ~~{Director of}~~ Apprenticeship ~~{Council}~~ **Agency** pursuant to chapter 610 of NRS, develop apprenticeship programs to train laborers in skills related to:

(1) The implementation of energy efficiency measures.

(2) The use of renewable energy.

(3) Performing audits of the energy efficiency of buildings, facilities, residences and structures.

- (4) The weatherization of buildings, facilities, residences and structures.
- (5) The retrofitting of buildings, facilities, residences and structures.
- (6) The construction and operation of centralized renewable energy plants.

(7) The manufacturing of components relating to work performed pursuant to subparagraphs (1) to (6), inclusive.

4. The job training described in subsection 3 must be sufficiently detailed to allow workers, as applicable, to perform:

- (a) The services set forth in NRS 702.270.
- (b) The services set forth in NRS 618.910 to 618.936, inclusive.
- (c) Such other vocational or professional services, or both, as the Department deems appropriate.

5. Funding provided for the job training described in subsection 3:

- (a) Must, to the extent money is available for the purpose, include the cost of tuition and supplies.
- (b) May include a cost-of-living stipend which may or may not be in addition to any available unemployment compensation.

6. Within the limits of money available to the Division for the purpose, the Division shall contract with one or more governmental entities, community action agencies or nonprofit organizations, including, without limitation, qualified nonprofit collaboratives, to:

(a) Identify, in different regions of the State, neighborhoods that will qualify for funding for residential weatherization projects pursuant to federal programs focusing on residential weatherization; and

(b) Issue requests for proposals for contractors and award contracts for projects to promote energy efficiency through weatherization. Any such requests for proposals and contracts must include, without limitation:

(1) Provisions stipulating that all employees of the outside contractors who work on the project must be paid prevailing wages;

(2) Provisions requiring that each outside contractor:

(I) Employ on each such project a number of persons trained as described in paragraph (b) of subsection 3 that is equal to or greater than 50 percent of the total workforce the contractor employs on the project; or

(II) If the Director of the Department determines in writing, pursuant to a request submitted by the contractor, that the contractor cannot reasonably comply with the provisions of sub-subparagraph (I) because there are not available a sufficient number of such trained persons, employ a number of persons trained as described in paragraph (b) of subsection 3 or trained through any apprenticeship program that is registered and approved by the State ~~Director of~~ Apprenticeship ~~Council~~ **Agency** pursuant to chapter 610 of NRS that is equal to or greater than 50 percent of the total workforce the contractor employs on the project;

(3) A component pursuant to which persons trained as described in paragraph (b) of subsection 3 must be classified and paid prevailing wages depending upon the classification of the skill in which they are trained; and

(4) A component that requires each contractor to offer to employees working on the project, and to their dependents, health care in the same manner as a policy of insurance pursuant to chapters 689A and 689B of NRS or the Employee Retirement Income Security Act of 1974.

7. The Department and the Division:

(a) Shall apply for and accept any grant, appropriation, allocation or other money available pursuant to:

(1) The Green Jobs Act of 2007, 29 U.S.C. § 2916(e); and

(2) The American Recovery and Reinvestment Act of 2009, Public Law 111-5; and

(b) May apply for and accept any other available gift, grant, appropriation or donation from any public or private source,

➡ to assist the Department and the Division in carrying out the provisions of this section.

8. The Department and the Division shall each report to the Interim Finance Committee at each meeting held by the Interim Finance Committee with respect to the activities in which they have engaged pursuant to this section.

9. As used in this section, “community action agencies” means private corporations or public agencies established pursuant to the Economic Opportunity Act of 1964, Public Law 88-452, which are authorized to administer money received from federal, state, local or private funding entities to assess, design, operate, finance and oversee antipoverty programs.

Sec. 17. NRS 701B.924 is hereby amended to read as follows:

701B.924 1. The State Public Works Board shall, within 90 days after June 9, 2009, determine the specific projects to weatherize and retrofit public buildings, facilities and structures, including, without limitation, traffic-control systems, and to otherwise use sources of renewable energy to serve those buildings, facilities and structures pursuant to the provisions of this section and NRS 701B.921. The projects must be prioritized and selected on the basis of the following criteria:

(a) The length of time necessary to commence the project.

(b) The number of workers estimated to be employed on the project.

(c) The effectiveness of the project in reducing energy consumption.

(d) The estimated cost of the project.

(e) Whether the project is able to be powered by or to otherwise use sources of renewable energy.

(f) Whether the project has qualified for participation in one or more of the following programs:

(1) The Solar Energy Systems Incentive Program created by NRS 701B.240;

(2) The Renewable Energy School Pilot Program created by NRS 701B.350;

(3) The Wind Energy Systems Demonstration Program created by NRS 701B.580;

(4) The Waterpower Energy Systems Demonstration Program created by NRS 701B.820; or

(5) An energy efficiency or energy conservation program offered by a public utility, as defined in NRS 704.020, pursuant to a plan approved by the Public Utilities Commission of Nevada pursuant to NRS 704.741.

2. The board of trustees of each school district shall, within 90 days after June 9, 2009, determine the specific projects to weatherize and retrofit public buildings, facilities and structures, including, without limitation, traffic-control systems, and to otherwise use sources of renewable energy to serve those buildings, facilities and structures pursuant to the provisions of this section and NRS 701B.921. The projects must be prioritized and selected on the basis of the following criteria:

(a) The length of time necessary to commence the project.

(b) The number of workers estimated to be employed on the project.

(c) The effectiveness of the project in reducing energy consumption.

(d) The estimated cost of the project.

(e) Whether the project is able to be powered by or to otherwise use sources of renewable energy.

(f) Whether the project has qualified for participation in one or more of the following programs:

(1) The Solar Energy Systems Incentive Program created by NRS 701B.240;

(2) The Renewable Energy School Pilot Program created by NRS 701B.350;

(3) The Wind Energy Systems Demonstration Program created by NRS 701B.580;

(4) The Waterpower Energy Systems Demonstration Program created by NRS 701B.820; or

(5) An energy efficiency or energy conservation program offered by a public utility, as defined in NRS 704.020, pursuant to a plan approved by the Public Utilities Commission of Nevada pursuant to NRS 704.741.

3. The Board of Regents of the University of Nevada shall, within 90 days after June 9, 2009, determine the specific projects to weatherize and retrofit public buildings, facilities and structures, including, without limitation, traffic-control systems, and to otherwise use sources of renewable energy to serve those buildings, facilities and structures pursuant to the

provisions of this section and NRS 701B.921. The projects must be prioritized and selected on the basis of the following criteria:

- (a) The length of time necessary to commence the project.
- (b) The number of workers estimated to be employed on the project.
- (c) The effectiveness of the project in reducing energy consumption.
- (d) The estimated cost of the project.
- (e) Whether the project is able to be powered by or to otherwise use sources of renewable energy.
- (f) Whether the project has qualified for participation in one or more of the following programs:

- (1) The Solar Energy Systems Incentive Program created by NRS 701B.240;

- (2) The Renewable Energy School Pilot Program created by NRS 701B.350;

- (3) The Wind Energy Systems Demonstration Program created by NRS 701B.580;

- (4) The Waterpower Energy Systems Demonstration Program created by NRS 701B.820; or

- (5) An energy efficiency or energy conservation program offered by a public utility, as defined in NRS 704.020, pursuant to a plan approved by the Public Utilities Commission of Nevada pursuant to NRS 704.741.

4. As soon as practicable after an entity described in subsections 1, 2 and 3 selects a project, the entity shall proceed to enter into a contract with one or more contractors to perform the work on the project. The request for proposals and all contracts for each project must include, without limitation:

- (a) Provisions stipulating that all employees of the contractors and subcontractors who work on the project must be paid prevailing wages pursuant to the requirements of chapter 338 of NRS;

- (b) Provisions requiring that each contractor and subcontractor employed on each such project:

- (1) Employ a number of persons trained as described in paragraph (b) of subsection 3 of NRS 701B.921 that is equal to or greater than 50 percent of the total workforce the contractor or subcontractor employs on the project; or

- (2) If the Director of the Department determines in writing, pursuant to a request submitted by the contractor or subcontractor, that the contractor or subcontractor cannot reasonably comply with the provisions of subparagraph (1) because there are not available a sufficient number of such trained persons, employ a number of persons trained as described in paragraph (b) of subsection 3 of NRS 701B.921 or trained through any apprenticeship program that is registered and approved by the State ~~Director of~~ Apprenticeship ~~Council~~ Agency pursuant to chapter 610 of NRS that is

equal to or greater than 50 percent of the total workforce the contractor or subcontractor employs on the project;

(c) A component pursuant to which persons trained as described in paragraph (b) of subsection 3 of NRS 701B.921 must be classified and paid prevailing wages depending upon the classification of the skill in which they are trained; and

(d) A component that requires each contractor or subcontractor to offer to employees working on the project, and to their dependents, health care in the same manner as a policy of insurance pursuant to chapters 689A and 689B of NRS or the Employee Retirement Income Security Act of 1974.

5. The State Public Works Board, each of the school districts and the Board of Regents of the University of Nevada shall each provide a report to the Interim Finance Committee which describes the projects selected pursuant to this section and a report of the dates on which those projects are scheduled to be completed.

Sec. 18. 1. This ~~act becomes~~ section and section 12.5 of this act become effective upon passage and approval.

2. Sections 1 to 12, inclusive, and 13 to 17, inclusive, of this act become effective:

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

(b) On the date the United States Department of Labor recognizes the Office of the Labor Commissioner, which is the State Apprenticeship Agency, as the Registration Agency for federal purposes in this State pursuant to 29 C.F.R. § 29.13.

3. Section 17 of this act expires by limitation on December 31, 2021.

Assemblyman Bobzien moved the adoption of the amendment.

Remarks by Assemblyman Bobzien.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 86.

Bill read second time.

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

Amendment No. 524.

SUMMARY—~~Creates a system for verifying that licensed contractors are in compliance~~ **Requires the State Contractors' Board to suspend or revoke the license of a contractor for failure to comply** with certain provisions ~~of law~~ **governing unemployment compensation, industrial insurance and insurance for occupational diseases.** (BDR 54-276)

AN ACT relating to contractors; requiring the State Contractors' Board to ~~create a system for verifying that~~ **notify a licensed contractor who is not** in compliance with certain provisions governing ~~workers'~~ **unemployment compensation** ~~and unemployment~~, **industrial insurance and insurance for occupational diseases**; requiring the Board to suspend **or revoke** the license of a contractor who ~~is not in~~ **fails to demonstrate** compliance with such provisions; ~~requiring the information in the system to be kept confidential except in certain circumstances; providing a penalty;~~ **restricting the actions of a contractor whose license has been suspended for failure to demonstrate compliance with such provisions; requiring the Board to further suspend or revoke the license of a contractor who engages in prohibited activity;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

With certain exceptions, each employer, including ~~contractors,~~ **each contractor,** is required to contribute to the Unemployment Compensation Fund. (NRS 612.535) Each contractor who has employees, is a subcontractor for a principal contractor, or submits a bid on a job for a principal contractor or subcontractor is also required to: (1) maintain industrial insurance and insurance for occupational diseases; (2) obtain a certificate of qualification as a self-insured employer from the Commissioner of Insurance; or (3) maintain membership in an association of self-insured employers. (Chapters 616A-617 of NRS, NRS 624.256) Existing law requires: (1) the Administrator of the Division of Industrial Relations of the Department of Business and Industry to provide timely notice to the State Contractors' Board if a contractor's industrial insurance coverage has lapsed; and (2) the Commissioner of Insurance to provide timely notice to both the Administrator and the Board if a contractor's certificate of qualification as a self-insured employer is cancelled or withdrawn, or the contractor is no longer a member of an association of self-insured public or private employers. (NRS 616B.630) ~~Section 2 of this bill requires the Board to create a system for verifying that contractors contribute to the Unemployment Compensation Fund or pay the required reimbursement, and maintain in full force the required industrial insurance and insurance for occupational diseases.~~
~~Section 3 of this bill requires each insurer who has executed a contract of insurance with a contractor for a policy of industrial insurance and insurance for occupational diseases to maintain a record of each policy and allow the Board access to that record. Section 4 of this bill provides that information maintained in the system created by the Board can be disclosed only in certain circumstances and makes a willful violation of the section a category D felony.~~

Section ~~5~~ 8 of this bill requires the Board, if applicable, to ~~verify that~~ notify each licensed contractor ~~contributes~~ who fails to meet the requirements to contribute to the Unemployment Compensation Fund and ~~provides~~ to provide and ~~maintains~~ maintain industrial insurance and insurance for occupational diseases. ~~It~~ that the contractor's license will be suspended if the contractor fails to furnish proof by a certain date that he or she is in compliance with these requirements. Section ~~5~~ 8 also requires that the Board suspend the license of any contractor who ~~has failed to meet~~ fails to furnish proof by a certain date that the contractor is in compliance with these requirements ~~and authorizes the Board to reinstate a suspended license if~~ until the contractor whose license has been suspended demonstrates compliance with those requirements . ~~and all other requirements for the reinstatement of a suspended contractor's license. Section 5 also authorizes the Board to rescind the suspension of a contractor's license which was suspended because the contractor failed to contribute to the Unemployment Compensation Fund or to maintain industrial insurance and insurance for occupational diseases if the contractor's failure to meet those requirements resulted from circumstances beyond his or her control.~~

~~Section 6 of this bill exempts insurers and the Board from civil liability for actions taken under the provisions of this bill that are performed in good faith and without gross negligence.~~ Section 8 further provides that if a contractor's license is suspended for failure to meet these requirements: (1) the contractor is required to submit to the Board a list of all the projects for which a contract was entered into before the date of the notice of the suspension; (2) the contractor is prohibited from submitting any bids for any new work or beginning work on a project not described on the list; and (3) the contractor's name is removed from certain lists of contractors eligible to bid on public works projects until the suspension is lifted. Section 8 provides for the extended suspension or revocation of the license of a contractor who fails to submit a complete list of projects, submits an unauthorized bid or begins work on an unauthorized project. Finally, section 8 provides for the suspension and revocation of the license of a contractor who fails to meet the requirements to contribute to the Unemployment Compensation Fund and to provide and maintain industrial insurance and insurance for occupational diseases twice within a 5-year period.

Section 8.5 of this bill requires the Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation to provide quarterly to the Board a list of contractors who have failed to make the required contribution to the Unemployment Compensation Fund.

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

Section 1. ~~[Chapter 624 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.] (Deleted by amendment.)~~

Sec. 2. ~~[1. The Board:~~

~~—(a) Shall, in cooperation with insurers, the Employment Security Division of the Department of Employment, Training and Rehabilitation and the Commissioner of Insurance, create a system for verifying through the secure transmission and receipt of information that, if applicable, a licensed contractor is in compliance with the provisions of chapters 612 and 616A to 617, inclusive, of NRS regarding contributions for unemployment compensation and the maintenance of industrial insurance and insurance for occupational diseases; and~~

~~—(b) May enter into a contract with any person to provide services relating to the system.~~

~~—2. The Board shall adopt regulations to carry out the provisions of this section, including, without limitation, regulations for verifying that, if applicable, a licensed contractor is in compliance with the provisions of chapters 612 and 616A to 617, inclusive, of NRS regarding contributions for unemployment compensation and the maintenance of industrial insurance and insurance for occupational diseases.] (Deleted by amendment.)~~

Sec. 3. ~~[1. Each insurer that has executed a contract of insurance with a contractor for a policy which may be used to meet the requirements of chapters 616A to 617, inclusive, of NRS shall maintain a record of each policy in a format approved by the Board and provide the Board with access to the record.~~

~~—2. The Board shall notify the Commissioner of Insurance if an insurer:~~

~~—(a) Fails to comply with subsection 1; or~~

~~—(b) In complying with subsection 1, provides to the Board information that is false, incomplete or misleading.] (Deleted by amendment.)~~

Sec. 4. ~~[1. Except as otherwise provided in subsection 2 and NRS 239.0115, information which is maintained in the system created pursuant to section 2 of this act is confidential.~~

~~—2. The Board may only disclose information which is maintained in the system to:~~

~~—(a) A state or local governmental agency for the purpose of enforcing the provisions of chapters 612 and 616A to 617, inclusive, of NRS, including, without limitation, investigating or litigating a violation or alleged violation;~~

~~—(b) An authorized insurer;~~

~~—(c) A person:~~

~~—(1) With whom the Board has contracted to provide services relating to the system created pursuant to section 2 of this act; and~~

~~—(2) To whom information is disclosed only pursuant to a nondisclosure or confidentiality agreement which relates to the information;~~

~~—(d) A contractor who requests information regarding his or her own status;~~

~~—(e) A person who has a power of attorney from the contractor about whom the information is requested;~~

~~—(f) A person who submits a notarized release from the contractor about whom the information is requested, which release is dated not more than 90 days before the date of the request; or~~

~~—(g) A person who has suffered a loss or injury arising out of and in the course of employment for a contractor, or the person's authorized insurer or a representative of the authorized insurer, who requests:~~

~~(1) Information for use in an accident report; and~~

~~(2) For each contractor involved in the project on which the person suffered the loss or injury;~~

~~—(I) The name and address of each contractor;~~

~~—(II) The name of the insurer; and~~

~~—(III) The number of the policy of insurance, if applicable.~~

~~3. A person who knowingly violates the provisions of this section is guilty of a category D felony and shall be punished as provided in NRS 193.130.~~

~~4. As used in this section, "authorized insurer" has the meaning ascribed to it in NRS 679A.030.~~ (Deleted by amendment.)

Sec. 5. ~~{1. The Board shall verify that each contractor who is licensed in this State has, if applicable, complied with the provisions of chapters 612 and 616A to 617, inclusive, of NRS regarding contributions for unemployment compensation and the maintenance of industrial insurance and insurance for occupational diseases.~~

~~2. The Board may use any information to verify whether a licensed contractor has, if applicable, complied with the provisions of chapters 612 and 616A to 617, inclusive, of NRS regarding contributions for unemployment compensation and the maintenance of industrial insurance and insurance for occupational diseases.~~

~~3. If the Board is unable to verify that a licensed contractor has, as applicable, complied with the provisions of chapters 612 or 616A to 617, inclusive, of NRS regarding contributions for unemployment compensation or the maintenance of industrial insurance and insurance for occupational~~

~~diseases, the Board shall send a request for information by first class mail to the contractor. The contractor shall submit all the information which is requested to the Board within 15 days after the date on which the request for information was mailed by the Board. If the Board does not receive the requested information within 15 days after it mailed the request to the contractor, the Board shall send to the contractor a notice of suspension of license by certified mail. The notice must inform the contractor that unless the Board is able to verify that the contractor has, if applicable, complied with the provisions of chapters 612 and 616A to 617, inclusive, of NRS regarding contributions for unemployment compensation and the maintenance of industrial insurance and insurance for occupational diseases within 10 days after the date on which the notice of suspension was sent by the Board, the contractor's license will be suspended pursuant to subsection 4.~~

~~4. The Board shall suspend the license of any contractor whom the Board cannot verify has, if applicable, complied with the provisions of chapters 612 and 616A to 617, inclusive, of NRS regarding contributions for unemployment compensation and the maintenance of industrial insurance and insurance for occupational diseases. Upon the suspension of a contractor's license, the contractor may not perform any work on any project for which a contractor's license is required.~~

~~5. Except as otherwise provided in subsection 6, the Board shall reinstate the contractor's license only upon verification of current compliance with chapters 612 and 616A to 617, inclusive, of NRS, if applicable, and with the requirements for reinstatement of a contractor's license prescribed in subsection 4 of NRS 624.283.~~

~~6. If the Board suspends the license of a contractor pursuant to subsection 4 because the contractor has failed, as applicable, to comply with the provisions of chapters 612 or 616A to 617, inclusive, of NRS regarding contributions for unemployment compensation or the maintenance of industrial insurance and insurance for occupational diseases on the date specified in the request for information sent pursuant to subsection 3, and if the contractor, in accordance with regulations adopted by the Board, proves to the satisfaction of the Board that the contractor was unable to comply with the applicable provisions of chapters 612 or 616A to 617, inclusive, of NRS on that date:~~

~~(a) Because of extenuating circumstances beyond the control of the contractor; or~~

~~(b) For other good cause shown,~~

~~the Board may rescind the suspension of the license.~~

~~7. The Board shall adopt regulations to carry out the provisions of subsection 6.] (Deleted by amendment.)~~

Sec. 6. ~~[An insurer, its agents, the Board and its members and employees who act pursuant to sections 2 to 6, inclusive, of this act in good faith and without gross negligence are immune from civil liability for those acts.] (Deleted by amendment.)~~

Sec. 7. ~~[NRS 624.110 is hereby amended to read as follows:
624.110 1. The Board may maintain offices in as many localities in the State as it finds necessary to carry out the provisions of this chapter, but it shall maintain one office in which there must be at all times open to public inspection a complete record of applications, licenses issued, licenses renewed and all revocations, cancellations and suspensions of licenses.
2. Except as otherwise required in NRS 239.0115 and 624.327, and section 4 of this act, credit reports, references, financial information and data pertaining to a licensee's net worth are confidential and not open to public inspection.] (Deleted by amendment.)~~

Sec. 8. NRS 624.256 is hereby amended to read as follows:

624.256 1. Before granting an original or renewal of a contractor's license to any applicant, the Board shall require that the applicant submit to the Board:

- (a) Proof of industrial insurance and insurance for occupational diseases which covers the applicant's employees;
- (b) A copy of the applicant's certificate of qualification as a self-insured employer which was issued by the Commissioner of Insurance;
- (c) If the applicant is a member of an association of self-insured public or private employers, a copy of the certificate issued to the association by the Commissioner of Insurance; or
- (d) An affidavit signed by the applicant affirming that he or she is not subject to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS because the applicant:

- (1) Has no employees;
- (2) Is not or does not intend to be a subcontractor for a principal contractor; and
- (3) Has not or does not intend to submit a bid on a job for a principal contractor or subcontractor.

2. The Board shall notify the Fraud Control Unit for Industrial Insurance established pursuant to NRS 228.420 whenever the Board learns that an applicant or holder of a contractor's license has engaged in business as or acted in the capacity of a contractor within this State without having obtained or maintained industrial insurance or insurance for occupational diseases in violation of the provisions of chapters 616A to 617, inclusive, of NRS.

3. Failure by an applicant or holder of a contractor's license to file or maintain in full force the required industrial insurance and insurance for occupational diseases constitutes cause for the Board to deny, revoke,

suspend, refuse to renew or otherwise discipline the person, unless the person has complied with the provisions set forth in paragraph (d) of subsection 1.

4. ~~[[The provisions of this section are in addition to and not in lieu of the provisions of sections 2 to 6, inclusive, of this act.]]~~ Within 30 days after receiving notice from the Department of Employment, Training and Rehabilitation pursuant to section 8.5 of this act or the Division of Industrial Relations of the Department of Business and Industry pursuant to NRS 616B.630 that a contractor is not in full compliance with the requirements of chapters 612 and 616A to 617, inclusive, of NRS, the Board shall immediately notify the contractor by mail at the last known address of the contractor, as it appears in the records of the Board, that the Board will suspend the license of the contractor if the contractor does not furnish proof, within 30 days after the date of the notice sent by the Board, that the contractor is in full compliance with the requirements of chapters 612 and 616A to 617, inclusive, of NRS.

5. If the contractor fails to furnish proof, within 30 days after the date of the notice sent by the Board pursuant to subsection 4, that the contractor is in full compliance with the requirements of chapters 612 and 616A to 617, inclusive, of NRS, the Board shall, for a first offense:

(a) Immediately summarily suspend the license of the contractor without further notice pursuant to subsection 4 of NRS 624.291; and

(b) Immediately require the contractor to submit to the Board a list of all projects for which the contractor has unfulfilled contractual obligations where the contract was entered into on or before the date of the notice sent by the Board pursuant to subsection 4.

6. If a contractor's license is suspended pursuant to paragraph (a) of subsection 5:

(a) The suspension must continue until the contractor furnishes proof that the contractor is in full compliance with the requirements of chapters 612 and 616A to 617, inclusive, of NRS;

(b) During the term of the suspension, the contractor shall not submit any bids for any new work or begin work on any project not described in the list submitted to the Board pursuant to paragraph (b) of subsection 5; and

(c) The Board shall notify:

(1) The Office of the Labor Commissioner, which shall, immediately upon receipt of the notice, add the name of the contractor to the list of contractors who are disqualified to bid on public works; and

(2) The State Public Works Board, which shall, immediately upon receipt of the notice, add the name of the contractor to the list of contractors who are not prequalified to bid on public works.

7. If the name of a contractor is added to a list pursuant to paragraph (c) of subsection 6, the Office of the Labor Commissioner or the State Public Works Board, as applicable, shall remove the name from the list when notified by the Board that the suspension has been lifted pursuant to paragraph (a) of subsection 6.

8. If the Board finds that a contractor has failed to provide a complete list of projects in accordance with paragraph (b) of subsection 5 or has violated paragraph (b) of subsection 6, the Board shall:

(a) For a first offense, suspend the contractor's license for an additional 12 months after the contractor furnishes the proof described in paragraph (a) of subsection 6; and

(b) For a second or subsequent offense, conduct a hearing pursuant to NRS 624.291, and, if it is determined at the hearing that a second or subsequent offense has been committed, revoke the contractor's license.

9. If a contractor for whom the suspension of a contractor's license has been lifted after providing the proof required pursuant to paragraph (a) of subsection 6 receives notice from the Board pursuant to subsection 4 within 5 years after the date of reinstatement and the contractor fails to furnish proof, within 30 days after the date of the notice sent by the Board, that the contractor is in full compliance with the requirements of chapters 612 and 616A to 617, inclusive, of NRS, the Board shall conduct a hearing pursuant to NRS 624.291 and, if it is determined at the hearing that a second or subsequent offense has been committed within a 5-year period, revoke the contractor's license.

Sec. 8.5. Chapter 612 of NRS is hereby amended by adding thereto a new section to read as follows:

The Administrator shall, at least once each calendar quarter, provide to the State Contractors' Board a list setting forth each contractor who is not in compliance with the provisions of this chapter regarding contributions or payments in lieu of contributions to the Fund. The list must include, to the extent available, the name, address, telephone number, resident agent, principal owner and contractor's license number of the contractor.

Sec. 8.6. NRS 612.265 is hereby amended to read as follows:

612.265 1. Except as otherwise provided in this section and NRS 239.0115, and section 8.5 of this act, information obtained from any employing unit or person pursuant to the administration of this chapter and any determination as to the benefit rights of any person is confidential and may not be disclosed or be open to public inspection in any manner which would reveal the person's or employing unit's identity.

2. Any claimant or a legal representative of a claimant is entitled to information from the records of the Division, to the extent necessary for the proper presentation of the claimant's claim in any proceeding pursuant to this

chapter. A claimant or an employing unit is not entitled to information from the records of the Division for any other purpose.

3. Subject to such restrictions as the Administrator may by regulation prescribe, the information obtained by the Division may be made available to:

(a) Any agency of this or any other state or any federal agency charged with the administration or enforcement of laws relating to unemployment compensation, public assistance, workers' compensation or labor and industrial relations, or the maintenance of a system of public employment offices;

(b) Any state or local agency for the enforcement of child support;

(c) The Internal Revenue Service of the Department of the Treasury;

(d) The Department of Taxation; and

(e) The State Contractors' Board in the performance of its duties to enforce the provisions of chapter 624 of NRS.

➡ Information obtained in connection with the administration of the Employment Service may be made available to persons or agencies for purposes appropriate to the operation of a public employment service or a public assistance program.

4. Upon written request made by a public officer of a local government, the Administrator shall furnish from the records of the Division the name, address and place of employment of any person listed in the records of employment of the Division. The request must set forth the social security number of the person about whom the request is made and contain a statement signed by the proper authority of the local government certifying that the request is made to allow the proper authority to enforce a law to recover a debt or obligation owed to the local government. Except as otherwise provided in NRS 239.0115, the information obtained by the local government is confidential and may not be used or disclosed for any purpose other than the collection of a debt or obligation owed to that local government. The Administrator may charge a reasonable fee for the cost of providing the requested information.

5. The Administrator may publish or otherwise provide information on the names of employers, their addresses, their type or class of business or industry, and the approximate number of employees employed by each such employer, if the information released will assist unemployed persons to obtain employment or will be generally useful in developing and diversifying the economic interests of this State. Upon request by a state agency which is able to demonstrate that its intended use of the information will benefit the residents of this State, the Administrator may, in addition to the information listed in this subsection, disclose the number of employees employed by each employer and the total wages paid by each employer. The Administrator may

charge a fee to cover the actual costs of any administrative expenses relating to the disclosure of this information to a state agency. The Administrator may require the state agency to certify in writing that the agency will take all actions necessary to maintain the confidentiality of the information and prevent its unauthorized disclosure.

6. Upon request therefor, the Administrator shall furnish to any agency of the United States charged with the administration of public works or assistance through public employment, and may furnish to any state agency similarly charged, the name, address, ordinary occupation and employment status of each recipient of benefits and the recipient's rights to further benefits pursuant to this chapter.

7. To further a current criminal investigation, the chief executive officer of any law enforcement agency of this State may submit a written request to the Administrator that the Administrator furnish, from the records of the Division, the name, address and place of employment of any person listed in the records of employment of the Division. The request must set forth the social security number of the person about whom the request is made and contain a statement signed by the chief executive officer certifying that the request is made to further a criminal investigation currently being conducted by the agency. Upon receipt of such a request, the Administrator shall furnish the information requested. The Administrator may charge a fee to cover the actual costs of any related administrative expenses.

8. In addition to the provisions of subsection 5, the Administrator shall provide lists containing the names and addresses of employers, and information regarding the wages paid by each employer to the Department of Taxation, upon request, for use in verifying returns for the taxes imposed pursuant to chapters 363A and 363B of NRS. The Administrator may charge a fee to cover the actual costs of any related administrative expenses.

9. A private carrier that provides industrial insurance in this State shall submit to the Administrator a list containing the name of each person who received benefits pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS during the preceding month and request that the Administrator compare the information so provided with the records of the Division regarding persons claiming benefits pursuant to this chapter for the same period. The information submitted by the private carrier must be in a form determined by the Administrator and must contain the social security number of each such person. Upon receipt of the request, the Administrator shall make such a comparison and, if it appears from the information submitted that a person is simultaneously claiming benefits under this chapter and under chapters 616A to 616D, inclusive, or chapter 617 of NRS, the Administrator shall notify the Attorney General or any other appropriate law

enforcement agency. The Administrator shall charge a fee to cover the actual costs of any related administrative expenses.

10. The Administrator may request the Comptroller of the Currency of the United States to cause an examination of the correctness of any return or report of any national banking association rendered pursuant to the provisions of this chapter, and may in connection with the request transmit any such report or return to the Comptroller of the Currency of the United States as provided in section 3305(c) of the Internal Revenue Code of 1954.

11. If any employee or member of the Board of Review, the Administrator or any employee of the Administrator, in violation of the provisions of this section, discloses information obtained from any employing unit or person in the administration of this chapter, or if any person who has obtained a list of applicants for work, or of claimants or recipients of benefits pursuant to this chapter uses or permits the use of the list for any political purpose, he or she is guilty of a gross misdemeanor.

12. All letters, reports or communications of any kind, oral or written, from the employer or employee to each other or to the Division or any of its agents, representatives or employees are privileged and must not be the subject matter or basis for any lawsuit if the letter, report or communication is written, sent, delivered or prepared pursuant to the requirements of this chapter.

Sec. 9. This act becomes effective:

1. Upon passage and approval for the purpose of ~~adopting regulations and~~ performing any ~~other~~ preparatory administrative tasks; and

2. On January 1, 2014, for all other purposes.

Assemblyman Bobzien moved the adoption of the amendment.

Remarks by Assemblyman Bobzien.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 87.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 107.

SUMMARY—Revises provisions ~~governing local regulation of the zoning and~~ **relating to consistency in zoning ordinances with respect to certain standards and specifications for the** construction **or alteration** of public schools in certain counties. (BDR 22-274)

AN ACT relating to public schools; requiring ~~the development and adoption of an expedited process for the approval of the zoning of public schools in certain counties; revising provisions governing local approval of~~

~~certain plans, designs and specifications concerning}~~ **consistency in zoning ordinances with respect to certain standards and specifications for the construction or alteration of public schools in certain counties; requiring the approval of the board of trustees of the school district of such standards and specifications;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~{ Existing law creates in each county whose population is 100,000 or more but less than 700,000 (currently Washoe County) a regional planning commission and a governing board for regional planning. The commission is responsible for developing, and the board is responsible for adopting, a comprehensive regional plan for the physical development and orderly management of the growth of the county. (NRS 278.0262, 278.0264, 278.0272, 278.0276) Existing law also provides that the master plan of a local government in such a county must conform with the comprehensive regional plan and that any ordinance or regulation relating to zoning adopted by the local government must conform with the master plan. (NRS 278.028, 278.0284) Section 1 of this bill provides that, in such a county, the comprehensive regional plan must include an expedited process for the approval of the zoning of public schools. The inclusion of the expedited process in the comprehensive regional plan effectively will require conforming amendments to the zoning ordinances or regulations of local governments. Section 3 of this bill requires consultation among certain regional and local entities regarding the development and adoption of the expedited process for the approval of the zoning of public schools in Washoe County. }~~

Existing law ~~{further}~~ provides that in a county whose population is less than 700,000 (currently all counties other than Clark County), certain plans, designs and specifications for the erection of any new school building or for any addition to or alteration of an existing school building must be submitted by the board of trustees of the school district to the building department of the county or other appropriate local government for approval. (NRS 393.110) **Section {2} 1.3** of this bill ~~{provides that such plans, designs and specifications shall be deemed to satisfy similar county or local building requirements if they comply with the least restrictive requirements which govern the height of buildings, building setback, landscaping, parking and lighting and which: (1) are applicable in the county or in any local government in the county; or (2) on July 1, 2013, were applicable in the county or in any local government in the county. }~~ **requires that in a county whose population is 100,000 or more but less than 700,000 (currently Washoe County), the standards and specifications for the erection of any new school building or for any addition to or alteration of an existing**

school building in any ordinance relating to zoning adopted or amended by the governing body of the county and the governing body of any city in the county which address the height of the building, the setback of the building, the landscaping and the amount of parking space must be: (1) consistent in all such ordinances; and (2) approved by the board of trustees of the school district of that county. Section 3 of this bill requires such ordinances to be adopted on or before February 28, 2014.

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

Section 1. ~~{NRS 278.0274 is hereby amended to read as follows:~~

~~278.0274 The comprehensive regional plan must include goals, policies, maps and other documents relating to:~~

~~1. Population, including a projection of population growth in the region and the resources that will be necessary to support that population;~~

~~2. Conservation, including policies relating to the use and protection of air, land, water and other natural resources, ambient air quality, natural recharge areas, floodplains and wetlands, and a map showing the areas that are best suited for development based on those policies;~~

~~3. The limitation of the premature expansion of development into undeveloped areas, preservation of neighborhoods and revitalization of urban areas, including, without limitation, policies that relate to the interspersion of new housing and businesses in established neighborhoods and set forth principles by which growth will be directed to older urban areas;~~

~~4. Land use and transportation, including the classification of future land uses by density or intensity of development based upon the projected necessity and availability of public facilities, including, without limitation, schools, and services and natural resources, and the compatibility of development in one area with that of other areas in the region. This portion of the plan must:~~

~~(a) Address, if applicable:~~

~~(1) Mixed use development, transit oriented development, master planned communities and gaming enterprise districts; and~~

~~(2) The coordination and compatibility of land uses with each military installation in the region, taking into account the location, purpose and stated mission of the military installation;~~

~~(b) Allow for a variety of uses;~~

~~(c) Describe the transportation facilities that will be necessary to satisfy the requirements created by those future uses; and~~

~~(d) Be based upon the policies and map relating to conservation that are developed pursuant to subsection 2, surveys, studies and data relating to the area, the amount of land required to accommodate planned growth, the~~

~~population of the area projected pursuant to subsection 1, and the characteristics of undeveloped land in the area.~~

~~5. Public facilities and services, including provisions relating to sanitary sewer facilities, solid waste, flood control, potable water and groundwater aquifer recharge which are correlated with principles and guidelines for future land uses, and which specify ways to satisfy the requirements created by those future uses. This portion of the plan must:~~

~~—(a) Describe the problems and needs of the area relating to public facilities and services and the general facilities that will be required for their solution and satisfaction;~~

~~—(b) Identify the providers of public services within the region and the area within which each must serve, including service territories set by the Public Utilities Commission of Nevada for public utilities;~~

~~—(c) Establish the time within which those public facilities and services necessary to support the development relating to land use and transportation must be made available to satisfy the requirements created by that development; and~~

~~—(d) Contain a summary prepared by the regional planning commission regarding the plans for capital improvements that:~~

~~—(1) Are required to be prepared by each local government in the region pursuant to NRS 278.0226; and~~

~~—(2) May be prepared by the water planning commission of the county, the regional transportation commission and the county school district.~~

~~6. Annexation, including the identification of spheres of influence for each unit of local government, improvement district or other service district and specifying standards and policies for changing the boundaries of a sphere of influence and procedures for the review of development within each sphere of influence. As used in this subsection, “sphere of influence” means an area into which a political subdivision may expand in the foreseeable future.~~

~~7. Intergovernmental coordination, including the establishment of guidelines for determining whether local master plans and facilities plans conform with the comprehensive regional plan.~~

~~8. Any utility project required to be reported pursuant to NRS 278.145.~~

~~9. An expedited process for the approval of the zoning of public schools. The expedited process must include, without limitation, a provision that not more than one public hearing may be held regarding the approval of the zoning of a public school. (Deleted by amendment.)~~

Sec. 1.3. Chapter 278 of NRS is hereby amended by adding thereto a new section to read as follows:

In a county whose population is 100,000 or more but less than 700,000, the standards and specifications for the erection of any new school

building or for any addition to or alteration of an existing school building in any ordinance relating to zoning adopted or amended by the governing body of the county and the governing body of any city in the county which address the height of the building, the setback of the building, the landscaping and the amount of parking space must be:

- 1. Consistent in all such ordinances; and**
- 2. Approved by the board of trustees of the school district of that county.**

Sec. 1.7. NRS 278.010 is hereby amended to read as follows:

278.010 As used in NRS 278.010 to 278.630, inclusive, **and section 1.3 of this act,** unless the context otherwise requires, the words and terms defined in NRS 278.0105 to 278.0195, inclusive, have the meanings ascribed to them in those sections.

Sec. 2. ~~NRS 393.110 is hereby amended to read as follows:~~

~~393.110 1. Each school district shall, in the design, construction and alteration of school buildings and facilities, comply with the applicable requirements of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq., and the regulations adopted pursuant thereto, including, without limitation, the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities set forth in Appendix A of Part 36 of Title 28 of the Code of Federal Regulations. The requirements of this subsection are not satisfied if a school district complies solely with the Uniform Federal Accessibility Standards set forth in Appendix A of Part 101.19.6 of Title 41 of the Code of Federal Regulations.~~

~~2. In a county whose population is 700,000 or more:~~

~~(a) The board of trustees of the school district shall establish a building department for the school district.~~

~~(b) Except as otherwise provided in NRS 477.030, the board of trustees of the school district shall regulate all matters relating to the construction, maintenance and safety of buildings, facilities, structures and property of the school district.~~

~~(c) Except as otherwise provided in NRS 477.030, the board of trustees of the school district shall adopt any building, electrical or safety codes as necessary to carry out the provisions of this subsection.~~

~~(d) The board of trustees of the school district shall ensure that the building department established by the board of trustees reviews the plans, designs and specifications for the erection of new school buildings and for the addition to or alteration of existing school buildings and facilities.~~

~~(e) The building department established by the board of trustees shall, in accordance with subsection 4, conduct a review of plans, designs and specifications for the erection of new school buildings and for the addition to or alteration of existing school buildings and facilities.~~

~~— (f) The provisions of NRS 278.585 do not apply to the school district in its regulation of buildings, facilities, structures and property of the school district.~~

~~— 3. In a county whose population is less than 700,000:~~

~~— (a) Except as otherwise provided in paragraph (b), unless standard plans, designs and specifications are to be used as provided in NRS 385.125, before letting any contract or contracts for the erection of any new school building or for any addition to or alteration of an existing school building, the board of trustees of the county school district shall submit the plans, designs and specifications to, and obtain written approval of the plans, designs and specifications by, the building department of the county or other appropriate local building department in the county, and all other local agencies or departments whose approval is necessary for the issuance of the appropriate permit. For the purpose of granting such approval, any plans, designs and specifications that, at the time they are approved by a building department, comply with the least restrictive requirements which govern the height of buildings, building setback, landscaping, parking and lighting and which:~~

~~— (1) Are applicable in the county or in any local government in the county; or~~

~~— (2) On July 1, 2013, were applicable in the county or in any local government in the county;~~

~~↪ shall be deemed to comply with any requirements governing such items that are otherwise applicable in the jurisdiction of the building department.~~
The approval of the State Fire Marshal is not required for any plans, designs and specifications reviewed by a building department pursuant to this paragraph.

~~— (b) If there is no county building department or other appropriate local building department in the county in which the school district is located, the board of trustees of the school district shall enter into an agreement with the State Public Works Division of the Department of Administration, a private certificate holder or a local building department in another county to obtain the required reviews of the plans, designs and specifications and to have the required inspections conducted. The approval of the State Fire Marshal is not required for any plans, designs and specifications reviewed by a private certificate holder or building department pursuant to this paragraph.~~

~~— (c) A permit for construction must be issued before the school district commences construction.~~

~~— (d) The county building department or other appropriate local building department, the State Public Works Division of the Department of Administration or the private certificate holder, as applicable, shall conduct inspections of all work to determine compliance with the approved plans, designs and specifications. An inspection of the work by the State Fire~~

~~Marshal is not required if the work is inspected by the private certificate holder or building department.~~

~~— (c) A department, agency, private certificate holder or the State Public Works Division of the Department of Administration is authorized to charge and collect, and the board of trustees of the county school district is authorized to pay, a reasonable fee for:~~

~~— (1) Review of the plans, designs or specifications as required by this subsection; or~~

~~— (2) The inspections conducted pursuant to this subsection.~~

~~4. In conducting reviews pursuant to this section, the State Public Works Division of the Department of Administration, building department or private certificate holder, as applicable, shall verify that the plans, designs and specifications comply with:~~

~~— (a) The applicable requirements of the relevant codes adopted by this State, including, without limitation, the applicable requirements of any relevant codes and regulations adopted by the State Fire Marshal;~~

~~— (b) The applicable requirements of the relevant codes adopted by the local authority having jurisdiction; and~~

~~— (c) All applicable requirements of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq., and the regulations adopted pursuant thereto, including, without limitation, the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities set forth in Appendix A of Part 36 of Title 28 of the Code of Federal Regulations. The requirements of this subsection are not satisfied if the plans, designs and specifications comply solely with the Uniform Federal Accessibility Standards set forth in Appendix A of Part 101-19.6 of Title 41 of the Code of Federal Regulations.~~

~~5. No contract for any of the purposes specified in this section made by a board of trustees of a school district contrary to the provisions of this section is valid, nor shall any public money be paid for erecting, adding to or altering any school building in contravention of this section.~~

~~6. As used in this section, “private certificate holder” means a person who, as applicable, holds a valid certification issued by the International Code Council or its successor:~~

~~— (a) To review plans, designs and specifications for the erection of, addition to or alteration of a school building;~~

~~— (b) To inspect work to ensure that the erection of, addition to or alteration of a school building is carried out in conformance with the relevant plans, designs and specifications; or~~

~~— (c) To perform the activities described in paragraphs (a) and (b).] **(Deleted by amendment.)**~~

~~Sec. 3. In developing and adopting the expedited process for the approval of the zoning of public schools in Washoe County required by~~

~~NRS 278.0274, as amended by section 1 of this act, the Truckee Meadows Regional Planning Commission and the Truckee Meadows Regional Planning Governing Board shall consult with the governing body of each local government, each local planning commission and each affected entity having responsibility for planning or providing public facilities relating to public education in Washoe County.]~~

1. On or before February 28, 2014, in a county whose population is 100,000 or more but less than 700,000, the governing body of the county and the governing body of each city in the county shall each adopt by ordinance standards and specifications for the erection of any new school building or for any addition to or alteration of any existing school building which address the height of the building, the setback of the building, the landscaping and the amount of parking space that:

(a) Are consistent in all such ordinances; and
(b) Have been approved by the board of trustees of the school district of the county.

2. As used in this section, "governing body" has the meaning ascribed to it in NRS 278.015.

Sec. 4. This act becomes effective on July 1, 2013.

Assemblywoman Neal moved the adoption of the amendment.

Remarks by Assemblywoman Neal.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 99.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 413.

SUMMARY—~~[Enacts the Revised]~~ Revises the Uniform Law on Notarial Acts. (BDR 19-1)

AN ACT relating to notarial acts; ~~[enacting the Revised Uniform Law on Notarial Acts; repealing]~~ **revising** certain provisions of the Uniform Law on Notarial Acts; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law contains the Uniform Law on Notarial Acts, which provides the manner in which notarial acts must be performed. (NRS 240.161-240.169) Existing law also allows the Secretary of State to appoint electronic notaries public and provides for the performance of notarial acts on electronic records by electronic notaries public. (NRS 240.181-240.206) Under existing law, to become an electronic notary public, a person must already be a notarial officer in Nevada and must successfully complete a

course of study on electronic notarization, enter into a bond, pay an application fee and take an oath. (NRS 240.192)

This bill ~~replaces~~ **revises various provisions of** the Uniform Law on Notarial Acts ~~with the Revised Uniform Law on Notarial Acts (RULONA)~~ and maintains existing law relating to the performance of notarial acts on electronic records by electronic notaries public. ~~The RULONA defines certain standard notarial acts, including, without limitation, acknowledgment, the verification or witnessing of a signature and the certification of a copy of a record, and specifies the manner in which the act must be performed.~~

Sections 10 and 33 of this bill prohibit a notarial officer from performing a notarial act with respect to a record to which the officer or the officer's spouse or domestic partner is a party or in which either of them has a direct beneficial interest. ~~Sections 11-13 of this bill require a person seeking a notarial act to appear personally before the notarial officer and require the notarial officer to identify the person based on personal knowledge, certain types of identification or the oath or affirmation of a credible witness. Section 14 of this bill allows a notarial officer to refuse to perform a notarial act if the notarial officer is not satisfied that the signature is knowingly or voluntarily made or has concern as to the competency or capacity of the person.~~

~~Sections 16-18 of this bill provide for the recognition of notarial acts performed by notarial officers in this State, in another state of the United States, under the jurisdiction of a federally recognized Indian tribe or nation, or under federal authority. Section 19 of this bill provides for the recognition of notarial acts performed in a foreign state.~~

~~Section 20 of this bill requires a notarial act to be evidenced by a certificate which satisfies certain requirements. Sections 21-25 of this bill provide the form of this certificate for certain types of notarial acts.~~

Section 13 of this bill establishes a standard for determining whether a notarial officer has personal knowledge of the identity of a person appearing before the notarial officer. Section 35.3 of this bill specifically authorizes a notarial act to be performed in this State by a person authorized to perform that specific notarial act by the law of a federally recognized Indian tribe or nation. Section 35.5 of this bill revises provisions governing notarial acts performed within the jurisdiction of a foreign nation or a multinational or international organization.

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

Section 1. Chapter 240 of NRS is hereby amended by adding thereto the provisions set forth as sections ~~24~~ **1.5** to 28, inclusive, of this act.

Sec. 1.5. “Domestic partners” has the meaning ascribed to it in NRS 122A.030.

Sec. 2. “Notary public” means a person appointed to perform a notarial act by the Secretary of State pursuant to NRS 240.010.

Sec. 3. ~~{As used in NRS 240.1663 to 240.169, inclusive, and sections 3 to 28, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 4 to 7, inclusive, of this act have the meanings ascribed to them in those sections.}~~ (Deleted by amendment.)

Sec. 4. “Person” means ~~{an individual, corporation, business trust, statutory 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.}~~ a natural person.

Sec. 5. ~~{“Sign” means, with present intent to authenticate or adopt a document, to execute or adopt a tangible symbol.}~~ (Deleted by amendment.)

Sec. 6. ~~{“Signature” means a tangible symbol that evidences the signing of a document.}~~ (Deleted by amendment.)

Sec. 7. “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.

Sec. 8. ~~{NRS 240.1663 to 240.169, inclusive, and sections 3 to 28, inclusive, of this act may be cited as the Revised Uniform Law on Notarial Acts.}~~ (Deleted by amendment.)

Sec. 9. ~~{1. A notarial act may be performed in this State by the following persons:~~

- ~~—(a) A notary public of this State;~~
- ~~—(b) A judge, clerk or deputy clerk of any court of this State;~~
- ~~—(c) A justice of the peace; or~~
- ~~—(d) Any other person authorized to perform the specific act by the law of this State.~~

~~—2. The signature and title of a person performing a notarial act in this State are prima facie evidence that the signature is genuine and that the person holds the designated title.~~

~~—3. The signature and title of a notarial officer described in paragraph (a), (b) or (c) of subsection 1 conclusively establish the authority of the officer to perform the notarial act.}~~ (Deleted by amendment.)

Sec. 10. 1. A notarial officer may perform a notarial act authorized by NRS 240.001 to 240.169, inclusive, and sections ~~{2}~~ 1.5 to 28, inclusive, of this act or by law of this State other than NRS 240.001 to 240.169, inclusive, and sections ~~{2}~~ 1.5 to 28, inclusive, of this act.

2. A notarial officer other than a notary public may not perform a notarial act with respect to a document to which the officer or the officer's spouse or domestic partner is a party, or in which either of them has a direct beneficial interest. A notary public may not perform a notarial act if the notarial act is prohibited by NRS 240.001 to 240.169, inclusive, and sections ~~{2}~~ 1.5 to 28, inclusive, of this act. A notarial act performed in violation of this subsection is voidable.

~~{3. For the purposes of this section, a person is the domestic partner of a notarial officer if the person and the notarial officer are domestic partners, as that term is defined in NRS 122A.030.}~~

Sec. 11. ~~{1. A notarial officer who takes an acknowledgment of a document shall determine, from personal knowledge or satisfactory evidence of the identity of the person, that the person appearing before the notarial officer and making the acknowledgment has the identity claimed and that the signature on the document is the signature of the person.~~

~~2. A notarial officer who witnesses or attests to a signature shall determine, from personal knowledge or satisfactory evidence of the identity of the person, that the person appearing before the officer and signing the document has the identity claimed.~~

~~3. A notarial officer who certifies or attests a copy of a document or an item that was copied shall determine that the copy is a full, true and accurate transcription or reproduction of the document or item.~~

~~4. A notarial officer who makes or notes a protest of a negotiable instrument shall determine the matters set forth in subsection 2 of NRS 104.3505.~~

~~5. A notarial officer who administers an oath or affirmation shall determine, from personal knowledge or satisfactory evidence, the identity of the person taking the oath or affirmation.~~

~~6. A notarial officer who executes a jurat shall administer an oath or affirmation to the affiant and determine, from personal knowledge or satisfactory evidence, that the affiant is the person named in the document. The affiant shall sign the document in the presence of the notarial officer. The notarial officer shall administer the oath or affirmation required pursuant to this subsection in substantially the following form:~~

~~Do you (solemnly swear or affirm) that the statements in this document are true, (so help you God)?~~ (Deleted by amendment.)

Sec. 12. ~~{If a notarial act relates to a statement made in or a signature executed on a document, the person making the statement or executing the signature shall appear personally before the notarial officer.}~~ (Deleted by amendment.)

Sec. 13. ~~{1. A}~~ For the purposes of NRS 240.001 to 240.169, inclusive, and sections 1.5 to 28, inclusive, of this act, a notarial officer has personal knowledge of the identity of a person appearing before the officer if the person is personally known to the officer through dealings sufficient to provide reasonable certainty that the person has the identity claimed.

~~{ 2. A notarial officer has satisfactory evidence of the identity of a person appearing before the officer if the officer can identify the person:~~

~~—(a) By means of:~~

~~—(1) A passport, driver's license or government issued nondriver identification card which is current or which expired not more than 3 years before performance of the notarial act;~~

~~—(2) Another form of government identification issued to a person which is current or which expired not more than 3 years before performance of the notarial act, contains the signature or a photograph of the person and is satisfactory to the notarial officer; or~~

~~—(3) A consular identification card.~~

~~—(b) By a verification on oath or affirmation of a credible witness personally appearing before the officer and known to the officer or whom the officer can identify on the basis of a passport, driver's license or government issued nondriver identification card which is current or which expired not more than 3 years before performance of the notarial act. The oath or affirmation must be in substantially the following form:~~

~~Do you (solemnly swear or affirm) that you personally know(name of the person who signed the document), (so help you God)?~~

~~— 3. A notarial officer may require a person to provide additional information or identification credentials necessary to assure the officer of the identity of the person.~~

~~— 4. As used in this section, "consular identification card" means an identification card issued by a consulate of a foreign government, which consulate is located in this State.}~~

Sec. 14. ~~{1. A notarial officer may refuse to perform a notarial act if the notarial officer is not satisfied that:~~

~~—(a) The person executing the record is competent or has the capacity to execute the record; or~~

~~—(b) The person's signature is knowingly and voluntarily made.~~

~~— 2. A notarial officer may refuse to perform a notarial act unless refusal is prohibited by law other than NRS 240.1663 to 240.169, inclusive, and sections 3 to 28, inclusive, of this act.} (Deleted by amendment.)~~

Sec. 15. ~~{If a person is physically unable to sign a record, the person may direct a person other than the notarial officer to sign the person's name on the record. The notarial officer shall insert "Signature affixed by~~

~~(insert name of other person) at the direction of (insert name of person)" or words of similar import.} (Deleted by amendment.)~~

Sec. 16. ~~{1. A notarial act performed in another state has the same effect under the law of this State as if performed by a notarial officer of this State, if the act performed in that state is performed by:~~

- ~~— (a) A notary public of that state;~~
- ~~— (b) A judge, clerk or deputy clerk of a court of that state; or~~
- ~~— (c) Any other person authorized by the law of that state to perform the notarial act.~~

~~2. The signature and title of a person performing a notarial act in another state are prima facie evidence that the signature is genuine and that the person holds the designated title.~~

~~3. The signature and title of a notarial officer described in paragraph (a) or (b) of subsection 1 conclusively establish the authority of the notarial officer to perform the notarial act.} (Deleted by amendment.)~~

Sec. 17. ~~{1. A notarial act performed under the authority and in the jurisdiction of a federally recognized Indian tribe or nation has the same effect as if performed by a notarial officer of this State, if the act performed in the jurisdiction of that tribe or nation is performed by:~~

- ~~— (a) A notary public of that tribe or nation;~~
- ~~— (b) A judge, clerk or deputy clerk of a court of that tribe or nation; or~~
- ~~— (c) Any other person authorized by the law of that tribe or nation to perform the notarial act.~~

~~2. The signature and title of a person performing a notarial act under the authority of and in the jurisdiction of a federally recognized Indian tribe or nation are prima facie evidence that the signature is genuine and that the person holds the designated title.~~

~~3. The signature and title of a notarial officer described in paragraph (a) or (b) of subsection 1 conclusively establish the authority of the notarial officer to perform the notarial act.} (Deleted by amendment.)~~

Sec. 18. ~~{1. A notarial act performed under federal law has the same effect under the law of this State as if performed by a notarial officer of this State, if the act performed under federal law is performed by:~~

- ~~— (a) A judge, clerk or deputy clerk of a court;~~
- ~~— (b) A person in military service or performing duties under the authority of military service who is authorized to perform notarial acts under federal law;~~
- ~~— (c) A person designated a notarizing officer by the United States Department of State for performing notarial acts overseas; or~~
- ~~— (d) Any other person authorized by federal law to perform the notarial act.~~

~~2. The signature and title of a person acting under federal authority and performing a notarial act are prima facie evidence that the signature is genuine and that the person holds the designated title.~~

~~3. The signature and title of an officer described in paragraph (a), (b) or (c) of subsection 1 conclusively establish the authority of the officer to perform the notarial act.} (Deleted by amendment.)~~

Sec. 19. ~~{1. If a notarial act is performed under the authority and in the jurisdiction of a foreign state or constituent unit of the foreign state or is performed under the authority of a multinational or international governmental organization, the act has the same effect under the law of this State as if performed by a notarial officer of this State.~~

~~2. If the title of office and indication of authority to perform notarial acts in a foreign state appears in a digest of foreign law or in a list customarily used as a source for that information, the authority of an officer with that title to perform notarial acts is conclusively established.~~

~~3. The signature and official stamp of a person holding an office described in subsection 2 are prima facie evidence that the signature is genuine and the person holds the designated title.~~

~~4. An apostille in the form prescribed by the Hague Convention of October 5, 1961, and issued by a foreign state party to the Convention conclusively establishes that the signature of the notarial officer is genuine and that the officer holds the indicated office.~~

~~5. A consular authentication issued by a person designated by the United States Department of State as a notarizing officer for performing notarial acts overseas and attached to the document or electronic record with respect to which the notarial act is performed conclusively establishes that the signature of the notarial officer is genuine and that the officer holds the indicated office.~~

~~6. As used in this section, "foreign state" means a government other than the United States, a state or a federally recognized Indian tribe or nation.} (Deleted by amendment.)~~

Sec. 20. ~~{1. A notarial act must be evidenced by a certificate. The certificate must:~~

~~(a) Be executed contemporaneously with the performance of the notarial act;~~

~~(b) Be signed and dated by the notarial officer and, if the notarial officer is a notary public, be signed in the same manner as on file with the Secretary of State;~~

~~(c) Identify the jurisdiction in which the notarial act is performed;~~

~~(d) Contain the title of office of the notarial officer; and~~

~~(e) If the officer is a notary public, indicate the date of expiration, if any, of the officer's appointment.~~

~~2. If a notarial act is performed by a notary public regarding a document, the notary public's stamp must be affixed to or embossed on the certificate. If a notarial act is performed regarding a document by a notarial officer other than a notary public and the certificate contains the information specified in paragraphs (b), (c) and (d) of subsection 1, an official stamp may be affixed to or embossed on the certificate.~~

~~3. A certificate of a notarial act is sufficient if it meets the requirements of subsections 1 and 2 and:~~

~~(a) Is in the appropriate short form as set forth in NRS 240.1663 to 240.169, inclusive, and sections 21 to 25, inclusive, of this act;~~

~~(b) Is in a form otherwise permitted by the law of this State;~~

~~(c) Is in a form permitted by the law applicable in the jurisdiction in which the notarial act was performed; or~~

~~(d) Sets forth the actions of the notarial officer and the actions are sufficient to meet the requirements of the notarial act as provided in sections 11, 12 and 13 of this act or law other than NRS 240.1663 to 240.169, inclusive, and sections 3 to 28, inclusive, of this act.~~

~~4. By executing a certificate of a notarial act, a notarial officer certifies that the officer has complied with the requirements and made the determinations specified in sections 11, 12 and 13 of this act.~~

~~5. A notarial officer may not affix the officer's signature to a certificate until the notarial act has been performed.~~

~~6. If a notarial act is performed regarding a document, a certificate must be part of, or securely attached to, the document.} (Deleted by amendment.)~~

Sec. 21. ~~{The following certificate is sufficient for an acknowledgment in an individual capacity, if completed with the information required by subsections 1 and 2 of section 20 of this act:~~

State of Nevada

County of

~~This record was acknowledged before me on(date) by.....(name(s) of person(s))~~

.....

 Signature of notarial officer

(Stamp)

.....
 Title of office, if notarial officer
 is not a notary public} (Deleted by amendment.)

Sec. 22. ~~{The following certificate is sufficient for an acknowledgment in a representative capacity, if completed with the information required by subsections 1 and 2 of section 20 of this act:~~

~~State of Nevada~~

~~County of~~

~~This record was acknowledged before me on(date) by(name(s) of person(s)) as(type of authority, such as officer or trustee) of(name of party on behalf of whom record was executed)~~

~~.....
Signature of notarial officer~~

~~(Stamp)~~

~~.....
Title of office, if notarial officer~~

~~is not a notary public} (Deleted by amendment.)~~

Sec. 23. ~~{The following certificate is sufficient for executing a jurat, if completed with the information required by subsections 1 and 2 of section 20 of this act:~~

~~State of Nevada~~

~~County of~~

~~Signed and sworn to or affirmed before me on(date) by(name(s) of person(s) making statement)~~

~~.....
Signature of notarial officer~~

~~(Stamp)~~

~~.....
Title of office, if notarial officer~~

~~is not a notary public} (Deleted by amendment.)~~

Sec. 24. ~~{The following certificate is sufficient for witnessing or attesting a signature, if completed with the information required by subsections 1 and 2 of section 20 of this act:~~

~~State of Nevada~~

~~County of~~

~~Signed or attested before me on by(date) by(name(s) of person(s))~~

.....
Signature of notarial officer

~~(Stamp)~~

.....
Title of office, if notarial officer
is not a notary public} (Deleted by amendment.)

Sec. 25. ~~{The following certificate is sufficient for certifying a copy of a document, if completed with the information required by subsections 1 and 2 of section 20 of this act:~~

~~State of Nevada~~

~~County of~~

~~I certify that this is a true and correct copy of a document in the possession of~~

~~Dated~~

.....
Signature of notarial officer

~~(Stamp)~~

.....
Title of office, if notarial officer
is not a notary public} (Deleted by amendment.)

Sec. 26. ~~{Except as otherwise provided in subsection 2 of section 10 of this act, the failure of a notarial officer to perform the duties or meet the requirements specified in NRS 240.1663 to 240.169, inclusive, and sections 3 to 28, inclusive, of this act does not invalidate a notarial act performed by the notarial officer. The validity of a notarial act under NRS 240.1663 to 240.169, inclusive, and sections 3 to 28, inclusive, of this act does not prevent an aggrieved person from seeking to invalidate the document or transaction that is the subject of the notarial act or from seeking other remedies based on law of this State other than NRS 240.1663 to 240.169, inclusive, and sections 3 to 28, inclusive, of this act or law of the United States. This section does not validate a purported notarial act performed by a person who does not have the authority to perform the act.}~~ (Deleted by amendment.)

Sec. 27. ~~{In applying and construing NRS 240.1663 to 240.169, inclusive, and sections 3 to 28, inclusive, of this 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.}~~ (Deleted by amendment.)

Sec. 28. ~~[The provisions of NRS 240.1663 to 240.169, inclusive, and sections 3 to 28, 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).]~~
(Deleted by amendment.)

Sec. 29. NRS 240.001 is hereby amended to read as follows:

240.001 As used in NRS 240.001 to 240.206, inclusive, **and sections 1.5 to 28, inclusive, of this act**, unless the context otherwise requires, the words and terms defined in NRS 240.002 to 240.0055, inclusive, **and [section] sections 1.5, 2, 4 and 7 of this act** have the meanings ascribed to them in those sections.

Sec. 30. ~~[NRS 240.004 is hereby amended to read as follows:~~

~~240.004 “Notarial act” means an act that a notarial officer [of this state is authorized to] may perform [.] under the law of this State. The term includes:~~

- ~~1. Taking an acknowledgment;~~
- ~~2. Administering an oath or affirmation;~~
- ~~3. Witnessing or attesting a signature;~~
- ~~4. Certifying or attesting a copy;~~
- ~~[4.] 5. Executing a jurat;~~
- ~~[5.] 6. Noting a protest of a negotiable instrument; and~~
- ~~[6.] 7. Performing such other duties as may be prescribed by a specific statute.] (Deleted by amendment.)~~

Sec. 31. ~~[NRS 240.020 is hereby amended to read as follows:~~

~~240.020 A person appointed as a notary public pursuant to [this chapter] NRS 240.010 to 240.155, inclusive, may perform notarial acts pursuant to NRS 240.010 to 240.169, inclusive, and sections 4 to 28, inclusive, of this act in any part of this state for a term of 4 years, unless sooner removed. Such an appointment does not authorize the person to perform notarial acts in another state.] (Deleted by amendment.)~~

Sec. 32. ~~[NRS 240.040 is hereby amended to read as follows:~~

~~240.040 1. The [statement] stamp required by [paragraph (d) of] subsection [1] 2 of [NRS 240.1655] section 20 of this act must:~~

- ~~(a) Be imprinted in indelible, photographically reproducible ink with a rubber or other mechanical stamp; and~~
- ~~(b) Set forth:~~
 - ~~(1) The name of the notary public;~~
 - ~~(2) The phrase “Notary Public, State of Nevada”;~~
 - ~~(3) The date on which the appointment of the notary public expires;~~
 - ~~(4) The number of the certificate of appointment of the notary public;~~

~~(5) If the notary public so desires, the Great Seal of the State of Nevada; and~~

~~(6) If the notary public is a resident of an adjoining state, the word "nonresident."~~

~~2. After July 1, 1965, an embossed notarial seal is not required on notarized documents.~~

~~3. The stamp required pursuant to subsection 1 must:~~

~~(a) Be a rectangle, not larger than 1 inch by 2 1/2 inches, and may contain a border design; and~~

~~(b) Produce a legible imprint.~~

~~4. A notary public shall not affix his or her stamp over printed material.~~

~~5. A notary public shall keep his or her stamp in a secure location during any period in which the notary public is not using the stamp to perform a notarial act.~~

~~6. As used in this section, "mechanical stamp" includes an imprint made by a computer or other similar technology. (Deleted by amendment.)~~

Sec. 33. NRS 240.065 is hereby amended to read as follows:

240.065 1. A notary public may not perform a notarial act if:

(a) The notary public executed or is named in the instrument acknowledged, ~~for~~ sworn to ~~to~~ **or witnessed or attested;**

(b) Except as otherwise provided in subsection 2, the notary public has or will receive directly from a transaction relating to the instrument or pleading a commission, fee, advantage, right, title, interest, property or other consideration in excess of the fee authorized pursuant to NRS 240.100 for the notarial act; ~~for~~

(c) The **notary public and the** person whose signature is to be acknowledged, ~~for~~ sworn to **or witnessed or attested are domestic partners;**
or

(d) The person whose signature is to be acknowledged, sworn to or witnessed or attested is a relative of the domestic partner of the notary public or a relative of the notary public by marriage or consanguinity.

2. A notary public who is an attorney licensed to practice law in this State may perform a notarial act on an instrument or pleading if the notary public has or will receive directly from a transaction relating to the instrument or pleading a fee for providing legal services in excess of the fee authorized pursuant to NRS 240.100 for the notarial act.

3. As used in this section, "relative" ~~is~~

~~(a) "Domestic partners" has the meaning ascribed to it in NRS 122A.030.~~

~~(b) "Relative" includes, without limitation:~~

(a) (1) A spouse ~~to~~ **or domestic partner**, parent, grandparent or stepparent;

(b) (2) A natural born child, stepchild or adopted child;

(c) ~~[(2)]~~ A grandchild, brother, sister, half brother, half sister, stepbrother or stepsister;

(d) ~~[(4)]~~ A grandparent, parent, brother, sister, half brother, half sister, stepbrother or stepsister of the spouse **or domestic partner** of the notary public; and

(e) ~~[(5)]~~ A natural born child, stepchild or adopted child of a sibling or half sibling of the notary public or of a sibling or half sibling of the spouse **or domestic partner** of the notary public.

Sec. 34. NRS 240.120 is hereby amended to read as follows:

240.120 1. Except as otherwise provided in subsection 2, each notary public shall keep a journal in his or her office in which the notary public shall enter for each notarial act performed, at the time the act is performed:

- (a) The fees charged, if any;
- (b) The title of the document;
- (c) The date on which the notary public performed the ~~{service;} act;~~
- (d) Except as otherwise provided in subsection 3, the name and signature of the person whose signature is being notarized;
- (e) Subject to the provisions of subsection 4, a description of the evidence used by the notary public to verify the identification of the person whose signature is being notarized;
- (f) An indication of whether the notary public administered an oath; and
- (g) The type of certificate used to evidence the notarial act, as required pursuant to NRS 240.1655, ~~{section 20 of this act.}~~

2. A notary public may make one entry in the journal which documents more than one notarial act if the notarial acts documented are performed:

- (a) For the same person and at the same time; and
- (b) On one document or on similar documents.

3. When taking an acknowledgment for a person, a notary public need not require the person to sign the journal if the notary public has performed a notarial act for the person within the previous 6 months and the notary public has personal knowledge of the identity of the person.

4. If, pursuant to subsection 3, a notary public does not require a person to sign the journal, the notary public shall enter "known personally" as the description required to be entered into the journal pursuant to paragraph (e) of subsection 1.

5. If the notary verifies the identification of the person whose signature is being notarized on the basis of a credible witness, the notary public shall:

- (a) Require the witness to sign the journal in the space provided for the description of the evidence used; and
- (b) Make a notation in the journal that the witness is a credible witness.

6. The journal must:

- (a) Be open to public inspection.

(b) Be in a bound volume with preprinted page numbers.

7. A notary public shall, upon request and payment of the fee set forth in NRS 240.100, provide a certified copy of an entry in his or her journal.

8. A notary public shall keep his or her journal in a secure location during any period in which the notary public is not making an entry or notation in the journal pursuant to this section.

9. A notary public shall retain each journal that the notary public has kept pursuant to this section until 7 years after the date on which he or she ceases to be a notary public.

10. A notary public shall file a report with the Secretary of State and the appropriate law enforcement agency if the journal of the notary public is lost or stolen.

11. The provisions of this section do not apply to a person who is authorized to perform a notarial act pursuant to paragraph (b), (c) ~~for~~ (d) or (e) of subsection 1 of NRS 240.1635. ~~[section 9 of this act.]~~

Sec. 35. ~~[NRS 240.155 is hereby amended to read as follows:~~
~~240.155 1. A notary public who is appointed pursuant to [this chapter] NRS 240.010 to 240.155, inclusive, shall not willfully notarize the signature of a person unless the person is in the presence of the notary public and:~~
~~(a) Is known to the notary public; or~~
~~(b) If unknown to the notary public, provides a credible witness or documentary evidence of identification to the notary public.~~
~~2. A person who:~~
~~(a) Violates the provisions of subsection 1; or~~
~~(b) Aids and abets a notary public to commit a violation of subsection 1,~~
~~is guilty of a gross misdemeanor.] (Deleted by amendment.)~~

Sec. 35.3. NRS 240.1635 is hereby amended to read as follows:

240.1635 1. A notarial act may be performed within this State by the following persons:

- (a) A notary public of this State;
- (b) A judge, clerk or deputy clerk of any court of this State;
- (c) A justice of the peace; ~~for~~
- (d) Any other person authorized to perform the specific act by the law of this State ~~for~~; or

(e) A person authorized to perform the specific act by the law of a federally recognized Indian tribe or nation.

2. Notarial acts performed within this State under federal authority as provided in NRS 240.1645 have the same effect as if performed by a notarial officer of this State.

3. The signature and title of a person performing a notarial act are prima facie evidence that the signature is genuine and that the person holds the designated title.

Sec. 35.5. NRS 240.165 is hereby amended to read as follows:

240.165 1. A notarial act has the same effect under the law of this State as if performed by a notarial officer of this State if performed within the jurisdiction of and under authority of a foreign nation or its constituent units or a multinational or international organization by the following persons:

- (a) A notary public;
- (b) A judge, clerk or deputy clerk of a court of record; ~~for~~
- (c) A person authorized by the law of that jurisdiction to perform notarial acts; ~~or~~

(d) A person authorized by federal law to perform notarial acts; or
(e) A person authorized by the law of a federally recognized Indian tribe or nation to perform notarial acts.

2. A certificate by an officer of the foreign service or consular officer of the United States stationed in the nation under the jurisdiction of which the notarial act was performed, or a certificate by an officer of the foreign service or consular officer of that nation stationed in the United States, conclusively establishes a matter relating to the authenticity or validity of the notarial act set forth in the certificate.

3. An official stamp or seal of the person performing the notarial act is prima facie evidence that the signature is genuine and that the person holds the indicated title.

4. An official stamp or seal of an officer listed in paragraph (a) or (b) of subsection 1 is prima facie evidence that a person with the indicated title has authority to perform notarial acts.

5. If the title of office and indication of authority to perform notarial acts appears either in a digest of foreign law or in a list customarily used as a source for that information, the authority of an officer with that title to perform notarial acts is conclusively established.

Sec. 35.7. NRS 240.1655 is hereby amended to read as follows:

240.1655 1. A notarial act must be evidenced by a certificate that:

(a) Identifies the county, including, without limitation, Carson City, in this State in which the notarial act was performed in substantially the following form:

State of Nevada

County of

(b) Except as otherwise provided in this paragraph, includes the name of the person whose signature is being notarized. If the certificate is for certifying a copy of a document, the certificate must include the name of the person presenting the document. If the certificate is for the jurat of a subscribing witness, the certificate must include the name of the subscribing witness.

(c) Is signed and dated in ink by the notarial officer performing the notarial act. **The certificate must be signed in the same manner as the signature of the notarial officer that is on file with the Secretary of State.**

(d) If the notarial officer performing the notarial act is a notary public, includes the statement imprinted with the stamp of the notary public, as described in NRS 240.040.

(e) If the notarial officer performing the notarial act is not a notary public, includes the title of the office of the notarial officer and may include the official stamp or seal of that office. If the officer is a commissioned officer on active duty in the military service of the United States, the certificate must also include the officer's rank.

2. ~~1A~~ **Except as otherwise provided in subsection 8, a** notarial officer shall:

(a) In taking an acknowledgment, determine, from personal knowledge or satisfactory evidence, that the person making the acknowledgment is the person whose signature is on the document. The person who signed the document shall present the document to the notarial officer in person.

(b) In administering an oath or affirmation, determine, from personal knowledge or satisfactory evidence, the identity of the person taking the oath or affirmation.

(c) In certifying a copy of a document, photocopy the entire document and certify that the photocopy is a true and correct copy of the document that was presented to the notarial officer.

(d) In making or noting a protest of a negotiable instrument, verify compliance with the provisions of subsection 2 of NRS 104.3505.

(e) In executing a jurat, administer an oath or affirmation to the affiant and determine, from personal knowledge or satisfactory evidence, that the affiant is the person named in the document. The affiant shall sign the document in the presence of the notarial officer. The notarial officer shall administer the oath or affirmation required pursuant to this paragraph in substantially the following form:

Do you (solemnly swear, or affirm) that the statements in this document are true, (so help you God)?

3. A certificate of a notarial act is sufficient if it meets the requirements of subsections 1 and 2 and it:

(a) Is in the short form set forth in NRS 240.166 to 240.169, inclusive;

(b) Is in a form otherwise prescribed by the law of this State;

(c) Is in a form prescribed by the laws or regulations applicable in the place in which the notarial act was performed; or

(d) Sets forth the actions of the notarial officer and those are sufficient to meet the requirements of the designated notarial act.

4. For the purposes of paragraphs (a), (b) and (e) of subsection 2, a notarial officer has satisfactory evidence that a person is the person whose signature is on a document if the person:

- (a) Is personally known to the notarial officer;
- (b) Is identified upon the oath or affirmation of a credible witness ~~and~~ **who personally appears before the notarial officer;**
- (c) Is identified on the basis of an identifying document which contains a signature and a photograph;
- (d) Is identified on the basis of a consular identification card;
- (e) Is identified upon an oath or affirmation of a subscribing witness who is personally known to the notarial officer; or
- (f) In the case of a person who is 65 years of age or older and cannot satisfy the requirements of paragraphs (a) to (e), inclusive, is identified upon the basis of an identification card issued by a governmental agency or a senior citizen center.

5. An oath or affirmation administered pursuant to paragraph (b) of subsection 4 must be in substantially the following form:

Do you (solemnly swear, or affirm) that you personally know
(name of person who signed the document)....., (so help you
 God)?

6. A notarial officer shall not affix his or her signature over printed material.

7. By executing a certificate of a notarial act, the notarial officer certifies that the notarial officer has complied with all the requirements of this section.

8. **If a person is physically unable to sign a document that is presented to a notarial officer pursuant to this section, the person may direct a person other than the notarial officer to sign the person's name on the document. The notarial officer shall insert "Signature affixed by (insert name of other person) at the direction of (insert name of person)" or words of similar import.**

9. As used in this section, unless the context otherwise requires, "consular identification card" means an identification card issued by a consulate of a foreign government, which consulate is located within the State of Nevada.

**Sec. 36. [NRS 240.1663 is hereby amended to read as follows:
 240.1663 [Upon compliance with the requirements of NRS 240.1655, the] The following certificate is sufficient for administering an oath or affirmation of office [:], if completed with the information required by subsections 1 and 2 of section 20 of this act.**

Sec. 38. ~~[NRS 240.1685 is hereby amended to read as follows:~~
~~240.1685 [Upon compliance with the requirements of NRS 240.1655,~~
~~the] The following certificate is sufficient for a jurat of a subscribing witness~~
~~[:], if completed with the information required by subsections 1 and 2 of~~
~~section 20 of this act:~~

State of Nevada

County of

~~On(date)....., ...(subscribing witness)..... personally appeared~~
~~before me, whom I know to be the person who signed this jurat of a~~
~~subscribing witness while under oath, and swears that he or she was present~~
~~and witnessed(signer of the document)..... sign his or her name to the~~
~~above document.~~

.....

 (Signature of subscribing witness)

~~Signed and sworn before me on(date)..... by(subscribing~~
~~witness).....~~

.....

 (Signature of notarial officer)

~~[(Seal, if any)] (Stamp)~~

.....

 (Title and rank (optional)) (Deleted by amendment.)

Sec. 39. ~~[NRS 240.169 is hereby amended to read as follows:~~
~~240.169 [Upon compliance with the requirements of NRS 240.1655, the]~~
~~The following certificate is sufficient for an acknowledgment of a credible~~
~~witness [:], if completed with the information required by subsections 1~~
~~and 2 of section 20 of this act:~~

State of Nevada

County of

~~This instrument was acknowledged before me on(date)..... by~~
~~.....(name of person)..... who personally appeared before me and whose~~
~~identity I verified upon the oath of(name of credible witness)....., a~~
~~credible witness personally known to me and to the person who~~
~~acknowledged this instrument before me.~~

.....

 (Signature of notarial officer)

~~[(Seal, if any)] (Stamp)~~

~~(Title and rank (optional))~~ **(Deleted by amendment.)**

~~Sec. 40. [NRS 240.189 is hereby amended to read as follows:
240.189 An electronic notary public shall comply with those provisions
of NRS 240.001 to 240.169, inclusive, and sections 2 to 28, inclusive, of this
act which are not inconsistent with NRS 240.181 to 240.206, inclusive. To
the extent that the provisions of NRS 240.001 to 240.169, inclusive, and
sections 2 to 28, inclusive, of this act conflict with the provisions of
NRS 240.181 to 240.206, inclusive, the provisions of NRS 240.181 to
240.206, inclusive, control.] (Deleted by amendment.)~~

~~Sec. 41. [NRS 240.199 is hereby amended to read as follows:
240.199 An electronic notarial act must be evidenced by the following,
which must be attached to or logically associated with the electronic
document that is the subject of the electronic notarial act and which must be
immediately perceptible and reproducible:~~

- ~~1. The electronic signature of the electronic notary public;~~
- ~~2. The electronic seal of the electronic notary public; and~~
- ~~3. The wording of a notarial certificate pursuant to NRS [240.1655,
240.166 to 240.167, inclusive, 240.1685 or] 240.1663 to 240.169 [.] ,
inclusive, and sections 21 to 25, inclusive, of this act.] (Deleted by
amendment.)~~

~~Sec. 42. [NRS 105.050 is hereby amended to read as follows:
105.050 1. If a security instrument filed with the Secretary of State
grants an interest, as security, in any real property owned by the public
utility, a notice of filing of a security instrument affecting real property must
be recorded in the office of the county recorder in the county where the real
property is located, stating:
(a) The name of the public utility which executed the security instrument;
(b) That a security instrument affecting real property in the county has
been executed by the public utility; and
(c) That the security instrument was filed, and other security instruments
may later be on file, in the Office of the Secretary of State.~~

~~↗ The notice required by this section must be acknowledged or proved and
certified in the manner provided in chapter 111 of NRS and in
NRS [240.161] 240.1663 to 240.169, inclusive [.] , and sections 3 to 28,
inclusive, of this act.~~

~~2. After such recording, no notice need be recorded regarding other
security instruments executed by the public utility. The notice recorded under
subsection 1 is sufficient to provide notice of all subsequent security
instruments:~~

- ~~(a) Executed by the public utility;~~
- ~~(b) Filed with the Secretary of State; and~~

~~— (c) Granting an interest, as security, in any real property, and fixtures thereto, located in the county where the notice is recorded.~~

~~— 3. Notices recorded pursuant to subsection 1 must be recorded and indexed by the county recorder in the same records and indexes as are mortgages on real property. (Deleted by amendment.)~~

Sec. 43. ~~[NRS 111.240 is hereby amended to read as follows:~~

~~111.240 Every conveyance in writing whereby any real property is conveyed or may be affected must be acknowledged or proved and certified in the manner provided in this chapter and in NRS [240.161] 240.1663 to 240.169, inclusive [.] , and sections 4 to 28, inclusive, of this act. (Deleted by amendment.)~~

Sec. 44. ~~[NRS 278.374 is hereby amended to read as follows:~~

~~278.374 1. Except as otherwise provided in subsection 2, a final map presented for filing must include a certificate signed and acknowledged, in the manner provided in NRS [240.1665 or] 240.167, or section 21 or 22 of this act, by each person who is an owner of the land:~~

~~— (a) Consenting to the preparation and recordation of the final map.~~

~~— (b) Offering for dedication that part of the land which the person wishes to dedicate for public use, subject to any reservation contained therein.~~

~~— (c) Reserving any parcel from dedication.~~

~~— (d) Granting any permanent easement for utility or video service network installation or access, as designated on the final map, together with a statement approving such easement, signed by the public utility, video service provider or person in whose favor the easement is created or whose services are required.~~

~~— 2. If the map presented for filing is an amended map of a common-interest community, the certificate need only be signed and acknowledged by a person authorized to record the map under chapter 116 of NRS.~~

~~— 3. A final map of a common-interest community presented for recording and, if required by local ordinance, a final map of any other subdivision presented for recording must include:~~

~~— (a) A report from a title company in which the title company certifies that it has issued a guarantee for the benefit of the local government which lists the names of:~~

~~— (1) Each owner of record of the land to be divided; and~~

~~— (2) Each holder of record of a security interest in the land to be divided, if the security interest was created by a mortgage or a deed of trust.~~

~~— The guarantee accompanying a final map of a common-interest community must also show that there are no liens of record against the common-interest community or any part thereof for delinquent state, county, municipal, federal or local taxes or assessments collected as taxes or special assessments.~~

~~(b) The written consent of each holder of record of a security interest listed pursuant to subparagraph (2) of paragraph (a), to the preparation and recordation of the final map. A holder of record may consent by signing:~~

~~— (1) The final map; or~~

~~— (2) A separate document that is filed with the final map and declares his or her consent to the division of land.~~

~~4. For the purpose of this section, the following shall be deemed not to be an interest in land:~~

~~— (a) A lien for taxes or special assessments.~~

~~— (b) A trust interest under a bond indenture.~~

~~5. As used in this section, “guarantee” means a guarantee of the type filed with the Commissioner of Insurance pursuant to paragraph (c) of subsection 1 of NRS 692A.120.] (Deleted by amendment.)~~

Sec. 45. ~~[NRS 278.496 is hereby amended to read as follows:~~

~~278.496 1. A map of reversion presented for recording must include a certificate signed and acknowledged, pursuant to NRS [240.166, 240.1665 or] 240.167, or section 21 or 22 of this act, by each person who is an owner of the land consenting to the preparation and recordation of the map for the purpose of reversion.~~

~~2. A governing body may by ordinance require a map of reversion presented for recording to include:~~

~~— (a) A report from a title company which lists the names of:~~

~~— (1) Each owner of record of the land; and~~

~~— (2) Each holder of record of a security interest in the land, if the security interest was created by a mortgage or a deed of trust.~~

~~(b) The written consent of each holder of record of a security interest listed pursuant to subparagraph (2) of paragraph (a), to the preparation and recordation of the map of reversion. A holder of record of a security interest may consent by signing:~~

~~— (1) The map of reversion; or~~

~~— (2) A separate document that is recorded with the map of reversion and declares his or her consent to the reversion, if the map contains a notation that a separate document has been recorded to this effect.~~

~~3. For the purpose of this section, the following shall be deemed not to be an interest in land:~~

~~— (a) A lien for taxes or special assessments.~~

~~— (b) A trust interest under a bond indenture.] (Deleted by amendment.)~~

Sec. 46. ~~[NRS 533.382 is hereby amended to read as follows:~~

~~533.382 Except as otherwise provided in NRS 533.387, every conveyance of an application or permit to appropriate any of the public waters, a certificate of appropriation, an adjudicated or unadjudicated water~~

~~right or an application or permit to change the place of diversion, manner of use or place of use of water must be:~~

- ~~1. Made by deed;~~
- ~~2. Acknowledged in the manner provided in NRS [240.161 to 240.168, inclusive;] **240.1663 to 240.169, inclusive, and sections 3 to 28, inclusive, of this act; and**~~
- ~~3. Recorded in the office of the county recorder of each county in which the water is applied to beneficial use and in each county in which the water is diverted from its natural source.] **(Deleted by amendment.)**~~

Sec. 47. ~~[NRS 240.161, 240.1635, 240.164, 240.1645, 240.165, 240.1655, 240.1657, 240.166, 240.1665, 240.167 and 240.168 are hereby repealed.] **(Deleted by amendment.)**~~

Sec. 48. The amendatory provisions of this act apply to a notarial act performed on or after January 1, 2014.

Sec. 49. This act becomes effective on January 1, 2014.

†

~~LEADLINES OF REPEALED SECTIONS~~

- ~~**240.161 Short title; uniformity of application and construction.**~~
- ~~**240.1635 Notarial acts in this State.**~~
- ~~**240.164 Notarial acts in other jurisdictions of United States.**~~
- ~~**240.1645 Notarial acts under federal authority.**~~
- ~~**240.165 Foreign notarial acts.**~~
- ~~**240.1655 Notarial acts.**~~
- ~~**240.1657 Authentication of signature of notarial officer by Secretary of State.**~~
- ~~**240.166 Short form for acknowledgment in individual capacity.**~~
- ~~**240.1665 Short form for acknowledgment in representative capacity.**~~
- ~~**240.167 Short form for execution of jurat.**~~
- ~~**240.168 Short form for certifying copy of document.]**~~

Assemblywoman Neal moved the adoption of the amendment.

Remarks by Assemblywoman Neal.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 153.

Bill read second time.

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

Amendment No. 432.

AN ACT relating to alcoholic beverages; providing for the licensing and operation of craft distilleries in this State; setting forth the conditions under

which spirits manufactured at such craft distilleries may be sold; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the operation of brew pubs and instructional wine-making facilities. (NRS 597.230, 597.245) Under existing law, facilities such as brew pubs and instructional wine-making facilities must be licensed, a fee is imposed for the license, and a person who engages in business in this State without having the appropriate permit or license for the business is guilty of a misdemeanor. (NRS 360.490, 369.180, 369.300).~~†~~

~~This~~ Sections 1 and 2-8 of this bill: (1) ~~authorizes~~ authorize the operation of craft distilleries in Nevada; (2) ~~sets~~ set forth the permissible scope of operation for those craft distilleries; (3) ~~requires~~ require that the craft distilleries be licensed; and (4) ~~imposes~~ impose a licensing fee of \$75.

Existing law prohibits a supplier of malt beverages, distilled spirits and wines from unilaterally terminating or refusing to continue a franchise with a wholesaler or causing a wholesaler to resign from a franchise without first establishing good cause. (NRS 597.160) Section 1.5 of this bill revises an exception to that provision so that suppliers who sell less than 2,000 rather than 2,500 barrels of malt beverage in any calendar year are excluded from that requirement.

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

Section 1. Chapter 597 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person may operate a craft distillery if the person:

- (a) Obtains a license for the facility pursuant to chapter 369 of NRS;
- (b) Complies with the requirements of this section; and
- (c) Complies with any other applicable governmental requirements.

2. A person who operates a craft distillery pursuant to this section may:

(a) In addition to manufacturing spirits from agricultural raw materials through distillation, blend, age, store and bottle the spirits so manufactured. The person operating the craft distillery shall ensure that none of the spirits manufactured at the craft distillery are derived from neutral or distilled spirits manufactured by another manufacturer.

(b) In any calendar year, ~~sell~~ manufacture for sale and transport in Nevada not more than ~~15,000~~ a combined total of 10,000 cases of spirits ~~manufactured~~ at all the craft ~~distillery to a person who holds a valid license to engage in business as a wholesale dealer of liquor pursuant to chapter 369 of NRS.~~ distilleries the person operates.

(c) ~~Export in any quantity~~ In any calendar year, manufacture for exportation to another state ~~the~~ , not more than a combined total of

20,000 cases of spirits ~~manufactured~~ at all the craft ~~distillery~~ distilleries the person operates.

(d) On the premises of the craft distillery, serve samples of the spirits manufactured at the craft distillery. Any such samples must not exceed, per person, per day, ~~1 fluid ounce~~ 2 fluid ounces in volume. ~~For each type of spirit manufactured at the craft distillery.~~

(e) On the premises of the craft distillery, ~~1.~~

~~—(1) Serve the spirits manufactured at the craft distillery by the glass for consumption on the premises; and~~

~~—(2) Sell~~ sell the spirits manufactured at the craft distillery at retail for consumption on or off the premises. Any such spirits sold at retail for off-premises consumption must not exceed, per person, per ~~day, one half~~ gallon in volume of each type of spirit manufactured at the craft distillery. month, one-half of a case of spirits. Spirits purchased on the premises of a craft distillery ~~may~~ must not be resold by the purchaser or any retail liquor store.

3. As used in this section, “case of spirits” means 12 bottles, each containing 750 milliliters of distilled spirits.

Sec. 1.5. NRS 597.160 is hereby amended to read as follows:

597.160 1. Except as otherwise provided in subsection 4, if more than one franchise for the same brand or brands of malt beverages, distilled spirits and wines, or all of them, is granted to different wholesalers in this state, it is a violation of NRS 597.120 to 597.180, inclusive, for any supplier to discriminate between such wholesalers with respect to any of the terms, provisions and conditions of these franchises.

2. Except as otherwise provided in this subsection and notwithstanding the terms, provisions or conditions of any franchise, a supplier shall not unilaterally terminate or refuse to continue any franchise with a wholesaler or cause a wholesaler to resign from that franchise unless the supplier has first established good cause for that termination, noncontinuance or causing of that resignation. This subsection does not apply to a supplier who sells less than ~~12,500~~ 2,000 barrels of malt beverages, less than 250 cases of distilled spirits or less than 2,000 cases of wine in this state in any calendar year, or who operates a winery pursuant to NRS 597.240.

3. A wholesaler may, within 60 days after he or she receives a notice required pursuant to NRS 597.155, correct any failure to comply with the terms, provisions and conditions of the franchise alleged by the supplier.

4. Unless otherwise specified by contract between the supplier and wholesaler, a supplier shall not grant more than one franchise to a wholesaler for any brand of alcoholic beverage in a marketing area.

Sec. 2. NRS 597.200 is hereby amended to read as follows:

597.200 As used in NRS 597.190 to 597.250, inclusive, **and section 1 of this act**, unless the context otherwise requires:

1. “Alcoholic beverage” means any malt beverage or spirituous, vinous or malt liquor which contains 1 percent or more ethyl alcohol by volume.

2. “Brew pub” means an establishment which manufactures malt beverages and sells those malt beverages at retail pursuant to the provisions of NRS 597.230.

3. *“Craft distillery” means an establishment which:*

(a) Manufactures distilled spirits from agricultural raw materials through distillation; and

(b) Is authorized to sell and distribute those distilled spirits pursuant to the provisions of section 1 of this act.

4. *“Distillation” means the process of producing or purifying spirituous liquor by successive evaporation and condensation.*

5. “Engage in” includes participation in a business as an owner or partner, or through a subsidiary, affiliate, ownership equity or in any other manner.

~~{4.}~~ 6. “Instructional wine-making facility” means an instructional wine-making facility operated pursuant to NRS 597.245.

~~{5.}~~ 7. “Legal age” means the age at which a person is legally permitted to purchase an alcoholic beverage pursuant to NRS 202.020.

~~{6.}~~ 8. “Malt beverage” means beer, ale, porter, stout and other similar fermented beverages of any name or description, brewed or produced from malt, wholly or in part.

~~{7.}~~ 9. “Supplier” has the meaning ascribed to it in NRS 597.140.

~~{8.}~~ 10. “Wine” has the meaning ascribed to it in NRS 369.140.

Sec. 3. NRS 597.210 is hereby amended to read as follows:

597.210 1. Except as otherwise provided in subsection 2 and NRS 597.240, ~~and section 1 of this act,~~ a person engaged in business as a supplier or engaged in the business of manufacturing, blending or bottling alcoholic beverages within or without this State shall not ~~engage~~ **;**

(a) Engage in the business of importing, wholesaling or retailing alcoholic beverages ~~;~~ or

(b) Operate or otherwise locate his or her business on the premises or property of another person engaged in the business of importing, wholesaling or retailing alcoholic beverages.

2. This section does not:

(a) Preclude any person engaged in the business of importing, wholesaling or retailing alcoholic beverages from owning less than 2 percent of the outstanding ownership equity in any organization which manufactures, blends or bottles alcoholic beverages.

(b) Prohibit a person engaged in the business of rectifying or bottling alcoholic beverages from importing neutral or distilled spirits in bulk only for the express purpose of rectification pursuant to NRS 369.415.

(c) Prohibit a person from operating a brew pub pursuant to NRS 597.230.

(d) Prohibit a person from operating an instructional wine-making facility pursuant to NRS 597.245.

(e) Prohibit a person from operating a craft distillery pursuant to section 1 of this act.

Sec. 4. NRS 597.220 is hereby amended to read as follows:

597.220 1. ~~{Any}~~ ***Except as otherwise provided in ~~section 1 of this act,~~ subsection 3,*** a person who is engaged in the business of importing or wholesaling alcoholic beverages in the State of Nevada shall not engage in the business of retailing alcoholic beverages in this state.

2. For the purposes of this section, a person who transfers or receives alcoholic beverages in the manner described in NRS 369.4865 must not be considered to be engaged in the business of wholesaling alcoholic beverages based solely upon those transfers.

3. This section does not prohibit a person from operating a craft distillery pursuant to section 1 of this act.

Sec. 5. NRS 597.250 is hereby amended to read as follows:

597.250 The license of any person who violates the provisions of NRS 597.210, 597.220, 597.230 or 597.245 ***or section 1 of this act*** must be suspended or revoked in the manner provided in chapter 369 of NRS.

Sec. 6. NRS 369.180 is hereby amended to read as follows:

369.180 1. In addition to the limitations imposed by NRS 597.210 and 597.220, a person shall not:

(a) Import liquors into this State unless the person first secures an importer's license or permit from this State.

(b) Engage in business as a wholesale dealer of wines and liquors in this State unless the person first secures a wholesale wine and liquor dealer's license from this State.

(c) Engage in business as a wholesale dealer of beer in this State unless the person first secures a wholesale beer dealer's license from this State.

(d) Operate a winery in this State or export wine from this State unless the person first secures a wine-maker's license from this State.

(e) Operate an instructional wine-making facility in this State unless the person first secures a license for the instructional wine-making facility from this State.

(f) Operate a brewery in this State unless the person first secures a brewer's license from this State.

(g) Operate a brew pub in this State unless the person first secures a brew pub's license from this State.

(h) Operate a craft distillery in this State unless the person first secures a craft distiller's license from this State.

2. A person who holds a license for an instructional wine-making facility:

(a) May engage in any activity authorized by NRS 597.245.

(b) May not engage in any other activity for which a license is required pursuant to this chapter, unless the person holds the appropriate license for that activity.

3. ***A person who holds a license for a craft distillery:***

(a) May engage in any activity authorized by section 1 of this act.

(b) May not engage in any other activity for which a license is required pursuant to this chapter, unless the person holds the appropriate license for that activity.

4. As used in this section:

(a) "Brew pub" has the meaning ascribed to it in NRS 597.200.

(b) "Brewery" means an establishment which manufactures malt beverages but does not sell those malt beverages at retail.

(c) ***"Craft distillery" has the meaning ascribed to it in NRS 597.200.***

(d) "Malt beverage" has the meaning ascribed to it in NRS 597.200.

Sec. 7. NRS 369.300 is hereby amended to read as follows:

369.300 The following is a schedule of fees to be charged for licenses:

Importer's wine, beer and liquor license	500
Importer's beer license	150
Wholesale wine, beer and liquor license	250
Wholesale beer dealer's license.....	75
Wine-maker's license	75
License for an instructional wine-making facility	75
Brew pub's license	75
Brewer's license	75
<i>Craft distiller's license.....</i>	<i>75</i>

Sec. 8. NRS 369.382 is hereby amended to read as follows:

369.382 **1.** Except as otherwise provided in **subsection 2,** NRS 369.386 and 369.415, ~~and section 1 of this act,~~ a supplier shall not engage in the business of importing, wholesaling or retailing alcoholic beverages in this State.

2. This section does not prohibit a person from operating a craft distillery pursuant to section 1 of this act.

Sec. 9. This act becomes effective on ~~passage and approval,~~ **July 1, 2013.**

Assemblyman Bobzien moved the adoption of the amendment.

Remarks by Assemblyman Bobzien.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 187.

Bill read second time.

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

Amendment No. 556.

SUMMARY—Revises provisions governing ~~retail installment contracts;~~ **trade regulations.** (BDR ~~48-977~~) **52-977**)

AN ACT relating to ~~retail installment contracts;~~ **trade regulations;** **authorizing a secured party who finances the sale of motor vehicles to install certain devices in the motor vehicles which he or she finances;** **authorizing a lessor of motor vehicles to install certain devices in the motor vehicles which he or she leases;** revising provisions relating to retail installment contracts; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 2 and 3 of this bill authorize secured parties who finance the sale of motor vehicles and lessors of motor vehicles to install devices in the motor vehicles which they finance or lease, respectively, which are used to remotely disable a motor vehicle upon breach or default of the sale or lease agreement by the debtor or lessee, as applicable.

Existing law requires certain retail installment contracts to be contained in a single document which must contain the entire agreement of the parties. (NRS 97.165) ~~[This]~~ **Section 4 of this** bill amends that requirement, commonly known as the "single document rule," to provide that it ~~only applies to the agreement of the parties with respect to certain information relating to the total price and the terms of payment. This bill also authorizes a seller to provide to the buyer in a separate document any other disclosures not related to such information.~~ **does not apply to the sale of a motor vehicle in which a secured party and a debtor enter into an agreement authorizing the secured party to install and use a device which is able to remotely disable the motor vehicle upon breach or default by the debtor.**

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

Section 1. Chapter 597 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. 1. A secured party who finances the sale of a motor vehicle shall not install or use electronic repossession technology in a motor vehicle which he or she finances to take possession of the motor vehicle or, without removal, to render the motor vehicle unusable, unless;

(a) After executing the retail installment contract, the secured party and the debtor enter into an agreement which is contained in a separate document, is not a condition of the retail installment contract and which provides that:

(1) Electronic tracking technology may be used by the secured party only to ensure that the electronic tracking technology is operating properly, to repossess the motor vehicle, to locate the motor vehicle for the purpose of servicing the retail installment contract or to keep the retail installment contract current;

(2) The debtor may cancel the agreement authorizing the use of electronic tracking technology at any time during the term of the retail installment contract without affecting the sale of the motor vehicle or any term or condition of the retail installment contract; and

(3) After providing proper notice to the debtor, a secured party may use starter interrupt technology to disable a motor vehicle following certain defaults or breaches of the retail installment contract; and

(b) At the time of the sale of the motor vehicle, the secured party provides the debtor with a written disclosure that the vehicle is equipped with electronic repossession technology and which includes, without limitation:

(1) The nature of the defaults or breaches following which the secured party may use the electronic repossession technology;

(2) The prohibitions on the use of the electronic repossession technology as provided in subsection 3;

(3) The name, address and toll-free telephone number of the secured party for the purpose of communicating directly with the secured party concerning the security interest in the motor vehicle and the extension of credit; and

(4) That in the event of an emergency, the debtor will be able to start a disabled vehicle for at least 24 hours.

2. Before using the electronic repossession technology in a motor vehicle which is financed by a secured party, the secured party shall provide written notice to the debtor that the secured party will use the electronic repossession technology to disable the motor vehicle within 3 days, excluding Saturdays, Sundays and holidays, after issuance of the notice.

3. The use of electronic repossession technology in a motor vehicle which is financed by a secured party is prohibited if:

(a) Disablement of the motor vehicle will occur while the engine of the motor vehicle is running;

(b) The electronic repossession technology causes an audible warning which lasts longer than 20 seconds upon starting or shutting off the engine of the motor vehicle;

(c) The secured party has reason to know that the use of the electronic repossession technology will result in substantial injury or harm to the debtor, the public health, safety or welfare, or will in any way adversely affect any third party; or

(d) Less than 30 days have lapsed since the default or breach of contract by the debtor.

4. A debtor may not waive any of the provisions of this section.

5. The failure by a secured party to comply with any provision of this section shall be considered a deceptive trade practice in violation of NRS 598.0923, and a debtor may file a claim for relief. In addition to any other remedy available pursuant to NRS 41.600, chapter 598 of NRS or any other provision of law, a debtor who prevails in an action pursuant to this subsection shall be awarded a minimum of \$1,000 as statutory damages, or damages pursuant to subsection 3 of NRS 104.9625, whichever is greater.

6. The Commissioner of Financial Institutions shall prescribe, by regulation, forms for contracts for the use of electronic repossession technology.

7. As used in this section, unless the context otherwise requires:

(a) "Electronic repossession technology" means a device that has electrical, digital, magnetic or wireless optical electromagnetic properties or similar capabilities, including, without limitation, electronic tracking technology and starter interrupt technology.

(b) "Electronic tracking technology" means global positioning satellite or similar technology used to obtain or record the location of a motor vehicle.

(c) "Retail installment contract" has the meaning ascribed to it in NRS 97.105.

(d) "Secured party" has the meaning ascribed to it in NRS 104.9102.

(e) "Starter interrupt technology" means technology used to remotely disable the starter of a motor vehicle.

Sec. 3. 1. A lessor who leases a motor vehicle shall not install or use electronic repossession technology in a motor vehicle which he or she leases to take possession of the motor vehicle or, without removal, to render the motor vehicle unusable, unless:

(a) After consummation of the lease agreement, the lessor and the lessee enter into an agreement which is contained in a separate document, is not a condition of the lease agreement and which provides that:

(1) Electronic tracking technology may be used by the lessor only to ensure that the electronic tracking technology is operating properly, to repossess the motor vehicle, to locate the motor vehicle for the purpose of servicing the lease agreement or to keep the lease agreement current;

(2) The lessee may cancel the agreement authorizing the use of electronic tracking technology at any time during the term of the lease agreement without affecting the lease of the motor vehicle or any term or condition of the lease agreement; and

(3) After providing proper notice to the lessee, a lessor may use starter interrupt technology to disable a motor vehicle following certain defaults or breaches of the lease agreement; and

(b) At the time of the lease of the motor vehicle, the lessor provides the lessee with a written disclosure that the vehicle is equipped with electronic repossession technology and which includes, without limitation:

(1) The nature of the defaults or breaches following which the lessor may use the electronic repossession technology;

(2) The prohibitions on the use of the electronic repossession technology as provided in subsection 3;

(3) The name, address and toll-free telephone number of the lessor for the purpose of communicating directly with the lessor concerning the security interest in the motor vehicle and the extension of credit; and

(4) That in the event of an emergency, the lessee will be able to start a disabled vehicle for at least 24 hours.

2. Before using the electronic repossession technology in a motor vehicle which is leased by a lessor, the lessor shall provide written notice to the lessee that the lessor will use the electronic repossession technology to disable the motor vehicle within 3 days, excluding Saturdays, Sundays and holidays, after issuance of the notice.

3. The use of electronic repossession technology in a motor vehicle which is leased by a lessor is prohibited if:

(a) Disablement of the motor vehicle will occur while the engine of the motor vehicle is running;

(b) The electronic repossession technology causes an audible warning which lasts longer than 20 seconds upon starting or shutting off of the engine of a motor vehicle;

(c) The lessor has reason to know that the use of the electronic repossession technology will result in substantial injury or harm to the lessee, the public health, safety or welfare, or will in any way adversely affect any third party; or

(d) Less than 30 days have lapsed since the default or breach of contract by the debtor.

4. A lessee may not waive any of the provisions of this section.

5. The failure by a lessor to comply with any provision of this section shall be considered a deceptive trade practice in violation of NRS 598.0923, and a lessee may file a claim for relief. In addition to any other remedy available pursuant to NRS 41.600, chapter 598 of NRS or any other provision of law, a lessee who prevails in an action pursuant to this subsection shall be awarded a minimum of \$1,000, as statutory damages.

6. The Commissioner of Financial Institutions shall prescribe, by regulation, forms for contracts for the use of electronic repossession technology.

7. As used in this section, unless the context otherwise requires:

(a) "Electronic repossession technology" means a device that has electrical, digital, magnetic or wireless optical electromagnetic properties or similar capabilities, including, without limitation, electronic tracking technology and starter interrupt technology.

(b) "Electronic tracking technology" means global positioning satellite or similar technology used to obtain or record the location of a motor vehicle.

(c) "Starter interrupt technology" means technology used to remotely disable the starter of a motor vehicle.

~~{Section 1.}~~ **Sec. 4.** NRS 97.165 is hereby amended to read as follows:

97.165 1. Every retail installment contract must be contained in a single document which must contain the entire agreement of the parties ~~with respect to the items set forth in NRS 97.185,~~ including any promissory notes or other evidences of indebtedness between the parties relating to the transaction, except as otherwise provided in NRS 97.205 and 97.235, **and section 2 of this act,** but:

(a) If the buyer's obligation to pay the total of payments is represented by a promissory note secured by a chattel mortgage or other security agreement, the promissory note may be a separate instrument if the mortgage or security agreement recites the amount and terms of payment of that note and the promissory note recites that it is secured by a mortgage or security agreement.

(b) In a transaction involving the repair, alteration or improvement upon or in connection with real property, the contract may be secured by a mortgage or deed of trust on the real property contained in a separate document. Retail sales transactions for home improvements which are financed or insured by the Federal Housing Administration are not subject to the provisions of this chapter.

~~(c) {The seller may provide}~~ **In a transaction involving the purchase of a motor vehicle, the parties may enter into an agreement contained in a separate document** ~~{any disclosure not otherwise related to the items set~~

~~forth in NRS 97.185.]~~ **authorizing the use of electronic repossession technology pursuant to the provisions of section 2 of this act.**

2. The contract must be dated, signed by the retail buyer and completed as to all essential provisions, except as otherwise provided in NRS 97.205, 97.215 and 97.235. The printed or typed portion of the contract, other than instructions for completion, must be in a size equal to at least 8-point type.

3. Any fee charged to the retail buyer for his or her cancellation of a retail installment contract within 72 hours after its execution is prohibited unless notice of the fee is clearly set forth in the printed or typed portion of the contract.

4. As used in this section, “electronic repossession technology” has the meaning ascribed to it in paragraph (a) of subsection 7 of section 3 of this act.

Assemblyman Bobzien moved the adoption of the amendment.

Remarks by Assemblyman Bobzien.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 199.

Bill read second time.

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

Amendment No. 535.

AN ACT relating to energy; authorizing the Colorado River Commission of Nevada to sell electricity and provide transmission service and distribution service to certain new customers; **requiring such a customer to purchase any balance of its capacity and electric transmission and distribution services from an electric utility that primarily serves densely populated counties; requiring certain new customers of the Commission to pay certain charges, fees and tariffs;** and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

In 1922, seven states, including Nevada, entered into the Colorado River Compact to allocate among the joining states the water rights to the Colorado River and its tributaries in the Colorado River Basin. The United States Congress passed the Boulder Canyon Project Act in 1928 (43 U.S.C. §§ 617 et seq.) to provide for the construction of works along the Colorado River, including the Hoover Dam, and to approve the Colorado River Compact. In 1935, the Nevada Legislature created the Colorado River Commission of Nevada and charged the Commission with securing and protecting Nevada’s rights and interests in the waters of the Colorado River and in hydroelectric power generated on the Colorado River. (NRS 538.041-538.251) Various

federal laws have modified the allocation of hydroelectric power delivered from the Hoover Dam since its construction. Most recently, the United States Congress passed the Hoover Power Allocation Act of 2011 (43 U.S.C. §§ 619 et seq.), which creates a resource pool of capacity and associated firm energy for new customers in certain geographical areas of Nevada, California and Arizona that do not currently receive power from the Hoover Dam. The Act directs the Commission to allocate a certain amount of capacity and associated firm energy from the resource pool to new customers in Nevada under contracts that will become effective on October 1, 2017.

Existing Nevada law authorizes the Commission to sell electricity without being subject to the jurisdiction of the Public Utilities Commission of Nevada only to meet the existing and future electricity requirements of certain existing customers in this State. (NRS 704.787) This bill authorizes the Commission to contract with certain new eligible customers to allocate the 5 percent of capacity and associated firm energy which is available to the Commission as a resource pool for new customers pursuant to the Hoover Power Allocation Act of 2011 without subjecting the Commission to the jurisdiction of the Public Utilities Commission of Nevada. This bill prohibits the Commission from meeting the demand for electricity of any new customer that is located within the service area of an electric utility that primarily serves densely populated counties in excess of the allocation made to the customer from the resource pool of capacity and associated firm energy created pursuant to the Hoover Power Allocation Act of 2011. ~~It~~ **and requires such a new customer to purchase any balance of its capacity and electric transmission and distribution services from the electric utility. This bill further requires certain new customers to pay certain charges and fees and to account for the customer's load-share portion of any unrecovered balance in the deferred accounts of the electric utility. This bill also requires the Public Utilities Commission of Nevada to establish a just and reasonable tariff, payable to the electric utility, for the provision by the electric utility of electricity and electric distribution service to new customers of the Colorado River Commission of Nevada.**

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

Section 1. NRS 704.787 is hereby amended to read as follows:

704.787 1. The Colorado River Commission of Nevada may , *without being subject to the jurisdiction of the Public Utilities Commission of Nevada*, sell electricity and provide transmission service or distribution service, or both, only to meet the existing and future requirements of:

(a) Any customer that the Colorado River Commission of Nevada on July 16, 1997, was serving or had a contract to serve . ~~It~~ ~~and~~

(b) The Southern Nevada Water Authority and its member agencies for their water and wastewater operations . ~~It~~

~~→ without being subject to the jurisdiction of the Public Utilities Commission of Nevada.]~~

(c) ~~Except as otherwise provided in this paragraph, ~~it~~ and subsection 2,~~ any customer that receives an allocation of capacity and associated firm energy from the Western Area Power Administration of the United States Department of Energy, and any customer that has had an annual peak load of at least 1 megawatt and receives an allocation of capacity and associated firm energy of at least 1 megawatt from the Colorado River Commission of Nevada, on or after October 1, 2017, from the resource pool of capacity and associated firm energy created pursuant to the Hoover Power Allocation Act of 2011, 43 U.S.C. §§ 619 et seq. The Colorado River Commission of Nevada shall not, by the sale of electricity or by the provision of any transmission service or distribution service pursuant to this paragraph, meet the demand for electricity of any customer that is located within the service area of an electric utility that primarily serves densely populated counties in excess of the allocation made to the customer from the resource pool of capacity and associated firm energy created pursuant to the Hoover Power Allocation Act of 2011, 43 U.S.C. §§ 619 et seq.

2. A customer that receives an allocation of capacity and firm energy as described in paragraph (c) of subsection 1 shall, if the customer is located within the service area of an electric utility that primarily serves densely populated counties, purchase from the electric utility any necessary transmission and distribution services and any balance of capacity and energy which is not purchased pursuant to paragraph (c) of subsection 1 or generated by the customer.

3. Except as otherwise provided in this subsection, a customer shall, for the capacity and firm energy received as described in paragraph (c) of subsection 1:

(a) Pay the universal energy charge imposed pursuant to NRS 702.160, unless the customer is the State, a political subdivision of the State or any other governmental entity or customer that is not required to pay the universal service charge pursuant to NRS 702.160.

(b) Pay any mandatory fees imposed by the Public Utilities Commission of Nevada pursuant to chapter 701B, 702 or 704 of NRS which are assessed against customers in the same rate class.

(c) If the customer is located within the service area of an electric utility that primarily serves densely populated counties, pay to the electric utility a fee or receive a credit from the electric utility which is approved by the Public Utilities Commission of Nevada pursuant to paragraph (b) of

subsection 7 of NRS 704B.310 for the purpose of offsetting the customer's load-share portion of any unrecovered balance in the deferred accounts of the electric utility for the costs for purchased fuel and purchased power and for which the electric utility seeks a rate adjustment pursuant to subsections 10 and 11 of NRS 704.110.

↪ The provisions of this subsection do not apply to a customer who receives an allocation described in paragraph (c) of subsection 1 in accordance with the State Plan for Economic Development developed pursuant to NRS 231.053.

4. The Public Utilities Commission of Nevada shall establish a just and reasonable tariff for ~~such~~ ~~the~~ :

(a) The electric distribution service authorized by paragraphs (a) and (b) of subsection 1 to be provided by an electric utility that primarily serves densely populated counties to the Colorado River Commission of Nevada for its sale of electricity or electric distribution services, or both, to ~~any~~ a customer ~~[that] [to which] of the Colorado River Commission of Nevada [on July 16, 1997, was serving or had a contract to serve, and to the Southern Nevada Water Authority and its member agencies to meet the existing and future requirements for their water and wastewater operations.] [is authorized to sell electricity or provide an electric distribution service]~~ pursuant to paragraph (a) or (b) of subsection 1.

(b) The electricity and electric distribution service authorized by paragraph (c) of subsection 1 and subsection 2 to be provided by an electric utility that primarily serves densely populated counties to the Colorado River Commission of Nevada for its sale of electricity or electric distribution services, or both, to a customer of the Colorado River Commission of Nevada pursuant to paragraph (c) of subsection 1.

~~{2}~~ 5. An electric utility that primarily serves densely populated counties shall provide electric distribution service pursuant to the tariff required by subsection ~~{2}~~ 4.

~~{4}~~ 6. The Colorado River Commission of Nevada ~~shall:~~

~~—(a) Review and analyze available information, studies and reports to assess the feasibility of constructing a hydrokinetic generation project below Hoover Dam to assist in meeting any existing or future requirements described in subsection 1; and~~

~~—(b) If the analysis indicates that construction of such a hydrokinetic generation project is feasible, present that analysis to appropriate agencies of the Federal Government and request that those agencies determine whether to construct a hydrokinetic generation project below Hoover Dam.] may adopt regulations to carry out the provisions of this section.~~

~~{5}~~ 7. As used in this section:

(a) *“Costs for purchased fuel and purchased power” has the meaning ascribed to it in paragraph (b) of subsection 5 of NRS 704.187.*

(b) “Electric utility that primarily serves densely populated counties” means an electric utility that, with regard to the provision of electric service, derives more of its annual gross operating revenue in this State from customers located in counties whose population is 700,000 or more than it does from customers located in counties whose population is less than 700,000.

~~[(b)]~~ ~~“Hydrokinetic generation project” means a project that generates electricity from waves or directly from the flow of water in rivers, streams, channels and other inland waterways.]~~

(c) “Southern Nevada Water Authority” has the meaning ascribed to it in NRS 538.041.

Sec. 2. This act becomes effective:

1. 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

2. On October 1, 2013, for all other purposes.

Assemblyman Bobzien moved the adoption of the amendment.

Remarks by Assemblyman Bobzien.

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 Transportation:

Amendment No. 502.

SUMMARY—Requires the Department of Motor Vehicles to contract for ~~for certain electronic services.]~~ the establishment of an electronic lien system. (BDR 43-947)

AN ACT relating to the Department of Motor Vehicles; requiring the Department to ~~establish and implement a system to process security interests electronically; requiring the Department to contract with a supplier to establish and implement such a~~ contract with a vendor or vendors for the establishment of an electronic lien system; setting forth the manner for participating in such a system; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

This bill directs the Department of Motor Vehicles to enter into one or more contracts to establish and implement an “electronic lien system” to process the notification and release of security interests by way of electronic

batch file transfers. ~~[To carry out this directive, the Department is further required to: (1) prepare a request for proposals to solicit bids from suppliers interested in furnishing electronic lien services to the Department; (2) establish parameters for the contract between the Department and the supplier who will furnish the electronic lien services; and (3) under certain circumstances, reimburse lost revenues of the supplier who is selected to fulfill the contract.]~~ **This bill: (1) provides for the allocation of certain costs and fees associated with such a system; (2) requires certain lienholders to participate in such a system, with the date of required participation correlated to the size of the particular lienholder; (3) sets forth the nature of the relationship between the Department and any contractors; (4) provides for the validity of certified electronic records; (5) directs the Department to adopt certain regulations relative to the charging and collection of certain fees for expedited services; and (6) requires the Department to submit a report concerning any such electronic lien system to the 78th Session of the Nevada Legislature.**

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

Section 1. ~~[NRS 482.293 is hereby amended to read as follows:~~
~~482.293 1. The Department may establish a program for the electronic submission and storage of documents.~~
~~2. If the Department establishes a program pursuant to subsection 1:~~
~~(a) An electronic submission or storage of documents that is carried out pursuant to the program with respect to a particular transaction is not valid unless all original documents required for the transaction pursuant to:~~
~~(1) The provisions of 49 U.S.C. §§ 32701 et seq.; and~~
~~(2) The provisions of any regulations adopted pursuant thereto,~~
~~have been executed and submitted to the Department.~~
~~(b) The Department shall allow [only] the following persons, and may allow other persons, to apply for participation in the program:~~
~~(1) Financial institutions, new vehicle dealers and used vehicle dealers, for the purpose of submitting documents by electronic means to the Department on behalf of their customers.~~
~~(2) Owners of fleets composed of 10 or more vehicles.~~
~~(c) The Department shall adopt regulations to carry out the program.~~
~~3. The regulations required to be adopted pursuant to paragraph (c) of subsection 2 must include, without limitation:~~
~~(a) The type of electronic transmission that the Department will accept for the program.~~

~~—(b) The process for submission of an application by a person who desires to participate in the program and the fee, if any, that must accompany the application for participation.~~

~~—(c) The criteria that will be applied by the Department in determining whether to approve an application to participate in the program.~~

~~—(d) The standards for ensuring the security and integrity of the process for issuance and renewal of a certificate of registration and a certificate of title, including, without limitation, the procedure for a financial and performance audit of the program.~~

~~—(e) The terms and conditions for participation in the program and any restrictions on the participation.~~

~~—(f) The contents of a written agreement that must be on file with the Department before a participant may submit a document by electronic means to the Department. Such written agreement must include, without limitation:~~

~~—(1) An assurance that each document submitted by electronic means contains all the information that is necessary to complete the transaction for which the document is submitted;~~

~~—(2) Certification that all the information contained in each document that is submitted by electronic means is truthful and accurate;~~

~~—(3) An assurance that the participant who submits a document by electronic means will maintain all information and records that are necessary to support the document; and~~

~~—(4) The signature of the participant who files the written agreement with the Department.~~

~~—(g) The conditions under which the Department may revoke the approval of a person to participate in the program, including, without limitation, failure to comply with this section and NRS 482.294 and the regulations adopted pursuant thereto.~~

~~—(h) The method by which the Department will store documents that are submitted to it by electronic means.~~

~~—(i) The required technology that is necessary to carry out the program.~~

~~—(j) Any other regulations that the Department determines necessary to carry out the program.~~

~~—(k) Procedures to ensure compliance with:~~

~~—(1) The provisions of 49 U.S.C. §§ 32701 et seq.; and~~

~~—(2) The provisions of any regulations adopted pursuant thereto;~~

~~—* to the extent that such provisions relate to the submission and retention of documents used for the transfer of the ownership of vehicles.~~

~~4. Notwithstanding any provision of subsection 2 or paragraphs (a) to (j), inclusive, of subsection 3 to the contrary, the Department may, by regulation, require financial institutions, new vehicle dealers, used vehicle dealers or any other persons to participate in a program established~~

~~pursuant to this section as a condition of submitting any or all documents to the Department.~~

~~5. The Department may accept gifts and grants from any source, including, without limitation, donations of materials, equipment and labor, for the establishment and maintenance of a program pursuant to this section.]~~
(Deleted by amendment.)

Sec. 1.3. Chapter 482 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department shall enter into one or more contracts pursuant to this section to establish, implement and operate, in lieu of the issuance and maintenance of paper documents otherwise required by this chapter, an electronic lien system to process the notification and release of security interests through electronic batch file transfers.

2. Any contract entered into pursuant to this section must not require the Department to pay any amount to a contractor unless otherwise provided in this section. A contractor must be required to reimburse the Department for any reasonable implementation costs directly incurred by the Department during the establishment and ongoing administration of the electronic lien system. A contract entered into pursuant to this section must include provisions specifically prohibiting a contractor from using information concerning vehicle titles for marketing or solicitation purposes.

3. The electronic lien system must allow qualified service providers to participate in the system. A lienholder may participate in the system through any qualified service provider approved by the Department for participation in the system.

4. Service providers may be required to collect fees from lienholders and their agents for the implementation and administration of the electronic lien system. The amount of the fee collected by a service provider and paid to a contractor for the establishment and maintenance of the electronic lien system must not exceed \$4 per transaction.

5. A contractor may also serve as a service provider under such terms and conditions as are established by the Department pursuant to the terms of a contract entered into pursuant to this section and the regulations adopted by the Department. If a contractor will also serve as a service provider:

(a) The Department may perform audits of the contractor at intervals determined by the Department to ensure the contractor is not engaged in predatory pricing. The contractor shall reimburse the Department for the cost of all audits.

(b) The contract between the Department and the contractor entered into pursuant to this section must include an acknowledgement by the

contractor that the contractor is required to enter into agreements to exchange electronic lien data with all service providers who offer electronic lien and title services to lienholders doing business in the State of Nevada, have been approved by the Department for participation in the electronic lien system pursuant to this section and elect to use the contractor for access to the electronic lien system. A service provider must not be required to provide confidential or proprietary information to any other service provider.

6. Except for persons who are not normally engaged in the business or practice of financing vehicles, all lienholders are required to participate in the electronic lien system.

7. For the purposes of this chapter, any requirement that a lien or other information appear on a certificate of title is satisfied by the inclusion of that information in an electronic file maintained in an electronic lien system. The satisfaction of a lien may be electronically transmitted to the Department. A certificate of title is not required to be issued until the lien is satisfied or the certificate of title is otherwise required to meet the requirements of any legal proceeding or other provision of law. If a vehicle is subject to an electronic lien, the certificate of title shall be deemed to be physically held by the lienholder for the purposes of state or federal law concerning odometer readings and disclosures.

8. A certified copy of the Department's electronic record of a lien is admissible in any civil, criminal or administrative proceeding in this State as evidence of the existence of the lien. If a certificate of title is maintained electronically in the electronic lien system, a certified copy of the Department's electronic record of the certificate of title is admissible in any civil, criminal or administrative proceeding in this State as evidence of the existence and contents of the certificate of title.

9. The Director may adopt such regulations as are necessary to carry out the provisions of this section, including, without limitation:

(a) The amount of the fee a service provider is required to charge pursuant to subsection 4 and pay to a contractor for the establishment and maintenance of the electronic lien system.

(b) The qualifications of service providers for participation in the electronic lien system.

(c) The qualifications for a contractor to enter into a contract with the Department to establish, implement and operate the electronic lien system.

(d) Program specifications that a contractor must adhere to in establishing, implementing and operating the electronic lien system.

(e) Additional requirements for and restrictions upon a contractor who will also serve as a service provider.

10. As used in this section:

(a) "Contractor" means a person who, pursuant to this section, enters into a contract with the Department to establish, implement and operate the electronic lien system.

(b) "Electronic lien system" means a system to process the notification and release of security interests through electronic batch file transfers that is established and implemented pursuant to this section.

(c) "Service provider" means a person who, pursuant to this section, provides lienholders with software to manage electronic lien and title data.

Sec. 1.5. NRS 482.429 is hereby amended to read as follows:

482.429 **1.** For its services under this chapter, the Department shall adopt regulations specifying the amount of the fees which the Department will charge and collect:

~~{1-1}~~ **(a)** For each certificate of title issued for a vehicle present or registered in this State.

~~{2-1}~~ **(b)** For each duplicate certificate of title issued.

~~{3-1}~~ **(c)** For each certificate of title issued for a vehicle not present in or registered in this State.

~~{4-1}~~ **(d) For expedited processing of a certificate of title issued pursuant to paragraph (a), (b) or (c).**

(e) For expedited mailing of a certificate of title issued pursuant to paragraph (a), (b) or (c), that does not include prepaid postage.

(f) For the processing of each dealer's or rebuilder's report of sale submitted to the Department.

~~{5-1}~~ **(g)** For the processing of each long-term lessor's report of lease submitted to the Department.

~~{6-1}~~ **(h)** For the processing of each endorsed certificate of title or statement submitted to the Department upon the sale of a used or rebuilt vehicle in this State by a person who is not a dealer or rebuilder.

2. Any fee paid pursuant to paragraphs (d) and (e) of subsection 1 must be deposited with the State Treasurer for credit to the Motor Vehicle Fund and allocated to the Department to defray the costs of processing and mailing certificates of title.

Sec. 2. 1. ~~{Unless the Department determines that a suitable contractor is not available or the Department is not able to agree to terms with a qualified supplier, the Department shall, pursuant to the authority granted by NRS 482.292 and not later than July 1, 2014, and in lieu of the issuance and maintenance of paper documents otherwise required by chapter 482 of NRS, establish and implement on a statewide basis a system to process the notification and release of security interests through electronic batch file transfers.~~

~~2. Not later than September 1, 2013, the Department shall begin preparation of a request for proposals to solicit bids from interested suppliers to select a qualified supplier to perform the services required pursuant to this section. The request for proposals described in this subsection must be issued not later than October 1, 2013. The award of the contract, if any, resulting from the issuance of the request for proposals described in this subsection must occur not later than December 1, 2013.~~

~~3. The Department shall include, without limitation, the following provisions in the contract with the qualified supplier:~~

~~(a) The term of [the] an initial contract entered into for the establishment of an electronic lien system pursuant to section 1.3 of this act must be for a fixed period of not less than [7] 4 years.~~

~~[(b) The contract must not require the Department to pay any amount to the qualified supplier unless otherwise provided in this section. The qualified supplier must be required to reimburse the Department for any reasonable implementation costs directly incurred by the Department during establishment and ongoing administration of the electronic lien system.~~

~~(c) The qualified supplier must be allowed to charge lienholders and their agents fees as set forth in the contract for implementation and administration of the electronic lien system.~~

~~4. Participating lienholders and their agents shall collect a fee of not more than \$8 from the borrowers of an automotive loan or lessees of an automotive lease, where a lien is present, for lienholder participation in the electronic lien system.~~

~~5. After the electronic lien system has been in operation for 12 months, except for lienholders who are not normally engaged in the business or practice of financing vehicles, all lienholders must be required to participate in the electronic lien system.~~

~~6. The Department shall reimburse the qualified supplier for lost income from transaction fees if, after the initiation of services required by this section, for any reason the Department:~~

~~(a) Does not require lienholders to participate in the electronic lien system as required by subsection 5; or~~

~~(b) Terminates operation of the electronic lien system before the end of the term of the contract.~~

~~7.} 2. The Department shall submit a report on or before February 1, 2015, to the 78th Session of the Legislature concerning the implementation of the electronic lien system.~~

3. Notwithstanding the provisions of section 1.3 of this act:

(a) A lienholder is not required to participate in the electronic lien system until the system has been in operation for 12 months.

(b) A lienholder who executes 26 or fewer liens in a calendar year is not required to participate in the electronic lien system until the system has been in operation for 24 months.

4. As used in this section:

(a) "Department" means the Department of Motor Vehicles.

(b) "Electronic lien system" means the system to process the notification and release of security interests through electronic batch file transfers that the Department is directed to establish and implement pursuant to ~~subsection 1.~~

~~(c) "Qualified supplier" means a supplier who has:~~

~~(1) A minimum of 5 years' experience in directly providing electronic lien transactions to motor vehicle departments of other states or the District of Columbia; and~~

~~(2) A minimum of 10 years' experience in directly providing internet accessible electronic lien and title software and services to lienholders.]~~

section 1.3 of this act.

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

Assemblyman Carrillo moved the adoption of the amendment.

Remarks by Assemblyman Carrillo.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 339.

Bill read second time.

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

Amendment No. 479.

AN ACT relating to compensation; revising provisions governing compensation for overtime; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that an employer is not required to pay compensation for overtime to an employee who works a scheduled 10 hours per day for 4 calendar days within any scheduled week of work. (NRS 608.018) This bill provides that if an employer and employee have mutually agreed upon the employee working a scheduled 10 hours per day for 4 calendar days within any scheduled week of work and the employee does not work the 40 hours scheduled because of circumstances beyond the control of the employer, the employer is ~~required~~ **authorized** to pay the employee only the employee's regular wage rate for the hours the employee actually worked. This bill also provides that if an employee does not work the 40 hours scheduled because of a decision made by the employer, the employer is required to ~~if (1) pay the employee his or her regular wage rate~~

~~for the 40 hours scheduled; or (2) pay the employee overtime compensation for any day during the workweek in which the employee worked more than 8 hours. Finally, this bill removes from the list of persons to whom the provisions for compensation for overtime do not apply to any salesperson or mechanic primarily engaged in selling or servicing automobiles.~~ **provides that if an employer and employee have mutually agreed upon the employee working a scheduled 10 hours per day for 4 calendar days within any scheduled week of work, the employer must pay the employee overtime compensation whenever the employee works more than 10 hours in any workday.**

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

Section 1. NRS 608.018 is hereby amended to read as follows:

608.018 1. An employer shall pay 1 1/2 times an employee's regular wage rate whenever an employee who receives compensation for employment at a rate less than 1 1/2 times the minimum rate prescribed pursuant to NRS 608.250 works:

- (a) More than 40 hours in any scheduled week of work; or
- (b) More than 8 hours in any workday unless by mutual agreement the employee ~~works a~~ **is** scheduled **to work** 10 hours per day for 4 calendar days within any scheduled week of work ~~is~~ **subject to the following provisions:**

(1) If the employee does not work 40 hours in any scheduled week of work pursuant to this paragraph because of a decision made by the employee, a natural disaster, inclement weather, the tardiness of the employee, an illness of the employee or any other circumstance beyond the control of the employer, except as otherwise provided in subparagraph (3), the employer ~~must~~ may pay the employee the employee's regular wage rate for the hours the employee actually worked.

(2) If the employee does not work 40 hours in any scheduled week of work pursuant to this paragraph because of a decision made by the employer, the employer must pay the employee ~~1 1/2~~

~~*(I) One and one half*~~ **1 1/2 times the employee's regular wage rate for any workday during that week of work in which the employee worked more than 8 hours.** ~~*1 1/2 times the employee's regular wage rate for any workday during that week of work in which the employee worked more than 8 hours.*~~

~~*(II) The employee's regular wage rate for the 40 hours that the employee was scheduled to work for that week of work.*~~

(3) Except as otherwise provided in subparagraph (2), the employer shall pay 1 1/2 times the employee's regular wage rate whenever the employee works more than 10 hours in any workday.

2. An employer shall pay 1 1/2 times an employee's regular wage rate whenever an employee who receives compensation for employment at a rate not less than 1 1/2 times the minimum rate prescribed pursuant to NRS 608.250 works more than 40 hours in any scheduled week of work.

3. The provisions of subsections 1 and 2 do not apply to:

(a) Employees who are not covered by the minimum wage provisions of NRS 608.250;

(b) Outside buyers;

(c) Employees in a retail or service business if their regular rate is more than 1 1/2 times the minimum wage, and more than half their compensation for a representative period comes from commissions on goods or services, with the representative period being, to the extent allowed pursuant to federal law, not less than 1 month;

(d) Employees who are employed in bona fide executive, administrative or professional capacities;

(e) Employees covered by collective bargaining agreements which provide otherwise for overtime;

(f) Drivers, drivers' helpers, loaders and mechanics for motor carriers subject to the Motor Carrier Act of 1935, as amended;

(g) Employees of a railroad;

(h) Employees of a carrier by air;

(i) Drivers or drivers' helpers making local deliveries and paid on a trip-rate basis or other delivery payment plan;

(j) Drivers of taxicabs or limousines;

(k) Agricultural employees;

(l) Employees of business enterprises having a gross sales volume of less than \$250,000 per year;

(m) Any salesperson or mechanic primarily engaged in selling or servicing automobiles, trucks or farm equipment; and

(n) A mechanic or worker for any hours to which the provisions of subsection 3 or 4 of NRS 338.020 apply.

Sec. 2. This act becomes effective on July 1, 2013.

Assemblyman Bobzien moved the adoption of the amendment.

Remarks by Assemblyman Bobzien.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 341.

Bill read second time.

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

Amendment No. 277.

AN ACT relating to homeopathic medicine; requiring an applicant for a license or certificate issued by the Board of Homeopathic Medical Examiners to submit to a criminal background check; revising provisions governing homeopathic physicians to make those provisions also applicable to advanced practitioners of homeopathy and homeopathic assistants; revising provisions governing the membership of the Board; revising provisions governing grounds for denial or revocation of a license or certificate or initiating other disciplinary action; revising the qualifications of an applicant for a license to practice as a homeopathic physician; requiring certain applicants for a license to practice as a homeopathic physician to submit proof of certain education and training; revising the educational requirements for an applicant for a certificate as an advanced practitioner of homeopathy; revising provisions relating to the supervision of homeopathic assistants; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill requires each applicant for a license to practice homeopathic medicine or a certificate to practice as an advanced practitioner of homeopathy or as a homeopathic assistant to submit to the Board of Homeopathic Medical Examiners a complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

Sections 2-5, 7, ~~11 and 19-24~~ 14-28 of this bill revise certain provisions governing homeopathic physicians to make those provisions also applicable to advanced practitioners of homeopathy and homeopathic assistants.

Existing law requires that certain members of the Board must have resided in this State for at least 5 years. (NRS 630A.110) **Section 6** of this bill reduces this residency period to a minimum of 3 years.

Existing law establishes certain qualifications of an applicant for a license to practice homeopathic medicine. (NRS 630A.230) Section 9 of this bill makes certain revisions to those qualifications.

Existing law requires an applicant for a license to practice homeopathic medicine who is a graduate of a medical school located in the United States or Canada to submit proof of certain education and training. (NRS 630A.240) Section 10 of this bill revises those education and training requirements and provides for the submission by a graduate of a medical school located in the United Kingdom of proof of that education and training.

Existing law authorizes the Board to grant a certificate as an advanced practitioner of homeopathy to a person who has completed an

educational program which meets certain requirements. (NRS 630A.293)
Section 12 of this bill revises those requirements.

Existing law authorizes the Board to issue a certificate as a homeopathic assistant to an applicant who meets certain qualifications. (NRS 630A.297) Section 13 of this bill requires the applicant to have completed an educational program which meets certain requirements. Section 13 also increases, from five to seven, the maximum number of homeopathic assistants who may be employed or supervised at any given time by a homeopathic physician.

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

Section 1. Chapter 630A of NRS is hereby amended by adding thereto a new section to read as follows:

In addition to any other requirements set forth in this chapter, each applicant for a license or certificate, including, without limitation, a reciprocal, limited, temporary, special or restricted license, must submit to the Board:

- 1. A complete set of fingerprints; and***
- 2. Written permission authorizing the Board to forward the fingerprints submitted pursuant to subsection 1 to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.***

Sec. 2. NRS 630A.030 is hereby amended to read as follows:

630A.030 "Gross malpractice" means malpractice where the failure to exercise the requisite degree of care, diligence or skill consists of:

- 1. Ministering to a patient while the homeopathic physician , **advanced practitioner of homeopathy or homeopathic assistant** is under the influence of alcohol or any controlled substance.***
- 2. Gross negligence.***
- 3. Willful disregard of homeopathic medical procedures.***
- 4. Willful and consistent use of homeopathic medical procedures, services or treatment considered by homeopathic physicians in the community to be inappropriate or unnecessary in the cases where used.***

Sec. 3. NRS 630A.060 is hereby amended to read as follows:

630A.060 "Malpractice" means failure on the part of a homeopathic physician , **advanced practitioner of homeopathy or homeopathic assistant** to exercise the degree of care, diligence and skill ordinarily exercised by homeopathic physicians , **advanced practitioners of homeopathy or homeopathic assistants, respectively**, in good standing in the community in which he or she practices. As used in this section, "community" embraces the entire area customarily served by homeopathic physicians , **advanced**

practitioners of homeopathy and homeopathic assistants among whom a patient may reasonably choose, not merely the particular area inhabited by the patients of that individual *homeopathic* physician , *advanced practitioner of homeopathy or homeopathic assistant* or the particular city or place where the homeopathic physician , *advanced practitioner of homeopathy or homeopathic assistant* has an office.

Sec. 4. NRS 630A.070 is hereby amended to read as follows:

630A.070 “Professional incompetence” means lack of ability safely and skillfully to practice homeopathic medicine ~~to~~ or ~~to practice~~ one or more specified branches of homeopathic medicine ~~to~~ **as a homeopathic physician, or to practice as an advanced practitioner of homeopathy or as a homeopathic assistant, as applicable,** arising from:

1. Lack of knowledge or training.
2. Impaired physical or mental capability of the homeopathic physician ~~to~~ **, advanced practitioner of homeopathy or homeopathic assistant.**
3. Indulgence in the use of alcohol or any controlled substance.
4. Any other sole or contributing cause.

Sec. 5. NRS 630A.080 is hereby amended to read as follows:

630A.080 The purpose of licensing homeopathic physicians **and certifying advanced practitioners of homeopathy and homeopathic assistants** is to protect the public health and safety and the general welfare of the people of this State. Any license **or certificate** issued pursuant to this chapter is a revocable privilege and no holder of such a license **or certificate** acquires thereby any vested right.

Sec. 6. NRS 630A.110 is hereby amended to read as follows:

630A.110 1. Three members of the Board must be persons who are licensed to practice allopathic or osteopathic medicine in any state or country, the District of Columbia or a territory or possession of the United States, have been engaged in the practice of homeopathic medicine in this State for a period of more than 2 years preceding their respective appointments, are actually engaged in the practice of homeopathic medicine in this State and are residents of ~~the~~ **this** State.

2. One member of the Board must be a person who has resided in this State for at least ~~15~~ **3** years and who represents the interests of persons or agencies that regularly provide health care to patients who are indigent, uninsured or unable to afford health care. This member may be licensed under the provisions of this chapter.

3. The remaining three members of the Board must be persons who:

- (a) Are not licensed in any state to practice any healing art;
- (b) Are not the spouse or the parent or child, by blood, marriage or adoption, of a person licensed in any state to practice any healing art;

(c) Are not actively engaged in the administration of any medical facility or facility for the dependent as defined in chapter 449 of NRS;

(d) Do not have a pecuniary interest in any matter pertaining to such a facility, except as a patient or potential patient; and

(e) Have resided in this State for at least ~~15~~ 3 years.

4. The members of the Board must be selected without regard to their individual political beliefs.

5. As used in this section, "healing art" means any system, treatment, operation, diagnosis, prescription or practice for the ascertainment, cure, relief, palliation, adjustment or correction of any human disease, ailment, deformity, injury, or unhealthy or abnormal physical or mental condition for the practice of which long periods of specialized education and training and a degree of specialized knowledge of an intellectual as well as physical nature are required.

Sec. 7. NRS 630A.140 is hereby amended to read as follows:

630A.140 1. The Board shall elect from its members a President, a Vice President and a Secretary-Treasurer. The officers of the Board hold their respective offices during its pleasure.

2. The Board shall receive through its Secretary-Treasurer applications for the **licenses and** certificates issued under this chapter.

3. The Secretary-Treasurer is entitled to receive a salary, in addition to the salary paid pursuant to NRS 630A.160, the amount of which must be determined by the Board.

Sec. 8. NRS 630A.225 is hereby amended to read as follows:

630A.225 1. The Board shall not issue a license to practice homeopathic medicine **or a certificate to practice as an advanced practitioner of homeopathy or as a homeopathic assistant** to an applicant who has been licensed **or certified** to practice any type of medicine in another jurisdiction and whose license **or certificate** was revoked for gross medical negligence by that jurisdiction.

2. The Board may revoke the license **or certificate** of any person **who has been** licensed **or certified** to practice any type of medicine in another jurisdiction ~~which~~ **and whose license or certificate** was revoked for gross medical negligence by that jurisdiction.

3. The revocation of a license **or certificate** to practice any type of medicine in another jurisdiction on grounds other than grounds which would constitute ~~revocation for~~ gross medical negligence constitutes grounds for initiating disciplinary action or denying the issuance of a license ~~or~~ **certificate.**

4. **If a license or certificate to practice any type of medicine issued to an applicant in another jurisdiction has been revoked or surrendered, the applicant must provide proof satisfactory to the Board that the applicant is**

rehabilitated with respect to the conduct that was the basis for the revocation or surrender of the license or certificate when submitting an application for a license or certificate to the Board.

5. *The Board shall vacate an order to deny a license or certificate if the denial is based on a conviction of:*

(a) A felony for a violation or offense described in paragraph (a), (b) or (d) of subsection 2 of NRS 630A.340; or

*(b) An offense involving moral turpitude,
 ➔ and the conviction is reversed on appeal. An applicant may resubmit an application for a license or certificate after a court enters an order reversing the conviction.*

6. *If the Board finds that an applicant has committed an act or engaged in conduct that constitutes grounds for initiating disciplinary action or denying the issuance of a license or certificate as set forth in NRS 630A.340 to 630A.380, inclusive, the Board shall investigate whether the act or conduct has been corrected or the matter has otherwise been resolved. If the matter has not been resolved to the satisfaction of the Board, the Board, before issuing a license or certificate, shall determine to its satisfaction whether or not mitigating circumstances exist which prevent the resolution of the matter.*

7. For the purposes of this section, the Board shall adopt by regulation a definition of gross medical negligence.

Sec. 9. NRS 630A.230 is hereby amended to read as follows:

630A.230 1. Every person desiring to practice homeopathic medicine **as a homeopathic physician** must, before beginning to practice, procure from the Board a license authorizing such practice.

2. Except as otherwise provided in NRS 630A.225, a license may be issued to any person who:

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

(b) **Is of good moral character;**

~~(c)~~ **(c)** Has received the degree of doctor of medicine or doctor of osteopathic medicine ~~[from the school he or she attended during the 2 years immediately preceding the granting of the degree;~~

~~—(e)—~~ **, or its equivalent as provided in paragraph (a) of subsection 1 of NRS 630A.240;**

(d) Is licensed **in good standing** to practice allopathic or osteopathic medicine in any state or country, the District of Columbia or a territory or possession of the United States;

~~[(d)]~~ **(e)** Has completed ~~[1 year]~~ **a program of not less than 3 years** of postgraduate training in allopathic or osteopathic medicine approved by the Board;

~~(e)~~ **(f)** Has passed all oral or written examinations required by the Board or this chapter; and

~~(f)~~ **(g)** Meets any additional requirements established by the Board ~~and~~, including, without limitation, requirements established by regulations adopted by the Board.

Sec. 10. NRS 630A.240 is hereby amended to read as follows:

630A.240 1. An applicant for a license to practice homeopathic medicine as a homeopathic physician who is a graduate of a medical school located in the United States ~~, for~~ Canada or the United Kingdom shall submit to the Board, through its Secretary-Treasurer, proof that the applicant has ~~: received:~~

(a) ~~The~~ Received the degree of doctor of medicine from a medical school which at the time of his or her graduation was accredited by the Liaison Committee on Medical Education or the Committee for the Accreditation of Canadian Medical Schools, the degree of Bachelor of Medicine and Bachelor of Surgery or its equivalent from a medical school which at the time of his or her graduation was determined by the General Medical Council of the United Kingdom to be entitled to award primary medical qualifications, or the degree of doctor of osteopathic medicine from an osteopathic school which at the time of his or her graduation was accredited by the Bureau of Professional Education of the American Osteopathic Association;

(b) ~~One year~~ Completed a program of not less than 3 years of postgraduate training in allopathic or osteopathic medicine approved by the Board; and

(c) ~~Six months~~ Completed not less than 600 hours of postgraduate training in homeopathy ~~and~~, 300 hours of which are completed in this State under the supervision of a homeopathic physician or through such other program as is deemed equivalent by the Board.

2. In addition to the proofs required by subsection 1, the Board may take such further evidence and require such other documents or proof of qualification as in its discretion may be deemed proper.

3. If it appears that the applicant is not of good moral character or reputation or that any credential submitted is false, the applicant may be rejected.

~~Sec. 9.~~ **Sec. 11.** NRS 630A.290 is hereby amended to read as follows:

630A.290 1. The Board may deny an application for a license to practice homeopathic medicine or a certificate to practice as an advanced practitioner of homeopathy or as a homeopathic assistant for any violation of the provisions of this chapter or the regulations adopted by the Board.

2. The Board shall notify an applicant of any deficiency which prevents any further action on the application or results in the denial of the application. The applicant may respond in writing to the Board concerning any deficiency and, if the applicant does so, the Board shall respond in writing to the contentions of the applicant.

3. An unsuccessful applicant may appeal to the district court to review the action of the Board within 30 days after the date of the rejection of the application by the Board. Upon appeal the applicant has the burden to show that the action of the Board is erroneous or unlawful.

4. The Board shall maintain records pertaining to applicants to whom licenses **and certificates** have been issued or denied. The records must be open to the public and must contain:

(a) The name of each applicant.

(b) ~~The~~ **For an applicant for a license to practice homeopathic medicine, the** name of the school granting the diploma ~~[-~~

~~(c) The~~ **and the** date of the diploma.

~~(d)~~ (c) The date of issuance or denial of the license ~~[-~~

~~(e)~~ **or certificate.**

(d) The business address of the applicant.

Sec. 12. NRS 630A.293 is hereby amended to read as follows:

630A.293 1. The Board may grant a certificate as an advanced practitioner of homeopathy to a person who has completed an educational program ~~(designed)~~ :

(a) Consisting of not less than 400 hours of training, 200 hours of which are completed in this State under the supervision of a homeopathic physician or such other program as is deemed equivalent by the Board.

(b) Designed to prepare the person to:

~~(a)~~ **(1)** Perform designated acts of medical diagnosis;

~~(b)~~ **(2)** Prescribe therapeutic or corrective measures; and

~~(c)~~ **(3)** Prescribe substances used in homeopathic medicine.

2. An advanced practitioner of homeopathy may:

(a) Engage in selected medical diagnosis and treatment; and

(b) Prescribe substances which are contained in the Homeopathic Pharmacopeia of the United States,

↪ pursuant to a protocol approved by a supervising homeopathic physician. A protocol must not include, and an advanced practitioner of homeopathy shall not engage in, any diagnosis, treatment or other conduct which he or she is not qualified to perform.

3. As used in this section, “protocol” means a written agreement between a homeopathic physician and an advanced practitioner of homeopathy which sets forth matters including the:

(a) Patients which the advanced practitioner of homeopathy may serve;

(b) Specific substances used in homeopathic medicine which the advanced practitioner of homeopathy may prescribe; and

(c) Conditions under which the advanced practitioner of homeopathy must directly refer the patient to the homeopathic physician.

Sec. 13. NRS 630A.297 is hereby amended to read as follows:

630A.297 1. The Board may issue a certificate as a homeopathic assistant to an applicant who is qualified under the regulations of the Board **and who has completed an educational program:**

(a) Consisting of not less than 200 hours of training, 100 hours of which are completed in this State under the supervision of a homeopathic physician or such other program is deemed equivalent by the Board.

(b) Designed to prepare the applicant to perform homeopathic services under the supervision of a supervising homeopathic physician.

2. The application for the certificate must be cosigned by the supervising homeopathic physician, and the certificate is valid only so long as that supervising homeopathic physician employs and supervises the homeopathic assistant.

~~{2}~~ **3.** A homeopathic assistant may perform such homeopathic services as he or she is authorized to perform under the terms of the certificate issued to the homeopathic assistant by the Board, if the services are performed under the supervision and control of the supervising homeopathic physician.

~~{3}~~ **4.** A supervising homeopathic physician shall not cosign for, employ or supervise more than ~~{five}~~ **seven** homeopathic assistants at the same time.

~~{Sec. 10.}~~ **Sec. 14.** NRS 630A.325 is hereby amended to read as follows:

630A.325 1. To renew a license ***or certificate***, other than a temporary, special or limited license, issued pursuant to this chapter, each person must, on or before January 1 of each year:

- (a) Apply to the Board for renewal;
- (b) Pay the annual fee for renewal set by the Board;
- (c) Submit evidence to the Board of completion of the requirements for continuing education; and
- (d) Submit all information required to complete the renewal.

2. The Board shall, as a prerequisite for the renewal or restoration of a license ***or certificate***, other than a temporary, special or limited license, require each holder of a license ***or certificate*** to comply with the requirements for continuing education adopted by the Board.

3. Any holder who fails to pay the annual fee for renewal and submit all information required to complete the renewal after they become due must be given a period of 60 days in which to pay the fee and submit all required information and, failing to do so, automatically forfeits the right to practice

homeopathic medicine ~~or~~ **or to practice as an advanced practitioner of homeopathy or as a homeopathic assistant, as applicable,** and his or her license to practice homeopathic medicine **or certificate to practice as an advanced practitioner of homeopathy or as a homeopathic assistant** in this State is automatically suspended. The holder may, within 2 years after the date his or her license **or certificate** is suspended, apply for the restoration of the license ~~or~~ **or certificate**.

4. The Board shall notify any holder whose license **or certificate** is automatically suspended pursuant to subsection 3 and send a copy of the notice to the Drug Enforcement Administration of the United States Department of Justice or its successor agency.

~~{Sec. 11.}~~ **Sec. 15.** NRS 630A.340 is hereby amended to read as follows:

630A.340 The following acts, among others, constitute grounds for initiating disciplinary action or denying the issuance of a license ~~or~~ **certificate:**

1. Unprofessional conduct.
2. Conviction of:
 - (a) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;
 - (b) A violation of any of the provisions of NRS 616D.200, 616D.220, 616D.240, 616D.300, 616D.310, or 616D.350 to 616D.440, inclusive;
 - (c) Any offense involving moral turpitude; or
 - (d) Any offense relating to the practice of homeopathic medicine or the ability to practice homeopathic medicine ~~or~~ **or the practice, or the ability to practice, as an advanced practitioner of homeopathy or as a homeopathic assistant.**

↪ A plea of nolo contendere to any offense listed in this subsection shall be deemed a conviction.

3. The suspension, modification or limitation of a license **or certificate** to practice any type of medicine **or to perform any type of medical services** by any other jurisdiction.

4. The surrender of a license **or certificate** to practice any type of medicine **or to perform any type of medical services** or the discontinuance of the practice of medicine while under investigation by any licensing **or certifying** authority, medical facility, facility for the dependent, branch of the Armed Forces of the United States, insurance company, agency of the Federal Government or employer.

5. Gross or repeated malpractice, which may be evidenced by claims of malpractice settled against a ~~{practitioner.}~~ **homeopathic physician, advanced practitioner of homeopathy or homeopathic assistant.**

6. Professional incompetence.

~~{Sec. 12.}~~ **Sec. 16.** NRS 630A.350 is hereby amended to read as follows:

630A.350 The following acts, among others, constitute grounds for initiating disciplinary action or denying the issuance of a license ~~{}~~ **or certificate:**

1. Willfully making a false or fraudulent statement or submitting a forged or false document in applying for a license to practice homeopathic medicine ~~{}~~ **or a certificate to practice as an advanced practitioner of homeopathy or as a homeopathic assistant.**

2. Willfully representing with the purpose of obtaining compensation or other advantages for himself or herself or for any other person that a manifestly incurable disease or injury or other manifestly incurable condition can be permanently cured.

3. Obtaining, maintaining or renewing, or attempting to obtain, maintain or renew, a license to practice homeopathic medicine **or a certificate to practice as an advanced practitioner of homeopathy or as a homeopathic assistant** by bribery, fraud or misrepresentation or by any false, misleading, inaccurate or incomplete statement.

4. Advertising the practice of homeopathic medicine **or practice as an advanced practitioner of homeopathy or as a homeopathic assistant** in a false, deceptive or misleading manner.

5. Practicing or attempting to practice homeopathic medicine , **or practicing or attempting to practice as an advanced practitioner of homeopathy or as a homeopathic assistant**, under a name other than the name under which ~~he or she~~ **the person practicing or attempting to practice** is licensed ~~{}~~ **or certified.**

6. Signing a blank prescription form.

7. Influencing a patient in order to engage in sexual activity with the patient or another person.

8. Attempting directly or indirectly, by way of intimidation, coercion or deception, to obtain or retain a patient or to discourage a patient from obtaining a second opinion.

9. Terminating the medical care of a patient without giving adequate notice or making other arrangements for the continued care of the patient.

~~{Sec. 13.}~~ **Sec. 17.** NRS 630A.370 is hereby amended to read as follows:

630A.370 The following acts, among others, constitute grounds for initiating disciplinary action or denying the issuance of a license ~~{}~~ **or certificate:**

1. Inability to practice homeopathic medicine **or to practice as an advanced practitioner of homeopathy or as a homeopathic assistant**, as

applicable, with reasonable skill and safety because of an illness, a mental or physical condition or the use of alcohol, drugs, narcotics or any other addictive substance.

2. Engaging in any:

(a) Professional conduct which is intended to deceive or which the Board by regulation has determined is unethical.

(b) Medical practice harmful to the public or any conduct detrimental to the public health, safety or morals which does not constitute gross or repeated malpractice or professional incompetence.

3. Administering, dispensing or prescribing any controlled substance, except as authorized by law.

4. Performing, assisting or advising an unlawful abortion or in the injection of any liquid substance into the human body to cause an abortion.

5. Practicing or offering to practice beyond the scope permitted by law, or performing services which the homeopathic physician, **advanced practitioner of homeopathy or homeopathic assistant** knows or has reason to know he or she is not competent to perform.

6. Performing any procedure without first obtaining the informed consent of the patient or the patient's family or prescribing any therapy which by the current standards of the practice of homeopathic medicine is experimental.

7. Continued failure to exercise the skill or diligence or use the methods ordinarily exercised under the same circumstances by **homeopathic physicians, advanced practitioners of homeopathy and homeopathic assistants** in good standing who practice homeopathy and electrodiagnosis ~~to~~, **as applicable**.

8. 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.}~~ **Sec. 18.** NRS 630A.380 is hereby amended to read as follows:

630A.380 The following acts, among others, constitute grounds for initiating disciplinary action or denying the issuance of a license ~~to~~ **or certificate:**

1. Willful disclosure of a communication privileged under a statute or court order.

2. Willful failure to comply with any provision of this chapter, regulation, subpoena or order of the Board or with any court order relating to this chapter.

3. Willful failure to perform any statutory or other legal obligation imposed upon a licensed homeopathic physician ~~{ }~~, ***a certified advanced practitioner of homeopathy or a certified homeopathic assistant, as applicable.***

~~{Sec. 15.}~~ **Sec. 19.** NRS 630A.390 is hereby amended to read as follows:

630A.390 1. Any person who becomes aware that a person practicing medicine ***or practicing as an advanced practitioner of homeopathy or as a homeopathic assistant*** in this State has, is or is about to become engaged in conduct which constitutes grounds for initiating disciplinary action may file a written complaint with the Board.

2. Any medical society or medical facility or facility for the dependent licensed in this State shall report to the Board the initiation and outcome of any disciplinary action against any homeopathic physician, ***advanced practitioner of homeopathy or homeopathic assistant*** concerning the care of a patient or the competency of the ***homeopathic*** physician ~~{ }~~, ***advanced practitioner of homeopathy or homeopathic assistant.***

3. The clerk of every court shall report to the Board any finding, judgment or other determination of the court that a homeopathic physician ~~{ }~~, ***advanced practitioner of homeopathy or homeopathic assistant:***

- (a) Is mentally ill;
- (b) Is mentally incompetent;
- (c) Has been convicted of a felony or any law relating to controlled substances or dangerous drugs;
- (d) Is guilty of abuse or fraud under any state or federal program providing medical assistance; or
- (e) Is liable for damages for malpractice or negligence.

4. The Board shall retain all complaints filed with the Board pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.

~~{Sec. 16.}~~ **Sec. 20.** NRS 630A.490 is hereby amended to read as follows:

630A.490 Except as otherwise provided in chapter 622A of NRS:

1. Service of process made under this chapter must be either personal or by registered or certified mail with return receipt requested, addressed to the homeopathic physician, ***advanced practitioner of homeopathy or homeopathic assistant*** at his or her last known address. If personal service cannot be made and if notice by mail is returned undelivered, the Secretary-Treasurer of the Board shall cause notice to be published once a week for 4 consecutive weeks in a newspaper published in the county of the ~~homeopathic physician's~~ last known address ***of the homeopathic physician, advanced practitioner of homeopathy or homeopathic assistant***

or, if no newspaper is published in that county, then in a newspaper widely distributed in that county.

2. Proof of service of process or publication of notice made under this chapter must be filed with the Board and recorded in the minutes of the Board.

~~{Sec. 17.}~~ **Sec. 21.** NRS 630A.500 is hereby amended to read as follows:

630A.500 Notwithstanding the provisions of chapter 622A of NRS, in any disciplinary hearing:

1. Proof of actual injury need not be established.

2. A certified copy of the record of a court or a licensing *or certifying* agency showing a conviction or plea of nolo contendere or the suspension, revocation, limitation, modification, denial or surrender of a license to practice homeopathic medicine *or a certificate to practice as an advanced practitioner of homeopathy or as a homeopathic assistant* is conclusive evidence of its occurrence.

~~{Sec. 18.}~~ **Sec. 22.** NRS 630A.510 is hereby amended to read as follows:

630A.510 1. Any member of the Board who was not a member of the investigative committee, if one was appointed, may participate in the final order of the Board. If the Board, after notice and a hearing as required by law, determines that a violation of the provisions of this chapter or the regulations adopted by the Board has occurred, it shall issue and serve on the person charged an order, in writing, containing its findings and any sanctions imposed by the Board. If the Board determines that no violation has occurred, it shall dismiss the charges, in writing, and notify the person that the charges have been dismissed.

2. If the Board finds that a violation has occurred, it may by order:

(a) Place the person on probation for a specified period on any of the conditions specified in the order.

(b) Administer to the person a public reprimand.

(c) Limit the practice of the person or exclude a method of treatment from the scope of his or her practice.

(d) Suspend the license *or certificate* of the person for a specified period or until further order of the Board.

(e) Revoke the *person's* license ~~{of the person}~~ to practice homeopathic medicine ~~{-}~~ *or certificate to practice as an advanced practitioner of homeopathy or as a homeopathic assistant*.

(f) Require the person to participate in a program to correct a dependence upon alcohol or a controlled substance, or any other impairment.

(g) Require supervision of the person's practice.

(h) Impose an administrative fine not to exceed \$10,000.

(i) Require the person to perform community service without compensation.

(j) Require the person to take a physical or mental examination or an examination of his or her competence to practice homeopathic medicine ~~[-]~~ **or to practice as an advanced practitioner of homeopathy or as a homeopathic assistant, as applicable.**

(k) Require the person to fulfill certain training or educational requirements.

3. The Board shall not administer a private reprimand.

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

~~[Sec. 19.]~~ **Sec. 23.** NRS 630A.520 is hereby amended to read as follows:

630A.520 1. Any person aggrieved by a final order of the Board is entitled to judicial review of the Board's order as provided by law.

2. Every order of the Board which limits the practice of homeopathic medicine **or the practice of an advanced practitioner of homeopathy or of a homeopathic assistant** or suspends or revokes a license **or certificate** is effective from the date the Secretary-Treasurer of the Board certifies the order until the date the order is modified or reversed by a final judgment of the court. The court shall not stay the order of the Board pending a final determination by the court.

3. The district court shall give a petition for judicial review of the Board's order priority over other civil matters which are not expressly given priority by law.

~~[Sec. 20.]~~ **Sec. 24.** NRS 630A.530 is hereby amended to read as follows:

630A.530 1. Any person:

(a) Whose practice of homeopathic medicine has been limited; or

(b) Whose license to practice homeopathic medicine **or certificate to practice as an advanced practitioner of homeopathy or as a homeopathic assistant** has been:

(1) Suspended until further order; or

(2) Revoked,

↪ may apply to the Board for removal of the limitation or suspension or may apply to the Board pursuant to the provisions of chapter 622A of NRS for reinstatement of the revoked license ~~[-]~~ **or certificate.**

2. In hearing the application, the Board or a committee of members of the Board:

(a) May require the applicant to submit to a mental or physical examination or an examination of his or her competence to practice homeopathic medicine **or to practice as an advanced practitioner of**

homeopathy or as a homeopathic assistant, as applicable, by physicians or other persons whom it designates and submit such other evidence of changed conditions and of fitness as it deems proper.

(b) Shall determine whether under all the circumstances the time of the application is reasonable.

(c) May deny the application or modify or rescind its order as it deems the evidence and the public safety warrants.

3. The applicant has the burden of proving by clear and convincing evidence that the requirements for reinstatement of the license **or certificate** or removal of the limitation or suspension have been met.

4. The Board shall not reinstate a license **or certificate** unless it is satisfied that the applicant has complied with all of the terms and conditions set forth in the final order of the Board and that the applicant is capable of practicing homeopathic medicine **or practicing as an advanced practitioner of homeopathy or as a homeopathic assistant, as applicable**, with reasonable skill and safety to patients.

5. In addition to any other requirements set forth in chapter 622A of NRS, to reinstate a license **or certificate** that has been revoked by the Board, a person must apply for a license **or certificate** and take an examination as though the person had never been licensed **or certified** under this chapter.

~~{Sec. 21.}~~ **Sec. 25.** NRS 630A.570 is hereby amended to read as follows:

630A.570 1. The Board through its President or Secretary-Treasurer or the Attorney General may maintain in any court of competent jurisdiction a suit for an injunction against any person or persons practicing homeopathic medicine without a license or **practicing as an advanced practitioner of homeopathy or as a homeopathic assistant without the appropriate** certificate.

2. Such an injunction:

(a) May be issued without proof of actual damage sustained by any person, this provision being a preventive as well as a punitive measure.

(b) Does not relieve such person from criminal prosecution for practicing without a license or certificate.

~~{Sec. 22.}~~ **Sec. 26.** NRS 630A.580 is hereby amended to read as follows:

630A.580 In seeking injunctive relief against any person for an alleged violation of this chapter by practicing homeopathic medicine without a license or **practicing as an advanced practitioner of homeopathy or as a homeopathic assistant without the appropriate** certificate, it is sufficient to allege that the person did, upon a certain day, and in a certain county of this State, engage in the practice of homeopathic medicine **or in the practice of an advanced practitioner of homeopathy or of a homeopathic assistant**

without having ~~{a}~~ **the appropriate** license or certificate to do so, without alleging any further or more particular facts concerning the matter.

~~{Sec. 23.}~~ **Sec. 27.** NRS 630A.590 is hereby amended to read as follows:

630A.590 A person who:

1. Presents to the Board as his or her own the diploma, license, certificate or credentials of another;

2. Gives either false or forged evidence of any kind to the Board;

3. Practices homeopathic medicine **or practices as an advanced practitioner of homeopathy or as a homeopathic assistant** under a false or assumed name; or

4. Except as otherwise provided in NRS 629.091, practices homeopathic medicine **or practices as an advanced practitioner of homeopathy or as a homeopathic assistant** without being **appropriately** licensed or certified under this chapter,

↪ is guilty of a category D felony and shall be punished as provided in NRS 193.130.

~~{Sec. 24.}~~ **Sec. 28.** NRS 630A.600 is hereby amended to read as follows:

630A.600 Except as otherwise provided in NRS 629.091, a person who practices homeopathic medicine **or who practices as an advanced practitioner of homeopathy or as a homeopathic assistant** without ~~{a}~~ **the appropriate** license or certificate issued pursuant to this chapter is guilty of a category D felony and shall be punished as provided in NRS 193.130.

Assemblyman Bobzien moved the adoption of the amendment.

Remarks by Assemblyman Bobzien.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 404.

Bill read second time.

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

Amendment No. 475.

AN ACT relating to time shares; amending provisions relating to licensing and registration of sales agents, representatives, managers, developers, project brokers and time-share resale brokers; revising provisions relating to permits to sell time shares; amending provisions relating to time-share instruments; revising provisions governing public offering statements; amending provisions governing the sale and resale of time shares; revising provisions governing the management and development of time-share plans and time-share projects; prohibiting certain acts; amending various other

provisions relating to time shares; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides certain exemptions from the requirements governing time shares. (NRS 119A.170) **Section 11** of this bill revises these exemptions.

Existing law governs the qualifications and licensing of sales agents and requires a sales agent to be associated with a project broker. (NRS 119A.210-119A.237) ~~{Sections 14, 15 and 16 of this bill provide for the association of a sales agent with a time share resale broker.}~~ **Section 14 of this bill maintains the existing law requiring that a sales agent obtain a license from the Real Estate Division of the Department of Business and Industry, but** provides that a sales agent is not required to be licensed pursuant to existing law governing real estate salespersons.

Existing law provides for the registration and regulation of a representative, defined as a person who, on behalf of a developer induces other persons to attend a sales presentation. (NRS 119A.120, 119A.240, 119A.260) **Section 18** of this bill maintains the existing law requiring that a representative must register with the ~~{Real Estate}~~ Division, ~~{of the Department of Business and Industry.}~~ but provides that a representative is not required to be licensed pursuant to existing law governing real estate salespersons. **Section 19** of this bill amends provisions setting forth the prohibited acts of representatives.

Existing law requires a developer of a time-share plan to obtain certain permits from the Administrator of the Division before selling or offering for sale any time shares in this State. Existing law requires an applicant for a public offering statement and permit to sell time shares to submit an application containing certain information. (NRS 119A.300) **Section 23** of this bill: (1) requires the applicant to include with the application a public offering statement; and (2) provides that in lieu of the information required to be included with the application, a developer of a time-share plan in which some or all of the units are located outside of this State may file an abbreviated registration. **Section 3** of this bill requires a developer to file an amended statement of record with the Division under certain circumstances. ~~{Sections 6, 26, 27 and 30 of this bill provide that a permit to sell time shares in this State is deemed approved if the Division does not take certain actions within the prescribed period.}~~ **Section 25** of this bill amends the grounds for denial of an application for a permit to sell time shares. **Section 26 of this bill amends provisions relating to the procedure for approving or denying an application for a permit to sell time shares. Section 27 of this bill provides for a hearing on the denial of an amendment to the statement of record or a renewal of a permit to sell time shares. Section**

28 of this bill revises the information to be provided in a public offering statement if a time-share project is not completed before the issuance of a permit to sell time shares.

Section 29 of this bill authorizes instead of requires the Division to complete an investigation before issuing any permit or license issued pursuant to the provisions of existing law governing time shares.

Section 30 of this bill provides that a renewal of a permit to sell time shares in this State is deemed approved if the Division does not take certain actions within the prescribed period.

Section 52 of this bill repeals provisions of existing law governing advertisements for time shares, and **section 13** of this bill authorizes the Division to adopt regulations regarding advertisements relating to time shares.

Existing law governs the contents of a time-share instrument. (NRS 119A.380) **Section 33** of this bill enacts provisions relating to the governing instrument of a time-share plan or units governed by the laws of another state or jurisdiction.

Existing law requires a developer to provide each prospective purchaser with a copy of the developer's public offering statement. (NRS 119A.400) **Section 35** of this bill provides that, upon the request of a prospective purchaser for an electronic copy of the public offering statement, the developer must provide an electronic copy of the public offering statement.

Existing law requires money, negotiable instruments or other deposits pertaining to the sale of a time share to be placed in escrow. (NRS 119A.420) **Section 36** of this bill requires money, negotiable instruments or other deposits pertaining to the sale of a time share received from a purchaser to be placed in an escrow account or requires the developer to establish a surety bond.

Existing law provides for the licensing and regulation of a time-share resale broker. (NRS 119A.4771) **Section 41** of this bill amends provisions relating to the registration of a time-share resale broker. **Sections 42 and 43** of this bill provide for a right to cancel certain contracts or agreements relating to the resale of a time share.

Existing law governs the charging or collection of an advance fee by a time-share resale broker. (NRS 119A.4779) **Section 44** of this bill requires a contract for an advance fee listing to include certain information. **Section 44** also prohibits a time-share resale broker from engaging in certain acts with respect to an advance fee and provides penalties for engaging in those acts.

Section 48 of this bill removes the authority of the Administrator to require an association or developer to provide an opinion of an independent professional consultant regarding the budget.

Existing law prohibits certain unfair methods of competition or deceptive or unfair acts in the offer to sell or sale of a time share. (NRS 119A.710) **Section 4** of this bill prohibits a person from knowingly participating in a plan or scheme to transfer a time share to a person who does not pay the assessments or taxes for that time share and provides a penalty for a violation of this provision.

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

Section 1. Chapter 119A of NRS is hereby amended by adding thereto the provisions set forth as sections ~~1.2, 3 and 4~~ **1.2 to 4**, **inclusive**, of this act.

Sec. 1.2. *“Branch office” means an office operated by a real estate broker who is licensed pursuant to chapter 645 of NRS, separate from the principal location of the real estate broker, for the purpose of engaging in the business of selling or reselling time shares.*

Sec. 1.4. *“Component site” means the specific geographic location where units that are part of a time-share plan are located, including, without limitation, new units added to a single project in the same geographic location and under common management.*

Sec. 2. *“Statement of record” means the information provided to the Administrator pursuant to paragraph (a) of subsection 1 of NRS 119A.300 ~~1.2~~ or subsection 2 of NRS 119A.300, as applicable.*

Sec. 2.5. 1. *Every branch office must be operated under the supervision of a real estate broker or real estate broker-salesperson who is licensed pursuant to chapter 645 of NRS and who has had at least 2 years of experience as an active real estate broker, real estate broker-salesperson or real estate salesperson in the United States.*

2. *The project broker or time-share resale broker is responsible for each branch office which he or she operates.*

3. *If the location of the branch office does not permit a project broker or a time-share resale broker to exercise direct supervision of a branch office, a real estate broker-salesperson shall directly supervise the branch office.*

4. *A supervisor of a branch office may not supervise more than one branch office.*

Sec. 3. 1. *If there is a material change to the time-share plan which is not caused by or under the control of the developer, the developer shall file with the Division an amended statement of record not later than 10 days before the material change occurs or within 10 days after the developer knows or reasonably should have known of the material change. ~~[Such]~~ For any material change to the time-share plan, the developer shall file an amended statement of record, and such an amended statement of*

record is effective on the ~~15th~~ 60th day after the filing or, in the event that additional units are added to the time-share plan ~~+~~ which are in a component site previously registered with the Division, on the ~~30th~~ 120th day after the filing, unless the Administrator:

(a) Issues a denial of the amended statement of record pursuant to NRS 119A.654 describing the reasons for the denial in sufficient detail to allow the developer to correct the deficiencies in the amended statement of record; or

(b) Approves the amended statement of record on an earlier date.

2. The Administrator shall, within 30 days after receiving evidence that the deficiencies in the amended statement of record are cured, approve or deny the amended statement of record and list the specific reasons for denial. If the Division fails to take any of the actions described in this subsection within the 30-day period, the amended statement of record shall be deemed approved by the Division.

3. Any amendment proposed by the developer to the provisions of a time-share instrument must be filed with the Division. Unless the Division notifies the developer of its disapproval within 15 days after the developer files the proposed amendment to the time-share instrument, the amendment shall be deemed to be approved by the Division.

Sec. 4. 1. Except as otherwise provided in subsection 3, a person who knowingly participates, for consideration or with the expectation of consideration, in any plan or scheme, a purpose of which is to transfer a previously ~~owned~~ sold time share to a transferee who does not pay or provide payment for all assessments for that time share commits a false, misleading or deceptive act or practice for the purposes of NRS 207.170, 207.171, 598.0915 to 598.0925, inclusive, and chapters 598A and 599A of NRS.

2. The failure of a transferee to pay assessments or taxes that come due after the acquisition of a ~~resale~~ previously sold time share ~~to acquire~~ by a person who acquires the time share for commercial purposes is prima facie evidence of a violation of this ~~subsection~~ section.

3. An association or manager does not violate the provisions of this ~~subsection~~ section by performing such acts and collecting such fees or expenses as are customary during the transfer.

Sec. 5. NRS 119A.010 is hereby amended to read as follows:

119A.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 119A.020 to 119A.160, inclusive, ~~and section~~ sections 1.2, 1.4 and 2 of this act have the meanings ascribed to them in those sections.

Sec. 6. ~~NRS 119A.060 is hereby amended to read as follows:~~

~~119A.060 “Permit” means the authorization issued or deemed issued by the Administrator pursuant to the provisions of this chapter to a developer to offer to sell or sell time shares. (Deleted by amendment.)~~

Sec. 7. NRS 119A.090 is hereby amended to read as follows:

119A.090 “Project broker” means any person who coordinates the sale of time shares for ~~at~~ **one or more** time-share ~~plan and to whom sales agents and representatives are responsible.~~ **plans on behalf of one or more developers and who is licensed as a real estate broker pursuant to the provisions of chapter 645 of NRS.**

Sec. 8. NRS 119A.100 is hereby amended to read as follows:

119A.100 “Public offering statement” means a ~~report, issued by the Administrator,~~ **disclosure document prepared and signed by the developer and filed with the Division** pursuant to the provisions of this chapter, which ~~authorizes a developer to offer to sell or sell time shares in the time share plan which is the subject of the report.~~ **contains the information required by this chapter and any regulations adopted pursuant thereto.**

Sec. 9. NRS 119A.130 is hereby amended to read as follows:

119A.130 “Sales agent” means a person who, ~~on behalf of a developer,~~ **and under the supervision of a real estate broker licensed pursuant to the provisions of chapter 645 of NRS,** sells ~~for resell,~~ or offers to sell ~~for resell,~~ a time share to a purchaser or who, if he or she is not registered as a representative, may act to induce other persons to attend a sales presentation on the behalf of a developer.

Sec. 10. NRS 119A.156 is hereby amended to read as follows:

119A.156 “Time-share resale broker” means a person who ~~is registered as a time share resale broker pursuant to the provisions of this chapter.~~, **for compensation, lists, advertises, transfers, assists in transferring, promotes for resale or solicits prospective purchasers for previously sold time shares on behalf of an owner other than a developer.**

Sec. 11. NRS 119A.170 is hereby amended to read as follows:

119A.170 1. ~~The~~ **Unless the method of disposition is adopted to evade the provisions of this chapter or chapter 645 of NRS, the** provisions of this chapter, except subsection ~~4,~~ 5, do not apply to:

(a) The sale **or resale** of 12 or fewer time shares in a **time-share project plan**; ~~for the sale of 12 or fewer time shares in the same subdivision;~~

(b) The sale or transfer of a time share by an owner who is not the developer, unless the time share is sold in the ordinary course of business of that owner;

(c) Any transfer of a time share:

(1) By deed in lieu of foreclosure;

(2) At a foreclosure sale; or

(3) By the resale of a time share that has been acquired by an association ~~by~~ **as a result of nonpayment of association assessments:**

(I) By termination of a contractual right of occupancy;

(II) By deed or other transfer in lieu of foreclosure or termination;
or ~~at~~

(III) At a foreclosure sale ~~to~~,

↪ provided that the association or its agent delivers the disclosures required by NRS 119A.4775 to the purchaser;

(d) A gratuitous transfer of a time share;

(e) A transfer by devise or descent or a transfer to an inter vivos trust; or

(f) The sale or transfer of the right to use and occupy a unit on a periodic basis which recurs over a period of less than 5 years . ~~to~~

~~↪ unless the method of disposition is adopted to evade the provisions of this chapter or chapter 645 of NRS.~~

2. **The provisions of NRS ~~[119A.270]~~ 119A.290 to 119A.470, inclusive, and sections 3 and 4 of this act and 119A.480 do not apply to the offer or disposition in this State of a time share in a time-share plan that ~~is~~ includes units which are located outside of this State, which are not registered under this chapter and which are offered or sold to an existing owner of a time share in a time-share plan offered by ~~to~~ the same developer or an affiliate of the same developer who has a valid permit under this chapter, if the developer or its affiliate:**

(a) Authorizes the purchaser to cancel the purchase contract until midnight of the fifth calendar day after the date of execution of the contract; and

(b) Provides the purchaser with all the time-share disclosure documents required by law in the jurisdiction where the unit is located.

3. Any campground or developer who is subject to the requirements of chapter 119B of NRS and complies with those provisions is not required to comply with the provisions of this chapter.

~~{3.}~~ 4. The Division may waive any provision of this chapter if it finds that the enforcement of that provision is not necessary in the public interest or for the protection of purchasers.

~~{4.}~~ 5. The provisions of chapter 645 of NRS apply to the sale of time shares, except any sale of a time share to which this chapter applies ~~to~~ **and except any provisions of this chapter expressly excluding the applicability of the provisions of chapter 645 of NRS**, and for that purpose the terms “real property” and “real estate” as used in chapter 645 of NRS shall be deemed to include a time share, whether it is an interest in real property or merely a contractual right to occupancy.

6. The provisions of NRS 119A.520 to 119A.580, inclusive, only apply to the management of time-share projects located in this State.

Sec. 12. NRS 119A.172 is hereby amended to read as follows:

119A.172 The provisions of this chapter and chapter 645 of NRS relating to real estate brokers and sales agents do not apply to an owner, other than a developer, who, for compensation, refers prospective purchasers to a developer **or an association** or an employee or agent of the developer ~~or an association~~, if the owner:

1. Refers to ~~the~~ a developer **or an association** or an employee or agent of the developer ~~or an association~~, or any combination thereof, not more than 20 prospective purchasers within any 1 calendar year; and
2. Does not ~~show a unit to the prospective purchaser,~~ discuss with the prospective purchaser the terms and conditions of the purchase or otherwise participate in negotiations relating to the sale of the time share.

Sec. 13. NRS 119A.190 is hereby amended to read as follows:

119A.190 The Division may:

1. Adopt regulations ~~which~~ :
 - (a) **Which** are necessary to carry out the provisions of this chapter.
 - (b) **Regarding the content of advertisements relating to time shares.**
2. **Publish on its official Internet website, or otherwise make public for at least 30 days before the adoption by the Division, any form proposed to be used by the Division under this chapter. The Division shall consider comments on any such proposed form before its adoption.**
3. Employ such legal counsel, investigators and other professional consultants as are necessary to carry out the provisions of this chapter ~~or~~ , **including, without limitation, for the review of a statement of record filed pursuant to NRS 119A.300.**

Sec. 14. NRS 119A.210 is hereby amended to read as follows:

119A.210 1. The Administrator shall issue a sales agent's license to each applicant who submits an application to the Division, in the manner provided by the Division, which includes:

(a) Satisfactory evidence, affirmed by the project broker ~~for time share resale broker~~ or another acceptable source, that the applicant has completed 14 hours of instruction in:

- (1) Ethics.
- (2) The applicable laws and regulations relating to time shares.
- (3) Principles and practices of selling time shares.

(b) Satisfactory evidence that the applicant has a reputation for honesty, trustworthiness and competence.

(c) A designation of the ~~developer for whom the applicant proposes to sell time shares,~~ **project broker** ~~for time share resale broker~~ **who will supervise the sales agent.**

(d) The social security number of the applicant.

(e) Any further information required by the Division, including the submission by the applicant to any investigation by the police or the Division.

2. In addition to or in lieu of the 14 hours of instruction required by paragraph (a) of subsection 1, the applicant may be required to pass an examination which may be adopted by the Division to examine satisfactorily the knowledge of the applicant in those areas of instruction listed in paragraph (a) of subsection 1.

3. Each applicant must submit the statement required pursuant to NRS 119A.263 and pay the fees provided for in this chapter.

4. Each applicant must, as part of his or her application and at the applicant's own expense:

(a) Arrange to have a complete set of his or her fingerprints taken by a law enforcement agency or other authorized entity acceptable to the Division; and

(b) Submit to the Division:

(1) A completed fingerprint card and written permission authorizing the Division to submit the applicant's fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the Division deems necessary; or

(2) Written verification, on a form prescribed by the Division, stating that the fingerprints of the applicant were taken and directly forwarded electronically or by another means to the Central Repository and that the applicant has given written permission to the law enforcement agency or other authorized entity taking the fingerprints to submit the fingerprints to the Central Repository for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the Division deems necessary.

5. The Division may:

(a) Unless the applicant's fingerprints are directly forwarded pursuant to subparagraph (2) of paragraph (b) of subsection 4, submit those fingerprints to the Central Repository for submission to the Federal Bureau of Investigation and to such other law enforcement agencies as the Division deems necessary; and

(b) Request from each such agency any information regarding the applicant's background as the Division deems necessary.

6. A person who is licensed as a real estate salesperson pursuant to chapter 645 of NRS is not required to obtain a license pursuant to the provisions of this section.

7. ***A sales agent is not required to be licensed pursuant to the provisions of chapter 645 of NRS.***

8. Each sales agent's license issued pursuant to this section expires 2 years after the last day of the calendar month in which it was issued and must be renewed on or before that date. Each licensee who submits the statement required pursuant to NRS 119A.263 and meets the requirements for renewal may renew his or her license upon the payment of the renewal fee before his or her license expires.

~~{8.}~~ 9. If a licensee fails to renew his or her license before it expires, the license may be reinstated if the licensee submits the statement and pays the renewal fee and the penalty specified in NRS 119A.360 within 1 year after the license expires.

~~{9.}~~ 10. The Administrator may adopt regulations establishing and governing requirements for the continuing education of sales agents.

Sec. 15. NRS 119A.220 is hereby amended to read as follows:

119A.220 1. A sales agent may work for only one project broker ~~for one time share resale broker,~~ at any one time at the location ~~for locations,~~ designated in the license.

2. A project broker ~~for time share resale broker,~~ shall give written notice to the Division of a change of association of any sales agent associated with the project broker ~~for time share resale broker,~~ within 10 days after that change.

3. The project broker ~~for time share resale broker,~~ upon the termination of the employment of any sales agent associated with the project broker ~~for time share resale broker,~~ shall submit that agent's license to the Division.

4. If a sales agent changes his or her association with any project broker ~~for time share resale broker,~~ or changes his or her ~~any~~ location ~~[with the same project broker,]~~ **designated in the license**, the sales agent must apply to the Division for the reissuance of his or her license for its unexpired term. The application must be accompanied by a fee of \$10.

5. A sales agent may only become associated with a project broker ~~for time share resale broker,~~ who certifies to the sales agent's honesty, trustworthiness and good reputation.

Sec. 16. ~~[NRS 119A.230 is hereby amended to read as follows:~~

~~119A.230 1. The Administrator may impose a fine or suspend, revoke, reissue, subject to conditions, or deny the renewal of any sales agent's license issued under the provisions of this chapter at any time if the sales agent has, by false or fraudulent application or representation, obtained a license or, whether or not acting as a sales agent, is found guilty of:~~

~~(a) Making any material misrepresentation;~~

~~(b) Making any false promises of a character likely to influence, persuade or induce;~~

~~— (c) Engaging in any fraudulent, misleading or oppressive sales techniques or tactics;~~

~~— (d) Accepting a commission or valuable consideration as a sales agent for the performance of any of the acts specified in this chapter from any person except a licensed project broker or registered time share resale broker with whom the sales agent is associated or the developer by whom the sales agent is employed;~~

~~— (e) Failing, within a reasonable time, to account for or remit or turn over to the project broker or time share resale broker any money which comes into the sales agent's possession and which belongs to others;~~

~~— (f) Violating any of the provisions of this chapter or chapter 119B of NRS or of any regulation adopted pursuant to either chapter, or willfully aiding or abetting another to do so; or~~

~~— (g) A felony relating to the practice of a sales agent or other crime of moral turpitude or has entered a plea of nolo contendere to a felony relating to the practice of a sales agent or other crime of moral turpitude.~~

~~— 2. The Administrator may investigate the actions of any sales agent or any person who acts in such a capacity within the State of Nevada.} (Deleted by amendment.)~~

Sec. 17. ~~[NRS 119A.237 is hereby amended to read as follows:~~

~~119A.237 1. A provisional licensee shall not:~~

~~— (a) Conduct sales related activities unless the provisional licensee is:~~

~~— (1) Under the supervision of:~~

~~— (I) His or her project broker; or~~

~~— (II) A cooperating real estate broker designated by the project broker in accordance with the provisions of this chapter and any regulations adopted pursuant thereto.~~

~~— (2) At the principal place of business or a branch office of the project broker, or at the physical location of a time share development.~~

~~— (b) Collect personal information from a prospective purchaser or purchaser of a time share.~~

~~— (c) Engage in the resale of time shares.~~

~~— 2. A project broker shall not grant to a provisional licensee:~~

~~— (a) Access to a time share lockbox; or~~

~~— (b) The ability to enter a private residence or a time share unit that an unlicensed person otherwise would not have.~~

~~— 3. A project broker or a cooperating real estate broker designated by the project broker in accordance with the provisions of this chapter and any regulations adopted pursuant thereto shall:~~

~~— (a) Supervise the provisional licensee employed by the project broker; and~~

~~— (b) Review and approve in writing any contract prepared by the provisional licensee that relates to the sale of a time share.~~

~~4. A provisional licensee may receive a commission for the sale of a time share in which the provisional licensee is involved.~~

~~5. As used in this section:~~

~~(a) "Personal information" has the meaning ascribed to it in NRS 603A.040.~~

~~(b) "Provisional licensee" means an applicant who receives a provisional sales agent's license from the Division pursuant to NRS 119A.233.~~ **(Deleted by amendment.)**

Sec. 18. NRS 119A.240 is hereby amended to read as follows:

119A.240 1. The Administrator shall register as a representative each applicant who:

(a) Submits proof satisfactory to the Division that the applicant has a reputation for honesty, trustworthiness and competence;

(b) Applies for registration in the manner provided by the Division;

(c) Submits the statement required pursuant to NRS 119A.263; and

(d) Pays the fees provided for in this chapter.

2. An application for registration as a representative must include the social security number of the applicant.

3. *A representative is not required to be licensed pursuant to the provisions of chapter 645 of NRS.*

Sec. 19. NRS 119A.260 is hereby amended to read as follows:

119A.260 1. A representative shall not negotiate ~~for~~ ~~make~~ ~~representations concerning the merits or value of a time share plan or a project.~~ ***the sale of, or discuss prices of, a time share.*** A representative may only induce and solicit persons to attend promotional meetings for the sale of time shares and distribute information on behalf of a developer.

2. The representative's activities must strictly conform to the methods for the procurement of prospective purchasers which have been approved by the Division.

3. The representative shall comply with the same standards for conducting business as are applied to real estate brokers and salespersons pursuant to chapter 645 of NRS and the regulations adopted pursuant thereto.

4. A representative shall not make targeted solicitations of purchasers or prospective purchasers of time shares in another project ~~[-] with which the~~ ***representative is not associated.*** A developer or project broker shall not pay or offer to pay a representative a bonus or other type of special compensation to engage in such activity.

Sec. 20. NRS 119A.270 is hereby amended to read as follows:

119A.270 A developer shall not:

1. Offer to sell any time shares in this state unless the developer holds either a preliminary permit to sell time shares or a permit to sell time shares

issued ~~for deemed issued~~ by the Administrator ~~{ }~~ **pursuant to the provisions of this chapter.**

2. Sell any time shares in this state unless the developer holds a permit to sell time shares issued ~~for deemed issued~~ by the Administrator ~~{ }~~ **pursuant to the provisions of this chapter.**

3. Offer to sell or sell a time share in this state unless the developer has named a person to act as a project broker.

4. Offer to sell or sell a time share in this state except through a project broker.

Sec. 21. NRS 119A.280 is hereby amended to read as follows:

119A.280 1. The Administrator may issue an order directing a developer to cease engaging in activities for which the developer has not received **or been deemed to have received** a permit under this chapter or conducting activities in a manner not in compliance with the provisions of this chapter or the regulations adopted pursuant thereto.

2. The order to cease must be in writing and must ~~state that, in the opinion of the Administrator, the developer has not been issued a permit for the activity or the terms of the permit do not allow the developer to conduct the activity in that manner.~~ **describe the violation in sufficient detail to inform the developer of the aspect in which it has failed to comply with the provisions of this chapter.** The developer shall not engage in any activity regulated by this chapter after the developer receives such an order.

3. Within 30 days after receiving such an order, a developer may file a verified petition with the Administrator for a hearing. The Administrator shall hold a hearing within 30 days after the petition has been filed. If the Administrator fails to hold a hearing within 30 days, or does not render a written decision within 45 days after the final hearing, the cease and desist order is rescinded.

4. If the decision of the Administrator after a hearing is against the person ordered to cease and desist, the person may appeal that decision by filing, within 30 days after the date on which the decision was issued, a petition in the district court for the county in which the person conducted the activity. The burden of proof in the appeal is on the appellant. The court shall consider the decision of the Administrator for which the appeal is taken and is limited solely to a consideration and determination of the question of whether there has been an abuse of discretion on the part of the Administrator in making the decision.

5. In lieu of the issuance of an order to cease such activities, the Administrator may enter into an agreement with the developer in which the developer agrees to:

(a) Discontinue the activities that are not in compliance with this chapter;

(b) Pay all costs incurred by the Division in investigating the developer's activities and conducting any necessary hearings; and

(c) Return to the purchasers any money or property which the developer acquired through such violations.

↪ Except as otherwise provided in NRS 239.0115, the terms of such an agreement are confidential unless violated by the developer.

Sec. 22. NRS 119A.290 is hereby amended to read as follows:

119A.290 1. The Administrator shall issue a preliminary permit to sell time shares to each applicant who:

(a) Submits proof satisfactory to the ~~{Division}~~ **Administrator** that all of the requirements for a permit to sell time shares will be met;

(b) Applies for the preliminary permit in the manner provided by the Division; and

(c) Pays the fee provided for in this chapter.

2. A preliminary permit entitles the developer to solicit and accept reservations to purchase time shares.

Sec. 23. NRS 119A.300 is hereby amended to read as follows:

119A.300 1. Except as otherwise provided in NRS 119A.310, the Administrator shall issue a ~~{public offering statement and a}~~ permit to sell time shares to each applicant who:

~~{1.}~~ ~~{Submits an application,}~~

(a) Files by electronic means or in the any other manner {provided} ~~{prescribed by the {Division, which includes:}}~~

~~{(a)}~~ **Administrator, a statement of record which includes:**

(1) The name and address of the project broker;

~~{(b)}~~ (2) A copy of each time-share instrument that relates to the time-share plan;

~~{(c)}~~ (3) A preliminary title report for the project and copies of the documents listed as exceptions in the report;

~~{(d)}~~ (4) Copies of any other documents which relate to the time-share plan or the project, including any contract, agreement or other document to be used to establish and maintain an association and to provide for the management of the time-share plan or the project, or both;

~~{(e)}~~ (5) Copies of instructions for escrow, deeds, sales contracts and any other documents that will be used in the sale of the time shares;

~~{(f)}~~ (6) A copy of any proposed trust agreement which establishes a trust for the time-share plan or the project, or both;

~~{(g)}~~ (7) Documents which show the current assessments for property taxes on the project;

~~{(h)}~~ (8) Documents which show compliance with local zoning laws;

~~{(i)}~~ (9) If the units which are the subject of the time-share plan are in a condominium project, or other form of common-interest ownership of

property, documents which show that use of the units is in compliance with the documents which created the common-interest ownership;

~~[(4)]~~ **(10)** Copies of all documents which will be given to a purchaser who is interested in participating in a program for the exchange of occupancy rights among owners and copies of the documents which show acceptance of the time-share plan in such a program;

~~[(4)]~~ **(11)** A copy of the budget or a projection of the operating expenses of the association, if applicable;

~~[(4)]~~ **(12)** A financial statement of the developer; and

~~[(m)]~~ ~~[Such other information as the Division,]~~

~~[(13)]~~ **(13)** *A public offering statement in a form prescribed* by regulation ~~[(13)]~~ *requires;* ~~of the Division;~~ and

~~[(2)]~~ **(b)** Pays the fee provided for in this chapter.

~~[(3)]~~ **2.** *In lieu of the statement of record ~~[(1)]~~ required pursuant to subsection 1, the Division may accept an abbreviated registration from a developer of a time-share plan in which some or all the units are located outside of this State ~~[(1)]~~ if:*

(a) The developer provides evidence that the time-share plan is registered with the applicable regulatory agency in the state or jurisdiction where the time-share plan is offered or sold or that the time-share plan is in compliance with the laws and regulations of the state or jurisdiction in which some or all of the units are located; and

(b) The disclosure requirements of the other state or jurisdiction are substantially equivalent to or greater than the information required to be disclosed to purchasers in this State pursuant to paragraph (a) of subsection 1.

3. *A developer who files an abbreviated registration pursuant to ~~[(this)]~~ subsection 2 shall, in addition to paying the fee required by paragraph (b) of subsection ~~[(2)]~~ 1, provide:*

(a) The developer's legal name, any assumed names used by the developer and the developer's principal office location, mailing address, primary contact person and telephone number;

(b) The name, location, mailing address, primary contact person and telephone number of the time-share plan;

(c) The name and principal address of the developer's authorized project broker who must be a real estate broker licensed to maintain offices within this State;

(d) The name and principal address of all entities who act as the manager of the time-share plan;

(e) Evidence of registration or compliance with the laws and regulations of the jurisdiction in which the time-share plan is located, approved or accepted;

(f) A brief description as to whether the time-share plan is a single-site time-share plan or a time-share plan with more than one location and a brief description of the types of time shares offered in the time-share plan;

(g) Disclosure of each jurisdiction in which the developer has applied for registration of the time-share plan and whether the time-share plan or its developer was denied registration or was the subject of any disciplinary proceeding;

(h) Copies of any disclosure documents required to be given to purchasers or required to be filed with the state or jurisdiction in which the time-share plan is located, approved or accepted;

(i) A copy of the current annual or projected budget for the association if not otherwise included in the disclosure documents; and

(j) Any other information regarding the developer, time-share plan, project broker or managing entities as established by the Division by regulation;

4. A developer of a time-share plan with units located solely in this State may not file an abbreviated application.

Sec. 24. NRS 119A.305 is hereby amended to read as follows:

119A.305 The terms and conditions of the documents and agreements submitted pursuant to NRS 119A.300 which relate to the creation and management of the time-share plan and to the sale of time shares and to which the applicant or an affiliate of the applicant is a party must be described in the public offering statement and constitute ~~additional~~ **the** terms and conditions of the applicant's permit to sell time shares.

Sec. 25. NRS 119A.310 is hereby amended to read as follows:

119A.310 1. The Administrator shall deny an application for a permit to sell time shares if the Administrator finds that:

(a) The developer failed to comply with any of the provisions of this chapter or the regulations adopted by the Division; or

(b) The developer, any affiliate of the developer or any officer of the developer or an affiliate of the developer, has:

(1) Been convicted of or pleaded nolo contendere to forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud or other crime involving moral turpitude;

(2) Been the subject of a judgment in any civil or administrative action, including a proceeding to revoke or suspend a license, involving fraud or dishonesty;

(3) Been permanently enjoined by a court of competent jurisdiction from selling real estate, time shares or securities in an unlawful manner;

(4) Had a registration as a broker-dealer in securities or a license to act as a real estate broker or salesperson, project broker or sales agent revoked;

(5) Been convicted of or pleaded nolo contendere to selling time shares without a license; or

(6) Had a permit to sell time shares, securities or real estate revoked.

2. The Administrator may deny an application for a permit to sell time shares if the Administrator finds that the developer ~~[-, or any affiliate of the developer,]~~ has failed to offer satisfactory proof that it has a good reputation for honesty, trustworthiness, integrity and competence **and the developer is competent** to transact the business of a developer in a manner which safeguards the interests of the public.

3. The burden of proof is on the developer to establish to the satisfaction of the ~~[-Division]~~ **Administrator** that the developer is ~~[-qualified to receive a license,]~~ **competent to transact the business of the developer in a manner which safeguards the interests of the public.**

4. ***If a developer has substantially complied with the provisions of this chapter in good faith, a nonmaterial error or omission is not sufficient grounds to deny a permit.***

Sec. 26. NRS 119A.320 is hereby amended to read as follows:

119A.320 1. The ~~[-Division]~~ **Administrator** shall, ~~[-issue an order,]~~ within ~~[-30]~~ **60** days after the receipt of an **initial** application for a permit to sell time shares ~~[-,]~~ ~~[-notifying]~~ **in a time-share plan containing only one component site, regardless of whether additional component sites may be added later by an amendment to the filing, notify** the applicant of its decision to:

(a) ***Issue a permit to sell time shares;***

(b) Issue a preliminary permit to sell time shares, including a list of all deficiencies, if any, which must be corrected before a permit is issued; or

~~[-(b)]~~ (c) Deny the application and list **all** the reasons for denial ~~[-]~~ ***sufficient detail to allow the developer to cure the deficiencies.***

2. ~~[-If the]~~ **The Administrator [fails to] shall, within 120 days after the receipt of an initial application for a permit to sell time shares in a time-share plan containing more than one component site, notify the applicant of its decision [within the 30-day period prescribed in subsection 1, the] to:**

(a) Issue a permit to sell time shares [shall be deemed issued by the Division.];

(b) Issue a preliminary permit to sell time shares, including a list of all deficiencies, if any, which must be corrected before a permit is issued; or

(c) Deny the application and list all the reasons for denial in sufficient detail to allow the developer to cure the deficiencies.

3. The ~~[-Division]~~ **Administrator** shall, within ~~[-45]~~ **30** days after:

(a) The receipt of evidence that the deficiencies in the application for a permit to sell time shares are cured, issue a permit to sell time shares or deny the application and list the **specific** reasons for denial; or

(b) The issuance of a preliminary permit ~~[-] and receipt of [proof]~~ **evidence that all the requirements for the issuance of a permit to sell time shares have been met**, issue ~~[-] the~~ permit to sell time shares.

4. If it is in the public interest that the Administrator ~~fails to take any of the actions described in subsection 3, within the 30-day period, the permit to sell time shares shall be deemed issued by the Division.~~ **issue a second notice regarding the inadequate cure of any deficiencies in the application for a permit to sell time shares, then the Administrator shall issue such a second notice within 15 business days after the developer submits evidence to cure the deficiencies identified pursuant to paragraph (c) of subsection 1 or paragraph (c) of subsection 2, as applicable.**

5. If the developer fails to cure all the deficiencies after a second notice is issued pursuant to subsection 3, the Administrator may deny the application and require the developer to pay a new filing fee pursuant to NRS 119A.360.

Sec. 27. NRS 119A.330 is hereby amended to read as follows:

119A.330 1. If the Administrator denies an application for a permit to sell time shares, **an amendment to the statement of record or the renewal of a permit to sell time shares**, the applicant may, within 30 days, file a written request for a hearing. The Administrator shall set the matter for hearing to be conducted within 90 ~~30~~ days after receipt of the applicant's request, unless the applicant requests a postponement of the hearing at least 3 working days before the date set for hearing. If such a request is made by the applicant, the date of the hearing must be agreed upon between the Division and the applicant.

2. If the Division fails to:

(a) Hold the hearing within 90 ~~30~~ days or within the extended time if a postponement is requested;

(b) Render its decision within 60 ~~45~~ days after the hearing; or

(c) Notify the applicant in writing, by its order, within 15 days after its decision was made,

➔ the order of denial expires and the Division shall issue, within 15 days, a permit to sell time shares to the developer. ~~If the Division fails to act within the 15-day period for issuing a permit, then the permit to sell time shares shall be deemed issued by the Division.~~

Sec. 28. NRS 119A.340 is hereby amended to read as follows:

119A.340 If a project has not been completed before the issuance ~~for deemed issuance~~ of a permit to sell time shares, the ~~permit~~ **public offering statement** must state the estimated date of completion and:

1. The developer shall ~~deliver to the agency~~ **establish to the satisfaction of the Administrator that** a bond **has been issued** in an amount ~~and upon terms approved by the division~~ **necessary** to assure completion of

the project free of any liens, ~~[which is payable to the Division for the benefit of the purchasers of the time share property and]~~ which remains in effect until the project is completed free of all liens;

2. A cash deposit to cover the estimated costs of completing the project must be deposited with an escrow agent under an agreement which is approved by the ~~[Division;]~~ **Administrator;** or

3. The developer shall make any other arrangement which is approved by the ~~[Division;]~~ **Administrator and necessary to safeguard the interests of the public.**

Sec. 29. NRS 119A.350 is hereby amended to read as follows:

119A.350 1. The Division ~~[shall;]~~ **may**, before issuing any permit or license pursuant to the provisions of this chapter, fully investigate all information submitted to it as required by this chapter and may, if necessary, inspect the property which is the subject of any application. All reasonable expenses incurred by the Division in carrying out the investigation or inspection must be paid by the applicant and no license or permit may be issued until those expenses have been paid.

2. Payments received by the Division pursuant to this section must be deposited in the State Treasury for credit to the Real Estate Investigative Account. The Administrator shall use the money in the Account to pay the expenses of agents and employees of the Division making the investigations pursuant to this section. The Administrator may advance money to them for those expenses when appropriate.

Sec. 30. NRS 119A.355 is hereby amended to read as follows:

119A.355 1. A permit must be renewed annually by the developer by filing an application with and paying the fee for renewal to the Administrator. The application must be filed and the fee paid not later than 30 days before the date on which the permit expires. The application must include the budget of the association and any **material** change that has occurred in the information previously provided to the Administrator or in a **public offering** statement ~~[of disclosure]~~ provided to a prospective purchaser pursuant to the provisions of NRS 119A.400.

2. The renewal is effective on the 30th day after the filing of the application unless the Administrator:

(a) ~~[Denies]~~ **Issues a written denial of** the renewal pursuant to NRS 119A.654 ~~[or for any other reason;]~~ **describing the reasons for denial in sufficient detail to allow the developer to cure the deficiencies;** or

(b) Approves the renewal on an earlier date.

3. **The Division shall, within 30 days after the receipt of evidence that the deficiencies in the application for renewal of a permit to sell time shares are cured, renew the permit to sell time shares or deny the renewal and list the specific reasons for denial.**

4. If the Administrator fails to take any action described in subsection 3, the renewal of the permit to sell time shares shall be deemed issued by the Division.

Sec. 31. NRS 119A.357 is hereby amended to read as follows:

119A.357 1. A sales agent, representative, manager, developer , ~~for~~ project broker **or time-share resale broker** shall notify the Division in writing if he or she is convicted of, or enters a plea of guilty, guilty but mentally ill or nolo contendere to, a felony or any crime involving moral turpitude.

2. A sales agent, representative, manager, developer , ~~for~~ project broker **or time-share resale broker** shall submit the notification required by subsection 1:

(a) Not more than 10 days after the conviction or entry of the plea of guilty, guilty but mentally ill or nolo contendere; and

(b) When submitting an application to renew a license, registration or permit issued pursuant to this chapter.

Sec. 32. NRS 119A.360 is hereby amended to read as follows:

119A.360 1. The Division shall collect the following fees at such times and upon such conditions as it ~~may~~ **shall** provide by regulation:

For each application for the registration of a representative	\$85
For each renewal of the registration of a representative	85
For each transfer of the registration of a representative to a different developer.....	20
For each penalty for a late renewal of the registration of a representative.....	40
For each preliminary permit to sell time shares	275
For each permit to sell time shares, per subdivision.....	500
For each amendment to a public offering statement after the issuance of the report	150
For each renewal of a permit to sell time shares	500
For each original and annual registration of a manager	75
For each application for an original license as a sales agent	175
For each renewal of a license as a sales agent.....	175
For each penalty for a late renewal of a license as a sales agent	75
For each change of name or address of a licensee or status of a license.....	20
For each duplicate license, permit or registration where the original is lost or destroyed, and an affidavit is made thereof.....	20
For each annual approval of a course of instruction offered in preparation for an original license or permit.....	100

For each original accreditation of a course of continuing education.....	100
For each renewal of accreditation of a course of continuing education.....	50

2. Each developer shall pay an additional fee for each time share the developer sells in a time-share plan over 50 pursuant to the following schedule:

Number of time shares	Amount to be paid per time share
51—250.....	\$5.00
251—500.....	4.00
501—750.....	3.00
751—1500.....	2.50
over 1500.....	1.00

3. Except for the fees relating to the registration of a representative, the Administrator may reduce the fees established by this section if the reduction is equitable in relation to the costs of carrying out the provisions of this chapter.

4. The Division shall adopt regulations which establish the fees to be charged and collected by the Division to pay the costs of:

(a) Any examination for a license, including any costs which are necessary for the administration of such an examination.

(b) Any investigation of a person's background.

~~5. The Division shall not impose or collect any fee pursuant to this chapter unless the fee is established by this chapter or by the adoption of a regulation pursuant to a provision of this chapter authorizing the fee to be established by regulation.~~

Sec. 33. NRS 119A.380 is hereby amended to read as follows:

119A.380 1. Each time-share plan must be created by one or more time-share instruments.

2. A time-share instrument must provide:

(a) A legal description and the physical address of the project;

(b) The name of the time-share plan;

(c) A system for establishing the permanent identifying numbers of the time shares;

(d) For assessment of the expenses of the time-share plan and an allocation of those expenses among the time shares;

(e) The voting rights which are assigned to each time share;

(f) If applicable, the procedure to add units and other real estate to, and to withdraw units and other real estate from, the time-share plan, and the

method of reallocating expenses among the time shares after any such addition or withdrawal;

(g) The maximum number of time shares that may be created under the time-share plan;

(h) For selection of the trustee for insurance which is required to be maintained by the association or the developer;

(i) For maintenance of the units;

(j) For management of the time-share plan;

(k) A procedure to amend the time-share instrument; and

(l) The rights of the purchaser relating to the occupancy of the unit.

3. A time-share instrument may provide for:

(a) The developer's reserved rights;

(b) Cumulative voting, but only for the purpose of electing the members of the board; and

(c) The establishment of:

(1) Separate voting classes based on the size or type of unit to which the votes are allocated; and

(2) A separate voting class for the developer during the period in which the developer is in control.

4. The provisions of a time-share instrument are severable.

5. The rule against perpetuities and NRS 111.103 to 111.1039, inclusive, do not apply to defeat any provisions of a time-share instrument.

6. *With respect to time-share plans governed by the law of another state or units located outside of this State, the instrument creating and governing the time-share plans or units must be in compliance with the applicable laws of the state or jurisdiction under which the time-share plan is formed or in which the units are located. If the standards set forth in the law of the state or jurisdiction under which the time-share plan is formed or in which the units are located conflict with the requirements of this chapter, the laws of the other state or jurisdiction control. If the association and the time-share instrument comply with subsections 1 and 2, the association and the developer shall be deemed to be in compliance with the requirements of this section and are not required to revise a time-share instrument to comply with this chapter.*

Sec. 34. NRS 119A.390 is hereby amended to read as follows:

119A.390 A reservation to purchase a time share must:

1. Be on a form approved by the Division;

2. Include a provision which grants the prospective purchaser the right to cancel the reservation at any time before the execution of the contract of sale with the full refund of any deposit;

3. Provide for the placement of any deposit in escrow until ***the statement of record is approved*** ~~for deemed approved~~ and a permit is issued ~~for deemed issued~~ by the Administrator pursuant to NRS 119A.300;

4. Guarantee the purchase price for the time share for a certain period after the ~~issuance of~~ ***statement of record is approved*** ~~for deemed approved~~ and the permit to sell time shares ~~is~~ ***issued or deemed issued by the Administrator***; and

5. Require that any interest earned on the deposit for the reservation be paid to the prospective purchaser.

Sec. 35. NRS 119A.400 is hereby amended to read as follows:

119A.400 1. Each developer, through his or her project broker and sales agents, shall provide each prospective purchaser with a copy of the developer's public offering statement ~~which must contain a copy of the developer's permit to sell time shares.~~ ***and any pending amendments that have been submitted to the Division but have not yet been approved, along with a statement to the purchaser that the amendment has been submitted to the Division for approval. The public offering statement must contain the date the permit was originally issued and its annual expiration date. A prospective purchaser may request to receive the public offering statement in electronic format or paper format. If the prospective purchaser requests the public offering statement in electronic format, the developer shall provide to the purchaser the statement of the right of cancellation pursuant to NRS 119A.410 in a single separate document.***

2. The project broker or sales agent shall review the public offering statement with each prospective purchaser before the execution of any contract for the sale of a time share and obtain a receipt signed by the purchaser for a copy of the public offering statement.

3. If a contract is signed by the purchaser, the signed receipt for a copy of the public offering statement must be kept by the project broker for 3 years and is subject to such inspections and audits as may be prescribed by regulations adopted by the Division.

Sec. 36. NRS 119A.420 is hereby amended to read as follows:

119A.420 All money, negotiable instruments or other deposits pertaining to the sale of a time share ***which are received from a purchaser*** must be placed in ***an*** escrow ~~per pursuant to an agreement approved by the Division, with an escrow agent or a trustee.~~ ***account established to the satisfaction of the Division and held until such time as the right to cancel the contract of sale pursuant to NRS 119A.410 has expired, and the purchaser has failed to cancel the contract of sale. In lieu of placing such deposits in an escrow account, the developer or project broker may establish to the satisfaction of the Division that a surety bond has been posted for the benefit of purchasers in the project in the amount of:***

1. *Twenty-five thousand dollars; or*
 2. *The highest monthly total amount of deposits received by a project broker,*
- ↪ *whichever is greater.*

Sec. 37. NRS 119A.430 is hereby amended to read as follows:

119A.430 ~~{Escrow}~~ ***The sale of a time share to a purchaser*** may not be closed unless the developer has provided satisfactory evidence to the Administrator that:

1. The project is free and clear of any blanket encumbrance;
2. Each person who holds an interest in the blanket encumbrance has executed an agreement, approved by the Administrator, to subordinate his or her rights to the rights of the purchaser;
3. Title to the project has been conveyed to a trustee;
4. All holders of a lien recorded against the project have recorded an instrument providing for the release and reconveyance of each time share from the lien upon the payment of a specified sum or the performance of a specified act;
5. The developer has obtained and recorded one or more binding nondisturbance agreements acceptable to the Administrator, that:
 - (a) Are executed by the developer, all holders of a lien recorded against the project and any other person whose interest in the project could defeat the rights or interests of any purchaser under the time-share instrument or contract of sale; and
 - (b) Provide that any person whose interest in the project could defeat the rights or interests of any purchaser under the time-share instrument or contract of sale takes title to the project subject to the rights of the purchasers; or
6. Alternative arrangements have been made which are adequate to protect the rights of the purchasers of the time shares and approved by the Administrator.

Sec. 38. NRS 119A.460 is hereby amended to read as follows:

119A.460 If a trust is created pursuant to ~~{a requirement of this chapter,}~~ ***subsection 3 of NRS 119A.430***, the:

1. Trustee must be approved by the Administrator.
2. Trust must be irrevocable, unless otherwise provided by the ~~{Division.}~~ ***Administrator***.
3. Trustee must not be permitted to encumber the property unless permission to do so has been given by the ~~{Division.}~~ ***Administrator***.
4. Association or each owner must be made a third-party beneficiary.
5. Trustee must be required to give at least 30 days' notice in writing of his or her intention to resign to the association, if it has been formed, and to the ~~{Division.}~~ ***Administrator***, and the ~~{Division.}~~ ***Administrator*** must

approve a substitute trustee before the resignation of the trustee may be accepted.

Sec. 39. NRS 119A.470 is hereby amended to read as follows:

119A.470 1. If title to a project is conveyed to a trustee pursuant to subsection 3 of NRS 119A.430, before escrow closes for the sale of the first time share, the developer must provide the ~~Division~~ **Administrator** with satisfactory evidence that:

(a) Title to the project has been conveyed to the trustee.

(b) All proceeds received by the developer from the sales of time shares are being delivered to the trustee and deposited in a fund which has been established to provide for the payment of any taxes, costs of insurance or the discharge of any lien recorded against the project.

2. The trustee shall pay the charges against the trust in the following order:

(a) Trustee's fees and costs.

(b) Payment of taxes.

(c) Payments due any holder of a lien recorded against the project.

(d) Any other payments authorized by the document creating the trust.

3. The Administrator may inspect the records relating to the trust at any reasonable time.

Sec. 40. NRS 119A.475 is hereby amended to read as follows:

119A.475 1. Where any part of the statement of record, when that part became effective, contained an untrue statement of a material fact or omitted to state a material fact required to be stated therein, the Administrator or any person acquiring a time share from the developer or his or her agent during the period the public offering statement remained uncorrected (unless it is proved that at the time of the acquisition the Administrator or purchaser knew of the untruth or omission) may sue the developer in any court of competent jurisdiction.

2. Any developer or agent who sells a time share:

(a) In violation of this chapter; or

(b) By means of a public offering statement which contained an untrue statement of a material fact required to be stated therein,

➡ may be sued by the Administrator or purchaser of the time share.

3. If a suit authorized under subsection 1 or 2 is brought by the purchaser, the purchaser is entitled to recover such damages as represent the difference between the amount paid for the time share and the reasonable cost of any permanent improvements thereto, and the lesser of:

(a) The value thereof as of the time the suit was brought;

(b) The price at which the time share has been disposed of in a bona fide market transaction before suit; or

(c) The price at which the time share has been disposed of after suit in a bona fide market transaction but before judgment,
 ➡ or to rescission of the contract of sale and the refund of any consideration paid by the purchaser.

4. If a suit authorized under subsection 1 or 2 is brought by the Administrator, the Administrator may seek a declaration of the court that any person entitled to sue the developer or his or her agent under this section is entitled to the right of rescission and the refund of any consideration paid by him or her.

5. Every person who becomes liable to make any payment under this section may recover contribution as in cases of contract from any person who, if sued separately, would have been liable to make the same payment.

6. Reasonable attorney's fees may be awarded to the prevailing party in any action brought under this section. Any action to rescind a contract of sale under this section must be brought within 1 year after the date of purchase or within 1 year after the date of the discovery of the misrepresentation giving rise to the action for rescission.

7. The provisions of this section are in addition to and not a substitute for any other right of a person to bring an action in any court for any act involved in the offering or sale of time shares or the right of the state to punish any person for any violation of any law.

~~{8. For the purposes of this section, "statement of record" means the information submitted to the Administrator by the developer in its application for a permit to offer to sell or sell time shares.}~~

Sec. 41. NRS 119A.4771 is hereby amended to read as follows:

119A.4771 1. A person who, on behalf of an owner other than a developer ~~{, wishes}~~ **and for compensation, undertakes** to list, advertise , **transfer, assist in transferring** or promote for resale, or solicit prospective purchasers of, **more than 12** ~~{or more}~~ time shares **in any 12-month period** that were previously sold must:

(a) Be licensed as a real estate broker pursuant to the provisions of chapter 645 of NRS; ~~{and}~~

(b) Register as a time-share resale broker with the Division by completing a form for registration provided by the Division ~~{,}~~ ; **and**

(c) Pay any applicable fees.

2. A time-share resale broker shall renew his or her registration with the Division annually on a form provided by the Division ~~{,}~~ **and pay any applicable fees.**

3. Unless the method of resales of time shares is made to evade the provisions of this chapter, a person is not required to register **pursuant to this section or to be licensed under chapter 645 of NRS** as a time-share resale broker if the person:

(a) ~~Has acquired fewer than 12 time shares and~~ **Is a purchaser who acquires time shares for his or her own use and occupancy and who** later ~~resells or~~ offers to resell ~~one or more~~ **12 or less** of those time shares ~~;~~ **in any one calendar year;**

(b) Is a project broker ~~for sales agent~~ who resells or offers to resell a time share in a project as an agent for a developer who holds a permit for the project ~~;~~ **or**

(c) **Is an owner, operator or publisher of a newspaper, periodical or Internet website, unless the owner, operator or publisher, alone or in combination with its affiliate, parent, subsidiary or agent, derives more than 10 percent of its gross revenue from providing advance fee listings. For the purposes of this paragraph, the calculation of gross revenue derived from providing advance fee listings includes the revenue of any affiliate, parent, agent and subsidiary of the owner, operator or publisher of the newspaper, periodical or Internet website. As used in this paragraph, "advance fee listings" has the meaning ascribed to it in NRS 645.004.**

Sec. 42. NRS 119A.4775 is hereby amended to read as follows:

119A.4775 1. ~~Before~~ **If the purchaser of a previously sold time share purchases the time share through a time-share resale broker, the contract of sale must provide, in not less than ~~10-point~~ 12-point boldface type, that the purchaser may cancel, by written notice, the contract of sale until midnight of the fifth calendar day after the date of execution of the contract.**

2. **Regardless of whether a time-share resale broker charges or collects an advance fee, before** a purchaser signs any contract to purchase a time share that is offered for resale ~~;~~ **through a time-share resale broker,** the ~~person who is reselling the time share,~~ **time-share resale broker,** other than a developer, shall disclose ~~by a written document separate from~~ **in** the contract to purchase ~~;~~ **the** time share:

- (a) The period during which the purchaser may use the time share;
- (b) A legal description of the interest in the time share;
- (c) The earliest date that the prospective purchaser may use the time share;
- (d) The name, address and telephone number of the agent managing the time-share plan and the project;
- (e) The place where the documents of formation of the association and documents governing the time-share plan and the project may be obtained;
- (f) The amount of the annual assessment of the association of the time share for the current fiscal year, if any;
- (g) Whether all assessments against the time share are paid in full, and the consequences of failure to pay any assessment;

(h) Whether participation in any program for the exchange of occupancy rights among owners or with the owners of time shares in other time-share plans is mandatory; ~~and~~

(i) Any other information required to be disclosed pursuant to the regulations adopted by the Administrator pursuant to subsection 42.

~~2.~~ **4; and**

~~(j)~~ **The right to cancel the contract in subsection 1.**

3. If the time-share plan includes more than one component site, the purchaser must be provided, in either paper or electronic form, copies of the time-share instrument governing the time-share plan.

4. The Administrator shall adopt regulations prescribing the form and contents of the ~~{disclosure statement}~~ **disclosures** described in this section.

Sec. 43. NRS 119A.4777 is hereby amended to read as follows:

119A.4777 1. An agreement for ~~{a time share}~~ **the resale of a time share** entered into by an owner **of that time share** and a ~~{person}~~ **time-share resale broker** who ~~{resells a}~~ **lists or offers to resell that** time share must:

(a) Be in writing; ~~and~~

(b) **Contain a provision in not less than ~~{10-point}~~ 12-point boldface type that the owner may cancel, by written notice, the agreement with the time-share resale broker until midnight of the fifth calendar day after the date of execution of the agreement; and**

(c) Contain a **written** disclosure that sets forth:

(1) Whether any person other than the purchaser may use the time share during the period before the time share is resold;

(2) Whether any person other than the purchaser may rent the use of the time share during the period before the time share is resold;

(3) The name of any person who will receive any rents or profits generated from the use of the time share during the period before the time share is resold; ~~and~~

(4) A detailed description of any relationship between the person who resells the time share and any other person who receives any benefit from the use of the time share ~~{ }~~ **; and**

(5) The right to cancel the agreement provided pursuant to paragraph (b).

2. ~~{A person}~~ **The time-share resale broker** who resells a time share shall provide a fully executed copy of the written agreement described in subsection 1 to the owner on the date that the owner signs the agreement.

3. ~~{A person}~~ **The time-share resale broker** who resells a time share shall make the disclosures required pursuant to paragraph ~~{(b)}~~ **(c)** of subsection 1 before accepting anything of value from the owner.

Sec. 44. NRS 119A.4779 is hereby amended to read as follows:

119A.4779 **1.** In addition to the provisions of NRS 645.322, 645.323 and 645.324, a time-share resale broker who charges or collects an advance fee shall place 80 percent of that fee into his or her trust account. If the time-share resale broker closes escrow on the time-share resale, the time-share resale broker shall be deemed to have earned the advance fee. If the listing of the time share expires before the time-share resale broker closes escrow on the time-share resale, the time-share resale broker must return the money held in the trust account to the owner of the time share within 10 days after the date of the expiration of the listing.

2. The contract for an advance fee listing must include the following disclosures to the owner of any previously sold time share:

(a) A description of any fees or costs related to the services that the owner or any other person is required to pay to the time-share resale broker or to any third party;

(b) A description of when any fees or costs are due; and

(c) The disclosures required by NRS 119A.4777.

3. A time-share resale broker who charges or collects an advance fee shall not:

(a) State or imply to an owner that the time-share resale broker has identified a person interested in buying or renting the time share without providing the name, address and telephone number of such person;

(b) State or imply to an owner that the time share has a specific resale value;

(c) Fail to honor any cancellation notice sent by the owner by midnight of the fifth day after the date of execution of the contract; or

(d) Fail to provide a full refund of all money paid by an owner within 20 days after receipt of a notice of cancellation . ~~for within 5 days after receipt of immediately available funds, whichever is later.~~

4. If a time-share resale broker executes a contract that fails to comply with the provisions of subsection 2, such contract is voidable at the option of the owner for a period of 1 year after the date of execution.

5. Notwithstanding the obligations placed upon any other person by this section, the time-share resale broker shall supervise, manage and control all aspects of the resale offering . ~~for a time share by any sales agent or employee of the time-share resale broker.~~ Any violation of the provisions of this section that occurs during such offering shall be deemed a violation by the time-share resale broker and by the person who actually committed the violation.

6. The use of any unfair or deceptive act or practice by any person in connection with the offering of a time share for resale is a violation of this section.

7. A violation of this section is an unfair or deceptive act or practice pursuant to NRS 207.170, 207.171, 598.0915 to 598.0925, inclusive, and chapter 598A and 599A of NRS.

8. Notwithstanding any other penalty provided for in this chapter or chapter 645 of NRS, a person who violates any provision of NRS 119A.4771 to 119A.4779, inclusive, is subject to a civil penalty of not more than \$1,000 for each violation.

Sec. 45. NRS 119A.480 is hereby amended to read as follows:

119A.480 1. If the interest of the developer is a leasehold interest, the lease, unless otherwise determined by the ~~Division,~~ **Administrator**, must provide that:

(a) The lessee must give notice of termination of the lease for any default by the lessor to the association.

(b) The lessor, upon any default of the lessee including bankruptcy of the lessee, shall enter into a new lease with the association upon the same terms and conditions as the lease with the developer.

2. The ~~Division~~ **Administrator** may require the developer to execute a bond or other type of security for the payment of the rental obligation.

Sec. 46. NRS 119A.530 is hereby amended to read as follows:

119A.530 1. ~~[A]~~ **During any period in which the developer holds a valid permit and the developer or an affiliate of the developer is the manager, the** developer or an affiliate of the developer shall provide for the management of the time-share plan and the project, by a written agreement with the association or, if there is no association, with the owners. The initial term of the agreement must expire upon the first annual meeting of the members of the association or at the end of 5 years, whichever comes first. All succeeding terms of the agreement must be renewed annually unless the manager refuses to renew the agreement or a majority of the members of the association who are entitled to vote, excluding the developer, notifies the manager of its refusal to renew the agreement.

2. The agreement must provide that:

(a) The manager or a majority of the owners may terminate the agreement for cause.

(b) The resignation of the manager will not be accepted until 90 days after receipt by the association, or if there is no association, by the owners, of the written resignation.

(c) A fidelity bond must be delivered by the manager to the association.

3. An agreement entered into or renewed on or after October 1, 2001, must contain a detailed, itemized schedule of all fees, compensation or other property that the manager is entitled to receive for services rendered to the association or any member of the association or otherwise derived from the manager's affiliation with the time-share plan or the project, or both, unless

the manager is the developer or an affiliate of the developer. Upon the request of the association, the manager shall disclose to the association annual revenue received by the manager from the manager's affiliation with the time-share plan or the project, or both.

4. Except as otherwise provided in this subsection, if the developer retains a property interest in the project, the parties to such an agreement must include the developer, the manager and the association. In addition to the provisions required in subsections 1 and 2, the agreement must provide:

(a) That the project will be maintained in good condition. Except as otherwise provided in this paragraph, any defect which is not cured within 10 days after notification by the developer may be cured by the developer. In an emergency situation, notice is not required. The association must repay the developer for any cost of the repairs plus the legal rate of interest. Each owner must be assessed for his or her share of the cost of repairs.

(b) That, if any dispute arises between the developer and the manager or association, either party may request from the American Arbitration Association or the Nevada Arbitration Association a list of seven potential fact finders from which one must be chosen to settle the dispute. The agreement must provide for the method of selecting one fact finder from this list.

(c) For the collection of assessments from the owners to pay obligations which may be due to the developer for breach of the covenant to maintain the premises in good condition and repair.

➤ If the developer is not made a party to this agreement, the developer shall be considered to be a third-party beneficiary of such an agreement.

5. The provisions of this section do not apply to the management of a project located outside of this State.

Sec. 47. NRS 119A.532 is hereby amended to read as follows:

119A.532 1. A person who wishes to engage in the business of, act in the capacity of, advertise or assume to act as a manager **of a project located in this State** shall register with the Division on a form prescribed by the Division.

2. The form for registration must include, without limitation:

(a) The registered name of ~~the~~ **each** time-share plan or ~~the~~ project, or both, that the manager will manage;

(b) The address and telephone number of the manager's principal place of business;

(c) The social security number of the manager; and

(d) The name of the manager's responsible managing employee.

3. The form for registration must be accompanied by:

(a) Satisfactory evidence, acceptable to the Division, that the manager and his or her employees have obtained fidelity bonds in accordance with regulations adopted by the Division; and

(b) The statement required pursuant to NRS 119A.263.

4. The Division shall collect the fee specified in NRS 119A.360 upon registering the manager and annually thereafter to maintain the registration.

5. As used in this section, “responsible managing employee” means the person designated by the manager to:

(a) Make technical and administrative decisions in connection with the manager’s business; and

(b) Hire, superintend, promote, transfer, lay off, discipline or discharge other employees or recommend such action on behalf of the manager.

Sec. 48. NRS 119A.540 is hereby amended to read as follows:

119A.540 1. The association or, if there is no association, the developer shall adopt an annual budget for revenues, expenditures and reserves and collect assessments for the expenses of the time-share plan and the project from the owners. The annual budgets of ~~the~~ **an** association ***governing a project within this State*** must be submitted to ~~and approved by~~ the Division until such time as the association is controlled by members other than the developer.

2. ~~2. The Administrator may require that the association or, if there is no association, the developer provide, at the association’s or the developer’s expense, an opinion from an independent professional consultant as to the sufficiency of the budget to sustain the time share plan offered by the association or the developer.~~ The association or the developer shall place any money collected for assessments and any other revenues received by or on behalf of the association in an account established by the association.

3. The developer shall pay assessments for any time shares which are unsold or enter into an agreement with the association, in a form approved by the Division, to pay the difference between the actual expenses incurred by the association and the sum of the amounts payable to the association as assessments by owners, other than the developer, and other revenues received by the association. The Division may require the developer to provide a surety bond or other form of security which is satisfactory to the Division, to guarantee payment of the developer’s obligation.

Sec. 49. NRS 119A.670 is hereby amended to read as follows:

119A.670 The Real Estate Commission may take action pursuant to NRS 645.630 against any project broker ***or time-share resale broker*** who fails to adequately supervise the conduct of any sales agent or representative, ***as applicable***, with whom the project broker ***or time-share resale broker*** is associated.

Sec. 50. NRS 119A.680 is hereby to read as follows:

119A.680 1. It unlawful for any person to engage in the business of, act in the capacity of, advertise or assume to act as a:

(a) Project broker or ~~sales agent~~ **time-share resale broker** within the State of Nevada without first obtaining a license from the Division pursuant to chapter 645 of NRS. ~~for NRS 119A.210.~~

(b) **Sales agent within this State without first obtaining a license from the Division pursuant to NRS 119A.210, unless he or she is licensed as a real estate salesperson pursuant to chapter 645 of NRS.**

(c) Representative, manager or time-share resale broker within the State of Nevada without first registering with the Division.

2. Any person who violates subsection 1 is guilty of a gross misdemeanor.

Sec. 51. ~~NRS 119A.690 is hereby amended to read as follows:~~

~~119A.690 Any person who willfully submits, in the application for a public offering statement and permit to sell time shares or an application for a sales agent's license, any materially false or misleading information or fails to submit an annual report on a program for the exchange of occupancy rights among owners or with the owners of time shares in other time share plans, or both, is guilty of a misdemeanor. (Deleted by amendment.)~~

Sec. 52. NRS 119A.370, 119A.4773 and 119A.490 are hereby repealed.

TEXT OF REPEALED SECTIONS

119A.370 Filing of advertisement or offering.

1. A time share must not be advertised or offered for sale within this state until the advertisement or offering is filed with the Division.

2. Each such filing must:

(a) Include the form and content of advertising to be used;

(b) Include the nature of the offer of gifts or other free benefits to be extended;

(c) Include the nature of promotional meetings involving any person or act described in NRS 119A.300; and

(d) Be accompanied by a filing fee of not more than \$200, to be established by the Division.

119A.4773 Filing of advertisement or offering required.

1. A time share must not be advertised or offered for resale within this state until the advertisement or offering is filed with the Division.

2. Each such filing must include:

(a) The form and content of advertising to be used;

(b) The nature of the offer of gifts or other free benefits to be extended; and

(c) The nature of promotional meetings involving any person or act described in NRS 119A.300.

119A.490 Filing of amendment of time-share instrument required.

1. Any proposed amendment by the developer of the provisions of a time-share instrument must be filed with the Division.

2. Unless the Division notifies the developer of its disapproval within 15 days, the amendments shall be deemed to be approved by the Division.

Assemblyman Bobzien moved the adoption of the amendment.

Remarks by Assemblyman Bobzien.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 408.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 400.

AN ACT relating to business impact statements; revising provisions governing the small business impact statements prepared by state agencies when proposing regulations; requiring a copy of those statements to be submitted to the Legislative Commission; ~~authorizing a business to commence an action to declare a regulation void when the statement is not prepared properly;~~ authorizing the Legislative Commission to reject a regulation if the statement is not prepared properly; revising provisions governing the business impact statement prepared by the governing body of a local government when proposing a rule; ~~authorizing a business to commence an action to declare a rule void when the statement is not prepared properly;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a state agency subject to the Nevada Administrative Procedure Act (Chapter 233B of NRS) to determine whether a proposed regulation is likely to impose a direct and significant economic burden on small business or directly restrict the formation, operation or expansion of a small business. If so, the agency must engage in certain actions and analysis and then prepare a small business impact statement. (NRS 233B.0608) Existing law provides a similar process to determine the impact on a business when a governing body of a local government proposes to adopt a new rule. (NRS 237.080) **Section 1** of this bill requires a state agency to make a concerted effort to determine the impact of the regulation and to conduct or cause to be conducted an ~~independent~~ analysis of the likely impact of the proposed regulation on small ~~business~~ **businesses**. **Section 6** of this bill places a similar requirement on the governing body of a local government

with respect to a proposed rule. **Section 6 also removes the rebuttable presumption that no direct or significant economic burden is imposed on a business if the governing body does not receive any data or arguments indicating such a burden.** Section 1 further requires the director, executive head or other person responsible for the agency to sign the statement certifying that a concerted effort was made to determine the impact of the proposed regulation on a small business and that the information contained in the statement is accurate ~~to the best of his or her knowledge or belief.~~ **to the best of his or her knowledge or belief.** Section 1 also requires a copy of the small business impact statement to be submitted to the Legislative Counsel when the adopted regulation is submitted.

Section 2 of this bill requires a state agency to include a statement of the reasons for the conclusions of the agency regarding the impact of a regulation on a small business in its small business impact statement and requires the director, executive head or other person who is responsible for the agency to sign the statement certifying that the information contained in the statement was prepared properly and is accurate ~~to the best of his or her knowledge or belief.~~ **to the best of his or her knowledge or belief.** (NRS 233B.0609) Section 7 of this bill makes similar requirements applicable to the governing body of a local government which proposes a new rule but requires the **county manager, city manager or other** chief ~~legal~~ **executive** officer for the governing body to sign the business impact statement. (NRS 237.090)

Section 3 of this bill requires the Legislative Counsel to return a regulation to the agency if it is submitted without the small business impact statement which complies with the requirements for such a statement. (NRS 233B.0665) Section 4 of this bill allows the Legislative Commission or the Subcommittee to Review Regulations to reject a regulation if it finds that the small business impact statement is inaccurate, incomplete or did not adequately consider or significantly underestimated the economic effect of the regulation on small businesses. (NRS 233B.067)

Section 5 of this bill requires a state agency that receives a petition from a business that is aggrieved by a regulation to transmit a copy of the petition to the Legislative Counsel for submission to the Legislative Commission or the Subcommittee. ~~[Section 5 further allows such a business to commence an action in court to declare the regulation void upon a determination by the court that a small business impact statement is inaccurate, incomplete or did not adequately consider or significantly underestimated the economic effect of the regulation on small businesses.]~~ (NRS 233B.105) ~~[Section 8 of this bill similarly allows a business aggrieved by a rule adopted by the governing body of a local government to commence an action in court to declare the rule void upon a determination that the business impact statement is inaccurate, incomplete or did not adequately consider or significantly~~

~~underestimated the economic effect of the regulation on business.
(NRS 237.100)}~~

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

Section 1. NRS 233B.0608 is hereby amended to read as follows:

233B.0608 1. Before conducting a workshop for a proposed regulation pursuant to NRS 233B.061, an agency shall ***make a concerted effort to*** determine whether the proposed regulation is likely to:

(a) Impose a direct and significant economic burden upon a small business; or

(b) Directly restrict the formation, operation or expansion of a small business.

2. If an agency determines pursuant to subsection 1 that a proposed regulation is likely to impose a direct and significant economic burden upon a small business or directly restrict the formation, operation or expansion of a small business, the agency shall:

(a) Insofar as practicable, consult with owners and officers of small businesses that are likely to be affected by the proposed regulation.

(b) ***Conduct or cause to be conducted an ~~independent~~ analysis of the likely impact of the proposed regulation on small businesses. Insofar as practicable, the analysis must be conducted by the employee of the agency who is most knowledgeable about the subject of the proposed regulation and its likely impact on small businesses or by a consultant or other independent contractor who has such knowledge and is retained by the agency.***

(c) Consider methods to reduce the impact of the proposed regulation on small businesses, including, without limitation:

(1) Simplifying the proposed regulation;

(2) Establishing different standards of compliance for a small business;

and

(3) Modifying a fee or fine set forth in the regulation so that a small business is authorized to pay a lower fee or fine.

~~{(e)}~~ (d) Prepare a small business impact statement and make copies of the statement available to the public ~~that~~ ***not less than 15 days before*** the workshop conducted and the public hearing held pursuant to NRS 233B.061. ***A copy of the statement must accompany the notice required by subsection 2 of NRS 233B.061 and the agenda for the public hearing held pursuant to that section.***

3. The agency shall prepare a statement identifying the methods used by the agency in determining the impact of a proposed regulation on a small business ~~{}~~ ***and the reasons for the conclusions of the agency. The director,***

executive head or other person who is responsible for the agency shall sign the statement certifying that , to the best of his or her knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small businesses and that the information contained in the statement is accurate.

4. Each adopted regulation which is submitted to the Legislative Counsel pursuant to NRS 233B.067 must be accompanied by a copy of the small business impact statement and the statement made pursuant to subsection 3. If the agency revises a regulation after preparing the small business impact statement and the statement made pursuant to subsection 3, the agency must include an explanation of the revision and the effect of the change on small businesses.

Sec. 2. NRS 233B.0609 is hereby amended to read as follows:

233B.0609 **1.** A small business impact statement prepared pursuant to NRS 233B.0608 must set forth the following information:

~~{1-}~~ **(a)** A description of the manner in which comment was solicited from affected small businesses, a summary of their response and an explanation of the manner in which other interested persons may obtain a copy of the summary.

~~{2-}~~ **(b) The manner in which the ~~independent~~ analysis was conducted.**

(c) The estimated economic effect of the proposed regulation on the small businesses which it is to regulate, including, without limitation:

~~{a-}~~ **(1)** Both adverse and beneficial effects; and

~~{b-}~~ **(2)** Both direct and indirect effects.

~~{3-}~~ **(d)** A description of the methods that the agency considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the agency actually used any of those methods.

~~{4-}~~ **(e)** The estimated cost to the agency for enforcement of the proposed regulation.

~~{5-}~~ **(f)** If the proposed regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

~~{6-}~~ **(g)** If the proposed regulation includes provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, an explanation of why such duplicative or more stringent provisions are necessary.

(h) The reasons for the conclusions of the agency regarding the impact of a regulation on small businesses.

2. *The director, executive head or other person who is responsible for the agency shall sign the small business impact statement certifying that , to the best of his or her knowledge or belief, the information contained in the statement was prepared properly and is accurate.*

Sec. 3. NRS 233B.0665 is hereby amended to read as follows:

233B.0665 If a regulation submitted to the Legislative Counsel Bureau pursuant to NRS 233B.067 is not accompanied by an informational statement which complies with the requirements of NRS 233B.066 ~~or~~ **or a small business impact statement which complies with the requirements of NRS 233B.0608 and 233B.0609**, the Legislative Counsel shall return the regulation to the agency with a note ~~that the statement~~ **indicating the statement which** is missing. Unless the **missing** statement is supplied, the Legislative Counsel shall not submit the regulation to the Legislative Commission or the Subcommittee to Review Regulations, as applicable, and the regulation never becomes effective.

Sec. 4. NRS 233B.067 is hereby amended to read as follows:

233B.067 1. After adopting a permanent regulation, the agency shall submit the informational statement prepared pursuant to NRS 233B.066 and one copy of each regulation adopted to the Legislative Counsel for review by the Legislative Commission to determine whether the regulation conforms to the statutory authority pursuant to which it was adopted and whether the regulation carries out the intent of the Legislature in granting that authority. The Legislative Counsel shall endorse on the original and the copy of each adopted regulation the date of their receipt. The Legislative Counsel shall maintain the copy of the regulation in a file and make the copy available for public inspection for 2 years.

2. If an agency submits an adopted regulation to the Legislative Counsel pursuant to subsection 1 that:

(a) The agency is required to adopt pursuant to a federal statute or regulation; and

(b) Exceeds the specific statutory authority of the agency or sets forth requirements that are more stringent than a statute of this State,
➡ it shall include a statement that adoption of the regulation is required by a federal statute or regulation. The statement must include the specific citation of the federal statute or regulation requiring such adoption.

3. Except as otherwise provided in subsection 4, the Legislative Commission shall:

(a) Review the regulation at its next regularly scheduled meeting if the regulation is received more than 10 working days before the meeting; or

(b) Refer the regulation for review to the Subcommittee to Review Regulations appointed pursuant to subsection 6.

4. If an agency determines that an emergency exists which requires a regulation of the agency submitted pursuant to subsection 1 to become effective before the next meeting of the Legislative Commission is scheduled to be held, the agency may notify the Legislative Counsel in writing of the emergency. Upon receipt of such a notice, the Legislative Counsel shall refer

the regulation for review by the Subcommittee to Review Regulations. The Subcommittee shall meet to review the regulation as soon as practicable.

5. If the Legislative Commission, or the Subcommittee to Review Regulations if the regulation was referred, approves the regulation, the Legislative Counsel shall promptly file the regulation with the Secretary of State and notify the agency of the filing. If the Commission or Subcommittee objects to the regulation after determining that:

(a) If subsection 2 is applicable, the regulation is not required pursuant to a federal statute or regulation;

(b) The regulation does not conform to statutory authority; ~~for~~

(c) ***The small business impact statement is inaccurate, incomplete or did not adequately consider or significantly underestimated the economic effect of the regulation on small businesses; or***

(d) The regulation does not carry out legislative intent,
 ↳ the Legislative Counsel shall attach to the regulation a written notice of the objection, including, if practicable, a statement of the reasons for the objection, and shall promptly return the regulation to the agency.

6. As soon as practicable after each regular legislative session, the Legislative Commission shall appoint a Subcommittee to Review Regulations consisting of at least three members or alternate members of the Legislative Commission.

Sec. 5. NRS 233B.105 is hereby amended to read as follows:

233B.105 1. A small business that is aggrieved by a regulation adopted by an agency on or after January 1, 2000, may object to all or a part of the regulation by filing a petition with the agency that adopted the regulation within 90 days after the date on which the regulation was adopted. ***An agency which receives such a petition shall transmit a copy of the petition to the Legislative Counsel for submission to the Legislative Commission or the Subcommittee to Review Regulations appointed pursuant to subsection 6 of NRS 233B.067.***

2. A petition filed pursuant to subsection 1 may be based on the following grounds:

(a) The agency failed to prepare a small business impact statement as required pursuant to NRS 233B.0608 ~~for~~ ***and 233B.0609;*** or

(b) The small business impact statement prepared by the agency pursuant to NRS 233B.0608 ***and 233B.0609 is inaccurate, incomplete or*** did not ***adequately*** consider or significantly underestimated the economic effect of the regulation on small businesses.

3. After receiving a petition pursuant to subsection 1, an agency shall determine whether the petition has merit. If the agency determines that the petition has merit, the agency may, pursuant to this chapter, take action to amend the regulation to which the small business objected.

~~[4. Notwithstanding the procedure set forth in this section, a small business that is aggrieved by a regulation adopted by an agency on or after July 1, 2013, may commence an action in court to declare a regulation void upon a determination by the court that the small business impact statement is inaccurate, incomplete or did not adequately consider or significantly underestimated the economic effect of the regulation on small businesses.]~~

Sec. 6. NRS 237.080 is hereby amended to read as follows:

237.080 1. Before a governing body of a local government adopts a proposed rule, the governing body or its designee must ***make a concerted effort to determine whether the proposed rule will impose a direct and significant economic burden upon a business or directly restrict the formation, operation or expansion of a business. The governing body of a local government or its designee must*** notify trade associations or owners and officers of businesses which are likely to be affected by the proposed rule that they may submit data or arguments to the governing body or its designee as to whether the proposed rule will:

(a) Impose a direct and significant economic burden upon a business; or

(b) Directly restrict the formation, operation or expansion of a business.

➔ Notification provided pursuant to this subsection must include the date by which the data or arguments must be received by the governing body or its designee, which must be at least 15 working days after the notification is sent.

2. ~~If the governing body or its designee does not receive any data or arguments from the trade associations or owners or officers of businesses that were notified pursuant to subsection 1 within the period specified in the notification, a rebuttable presumption is created that the proposed rule will not impose a direct and significant economic burden upon a business or directly restrict the formation, operation or expansion of a business.~~

~~3.~~ After the period for submitting data or arguments specified in the notification provided pursuant to subsection 1 has expired, the governing body or its designee shall determine whether the proposed rule is likely to:

(a) Impose a direct and significant economic burden upon a business; or

(b) Directly restrict the formation, operation or expansion of a business.

➔ If no data or arguments were submitted pursuant to subsection 1, the governing body or its designee shall make its determination based on any information available to the governing body or its designee.

~~[4.]~~ 3. If the governing body or its designee determines pursuant to subsection ~~[3.]~~ 2 that a proposed rule is likely to impose a direct and significant economic burden upon a business or directly restrict the formation, operation or expansion of a business, the governing body or its designee shall consider methods to reduce the impact of the proposed rule on businesses, including, without limitation:

- (a) Simplifying the proposed rule;
- (b) Establishing different standards of compliance for a business; and
- (c) Modifying a fee or fine set forth in the rule so that a business is authorized to pay a lower fee or fine.

~~15.1 4.~~ **4.** After making a determination pursuant to subsection ~~13.1 2.~~ **2.** the governing body or its designee shall prepare a business impact statement.

Sec. 7. NRS 237.090 is hereby amended to read as follows:

237.090 1. A business impact statement prepared pursuant to NRS 237.080 must be considered ~~at any hearing conducted~~ **by the governing body at its regular meeting next preceding any regular meeting held** to adopt ~~the~~ **the** proposed rule ~~and~~ **The business impact statement must** set forth the following information:

(a) A description of the manner in which comment was solicited from affected businesses, a summary of their response and an explanation of the manner in which other interested persons may obtain a copy of the summary.

(b) The estimated economic effect of the proposed rule on the businesses which it is to regulate, including, without limitation:

- (1) Both adverse and beneficial effects; and
- (2) Both direct and indirect effects.

(c) A description of the methods that the governing body of the local government or its designee considered to reduce the impact of the proposed rule on businesses and a statement regarding whether the governing body or its designee actually used any of those methods.

(d) The estimated cost to the local government for enforcement of the proposed rule.

(e) If the proposed rule provides a new fee or increases an existing fee, the total annual amount the local government expects to collect and the manner in which the money will be used.

(f) If the proposed rule includes provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, an explanation of why such duplicative or more stringent provisions are necessary.

(g) The reasons for the conclusions regarding the impact of the proposed rule on businesses.

2. The county manager, city manager or other chief ~~legal~~ executive officer for the governing body of a local government shall sign the business impact statement certifying that, to the best of his or her knowledge or belief, the information contained in the statement was prepared properly and is accurate.

3. The governing body of a local government shall not include the ~~adoption of a proposed rule~~ consideration of a business impact statement on the agenda for a meeting unless ~~a business impact~~ the statement has

been prepared and is available for public inspection at the time the agenda is first posted.

Sec. 8. NRS 237.100 is hereby amended to read as follows:

237.100 1. A business that is aggrieved by a rule adopted by the governing body of a local government on or after January 1, 2000, may object to all or a part of the rule by filing a petition with the governing body that adopted the rule within 30 days after the date on which the rule was adopted.

2. A petition filed pursuant to subsection 1 may be based on the following grounds:

(a) The governing body of the local government or its designee failed to prepare a business impact statement as required pursuant to NRS 237.080, ~~§~~ **and 237.090;** or

(b) The business impact statement prepared by the governing body or its designee pursuant to NRS 237.080 **and 237.090 is inaccurate, incomplete or** did not **adequately** consider or significantly underestimated the economic effect of the rule on businesses.

3. After receiving a petition pursuant to subsection 1, the governing body of a local government shall determine whether the petition has merit. If the governing body determines that the petition has merit, the governing body may take action to amend the rule to which the business objected.

4. Each governing body of a local government shall provide a procedure for an aggrieved business to object to a rule adopted by the governing body. The procedure must be filed with the clerk of the local government and available upon request at no charge.

~~[5. Notwithstanding the procedure set forth in this section, a business that is aggrieved by a rule adopted by the governing body of a local government on or after July 1, 2013, may commence an action in court to declare a rule void upon a determination by the court that the business impact statement is inaccurate, incomplete or did not adequately consider or significantly underestimated the economic effect of the rule on business.]~~

Sec. 9. This act becomes effective on July 1, 2013.

Assemblywoman Neal moved the adoption of the amendment.

Remarks by Assemblywoman Neal.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 494.

Bill read second time.

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

Amendment No. 468.

AN ACT relating to the Nevada State Funeral Board; revising **the name of the Board and** provisions governing **the powers, duties and membership of the Board** ~~and transferring its powers and duties to the Health Division of the Department of Health and Human Services;~~ **; requiring the Board to submit certain reports to the Sunset Subcommittee of the Legislative Commission; requiring the expiration of the term of any member of the Board serving on October 1, 2013; requiring the termination of the employment of any employee of the Board employed on October 1, 2013; requiring the Board to maintain a principal office in this State; establishing a regulatory fee per funeral conducted in this State;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Nevada State Funeral Board licenses and regulates funeral directors, embalmers, apprentice embalmers, the owners of funeral establishments and certain persons who conduct cremations and burials. (Chapter 642 of NRS) The Board also licenses and regulates the operators of crematories and cemeteries, and regulates certain aspects of the operation of cemeteries. (NRS 451.635, 451.640, 452.026, 452.310-452.590)

Section ~~61~~ 1 of this bill renames the Board as the Nevada Funeral ~~Advisory~~ **and Cemetery Services** Board ~~1~~, and section 9 of this bill makes the Board purely advisory to the Health Division of the Department of Health and Human Services, as recommended by the Sunset Subcommittee of the Legislative Commission. Sections 7, 8, 13-80 and 84 of this bill, also upon recommendation of the Sunset Subcommittee, transfer the existing powers and duties of the Board to the Health Division, effective on January 1, 2014.

~~Existing law establishes certain procedural requirements for an administrative proceeding involving the holder of a license, certificate, permit or similar authorization issued by a regulatory body. (Chapter 622A of NRS) The Board is currently subject to some of those requirements, but the Health Division is entirely exempted from them unless it elects by regulation to comply with them. (NRS 622A.120, 642.075, 642.524, 642.570) Accordingly, sections 21, 59, 61 and 63-65 of this bill delete existing references to those requirements in the provisions amended by those sections. With the transfer of the Board's powers and duties to the Health Division, the result is that proceedings involving a person licensed and regulated by the Board under existing law will not be subject to those requirements after the effective date of the transfer, unless the Health Division so provides by regulation.~~ **and revises the composition of the Board.**

Existing law requires the Board to meet at least once every year and authorizes the Board to hold special meetings if the proper discharge of

its duties requires. (NRS 642.050) Section 2 of this bill instead requires the Board to meet at least once every calendar quarter.

Existing law authorizes the Board to maintain offices in as many localities in this State as it finds necessary and to employ attorneys, investigators and other professional consultants and clerical personnel necessary to discharge its duties. (NRS 642.055) Section 3 of this bill requires the Board to: (1) maintain a principal office in this State; (2) employ an Executive Director and inspectors in addition to the personnel that the Board is required by existing law to employ; (3) maintain certain documents in its principal office; (4) establish minimum qualifications for the Executive Director, attorneys, investigators, inspectors and other employees of the Board; and (5) maintain an Internet website and post on the website the minutes of its meetings, notices and any other documents prepared by the Board for public information purposes.

Section 5 of this bill requires the Board to charge and collect a regulatory fee for each funeral conducted in this State.

Section 6 of this bill provides that the term of any current member of the Board expires on October 1, 2013, and provides for the appointment of new membership. Section 6 also provides for the termination of the employment of any person employed by the Board on October 1, 2013, and requires the employment by the Board of new staff on or before December 31, 2013.

Section 7 of this bill requires the Board to prepare and submit a written report of its activities to the Sunset Subcommittee of the Legislative Commission every 6 months until the 78th Session of the Nevada Legislature convenes.

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

Delete existing sections 1 through 84 of this bill and replace with the following new sections 1 through 8:

Section 1. NRS 642.020 is hereby amended to read as follows:

642.020 1. The Nevada ~~{State}~~ Funeral and Cemetery Services Board ~~is consisting of five members appointed by the Governor.~~ is hereby created.

2. The ~~{Governor shall appoint.}~~ Board consists of seven members appointed as follows:

(a) ~~{One member}~~ Two members who ~~{is}~~ are actively engaged as a funeral director ~~{and}~~ or embalmer ~~{H.}~~ , appointed by the Governor.

(b) One member who is actively engaged as an operator of a cemetery ~~{H.}~~ , appointed by the Governor.

(c) One member who is actively engaged in the operation of a crematory ~~is~~, **appointed by the Governor.**

(d) ~~Two members~~ **One member** who ~~are representatives~~ **is a representative** of the general public ~~is~~, **appointed by the Governor.**

(e) One member who is a representative of the general public, appointed by the Majority Leader of the Senate.

(f) One member who is a representative of the general public, appointed by the Speaker of the Assembly.

3. No member **of the Board** who is a representative of the general public may:

(a) Be the holder of a license or certificate issued by the Board or be an applicant or former applicant for such a license or certificate.

(b) Be related within the third degree of consanguinity or affinity to the holder of a license or certificate issued by the Board.

(c) Be employed by the holder of a license or certificate issued by the Board.

4. After the initial terms, members of the Board serve terms of 4 years, except when appointed to fill unexpired terms.

5. The Chair of the Board must be chosen from the members of the Board who are representatives of the general public.

Sec. 2. NRS 642.050 is hereby amended to read as follows:

642.050 1. The Board shall meet at least once every ~~year,~~ **calendar quarter,** and may also hold special meetings, if the proper discharge of its duties requires, at a time and place to be fixed by the rules and bylaws of the Board. The rules and bylaws of the Board must provide for the giving of timely notice of all special meetings to all members of the Board and to all applicants for licenses or certificates.

2. Four of the members of the Board at any meeting may organize and constitute a quorum for the transaction of business.

Sec. 3. NRS 642.055 is hereby amended to read as follows:

642.055 The Board ~~may,~~ **shall:**

1. Maintain **a principal office in this State, and such other** offices in as many localities in the State as it finds necessary to carry out the provisions of this chapter and chapters 451 and 452 of NRS.

2. Employ **an Executive Director and** attorneys, investigators **inspectors** and other professional consultants and clerical personnel necessary to the discharge of its duties.

3. Maintain all financial records, records relating to licenses, certificates and permits, meeting minutes, notices and other public documents of the Board in its principal office.

4. Establish minimum qualifications for the Executive Director, attorneys, investigators, inspectors, and other professional consultants and clerical personnel employed by the Board.

5. Maintain an Internet website and post on that Internet website the minutes of its meetings, notices and any other documents prepared by the Board for public information purposes.

Sec. 4. NRS 642.067 is hereby amended to read as follows:

642.067 The Board ~~may inspect any premises in which the business of funeral directing is conducted or where embalming is practiced and, for that purpose, may~~ **shall** employ ~~a licensed embalmer of the State of Nevada as~~ an inspector to aid in the enforcement of this chapter and chapters 451 and 452 of NRS and the regulations adopted pursuant thereto, whose compensation and expenses ~~shall~~ **must** be paid out of the fees collected by the Board. **The inspector shall, at least once every 2 years and at the direction of the Board, conduct an inspection of every premises in this State at which the business of funeral directing is conducted or embalming is practiced. A member of the Board shall not conduct any such inspection.**

Sec. 5. NRS 642.0696 is hereby amended to read as follows:

642.0696 In addition to the fees that the Board is authorized or required to collect pursuant to the provisions of a specific statute, the Board shall charge and collect the following fees:

Application for a license, certificate or permit	375
Examination for a license, certificate or permit.....	375
Renewal of a license, certificate or permit	200
Late renewal of a license, certificate or permit	275
Placement of a license on inactive status.....	175
Reactivation of a license to active status	175
Reinstatement of a lapsed license.....	300
Transfer of a license, certificate or permit to another location	225
Issuance of a duplicate license, certificate or permit	75
Provision of an administrative service	75
<u>Regulatory fee, per funeral conducted in this State</u>	<u>10</u>

Sec. 6. 1. The term of any member of the Nevada State Funeral Board appointed pursuant to subsection 2 of NRS 642.020 serving on October 1, 2013, expires on that date.

2. As soon as practicable on or after October 1, 2013:

(a) The Governor shall appoint to the Nevada Funeral and Cemetery Services Board the members required to be appointed pursuant to paragraphs (a) to (d), inclusive, of subsection 2 of NRS 642.020, as amended by section 1 of this act.

(b) The Majority Leader of the Senate shall appoint to the Nevada Funeral and Cemetery Services Board the member required to be appointed by paragraph (e) of subsection 2 of NRS 642.020, as amended by section 1 of this act.

(c) The Speaker of the Assembly shall appoint to the Nevada Funeral and Cemetery Services Board the member required to be appointed by paragraph (f) of subsection 2 of NRS 642.020, as amended by section 1 of this act.

3. The employment of any person employed by the Nevada State Funeral Board pursuant to subsection 2 of NRS 642.055 on October 1, 2013, must be terminated on that date.

4. The Nevada Funeral and Cemetery Services Board shall employ new staff pursuant to subsection 2 of NRS 642.055, as amended by section 3 of this act, on or before December 31, 2013.

Sec. 7. The Nevada Funeral and Cemetery Services Board created pursuant to NRS 642.020, as amended by section 1 of this act, shall, not later than 6 months after the appointment of all the members of the Board pursuant to section 6 of this act, and every 6 months thereafter until the 78th Session of the Nevada Legislature convenes, prepare and submit a written report of its activities, including the inspection of any premises at which the business of funeral directing is conducted or embalming is practiced, to the Sunset Subcommittee of the Legislative Commission created by NRS 232B.210. The report must include, without limitation, any minutes of meetings of the Board, any records kept and any documentation pertaining to the inspection of any premises at which the business of funeral directing is conducted or embalming is practiced.

Sec. 8. The Legislative Counsel shall, in preparing supplements to the Nevada Administrative Code, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

Assemblyman Bobzien moved the adoption of the amendment.

Remarks by Assemblyman Bobzien.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 202.

Bill read third time.

The following amendment was proposed by Assemblywoman Flores:

Amendment No. 536.

AN ACT relating to juvenile justice; revising the list of offenses that are excluded from the original jurisdiction of the juvenile court; authorizing a child who is certified for adult criminal proceedings to petition the court for placement in a state juvenile detention facility during the pendency of the proceeding; requiring the Legislative Committee on Child Welfare and Juvenile Justice to appoint a task force to study certain issues relating to juveniles; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that the juvenile court has exclusive jurisdiction over a child who is alleged to have committed an act designated as a criminal offense unless: (1) the criminal offense is excluded from the jurisdiction of the juvenile court; or (2) the child is alleged to have committed an offense for which the juvenile court may certify the child for criminal proceedings as an adult and the juvenile court certifies the child for criminal proceedings as an adult upon a motion by the district attorney and after a full investigation. (NRS 62B.330, 62B.390)

Under existing law, the offenses excluded from the jurisdiction of the juvenile court include, without limitation, murder and attempted murder. (NRS 62B.330) **Section 1** of this bill provides that murder and attempted murder are excluded from the jurisdiction of the juvenile court only if the offense was committed by a child who was ~~12~~ 14 years of age or older when he or she committed the offense.

Under existing law, during the pendency of the proceeding, a child who is charged with a crime which is excluded from the original jurisdiction of the juvenile court may petition the juvenile court for temporary placement in a facility for the detention of children. (NRS 62C.030) **Section 2** of this bill authorizes a child who is certified for criminal proceedings as an adult to petition the juvenile court for temporary placement in a facility for the detention of children during the pendency of the proceeding.

Section 10 of this bill requires the Legislative Committee on Child Welfare and Juvenile Justice to create a task force to study certain issues relating to juvenile justice.

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

Section 1. NRS 62B.330 is hereby amended to read as follows:

62B.330 1. Except as otherwise provided in this title, the juvenile court has exclusive original jurisdiction over a child living or found within the county who is alleged or adjudicated to have committed a delinquent act.

2. For the purposes of this section, a child commits a delinquent act if the child:

- (a) Violates a county or municipal ordinance;
- (b) Violates any rule or regulation having the force of law; or
- (c) Commits an act designated a criminal offense pursuant to the laws of the State of Nevada.

3. For the purposes of this section, each of the following acts shall be deemed not to be a delinquent act, and the juvenile court does not have jurisdiction over a person who is charged with committing such an act:

(a) Murder or attempted murder and any other related offense arising out of the same facts as the murder or attempted murder, regardless of the nature of the related offense ~~1-1 if the person was 14 years of age or older~~ **when the murder or attempted murder was committed.**

(b) Sexual assault or attempted sexual assault involving the use or threatened use of force or violence against the victim and any other related offense arising out of the same facts as the sexual assault or attempted sexual assault, regardless of the nature of the related offense, if:

(1) The person was 16 years of age or older when the sexual assault or attempted sexual assault was committed; and

(2) Before the sexual assault or attempted sexual assault was committed, the person previously had been adjudicated delinquent for an act that would have been a felony if committed by an adult.

(c) An offense or attempted offense involving the use or threatened use of a firearm and any other related offense arising out of the same facts as the offense or attempted offense involving the use or threatened use of a firearm, regardless of the nature of the related offense, if:

(1) The person was 16 years of age or older when the offense or attempted offense involving the use or threatened use of a firearm was committed; and

(2) Before the offense or attempted offense involving the use or threatened use of a firearm was committed, the person previously had been adjudicated delinquent for an act that would have been a felony if committed by an adult.

(d) A felony resulting in death or substantial bodily harm to the victim and any other related offense arising out of the same facts as the felony, regardless of the nature of the related offense, if:

(1) The felony was committed on the property of a public or private school when pupils or employees of the school were present or may have been present, at an activity sponsored by a public or private school or on a school bus while the bus was engaged in its official duties; and

(2) The person intended to create a great risk of death or substantial bodily harm to more than one person by means of a weapon, device or course of action that would normally be hazardous to the lives of more than one person.

(e) A category A or B felony and any other related offense arising out of the same facts as the category A or B felony, regardless of the nature of the related offense, if the person was at least 16 years of age but less than 18 years of age when the offense was committed, and:

(1) The person is not identified by law enforcement as having committed the offense and charged before the person is at least 20 years, 3 months of age, but less than 21 years of age; or

(2) The person is not identified by law enforcement as having committed the offense until the person reaches 21 years of age.

(f) Any other offense if, before the offense was committed, the person previously had been convicted of a criminal offense.

Sec. 2. NRS 62C.030 is hereby amended to read as follows:

62C.030 1. If a child is not alleged to be delinquent or in need of supervision, the child must not, at any time, be confined or detained in:

(a) A facility for the secure detention of children; or

(b) Any police station, lockup, jail, prison or other facility in which adults are detained or confined.

2. If a child is alleged to be delinquent or in need of supervision, the child must not, before disposition of the case, be detained in a facility for the secure detention of children unless there is probable cause to believe that:

(a) If the child is not detained, the child is likely to commit an offense dangerous to the child or to the community, or likely to commit damage to property;

(b) The child will run away or be taken away so as to be unavailable for proceedings of the juvenile court or to its officers;

(c) The child was taken into custody and brought before a probation officer pursuant to a court order or warrant; or

(d) The child is a fugitive from another jurisdiction.

3. If a child is less than 18 years of age, the child must not, at any time, be confined or detained in any police station, lockup, jail, prison or other facility where the child has regular contact with any adult who is confined or detained in the facility and who has been convicted of a criminal offense or charged with a criminal offense, unless:

(a) The child is alleged to be delinquent;

(b) An alternative facility is not available; and

(c) The child is separated by sight and sound from any adults who are confined or detained in the facility.

4. During the pendency of a proceeding involving ~~the~~ :

(a) A criminal offense excluded from the original jurisdiction of the juvenile court pursuant to NRS 62B.330 ~~§~~ ; or

(b) *A child who is certified for criminal proceedings as an adult pursuant to NRS 62B.390,*

↪ a child may petition the juvenile court for temporary placement in a facility for the detention of children.

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. 1. The Legislative Committee on Child Welfare and Juvenile Justice created by NRS 218E.705 shall create a task force to study certain issues relating to juvenile justice in accordance with the provisions of this section.

2. The Chair of the Legislative Committee on Child Welfare and Juvenile Justice shall appoint to the task force the following nine voting members:

(a) One member of the Senate or Assembly, who shall serve as Chair of the task force.

(b) One member who is a district attorney.

(c) One member who is a public defender.

(d) One member from the Office of the Attorney General.

(e) One member from the Division of Child and Family Services of the Department of Health and Human Services.

(f) One member who is a judge of the juvenile court.

(g) One member who is a mental health professional.

(h) One member who is a representative from an organization that advocates on behalf of juveniles.

(i) The Director of the Department of Corrections.

3. The task force shall study the following issues and make its findings and any recommendations for proposed legislation:

(a) The laws in this State and other states, including an examination of best practices, pertaining to certification of juveniles as adults and offenses excluded from the jurisdiction of the juvenile court.

(b) The advantages and disadvantages of blended sentencing.

(c) The ability of adult correctional facilities and institutions to provide appropriate housing and programming for youthful offenders who are convicted of crimes as adults and incarcerated in adult facilities and institutions.

(d) The ability of juvenile detention facilities to provide appropriate housing and programming for youthful offenders who are convicted of crimes as adults and detained in juvenile detention facilities.

(e) The costs and benefits of housing juvenile offenders who are convicted of crimes as adults in adult correctional facilities and institutions and in juvenile detention facilities.

(f) Proposed legislation that is necessary to implement any necessary or desirable changes in Nevada law relating to the issues set forth in this subsection.

4. The members of the task force, other than the Chair of the task force, serve without compensation, except that each such member is entitled, while engaged in the business of the task force and within the limits of available money, to the per diem allowance and travel expenses provided for state officers and employees generally.

5. Not later than 30 days after appointment, each member of the task force, other than the Chair of the task force, shall nominate one person to serve as his or her alternate member and submit the name of the person nominated to the Chair of the task force for appointment. An alternate member shall serve as a voting member of the task force when the appointed member who nominated the alternate member is disqualified or unable to serve.

6. The members of the task force shall hold not more than four meetings at the call of the Chair of the task force.

7. To the extent that money is available, including, without limitation, money from gifts, grants and donations, the Committee may fund the costs of the task force.

8. The Committee shall submit a report of the findings of the task force and its recommendations for legislation to the 78th Session of the Nevada Legislature.

Sec. 11. 1. This section and section 10 of this act become effective on July 1, 2013.

2. Sections 1 to 9, inclusive, of this act become effective on October 1, 2013.

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 321.

Bill read third time.

The following amendment was proposed by Assemblyman Paul Anderson:

Amendment No. 541.

AN ACT relating to state employees; revising provisions governing the Merit Award Program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Merit Award Program to provide awards to state employees who propose suggestions that would reduce, eliminate or avoid state expenditures or improve the operation of State Government. (NRS 285.014, 285.020) ~~[[This bill revises the Merit Award Program to limit its application to only a suggestion that would reduce, eliminate or avoid state expenditures.]]~~

Sections 1 and 8 of this bill require each state agency to provide to its employees information relating to the Merit Award Program.

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

Section 1. NRS 284.337 is hereby amended to read as follows:

284.337 An employee whose duties include the supervision of an employee who holds a position in the classified service shall:

1. For filing at the times specified in NRS 284.340, prepare reports on the performance of that employee. In preparing a report, the supervisory employee shall meet with the employee to ~~discuss~~ :

(a) *Discuss* goals and objectives ~~to evaluate~~ ;

(b) *Evaluate* the employee's improvement in performance and personal development ~~and to discuss~~ ;

(c) *Discuss* the report ~~to~~ ; and

(d) *Provide to the employee information relating to the Merit Award Program established by NRS 285.020.*

2. Provide the employee with a copy of the report.

3. Transmit the report to the appointing authority.

Sec. 2. ~~[[NRS 285.014 is hereby amended to read as follows:~~

~~285.014 "Employee suggestion" means a proposal by a state employee or group of state employees which would ~~to~~~~

~~1. Reduce, ~~to reduce~~, eliminate or avoid state expenditures, whether or not such money would be expended from the State General Fund. ~~to~~ or~~

~~2. Improve the operation of the State Government.]] (Deleted by amendment.)~~

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. ~~[[NRS 285.060 is hereby amended to read as follows:~~

~~285.060 1. Upon receiving an employee suggestion pursuant to NRS 285.050, the Secretary of the Board shall:~~

~~(a) Record and acknowledge receipt of the employee suggestion;~~

~~(b) Notify the state employee or each state employee of a group of state employees who made the employee suggestion of any undue delays in the consideration of the employee suggestion; and~~

~~—(c) Refer the employee suggestion at once to the head of the state agency or agencies affected, or his or her designee, for consideration.~~

~~—2. Within 30 days after receiving an employee suggestion that is referred pursuant to subsection 1, the head of the state agency, or his or her designee, shall report his or her findings and recommendations to the Board. The report must indicate:~~

~~—(a) Whether the employee suggestion has been adopted.~~

~~—(b) If adopted:~~

~~—(1) The day on which the employee suggestion was placed in effect.~~

~~—(2) The actual or estimated reduction, elimination or avoidance of expenditures [or any improvement in operations] made possible by the employee suggestion.~~

~~—(3) If the employee suggestion was made by a group of state employees, a recommendation of the distribution of any potential award made pursuant to NRS 285.070 to each state employee in the group. Such a distribution must be proportionate, fair and equitable based on the contributions by each state employee to the employee suggestion.~~

~~—(c) If rejected, the reasons for rejection.~~

~~—(d) If applicable, whether legislation will be required before the employee suggestion may be adopted.~~

~~—3. The Board shall:~~

~~—(a) Review the findings and recommendations of the state agency and may obtain additional information or take such other action as is necessary for prompt, thorough and impartial consideration of each employee suggestion.~~

~~—(b) Evaluate each employee suggestion, taking into consideration any action by the state agency, staff recommendations and the objectives of the Merit Award Program.~~

~~—(c) Monitor the efficacy and progress of employee suggestions that have been adopted and placed into effect.~~

~~—(d) Provide a report to the Budget Division of the Department of Administration and the Interim Finance Committee not later than 30 days after the end of each fiscal year summarizing, for that fiscal year:~~

~~—(1) The employee suggestions that were rejected by state agencies.~~

~~—(2) The employee suggestions that were adopted by state agencies and detailing any actual reduction, elimination or avoidance of expenditures [or any improvement in operations] made possible by the employee suggestion.~~

~~—(3) Any legislation required to be enacted before an employee suggestion may be adopted. (Deleted by amendment.)~~

Sec. 6. ~~[NRS 285.070 is hereby amended to read as follows:~~

~~285.070 1. Except as otherwise provided in this section, after reviewing and evaluating an employee suggestion, the Board, in consultation with the Budget Division of the Department of Administration, may make an~~

~~award to the state employee or to each state employee of a group of state employees who made the employee suggestion.~~

~~2. If the amount of a proposed award will exceed \$5,000, the award must be approved by the Interim Finance Committee. On a quarterly basis, the Board shall transmit any proposed awards that exceed \$5,000 to the Director of the Legislative Counsel Bureau for transmittal to the Interim Finance Committee. In acting upon such an award, the Interim Finance Committee shall consider, among other things:~~

~~(a) The reduction, elimination or avoidance of expenditures [or any improvement in operations] made possible by the employee suggestion; and~~

~~(b) The intent of the Legislature in enacting this chapter.~~

~~3. An award made pursuant to this section may not exceed:~~

~~(a) Ten percent of the amount of any actual savings to the State, as determined at the end of the second fiscal year after the adoption of the employee suggestion; or~~

~~(b) A total of \$25,000,~~

~~↪ whichever is less, whether distributed to an individual employee or to a group of state employees who made the employee suggestion.~~

~~4. Awards to employees arising out of adopted employee suggestions must, insofar as is practicable, be paid from money other than money in the State General Fund.~~

~~5. The total amount of an award made pursuant to this section must be paid in two equal installments. The first installment must be paid not later than 30 days after the end of the fiscal year during which the employee suggestion was adopted, and the second installment must be paid not later than 30 days after the end of the subsequent fiscal year.~~

~~6. A former state employee is eligible to receive an award pursuant to this section if the person was a state employee at the time he or she made an employee suggestion, or was a member of a group of state employees who made an employee suggestion, that is subsequently adopted.~~

~~7. An award may not be made for an employee suggestion pursuant to this section until the State has realized a reduction, elimination or avoidance of expenditures [or any improvement in operations] as a result of the employee suggestion.~~

~~8. Any actual savings to the State resulting from the adoption of an employee suggestion that remains after an award is made pursuant to this section must be distributed as follows:~~

~~(a) Fifty percent must be transferred to the State General Fund; and~~

~~(b) After a revision to the appropriate work program pursuant to NRS 353.220, the remaining balance must be used by the state agency that employs the state employee or the group of state employees who made the employee suggestion for one-time, nonoperational expenses which do not~~

~~require ongoing maintenance, including, without limitation, training and equipment.~~ **(Deleted by amendment.)**

Sec. 7. (Deleted by amendment.)

Sec. 8. As soon as practicable on or after July 1, 2013, each state agency, as defined in NRS 285.016, shall:

1. When the next reprint of any manual or handbook that the state agency provides to employees is prepared, add a description of the Merit Award Program established by NRS 285.020 to the manual or handbook.

2. When any Internet website maintained by the state agency is updated, add to the website a description of the Merit Award Program that is readily available to employees of the state agency.

Sec. 9. (Deleted by amendment.)

Sec. 10. This act becomes effective on July 1, 2013.

Assemblyman Paul Anderson moved the adoption of the amendment.

Remarks by Assemblyman Paul Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 117.

Bill read third time.

The following amendment was proposed by Assemblyman Sprinkle:

Amendment No. 528.

AN ACT relating to rules of the road; allowing a person driving a motorcycle, moped or trimobile or riding a bicycle or an electric bicycle to proceed through an intersection against a red traffic signal in certain circumstances; specifying that a violation resulting in an injury to another person ~~is conclusive evidence~~ **creates a rebuttable presumption** of all facts necessary to impose civil liability for the injury under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a person driving a motorcycle or moped upon a highway or riding a bicycle or an electric bicycle upon a roadway is subject to all the duties applicable to the driver of a motor vehicle, with certain exceptions. (NRS 484B.763, 486.331) Existing law makes it unlawful for any driver, including the driver of a trimobile, to disobey the instructions of any official traffic-control device under certain conditions. (NRS 484A.080, 484B.300) Existing law also prohibits vehicular traffic from proceeding into or through an intersection that is controlled by an official traffic-control device exhibiting different colored lights when the signal is red. (NRS 484B.307) **Section 2** of this bill allows a person driving a motorcycle, moped or trimobile or riding a bicycle or an electric bicycle to proceed into an intersection against a red signal if: (1) the person stops as required by the

signal and waits for a reasonable time; (2) the signal does not change because of a malfunction or the failure of the signal to detect the presence of the motorcycle, moped, trimobile, bicycle or electric bicycle; and (3) the person yields the right-of-way to pedestrians and other traffic proceeding as directed by the signal at the intersection. **Section 2** also provides that, if the person commits certain violations while driving the motorcycle, moped or trimobile or riding the bicycle or electric bicycle which result in an injury to another person, the violations ~~are conclusive evidence~~ **create a rebuttable presumption** of all facts necessary to impose civil liability for the injury.

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

Section 1. NRS 484B.300 is hereby amended to read as follows:

484B.300 1. ~~It~~ ***Except as otherwise provided in NRS 484B.307, it*** is unlawful for any driver to disobey the instructions of any official traffic-control device placed in accordance with the provisions of chapters 484A to 484E, inclusive, of NRS, unless at the time otherwise directed by a police officer.

2. No provision of chapters 484A to 484E, inclusive, of NRS for which such devices are required may be enforced against an alleged violator if at the time and place of the alleged violation the device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular provision of chapters 484A to 484E, inclusive, of NRS does not state that such devices are required, the provision is effective even though no devices are erected or in place.

3. Whenever devices are placed in position approximately conforming to the requirements of chapters 484A to 484E, inclusive, of NRS, such devices are presumed to have been so placed by the official act or direction of a public authority, unless the contrary is established by competent evidence.

4. Any device placed pursuant to the provisions of chapters 484A to 484E, inclusive, of NRS and purporting to conform to the lawful requirements pertaining to such devices is presumed to comply with the requirements of chapters 484A to 484E, inclusive, of NRS unless the contrary is established by competent evidence.

5. A person who violates any provision of subsection 1 may be subject to the additional penalty set forth in NRS 484B.130.

Sec. 2. NRS 484B.307 is hereby amended to read as follows:

484B.307 1. Whenever traffic is controlled by official traffic-control devices exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination as declared in the manual and specifications adopted by the Department of Transportation, only the colors green, yellow and red may be used, except for special pedestrian-control

devices carrying a word legend as provided in NRS 484B.283. The lights, arrows and combinations thereof indicate and apply to drivers of vehicles and pedestrians as provided in this section.

2. When the signal is circular green alone:

(a) Vehicular traffic facing the signal may proceed straight through or turn right or left unless another device at the place prohibits either or both such turns. Such vehicular traffic, including vehicles turning right or left, must yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time the signal is exhibited.

(b) Pedestrians facing such a signal may proceed across the highway within any marked or unmarked crosswalk, unless directed otherwise by another device as provided in NRS 484B.283.

3. Where the signal is circular green with a green turn arrow:

(a) Vehicular traffic facing the signal may proceed to make the movement indicated by the green turn arrow or such other movement as is permitted by the circular green signal, but the traffic must yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection at the time the signal is exhibited. Drivers turning in the direction of the arrow when displayed with the circular green are thereby advised that so long as a turn arrow is illuminated, oncoming or opposing traffic simultaneously faces a steady red signal.

(b) Pedestrians facing such a signal may proceed across the highway within any marked or unmarked crosswalk, unless directed otherwise by another device as provided in NRS 484B.283.

4. Where the signal is a green turn arrow alone:

(a) Vehicular traffic facing the signal may proceed only in the direction indicated by the arrow signal so long as the arrow is illuminated, but the traffic must yield the right-of-way to pedestrians lawfully within the adjacent crosswalk and to other traffic lawfully using the intersection.

(b) Pedestrians facing such a signal shall not enter the highway until permitted to proceed by another device as provided in NRS 484B.283.

5. Where the signal is a green straight-through arrow alone:

(a) Vehicular traffic facing the signal may proceed straight through, but must not turn right or left. Such vehicular traffic must yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time the signal is exhibited.

(b) Pedestrians facing such a signal may proceed across the highway within the appropriate marked or unmarked crosswalk, unless directed otherwise by another device as provided in NRS 484B.283.

6. Where the signal is a steady yellow signal alone:

(a) Vehicular traffic facing the signal is thereby warned that the related green movement is being terminated or that a steady red indication will be

exhibited immediately thereafter, and such vehicular traffic must not enter the intersection when the red signal is exhibited.

(b) Pedestrians facing such a signal, unless otherwise directed by another device as provided in NRS 484B.283, are thereby advised that there is insufficient time to cross the highway.

7. Where the signal is a steady red signal alone:

(a) Vehicular traffic facing the signal must stop before entering the crosswalk on the nearest side of the intersection where the sign or pavement marking indicates where the stop must be made, or in the absence of any such crosswalk, sign or marking, then before entering the intersection, and, except as **otherwise** provided in ~~paragraph (c),~~ **paragraphs (c) and (d),** must remain stopped or standing until the green signal is shown.

(b) Pedestrians facing such a signal shall not enter the highway, unless permitted to proceed by another device as provided in NRS 484B.283.

(c) After complying with the requirement to stop, vehicular traffic facing such a signal and situated on the extreme right of the highway may proceed into the intersection for a right turn only when the intersecting highway is two-directional or one-way to the right, or vehicular traffic facing such a signal and situated on the extreme left of a one-way highway may proceed into the intersection for a left turn only when the intersecting highway is one-way to the left, but must yield the right-of-way to pedestrians and other traffic proceeding as directed by the signal at the intersection.

(d) ***After complying with the requirement to stop, a person driving a motorcycle, moped or trimobile or riding a bicycle or an electric bicycle may proceed straight through or turn right or left if:***

(1) The person waits for two complete cycles of the lights or lighted arrows of the applicable official traffic-control device and the signal does not change because of a malfunction or because the signal failed to detect the presence of the motorcycle, moped, trimobile, bicycle or electric bicycle;

(2) No other device at the place prohibits either or both such turns, if applicable; and

(3) The person yields the right-of-way to pedestrians and other traffic proceeding as directed by the signal at the intersection.

(e) Vehicular traffic facing the signal may not proceed on or through any private or public property to enter the intersecting street where traffic is not facing a red signal to avoid the red signal.

8. Where the signal is a steady red with a green turn arrow:

(a) ~~Vehicular~~ ***Except as otherwise provided in paragraph (b), vehicular*** traffic facing the signal may enter the intersection only to make the movement indicated by the green turn arrow, but must yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection. Drivers turning in the direction of the arrow

are thereby advised that so long as the turn arrow is illuminated, oncoming or opposing traffic simultaneously faces a steady red signal.

(b) *A person driving a motorcycle, moped or trimobile or riding a bicycle or an electric bicycle facing the signal may proceed straight through or turn in the direction opposite that indicated by the green turn arrow if:*

(1) The person stops before entering the crosswalk on the nearest side of the intersection where the sign or pavement marking indicates where the stop must be made or, in the absence of any such crosswalk, sign or marking, before entering the intersection;

(2) The person waits for two complete cycles of the lights or lighted arrows of the applicable official traffic-control device and the signal does not change because of a malfunction or because the signal failed to detect the presence of the motorcycle, moped, trimobile, bicycle or electric bicycle;

(3) No other device at the place prohibits the turn, if applicable; and

(4) The person yields the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

(c) Pedestrians facing such a signal shall not enter the highway, unless permitted to proceed by another device as provided in NRS 484B.283.

9. *If a person violates paragraph (d) of subsection 7 or paragraph (b) of subsection 8 and that violation results in an injury to another person, the violation ~~is conclusive evidence~~ creates a rebuttable presumption of all facts necessary to impose civil liability for the injury.*

10. If a signal is erected and maintained at a place other than an intersection, the provisions of this section are applicable except as to those provisions which by their nature can have no application. Any stop required must be made at a sign or pavement marking indicating where the stop must be made, but in the absence of any such device the stop must be made at the signal.

~~10.1~~ 11. Whenever signals are placed over the individual lanes of a highway, the signals indicate, and apply to drivers of vehicles, as follows:

(a) A downward-pointing green arrow means that a driver facing the signal may drive in any lane over which the green signal is shown.

(b) A red "X" symbol means a driver facing the signal must not enter or drive in any lane over which the red signal is shown.

~~11.1~~ 12. A local authority shall not adopt an ordinance or regulation or take any other action that prohibits vehicular traffic from crossing an intersection when:

(a) The red signal is exhibited; and

(b) The vehicular traffic in question had already completely entered the intersection before the red signal was exhibited. For the purposes of this paragraph, a vehicle shall be considered to have "completely entered" an intersection when all portions of the vehicle have crossed the limit line or

other point of demarcation behind which vehicular traffic must stop when a red signal is displayed.

Assemblyman Sprinkle moved the adoption of the amendment.

Remarks by Assemblyman Sprinkle.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 345.

Bill read third time.

The following amendment was proposed by Assemblyman Bobzien:

Amendment No. 553.

AN ACT relating to wildlife; requiring that the ~~{Board of Wildlife Commissioners and the Department of Wildlife, in managing the}~~ wildlife in this State ~~{, to be informed by}~~ **be managed according to** the best science available; requiring the ~~{Commission}~~ **Board of Wildlife Commissioners** to establish policies for certain programs, activities and research relating to predatory wildlife; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Nevada Legislature has declared that wildlife in this State is part of the natural resources belonging to the people of the State of Nevada and that preserving, protecting, managing and restoring wildlife in this State contributes immeasurably to the aesthetic, recreational and economic aspects of those natural resources. (NRS 501.100) **Section 1** of this bill ~~{expands}~~ **revises** the legislative declaration to require that the ~~{Board of Wildlife Commissioners and the Department of Wildlife, in managing the wildlife in this State, to be informed by}~~ **wildlife in this State be managed according to** the best science available.

Under existing law, in addition to the fee for a game tag, the Department of Wildlife charges an additional fee of \$3 for processing each application for a game tag, the revenue from which must be deposited into the Wildlife Fund Account in the State General Fund and be used by the Department for costs related to: (1) programs for the management and control of injurious predatory wildlife; (2) wildlife management activities relating to the protection of certain game animals and wildlife habitat; and (3) research to determine successful techniques for managing and controlling predatory wildlife. Any program developed or wildlife management activity or research conducted must be developed or conducted under the guidance of the ~~{Commission}~~ **Board of Wildlife Commissioners.** (NRS 501.181, 502.253) **Section 2** of this bill requires the Commission, in providing guidance relating to any wildlife management activity, the development of a program to control any species of predatory wildlife or any research concerning that species, to

establish a policy for the activity, program or research that specifies the goals and required results of the activity, program or research.

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

Section 1. NRS 501.100 is hereby amended to read as follows:

501.100 1. Wildlife in this State not domesticated and in its natural habitat is part of the natural resources belonging to the people of the State of Nevada ~~and, in managing that wildlife, the Commission and the Department must be informed by~~ **managed according to the best science available.**

2. The preservation, protection, management and restoration of wildlife within the State contribute immeasurably to the aesthetic, recreational and economic aspects of these natural resources.

Sec. 2. NRS 502.253 is hereby amended to read as follows:

502.253 1. In addition to any fee charged and collected pursuant to NRS 502.250, a fee of \$3 must be charged for processing each application for a game tag, the revenue from which must be accounted for separately, deposited with the State Treasurer for credit to the Wildlife Fund Account in the State General Fund and used by the Department for costs related to:

(a) Programs for the management and control of **, and research relating to, injurious predatory wildlife for the benefit of all other species of** wildlife;

(b) Wildlife management activities relating to the protection of nonpredatory game animals, sensitive wildlife species and **other species of game animals which are historically subject to or are at risk of excessive predation by predatory wildlife, and** related wildlife habitat;

(c) Conducting research, as needed, to determine successful techniques for managing and controlling predatory wildlife, including studies necessary to ensure effective programs for the management and control of injurious predatory wildlife; and

(d) Programs for the education of the general public concerning the management and control of predatory wildlife.

2. The Department of Wildlife is hereby authorized to expend a portion of the money collected pursuant to subsection 1 to enable the State Department of Agriculture to develop and carry out the programs described in subsection 1.

3. Any program developed or wildlife management activity or research conducted pursuant to this section must be developed or conducted under the guidance of the Commission pursuant to subsection 2 of NRS 501.181. **In providing guidance for the development of a program to control any species of predatory wildlife or for conducting any wildlife management activity or research concerning that species, the Commission shall establish**

a policy for the program, activity or research. Each policy must specify the goals and required results of the program, activity or research, including, without limitation, provisions:

(a) Setting forth a specific geographic area in this State in which the program, activity or research must be conducted;

(b) Setting forth the reasons for conducting the program, activity or research in the geographic area;

(c) Setting forth the estimated population or density of each species of predatory wildlife and the location of the estimated population or density in the geographic area which must be included in the program, activity or research; and

(d) Requiring the submission of a report to the Commission upon the completion of the program, activity or research setting forth the results of the program, activity or research and the extent to which the program, activity or research achieved the goals and required results established for the program, activity or research.

4. The money in the Wildlife Fund Account remains in the Account and does not revert to the State General Fund at the end of any fiscal year.

Sec. 3. (Deleted by amendment.)

Sec. 4. This act becomes effective on July 1, 2013.

Assemblyman Bobzien moved the adoption of the amendment.

Remarks by Assemblyman Bobzien.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 395.

Bill read third time.

The following amendment was proposed by Assemblyman Frierson:

Amendment No. 539.

AN ACT relating to common-interest communities; prohibiting ~~bullying, intimidation, threats and harassment among~~ **certain** persons within a **common-interest community from committing certain acts against another person within that same** common-interest community; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill : **(1)** prohibits certain persons within a common-interest community from ~~bullying, intimidating, threatening or otherwise harassing~~ **committing certain acts against** another person within that same common-interest community ; and **(2)** provides that ~~such an action~~ **committing any such act** is a public nuisance and ~~shall be punished~~ **punishable** as a misdemeanor.

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

Section 1. Chapter 116 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A community manager, an agent or employee of the community manager, a member of the executive board, an officer, employee or agent of an association, a unit's owner or a guest or tenant of a unit's owner shall not willfully ~~bully, intimidate,~~ and without legal authority threaten, ~~for otherwise~~ harass or otherwise engage in a course of conduct against any other person who is the community manager of his or her common-interest community or an agent or employee of that community manager, a member of the executive board of his or her association, an officer, employee or agent of his or her association, another unit's owner in his or her common-interest community or a guest or tenant of a unit's owner in his or her common-interest community ~~and~~ which:

(a) Causes harm or serious emotional distress, or the reasonable apprehension thereof, to that person; or

(b) Creates a hostile environment for that person.

2. A person who violates the provisions of subsection 1 commits a public nuisance and shall be punished as provided in NRS 202.470.

~~**3. As used in this section, "bully" means to willfully act, or engage in a course of conduct which is not authorized by law, which exposes another person one time or repeatedly and over time to one or more negative actions which is highly offensive to a reasonable person and which:**~~

~~**(a) Is intended to cause or actually causes the person to suffer harm or serious emotional distress;**~~

~~**(b) Places the person in reasonable fear of harm or serious emotional distress; or**~~

~~**(c) Creates an environment that is hostile to the person.**~~

Sec. 2. NRS 116.1203 is hereby amended to read as follows:

116.1203 1. Except as otherwise provided in subsections 2 and 3, if a planned community contains no more than 12 units and is not subject to any developmental rights, it is subject only to NRS 116.1106 and 116.1107 unless the declaration provides that this entire chapter is applicable.

2. The provisions of NRS 116.12065 and the definitions set forth in NRS 116.005 to 116.095, inclusive, to the extent that the definitions are necessary to construe any of those provisions, apply to a residential planned community containing more than 6 units.

3. Except for NRS 116.3104, 116.31043, 116.31046 and 116.31138, the provisions of NRS 116.3101 to 116.350, inclusive, **and section 1 of this act** and the definitions set forth in NRS 116.005 to 116.095, inclusive, to the

extent that such definitions are necessary in construing any of those provisions, apply to a residential planned community containing more than 6 units.

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 459.

Bill read third time.

The following amendment was proposed by Assemblyman Elliot Anderson:

Amendment No. 544.

AN ACT relating to school property; authorizing the board of trustees of a school district to donate surplus personal property of the school district to another school district; ~~providing that requirements~~ **revising provisions** relating to the ~~establishment~~ **duties** of oversight panels for school facilities ~~apply only to the board of trustees of a school district in certain counties; eliminating the duty of certain boards of trustees of school districts to submit to the Legislature written recommendations for financing the costs of construction of~~ **revising provisions governing the submission of a biennial report to the Legislature with written recommendations for financing the costs of construction of school facilities by oversight panels** **for** school facilities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the board of trustees of a school district to donate surplus personal property of the school district to any charter school that is located within the school district without regard to certain notice, bidding, auction or other requirements relating to the disposal of personal property of a local government. (NRS 332.185) **Section 2** of this bill authorizes a board of trustees of a school district likewise to donate surplus personal property to other school districts in this State without regard to the notice, bidding, auction or other requirements relating to the disposal of personal property of a local government. **Section 1** of this bill authorizes a board of trustees of a school district to accept a donation of surplus personal property of another school district.

Existing law requires the board of trustees of a school district in a county whose population is 100,000 or more (currently Clark and Washoe Counties) to establish an oversight panel for school facilities. (NRS 393.092) Such an oversight panel is required to submit biennially to the Legislature written recommendations for financing school construction costs. In a county whose population is less than 100,000 (currently all counties other than Clark and

Washoe Counties), the board of trustees of the school district is required to submit biennially to the Legislature written recommendations for financing school construction costs. (NRS 393.097) Existing law also authorizes a school district to issue general obligation bonds, after obtaining the approval of the county's debt management commission, if the issuance of the bonds is not expected to result in an increase in the existing property tax levy and the electors have approved a question that authorizes the issuance of bonds for 10 years after the date of approval. (NRS 350.020) In addition to the approval of the debt management commission, in a county whose population is 100,000 or more, the school district must obtain the approval of the oversight panel for school facilities. (NRS 350.020, 393.097) ~~[Sections 3-6 of this bill provide that requirements relating to the establishment of an oversight panel for school facilities apply only to the board of trustees of a school district in a county whose population is 100,000 or more but less than 700,000 (currently Washoe County). Section 6 also eliminates the requirement for the boards of trustees of school districts to submit to the Legislature recommendations for financing school construction costs.]~~ **Section 6 of this bill provides that an oversight panel for school facilities is required to submit a biennial report to the Legislature with recommendations for financing school construction costs only if the oversight panel has approved the issuance of such general obligation bonds. The report must be submitted biennially during the period in which those bonds are outstanding.**

Section 4 of this bill revises the circumstances under which an oversight panel for school facilities is required to hold meetings.

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

Section 1. NRS 386.390 is hereby amended to read as follows:

386.390 Each board of trustees shall have the power to accept on behalf of and for the school district ~~any~~ :

1. Any gift or bequest of money or property for a purpose deemed by the board of trustees to be suitable, and to utilize such money or property for the purpose so designated ~~it~~ ; **and**

2. Any donation of surplus personal property of another school district made pursuant to subsection 2 of NRS 332.185.

Sec. 2. NRS 332.185 is hereby amended to read as follows:

332.185 1. Except as otherwise provided in subsection 2 and NRS 244.1505 and 334.070, all sales of personal property of the local government must be made, as nearly as possible, under the same conditions and limitations as required by this chapter in the purchase of personal property. The governing body or its authorized representative may dispose of

personal property of the local government by any manner, including, without limitation, at public auction, if the governing body or its authorized representative determines that the property is no longer required for public use and deems such action desirable and in the best interests of the local government.

2. The board of trustees of a school district may donate surplus personal property of the school district to ***any other school district in this State or to*** a charter school that is located within the school district without regard to:

- (a) The provisions of this chapter; or
- (b) Any statute, regulation, ordinance or resolution that requires:
 - (1) The posting of notice or public advertising.
 - (2) The inviting or receiving of competitive bids.
 - (3) The selling or leasing of personal property by contract or at a public auction.

3. The provisions of this chapter do not apply to the purchase, sale, lease or transfer of real property by the governing body.

Sec. 3. ~~INRS 350.020 is hereby amended to read as follows:~~
~~350.020 1. Except as otherwise provided by subsections 3 and 4, if a municipality proposes to issue or incur general obligations, the proposal must be submitted to the electors of the municipality at a special election called for that purpose or the next general municipal election or general state election.~~
~~2. Such a special election may be held:~~
~~(a) At any time, including, without limitation, on the date of a primary municipal election or a primary state election, if the governing body of the municipality determines, by a unanimous vote, that an emergency exists; or~~
~~(b) On the first Tuesday after the first Monday in June of an odd-numbered year,~~
~~except that the governing body shall not determine that an emergency exists if the special election is for the purpose of submitting to the electors a proposal to refund bonds. The determination made by the governing body is conclusive unless it is shown that the governing body acted with fraud, a gross abuse of discretion or in violation of the provisions of this subsection. An action to challenge the determination made by the governing body must be commenced within 15 days after the governing body's determination is final. As used in this subsection, "emergency" means any occurrence or combination of occurrences which requires immediate action by the governing body of the municipality to prevent or mitigate a substantial financial loss to the municipality or to enable the governing body to provide an essential service to the residents of the municipality.~~
~~3. If payment of a general obligation of the municipality is additionally secured by a pledge of gross or net revenue of a project to be financed by its issue, and the governing body determines, by an affirmative vote of two~~

~~thirds of the members elected to the governing body, that the pledged revenue will at least equal the amount required in each year for the payment of interest and principal, without regard to any option reserved by the municipality for early redemption, the municipality may, after a public hearing, incur this general obligation without an election unless, within 90 days after publication of a resolution of intent to issue the bonds, a petition is presented to the governing body signed by not less than 5 percent of the registered voters of the municipality. Any member elected to the governing body whose authority to vote is limited by charter, statute or otherwise may vote on the determination required to be made by the governing body pursuant to this subsection. The determination by the governing body becomes conclusive on the last day for filing the petition. For the purpose of this subsection, the number of registered voters must be determined as of the close of registration for the last preceding general election. The resolution of intent need not be published in full, but the publication must include the amount of the obligation and the purpose for which it is to be incurred. Notice of the public hearing must be published at least 10 days before the day of the hearing. The publications must be made once in a newspaper of general circulation in the municipality. When published, the notice of the public hearing must be at least as large as 5 inches high by 4 inches wide.~~

~~4. The board of trustees of a school district may issue general obligation bonds which are not expected to result in an increase in the existing property tax levy for the payment of bonds of the school district without holding an election for each issuance of the bonds if the qualified electors approve a question submitted by the board of trustees that authorizes issuance of bonds for a period of 10 years after the date of approval by the voters. If the question is approved, the board of trustees of the school district may issue the bonds for a period of 10 years after the date of approval by the voters, after obtaining the approval of the debt management commission in the county in which the school district is located and, in a county whose population is 100,000 or more [,] but less than 700,000, the approval of the oversight panel for school facilities established pursuant to NRS 393.092 in that county, if the board of trustees of the school district finds that the existing tax for debt service will at least equal the amount required to pay the principal and interest on the outstanding general obligations of the school district and the general obligations proposed to be issued. The finding made by the board of trustees is conclusive in the absence of fraud or gross abuse of discretion. As used in this subsection, "general obligations" does not include medium-term obligations issued pursuant to NRS 350.087 to 350.095, inclusive.~~

~~5. At the time of issuance of bonds authorized pursuant to subsection 4, the board of trustees shall establish a reserve account in its debt service fund for payment of the outstanding bonds of the school district. The reserve~~

~~account must be established and maintained in an amount at least equal to the lesser of:~~

~~— (a) For a school district located in a county whose population is 100,000 or more, 25 percent; and~~

~~— (b) For a school district located in a county whose population is less than 100,000, 50 percent;~~

~~— of the amount of principal and interest payments due on all of the outstanding bonds of the school district in the next fiscal year or 10 percent of the outstanding principal amount of the outstanding bonds of the school district;~~

~~— 6. If the amount in the reserve account falls below the amount required by subsection 5:~~

~~— (a) The board of trustees shall not issue additional bonds pursuant to subsection 4 until the reserve account is restored to the level required by subsection 5; and~~

~~— (b) The board of trustees shall apply all of the taxes levied by the school district for payment of bonds of the school district that are not needed for payment of the principal and interest on bonds of the school district in the current fiscal year to restore the reserve account to the level required pursuant to subsection 5;~~

~~— 7. A question presented to the voters pursuant to subsection 4 may authorize all or a portion of the revenue generated by the debt rate which is in excess of the amount required:~~

~~— (a) For debt service in the current fiscal year;~~

~~— (b) For other purposes related to the bonds by the instrument pursuant to which the bonds were issued; and~~

~~— (c) To maintain the reserve account required pursuant to subsection 5,~~

~~— to be transferred to the county school district's fund for capital projects established pursuant to NRS 387.328 and used to pay the cost of capital projects which can lawfully be paid from that fund. Any such transfer must not limit the ability of the school district to issue bonds during the period of voter authorization if the findings and approvals required by subsection 4 are obtained.~~

~~— 8. A municipality may issue special or medium term obligations without an election.~~ **(Deleted by amendment.)**

Sec. 4. NRS 393.092 is hereby amended to read as follows:

393.092 1. The board of trustees of a school district in a county whose population is 100,000 or more ~~but less than 700,000~~ shall establish an oversight panel for school facilities, consisting of 11 members selected as follows:

(a) Six members who are elected representatives of local government, to be determined as follows:

(1) One member of the board of county commissioners appointed by a majority vote of the board of county commissioners;

(2) One member of the governing body of each incorporated city in the county, each of whom is appointed by a majority vote of the governing body of which he or she is a member; and

(3) If the membership determined pursuant to subparagraphs (1) and (2) is less than six, one additional member of the board of county commissioners appointed by a majority vote of the board of county commissioners and, if applicable, additional members of the governing bodies of incorporated cities in the county, each of whom must be appointed by a majority vote of the governing body of which he or she is a member, until six members have been appointed. If the membership determined pursuant to this paragraph would result in an unequal number of representatives among the incorporated cities, the membership of the incorporated cities on the oversight panel must be rotated and the board of county commissioners shall draw lots to determine which city or cities will be first represented, which next, and so on.

(b) Five members appointed by the board of trustees of the county school district to be determined as follows:

(1) One member who has experience in structural or civil engineering;

(2) One member who has experience in matters relating to the construction of public works projects;

(3) One member who has experience in the financing or estimation of the cost of construction projects;

(4) One member who is a representative of the gaming industry; and

(5) One member who is a representative of the general public who has an interest in education.

2. After the initial terms, the term of each member of the oversight panel is 2 years. Members of the oversight panel are eligible for reappointment.

3. The oversight panel for school facilities may meet at the call of the chair of the oversight panel, but is not required to hold meetings except for the purposes of carrying out its duties pursuant to subsection 4 of NRS 350.020 and NRS 393.097 and, if applicable, for the purposes of carrying out expanded duties pursuant to NRS 393.096, or unless directed by the board of trustees of the school district.

~~Sec. 5. NRS 393.095 is hereby amended to read as follows:
393.095 The board of trustees of a school district in a county whose population is 100,000 or more but less than 700,000 shall:~~

~~1. Provide administrative support to the oversight panel for school facilities established by the board of trustees pursuant to NRS 393.092; and~~

~~2. Comply with all requests by the oversight panel for information.]~~

(Deleted by amendment.)

Sec. 6. NRS 393.097 is hereby amended to read as follows:

393.097 1. ~~{On} If an oversight panel for school facilities established pursuant to NRS 393.092 approves a request by the board of trustees of the school district for the issuance of general obligation bonds pursuant to subsection 4 of NRS 350.020, the oversight panel shall, on or before July 1 of each even-numbered year~~ 1. each oversight panel for school facilities established in a county whose population is 100,000 or more but less than 700,000 pursuant to NRS 393.092 during the period in which those bonds are outstanding, and each board of trustees of a school district in a county whose population is less than 100,000 shall, on or before July 1 of each even-numbered year, submit to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature written recommendations for financing the costs of new construction, design, maintenance and repair of school facilities.

2. In a county whose population is 100,000 or more ~~, but less than 700,000,~~ the oversight panel for school facilities shall review and approve or disapprove a request by the board of trustees of the school district for the issuance of general obligation bonds pursuant to subsection 4 of NRS 350.020.

Sec. 7. ~~{NRS 393.096 is hereby repealed.}~~ **(Deleted by amendment.)**

Sec. 8. This act becomes effective on July 1, 2013.

†

~~TEXT OF REPEALED SECTION~~

~~**393.096 Oversight panel for school facilities: Authority of board of trustees to expand duties of panel in larger counties.**~~

~~1. The board of trustees of a school district in a county whose population is 700,000 or more may, by a vote of not less than two thirds of the total membership of the board of trustees, expand the duties of the oversight panel for school facilities established for the school district pursuant to NRS 393.092.~~

~~2. If the board of trustees votes to expand the duties of the oversight panel, the board of trustees shall:~~

~~(a) Prepare a 3-year plan for the renovation of school facilities and a 5-year plan for the construction of school facilities within the school district for submission to the oversight panel for its review and recommendations;~~

~~(b) Appoint the assistant superintendent of school facilities or his or her designee, if the board of trustees has employed a person to serve in that capacity, or otherwise appoint an employee of the school district who has knowledge and experience in school construction, to act as a liaison between the school district and the oversight panel;~~

~~(c) Consider each recommendation made by the oversight panel and, if the board of trustees does not adopt a recommendation, state in writing the~~

~~reason for its action and include the statement in the minutes of the board of trustees, if applicable; and~~

~~— (d) In addition to the administrative support required pursuant to NRS 393.095, provide such administrative support to the oversight panel as is necessary for the oversight panel to carry out its expanded duties.~~

~~— 3. If the board of trustees votes to expand the duties of the oversight panel, the oversight panel shall:~~

~~— (a) Work cooperatively with the board of trustees of the school district to ensure that the program of school construction and renovation is responsive to the educational needs of pupils within the school district;~~

~~— (b) Review the 3-year plan for the renovation of school facilities and the 5-year plan for the construction of school facilities submitted by the board of trustees of the school district and make recommendations to the board of trustees for any necessary revisions to the plans;~~

~~— (c) On a quarterly basis, or more frequently if the oversight panel determines necessary, evaluate the program of school construction and renovation that is designed to carry out the 3-year plan and the 5-year plan and make recommendations to the board of trustees concerning the program;~~

~~— (d) Make recommendations for the management of construction and renovation of school facilities within the school district in a manner that ensures effective and efficient expenditure of public money; and~~

~~— (e) Prepare an annual report that includes a summary of the progress of the construction and renovation of school facilities within the school district and the expenditure of money from the proceeds of bonds for the construction and renovation, if such information is available to the oversight panel.]~~

Assemblyman Elliot Anderson moved the adoption of the amendment.

Remarks by Assemblyman Elliot Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 9.

Bill read third time.

Remarks by Assemblyman Daly.

ASSEMBLYMAN DALY:

Assembly Bill 9 makes various revisions to the Charter of the City of Reno. The revisions include allowing for the creation of a Charter Committee; expanding the prohibition against holding other employment or another office, which applies to the Mayor and City Council Members; providing that the general city election is to occur concurrently with the statewide general election; and providing that after the Civil Service Commission serves a final decision, a person aggrieved by that decision has 180 days in which to file a petition with the county's district court.

Roll call on Assembly Bill No. 9:

YEAS—35.

NAYS—Carlton, Carrillo, Diaz, Flores, Frierson, Kirkpatrick—6.

VACANT—1.

Assembly Bill No. 9 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 25.

Bill read third time.

Remarks by Assemblyman Healey.

ASSEMBLYMAN HEALEY:

Assembly Bill 25 provides that a designee of a board of county commissioners or of the governing body of a city may impose a special assessment for the costs of abatement and civil penalties related to a chronic or abandoned nuisance or a dangerous or noxious condition. The measure also shortens from 12 months to 180 days the length of time that must elapse before a special assessment for civil penalties may be imposed.

Roll call on Assembly Bill No. 25:

YEAS—41.

NAYS—None.

VACANT—1.

Assembly Bill No. 25 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 54.

Bill read third time.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

Assembly Bill 54 adopts a revised schedule of fees a justice of the peace must charge and collect on the commencement of actions, the preparation and filing of affidavits and orders, the appearance of defendants, the preparation of transcripts, and other actions in justice court.

Assembly Bill 54 requires 25 percent of the portion of these fees payable to the county treasurer to be deposited into a special account for the benefit of the justice courts in the county. The funds in the special account may only be used for the construction of additional facilities; the expansion or renovation of existing facilities; acquisition of equipment, fixtures, and furniture; equipment or staff for enhanced security; and certain other items. The bill also requires a county treasurer to, if necessary, reduce the amount deposited in the special account to ensure that the total fees paid to the county treasurer in any fiscal year are not less than the amount paid in Fiscal Year 2012-2013.

Finally, A.B. 54 authorizes a board of county commissioners to impose, by ordinance, a filing fee on the commencement of an action or the filing of an answer in justice court, to offset a portion of the cost of operating a law library in the county.

Roll call on Assembly Bill No. 54:

YEAS—37.

NAYS—Ellison, Fiore, Kirner, Wheeler—4.

VACANT—1.

Assembly Bill No. 54 having received a two-thirds majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 93.

Bill read third time.

Remarks by Assemblywoman Dondero Loop.

ASSEMBLYWOMAN DONDERO LOOP:

Assembly Bill 93 requires an applicant for a license or licensee of a child care facility to notify the Health Division, Department of Health and Human Services, as soon as practicable but not later than 24 hours after the licensee hires an employee of a child care facility, an employee begins residence at a child care facility; or an employee begins participation in an outdoor youth program.

Roll call on Assembly Bill No. 93:

YEAS—41.

NAYS—None.

VACANT—1.

Assembly Bill No. 93 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assemblyman Horne moved that the Assembly recess until 4:30 p.m.

Motion carried.

Assembly in recess at 3:55 p.m.

ASSEMBLY IN SESSION

At 5:02 p.m.

Madam Speaker presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Assembly Bill No. 168.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Assembly Bill 168 is quite a simple bill, coming from one of my favorite County Commissioners in Clark County who wanted to put a public member on one of the wildlife boards but could not do it because of the restrictions that were associated with membership on the board. So we came to the Legislature and convinced the folks of Natural Resources, Agriculture, and Mining that having a public member on this board was a good idea. I've always believed that having public members on these types of boards represents everyone in the state. So with that, Madam Speaker, I would ask the body for their support.

Roll call on Assembly Bill No. 168:

YEAS—37.

NAYS—Duncan, Fiore, Livermore, Wheeler—4.

VACANT—1.

Assembly Bill No. 168 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 172.

Bill read third time.

Remarks by Assemblyman Horne.

ASSEMBLYMAN HORNE:

Assembly Bill 172 limits the requirement that 50 percent of the design professionals working on a public work project for a bidder who received a bid preference must register their vehicles in this state to only design professionals on a design-build team. The measure eliminates the requirement that 25 percent of the suppliers of materials used for a public work project be located in Nevada; again, this is relevant to a bidder who received a preference. Only persons who submitted a bid on the public work project may file a written objection alleging a violation of the aforementioned requirements.

Assembly Bill 172 provides that a contractor is not deemed qualified to bid certain state and local public work projects if the person materially breached a public work contract costing at least \$25 million within the preceding year. The measure further provides that a contractor is not deemed qualified to receive a bidder preference from the State Contractors' Board for certain state and local public work projects if the person materially breached a public work contract costing at least \$5 million within the five preceding years.

Following the opening of bids, a 2-hour deadline is imposed for the submittal of an affidavit to the public body or its authorized representative certifying compliance with bid preference requirements. Any contract for such a public work that fails to comply with the provisions of this bill is void.

Roll call on Assembly Bill No. 172:

YEAS—30.

NAYS—Ellison, Fiore, Hambrick, Hansen, Hardy, Kirner, Livermore, Oscarson, Stewart, Wheeler, Woodbury—11.

VACANT—1.

Assembly Bill No. 172 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 182.

Bill read third time.

Remarks by Assemblyman Carrillo.

ASSEMBLYMAN CARRILLO:

Assembly Bill 182 authorizes the owner of a storage space at a storage facility to impose a reasonable late fee for each month an occupant does not pay rent pursuant to the rental agreement. The bill deems reasonable a late fee of \$20 or 20 percent of the monthly rent, whichever is greater.

Assembly Bill 182 also removes the requirement for the owner of a storage facility to use the summary eviction process to evict a person who is using a storage space as a residence.

Roll call on Assembly Bill No. 182:

YEAS—40.

NAYS—Fiore.

VACANT—1.

Assembly Bill No. 182 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 200.

Bill read third time.

Remarks by Assemblyman Hardy:

ASSEMBLYMAN HARDY:

Assembly Bill 200 allows a farm to hold a farm-to-fork event, in certain circumstances and with limited frequency, without being considered a food establishment for purposes of inspections by a health authority. A farm must register with a local health authority in order to hold a farm-to-fork event and pay a fee, although the health authority shall not conduct inspections of the farm except in certain circumstances. Prior to food being consumed, event guests must be provided, and acknowledge receipt of, a notice that indicates no inspection was conducted by a state or local health department except for butchering and processing of rabbit meat or poultry. The bill also specifies food items from such farms that qualify the farm to be exempt from the definition of “food establishment.”

I rise in support of Assembly Bill 200. This provides an opportunity for farms to be able to have people come and visit and see what it is like to enjoy farm fresh food. I hope I can obtain your support.

Roll call on Assembly Bill No. 200:

YEAS—40.

NAYS—Pierce.

VACANT—1.

Assembly Bill No. 200 having received a two-thirds majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 209.

Bill read third time.

Remarks by Assemblyman Aizley.

ASSEMBLYMAN AIZLEY:

Assembly Bill 209 will allow a county milk commission to approve the production of raw milk for sale throughout the state of Nevada.

This would be a new business for the state, hiring a few people and allowing people who already drink raw milk to acquire it legally.

Roll call on Assembly Bill No. 209:

YEAS—40.

NAYS—None.

EXCUSED—Bobzien.

VACANT—1.

Assembly Bill No. 209 having received a constitutional majority,
Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 218.

Bill read third time.

Remarks by Assemblyman Daly.

ASSEMBLYMAN DALY:

Assembly Bill 218 defines “bona fide fringe benefit” for the purposes of state laws applicable to public works as a benefit in the form of a contribution that is made not less frequently than monthly to an independent third party pursuant to a fund, plan, or program which is established for the sole and exclusive benefit of a worker and his or her family and dependents, and for which none of the assets will revert to, or otherwise be credited to, any contributing employer or sponsor of the fund, plan, or program. The term includes, without limitation, benefits for a worker that are determined pursuant to a collective bargaining agreement.

Roll call on Assembly Bill No. 218:

YEAS—27.

NAYS—Paul Anderson, Duncan, Ellison, Fiore, Grady, Hambrick, Hansen, Hardy, Kirner,
Livermore, Oscarson, Wheeler, Woodbury—13.

EXCUSED—Bobzien.

VACANT—1.

Assembly Bill No. 218 having received a constitutional majority,
Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 244.

Bill read third time.

Remarks by Assemblywoman Spiegel.

ASSEMBLYWOMAN SPIEGEL:

Assembly Bill 244 sets the minimum number of active registrations for special license plates at 1,000 for all special license plates.

Roll call on Assembly Bill No. 244:

YEAS—40.

NAYS—None.

EXCUSED—Bobzien.

VACANT—1.

Assembly Bill No. 244 having received a constitutional majority,
Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 283.

Bill read third time.

Remarks by Assemblyman Daly.

ASSEMBLYMAN DALY:

Assembly Bill 283 makes various changes to the public works' laws, including but not limited to revising certain requirements for bidding. It clarifies that a person who performs work that does not otherwise require licensure by the State Contractors' Board is not required to be licensed to provide services on a public work.

The measure requires a public body to appoint a panel consisting of at least three but not more than seven members, a majority of whom must have experience in the construction industry, to evaluate and rank bids for a public work. After the bids have been ranked, the public body or its authorized representative must select at least two, but not more than five, of the highest-ranking applicants to interview.

The bill extends the authority for the Department of Transportation to contract with a construction manager at risk for certain work on highways on and after July 1, 2013.

Roll call on Assembly Bill No. 283:

YEAS—26.

NAYS—Paul Anderson, Duncan, Ellison, Fiore, Grady, Hambrick, Hardy, Hickey, Kirner, Livermore, Oscarson, Stewart, Wheeler, Woodbury—14.

EXCUSED—Bobzien.

VACANT—1.

Assembly Bill No. 283 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 293.

Bill read third time.

Remarks by Assemblyman Hansen.

ASSEMBLYMAN HANSEN:

What this bill originally intended is now a little different. Assembly Bill 293 gives the Commission on Off-Highway Vehicles the authority to change the sizing on the registration stickers and plates that people are going to have to purchase with the off highway vehicle program.

Roll call on Assembly Bill No. 293:

YEAS—40.

NAYS—None.

EXCUSED—Bobzien.

VACANT—1.

Assembly Bill No. 293 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 306.

Bill read third time.

Remarks by Assemblyman Horne.

ASSEMBLYMAN HORNE:

Yes, Madam Speaker. Assembly Bill 306 includes within the definition of “private investigator” activities relating to the review, analysis, and investigation of computerized data not available to the public. It adds to the definition reference to crimes or torts that have been committed, attempted, threatened, or suspected to occur and exempts a person who repairs or maintains a computer used to analyze data from being subject to licensure. The bill also requires a licensee of the Private Investigator’s Licensing Board to maintain a principal place of business in this state and to conspicuously post his or her license. Finally, the bill requires each licensee to ensure that every registered person he or she employs in this state is supervised by a licensee who is physically located in this state, and to maintain records relating to those employees.

Roll call on Assembly Bill No. 306:

YEAS—39.

NAYS—None.

EXCUSED—Benitez-Thompson, Bobzien—2.

VACANT—1.

Assembly Bill No. 306 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 327.

Bill read third time.

Remarks by Assemblyman Martin.

ASSEMBLYMAN MARTIN:

Assembly Bill 327 requires the Director of the Department of Administration to establish a telephone number to receive information relating to abuse, fraud, and waste with respect to the receipt and use of public money. Written notice of the telephone number must be posted on the Internet website maintained by the Department and in each public building of an agency.

Roll call on Assembly Bill No. 327:

YEAS—39.

NAYS—None.

EXCUSED—Benitez-Thompson, Bobzien—2.

VACANT—1.

Assembly Bill No. 327 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 334.

Bill read third time.

Remarks by Assemblyman Healey.

ASSEMBLYMAN HEALEY:

Assembly Bill 334 exempts a real estate licensee from regulation by the State Contractors’ Board if the licensee is acting within the scope of his or her license or permit to engage in property management and is assisting a client in scheduling work to repair or maintain residential property.

Roll call on Assembly Bill No. 334:

YEAS—39.

NAYS—None.

EXCUSED—Benitez-Thompson, Bobzien—2.

VACANT—1.

Assembly Bill No. 334 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 354.

Bill read third time.

Remarks by Assemblywoman Diaz.

ASSEMBLYWOMAN DIAZ:

Assembly Bill 354 prohibits the manufacture, sale, or distribution of an empty bottle or cup containing Bisphenol A, or BPA, if the bottle or cup is designed or intended to be filled with liquid, food, or beverage intended primarily for consumption by a child less than four years of age. The bill also prohibits the manufacture, sale, or distribution of infant formula or baby food stored in a container that contains intentionally added BPA.

Roll call on Assembly Bill No. 354:

YEAS—39.

NAYS—None.

EXCUSED—Benitez-Thompson, Bobzien—2.

VACANT—1.

Assembly Bill No. 354 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 358.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Assembly Bill 358 enacts the Uniform Deployed Parents Custody and Visitation Act and replaces Nevada's existing laws on these subjects. When a parent of a child has received military deployment orders, the bill requires the parents to communicate regarding custody and visitation issues as soon as possible, declares that no permanent custody order may be entered before or during deployment without the service member's consent, and declares that the residence of the deploying parent is not changed by reason of the deployment.

When imminent deployment is not an issue, A.B. 358 prohibits a court from using a parent's past deployment or possible future deployment itself as a negative factor in determining the best interests of the child during a custody proceeding.

The measure also establishes a procedure for parents who agree to a custody arrangement during deployment to resolve the issues out of court and, in the absence of an agreement, provides for an expedited resolution of the issues in court. It also establishes procedures for the termination of temporary custody arrangements following a service member's return from deployment.

This is a uniform act that the commissioners believed we needed for uniformity among the states, because a lot of times when a service member is deployed, the spouse may move to

another state. You may have two states with different laws affecting the relationship between that deployed parent and the child. I think A.B. 358 goes a long way towards trying to preserve that relationship between the deployed parent and the child. I want to commend my colleague from District 42 who introduced legislation on this issue last session, which I'm sure has helped many deployed parents already.

Roll call on Assembly Bill No. 358:

YEAS—39.

NAYS—None.

EXCUSED—Benitez-Thompson, Bobzien—2.

VACANT—1.

Assembly Bill No. 358 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 391.

Bill read third time.

Remarks by Assemblymen Daly, Hickey, and Carlton.

Assemblyman Oscarson declared a conflict of interest.

ASSEMBLYMAN DALY:

Assembly Bill 391 revises provisions relating to the installation of certain renewable energy systems on property owned or occupied by a public body to ensure competitive bidding requirements are followed. The measure requires a contractor or a subcontractor who enters into a contract under the Green Jobs Initiative to provide written certification to the Labor Commissioner that prevailing wages are paid as required.

Assembly Bill 391 also specifies that a cooperative association, nonprofit corporation or association, any other utility, or any entity controlled by such an organization is subject to the full jurisdiction, control, and regulation of the Public Utilities Commission of Nevada if it is operating without a certificate of public convenience and necessity; supplying services to persons other than its own members; offering services outside its service territory; qualifies as a utility outside the service territory; or has violated any other provision related to its certificate of public convenience and necessity.

ASSEMBLYMAN HICKEY:

I rise in opposition to Assembly Bill 391. A.B. 391 targets one, and one only, rural utility in our state, and I don't believe targeting a specific business or industry is good policy for us. This bill increases the cost to certain rural taxpayers by paying prevailing wages and mandating them on certain renewable energy systems, and it disregards current Nevada law and established procedures. Assembly Bill 391 would create an additional burden on rural taxpayers by mandating those things.

These are precious funds that only benefit a small portion of Nevada workers. These funds could be better used towards other priority areas in those rural areas, such as education. Assembly Bill 391 trumps the vested power in the PUC in order to enforce rules established by the Legislature for the prudent operation of utility. We should not be singling out certain businesses, and it's for those reasons that I stand in opposition to A.B. 391.

ASSEMBLYWOMAN CARLTON:

I rise in support of Assembly Bill 391. With respect to the Minority Leader, I do not believe that this points out one particular co-op. Co-ops are very important to this state and they have a true meaning here. This bill just says that if you go outside of your service territory and you want to do business in the big boy's world where everybody has to compete, then you have to

play by the same rule book that everyone else has to. Currently there is one co-op out there that's spreading its wings and working outside of its service territory, but we may have more in the future. We just think it's good public policy for this state to make sure that, as I said, everyone plays by the same rule book and the people of the state are protected.

Roll call on Assembly Bill No. 391:

YEAS—24.

NAYS—Paul Anderson, Duncan, Ellison, Fiore, Grady, Hambrick, Hansen, Hardy, Hickey, Kirner, Livermore, Stewart, Wheeler, Woodbury—14.

NOT VOTING—Oscarson.

EXCUSED—Benitez-Thompson, Bobzien—2.

VACANT—1.

Assembly Bill No. 391 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 403.

Bill read third time.

Remarks by Assemblymen Daly, Stewart, Elliot Anderson, and Kirner.

ASSEMBLYMAN DALY:

Assembly Bill 403 provides for fees to fund vocational programs. Specifically, the bill allows a school district's board of trustees to adopt an ordinance no later than January 1, 2014, imposing a fee on real property of up to \$2 per month per acre or any portion thereof; provides that the fee would commence with the fiscal year beginning July 2014, could be collected for no longer than ten years, and the number of acres subject to the fee would be limited, based upon the land use; and requires that the funds collected can be used only for the design, planning, construction, and not more than two years of operational costs of a vocational program.

This measure also requires a board of trustees that imposes such a fee to establish a committee to observe the collection of the fee and the use of the proceeds and to make recommendations related to the vocational program. The committee must include the school district's superintendent of schools, the board of trustees' president, and three additional members, including one state Senator and one Assembly Member appointed by legislative leadership, who represent any portion of the school district, and one member of the public, appointed by the board of trustees, who resides in the school district.

ASSEMBLYMAN STEWART:

I appreciate the efforts of my colleague from Sparks, but I rise in opposition to this bill. It gives the board of trustees of the school districts the power to raise a property tax. I think this is a dangerous precedent to set to give a new body this taxing power, and so I would strongly urge you to vote in opposition to this.

ASSEMBLYMAN ELLIOT ANDERSON:

I think we all know what the budgetary challenges are for the school districts and everything else. Unfortunately we aren't always able to get the support to raise revenue in this body, so it's important that we allow them the ability to take care of their needs and fund education.

ASSEMBLYMAN KIRNER:

I rise in opposition to Assembly Bill 403, and I share the sentiments of my colleague in District 22. This, in effect, is a property tax, and I believe it's inappropriate to hand over the authority to school boards and give them the ability to exert property taxes. I believe further that we confirmed this policy position in our Taxation Committee when we rejected a similar type of bill handing over, or enabling, a school board to impose a tax.

I would urge the body to think about this as another means to tax and as precedent setting in terms of passing this authority over to school boards.

Roll call on Assembly Bill No. 403:

YEAS—23.

NAYS—Paul Anderson, Duncan, Ellison, Fiore, Grady, Hambrick, Hansen, Hardy, Hickey, Kirner, Livermore, Munford, Oscarson, Stewart, Wheeler, Woodbury—16.

EXCUSED—Benitez-Thompson, Bobzien—2.

VACANT—1.

Assembly Bill No. 403 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 417.

Bill read third time.

Remarks by Assemblywoman Woodbury.

ASSEMBLYWOMAN WOODBURY:

Assembly Bill 417 requires the legislative body of a community to create a revolving loan account administered by the redevelopment agency. Money in the revolving loan account may be used by the agency only to make loans at or below market rate to a new or existing small business in the redevelopment area. A “small business” is defined as a business that employs not more than 25 persons. Loans may be made from the revolving loan account to small businesses located within the redevelopment area or persons wishing to locate or relocate a new small business in the redevelopment area per certain criteria, and the term of the loan must be five years or less. Each redevelopment agency must make certain annual reports to the Legislature concerning loans from the revolving loan account.

Roll call on Assembly Bill No. 417:

YEAS—39.

NAYS—None.

EXCUSED—Benitez-Thompson, Bobzien—2.

VACANT—1.

Assembly Bill No. 417 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 434.

Bill read third time.

Remarks by Assemblyman Ellison.

ASSEMBLYMAN ELLISON:

I rise in support of Assembly Bill 434. It allows certain educational requirements for registration as an interior designer to be satisfied by the receipt of a degree from an accredited architectural program. The bill also provides that an application for registration submitted to the State Board of Architecture, Interior Design and Residential Design may be denied for violations of existing law governing architects, registered interior designers, and residential designers, including any violation that may reasonably call into question the qualifications or experience of the applicant. This bill is effective October 1, 2013. What this bill does is help clean up and to get some of these people a license and registration.

Roll call on Assembly Bill No. 434:

YEAS—38.

NAYS—Fiore.

EXCUSED—Benitez-Thompson, Bobzien—2.

VACANT—1.

Assembly Bill No. 434 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 438.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Assembly Bill 438 prohibits an elected member of a local legislative body or the University Board of Regents from being paid to lobby the local legislative body on which he or she served for two years after leaving office. The measure clarifies that the lobbying prohibition does not include being employed by: (1) the former legislative body and appearing before the body in the course of that employment; (2) another public body or agency and appearing before the person's former legislative body in the course of that employment; and (3) a news organization and communicating with the person's former legislative body while gathering news.

This measure is only applicable to persons elected to a term, or appointed to serve out a term, on a local legislative body on or after July 1, 2013.

Roll call on Assembly Bill No. 438:

YEAS—37.

NAYS—Aizley, Fiore—2.

EXCUSED—Benitez-Thompson, Bobzien—2.

VACANT—1.

Assembly Bill No. 438 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 442.

Bill read third time.

Remarks by Assemblymen Elliot Anderson and Hickey.

ASSEMBLYMAN ELLIOT ANDERSON:

Assembly Bill 442 sets forth the criteria that may be considered by the Secretary of State in determining whether to waive the daily penalty for a failure to file timely campaign finance or registration reports by certain candidates, committees, persons, political organizations, or other entities.

ASSEMBLYMAN HICKEY:

I, too, rise in support of A.B. 442. This bill, heard in Legislative Operations and Elections, took into account the problems that some new candidates have in being confused about the reporting requirements. I know that doesn't include anybody in this room. It especially gave some room for smaller party candidates and first-time candidates and a little more flexibility for the Secretary of State if some reporting things have been overlooked. I think it is a good bill, and I urge its passage.

Roll call on Assembly Bill No. 442:

YEAS—39.

NAYS—None.

EXCUSED—Benitez-Thompson, Bobzien—2.

VACANT—1.

Assembly Bill No. 442 having received a constitutional majority,
Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 453.

Bill read third time.

Remarks by Assemblyman Carrillo and Madam Speaker.

ASSEMBLYMAN CARRILLO:

Assembly Bill 453 provides for the registration of two or more vehicles as a fleet if they are all covered by a commercial liability policy. This bill also provides that verification of the required liability insurance for fleet vehicles is satisfied when an insurer submits to the Department of Motor Vehicles the policy number and the name of the registered owner of those vehicles.

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

Assemblyman Carrillo, I have one question. Is this for any fleet registration or just a fleet registration within the state agencies?

ASSEMBLYMAN CARRILLO:

That would be for any fleet vehicles.

Roll call on Assembly Bill No. 453:

YEAS—33.

NAYS—Aizley, Bustamante Adams, Diaz, Frierson, Horne, Kirkpatrick—6.

EXCUSED—Benitez-Thompson, Bobzien—2.

VACANT—1.

Assembly Bill No. 453 having received a constitutional majority,
Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 455.

Bill read third time.

Remarks by Assemblyman Healey.

ASSEMBLYMAN HEALEY:

Assembly Bill 455 makes various changes to requirements and processes concerning special license plates. Specifically, it revises and expands the types of information that must be provided to the Department of Motor Vehicles in an application for a special license plate, as well as revises the process of the hearing and appeal if a charitable organization that receives additional fees from special license plates is found to have failed to provide certain required information.

Roll call on Assembly Bill No. 455:

YEAS—39.

NAYS—None.

EXCUSED—Benitez-Thompson, Bobzien—2.

VACANT—1.

Assembly Bill No. 455 having received a constitutional majority,
Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 456.

Bill read third time.

Remarks by Assemblyman Healey.

ASSEMBLYMAN HEALEY:

Assembly Bill 456 requires a health care professional to, while providing care in a health care facility, wear a name tag that indicates his or her specific licensure or certification. The bill also prohibits a health care professional from holding him or herself out as “board certified” unless the name of the board is disclosed and that board meets certain requirements.

Roll call on Assembly Bill No. 456:

YEAS—33.

NAYS—Ellison, Fiore, Hansen, Hardy, Livermore, Stewart—6.

EXCUSED—Benitez-Thompson, Bobzien—2.

VACANT—1.

Assembly Bill No. 456 having received a constitutional majority,
Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 460.

Bill read third time.

Remarks by Assemblymen Munford and Elliot Anderson.

ASSEMBLYMAN MUNFORD:

Assembly Bill 460 removes the school accountability provisions contained in Chapter 385 of the *Nevada Revised Statutes* and requires Nevada’s Department of Education to establish a single statewide system of accountability for all public schools and districts, regardless of their Title I status. The bill requires the new accountability system to continue to comply with the applicable requirements of federal law and sets forth certain elements that must be included in the system. It also requires the Department to monitor the impact of eliminating certain mandated supplemental services and school choice options and report to the Legislative Committee on Education during the legislative interim.

This measure also calls for the reporting of student honor code violations at the high school level and the inclusion of the information in the annual accountability reports submitted by school districts and the state Board of Education.

I’d like to extend my appreciation to Assemblywoman Swank and Assemblyman Eisen for their effort and support in helping to get this legislation through.

ASSEMBLYMAN ELLIOT ANDERSON:

I also wanted to make clear for the body that this allows us to operate under the federal No Child Left Behind waiver. As my colleague from District 6 said, we will remove those

provisions but then put in place what we have been operating under and what the Nevada Department of Education has been doing.

Roll call on Assembly Bill No. 460:

YEAS—39.

NAYS—None.

EXCUSED—Benitez-Thompson, Bobzien—2.

VACANT—1.

Assembly Bill No. 460 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 425, 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*

Madam Speaker:

Your Committee on Transportation, to which were referred Assembly Bills Nos. 166, 167, 405, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

RICHARD CARRILLO, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that Assembly Bills Nos. 166, 167, 405, and 425, just reported out of committee, be placed on the Second Reading File.

Motion carried.

NOTICE OF EXEMPTION

April 22, 2013

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 26, 184, 360, 367 and 370.

CINDY Jones

Fiscal Analysis Division

April 22, 2013

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bill No. 221.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bill No. 447.

MARK KRMPOTIC

Fiscal Analysis Division

SECOND READING AND AMENDMENT

Assembly Bill No. 166.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 317.

SUMMARY—Revises requirements for the registration of a vehicle that is driven in Nevada by a nonresident who ~~works~~ **commutes to work on a regular basis** in Nevada. (BDR 43-707)

AN ACT relating to motor vehicles; revising requirements for the registration of a motor vehicle of a nonresident who is employed in this State and operates the motor vehicle on the highways of this State ~~to~~ **on a regular basis to commute to that employment**; requiring that such a motor vehicle comply with certain provisions; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a nonresident who is employed in this State and who owns a motor vehicle that is operated in this State must, within 30 days after commencing employment and with certain exceptions, register the motor vehicle in this State. (NRS 482.385) **Section 1** of this bill requires that ~~the nonresident who is a natural person employed in this State and who owns~~ **an owner of** a motor vehicle that is operated in this State **by a nonresident daily commuter** register the motor vehicle within 10 days after ~~commencing~~ **the nonresident daily commuter commences** employment. Such a registration would require the payment of a fee and be valid for 1 year. **Section 1** also requires such a motor vehicle to comply with the registration, insurance and emissions testing requirements, if any, of the out-of-state location where the ~~nonresident~~ **owner** is a resident. If the location where the ~~nonresident~~ **owner** is a resident does not require emissions testing, **section 1** requires such a motor vehicle to undergo emissions testing as if it were the vehicle of a Nevada resident. **For the purposes of this bill, section 1 defines "nonresident daily commuter" to mean a person who: (1) is not a Nevada resident; (2) enters and leaves the State of Nevada on a regular basis for the purpose of engaging, in this State, in a trade, profession, occupation or other gainful employment; (3) engages in such gainful employment at a location which is within the State of Nevada and not more than 30 road miles from the boundary between the State of Nevada and any of the states of Arizona, California, Idaho, Oregon and Utah; and (4) principally garages his or her commuting vehicle in a state other than Nevada.**

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

Section 1. Chapter 482 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[A nonresident]~~ An owner of a vehicle of a type subject to registration pursuant to the provisions of this chapter ~~{who is a natural person and engages in a trade, profession or occupation or accepts gainful employment in this State}~~ shall apply for the registration of each vehicle the person owns which is operated in this State ~~{}~~ by a nonresident daily commuter. The person must apply for the registration of such a vehicle not later than 10 days after the date the {person} nonresident daily commuter first operates the vehicle in this State ~~{after the commencement of such employment}~~, regardless of whether the nonresident daily commuter is also the owner of the vehicle.

2. The Department shall grant an application for registration of a vehicle pursuant to subsection 1 if the ~~{nonresident owner of the vehicle;}~~ applicant:

(a) Submits proof that the vehicle has been registered for the current year in the state, country or other place of which the owner is a resident;

(b) Submits proof that the vehicle is currently insured in compliance with the laws of the state, country or other place of which the owner is a resident;

(c) Submits proof that the vehicle has been tested for emissions in compliance with the laws of the state, country or other place of which the owner is a resident or, if the place where the owner is a resident does not require the testing of the emissions of motor vehicles, complies with the provisions of NRS 445B.700 to 445B.815, inclusive, and the regulations adopted pursuant thereto for the vehicle as if the vehicle were required to comply with those provisions; and

(d) Pays a fee of ~~{ \$150. The owner must pay a fee of \$150 }~~ \$33 for each vehicle the owner registers pursuant to this section.

3. The Department shall issue to ~~{a nonresident}~~ an owner who registers a vehicle pursuant to this section an indicator for the registered vehicle that indicates the vehicle is operated by a nonresident daily commuter. The indicator must be displayed on the registered vehicle when the registered vehicle is operated in this State ~~{The}~~ by a nonresident daily commuter. An indicator issued pursuant to this subsection is issued for a specific vehicle, is nontransferable and expires 1 year after the date of issuance.

4. All fees paid pursuant to subsection 2 must be deposited with the State Treasurer for credit to the State Highway Fund and expended pursuant to subsection 2 of NRS 408.235.

5. A person who violates the provisions of this section is guilty of a misdemeanor and shall be punished:

(a) For the first offense, by a fine of not more than ~~{ \$300 }~~ \$100.

(b) For the second and each subsequent offense, by a fine of not more than \$500.

↪ The failure of a person to comply with the provisions of this section for each vehicle to which this section applies constitutes a separate offense.

6. ~~6A.~~ If an owner of a vehicle that is required to be registered pursuant to this section fails to register the vehicle pursuant to this section, the owner or operator of the vehicle may be cited for a violation of this section regardless of whether it is in operation or is parked on a highway, in a public parking lot or on private property which is open to the public if, after communicating with the owner or operator of the vehicle, the peace officer issuing the citation determines that the vehicle is required to be registered pursuant to subsection 1 ~~1A~~ and that the owner has failed to register the vehicle pursuant to subsection 1. As used in this subsection, “peace officer” includes a constable.

7. The Department may adopt such regulations as are necessary to carry out the provisions of this section ~~1A~~, including, without limitation, adopting by regulation a definition of “on a regular basis” for the purpose of subsection 8.

8. As used in this section, “nonresident daily commuter” means a person:

(a) Who is not a resident of the State of Nevada;

(b) Who enters and leaves the State of Nevada on a regular basis for the purpose of engaging, in this State, in a trade, profession, occupation or other gainful employment;

(c) Engages in a trade, profession, occupation or other gainful employment at a location which is:

(1) Within the State of Nevada; and

(2) Not more than 30 road miles from the boundary between the State of Nevada and any of the states of Arizona, California, Idaho, Oregon and Utah; and

(d) Whose vehicle, which is used for the purpose described in paragraph (b), is principally garaged outside this State.

Sec. 2. NRS 482.103 is hereby amended to read as follows:

482.103 1. “Resident” includes, but is not limited to, a person:

(a) Whose legal residence is in the State of Nevada.

(b) Who engages in intrastate business and operates in such a business any motor vehicle, trailer or semitrailer, or any person maintaining such vehicles in this State, as the home state of such vehicles.

(c) Who physically resides in this State and engages in a trade, profession, occupation or accepts gainful employment in this State.

(d) Who declares that he or she is a resident of Nevada for purposes of obtaining privileges not ordinarily extended to nonresidents of this State.

2. The term does not include a person who is an actual tourist, an out-of-state student, a border state employee or a seasonal resident.

3. The provisions of this section do not apply to persons who operate vehicles in this State under the provisions of NRS 482.385, 482.390, 482.395 or 706.801 to 706.861, inclusive ~~H~~, **or section 1 of this act.**

Sec. 3. NRS 482.385 is hereby amended to read as follows:

482.385 1. Except as otherwise provided in subsections 5 and 7 and NRS 482.390, **and section 1 of this act**, a nonresident owner of a vehicle of a type subject to registration pursuant to the provisions of this chapter, owning any vehicle which has been registered for the current year in the state, country or other place of which the owner is a resident and which at all times when operated in this State has displayed upon it the registration license plate issued for the vehicle in the place of residence of the owner, may operate or permit the operation of the vehicle within this State without its registration in this State pursuant to the provisions of this chapter and without the payment of any registration fees to this State:

(a) For a period of not more than 30 days in the aggregate in any 1 calendar year; and

(b) Notwithstanding the provisions of paragraph (a), during any period in which the owner is:

(1) On active duty in the military service of the United States;

(2) An out-of-state student;

(3) Registered as a student at a college or university located outside this State and who is in the State for a period of not more than 6 months to participate in a work-study program for which the student earns academic credits from the college or university; or

(4) A migrant or seasonal farm worker.

2. This section does not:

(a) Prohibit the use of manufacturers', distributors' or dealers' license plates issued by any state or country by any nonresident in the operation of any vehicle on the public highways of this State.

(b) Require registration of vehicles of a type subject to registration pursuant to the provisions of this chapter operated by nonresident common motor carriers of persons or property, contract motor carriers of persons or property, or private motor carriers of property as stated in NRS 482.390.

(c) Require registration of a vehicle operated by a border state employee.

3. Except as otherwise provided in subsection 5, when a person, formerly a nonresident, becomes a resident of this State, the person shall:

(a) Within 30 days after becoming a resident; or

(b) At the time he or she obtains a driver's license,

➡ whichever occurs earlier, apply for the registration of each vehicle the person owns which is operated in this State. When a person, formerly a

nonresident, applies for a driver's license in this State, the Department shall inform the person of the requirements imposed by this subsection and of the penalties that may be imposed for failure to comply with the provisions of this subsection.

4. A citation may be issued pursuant to subsection 1, 3 or 5 only if the violation is discovered when the vehicle is halted or its driver arrested for another alleged violation or offense. The Department shall maintain or cause to be maintained a list or other record of persons who fail to comply with the provisions of subsection 3 and shall, at least once each month, provide a copy of that list or record to the Department of Public Safety.

5. Except as otherwise provided in this subsection, a resident or nonresident owner of a vehicle of a type subject to registration pursuant to the provisions of this chapter who ~~engages in a trade, profession or occupation or accepts gainful employment in this State or who~~ enrolls his or her children in a public school in this State shall, within 30 days after the commencement of such ~~employment or~~ enrollment, apply for the registration of each vehicle the person owns which is operated in this State. The provisions of this subsection do not apply to a nonresident who is:

- (a) On active duty in the military service of the United States;
- (b) An out-of-state student;
- (c) Registered as a student at a college or university located outside this State and who is in the State for a period of not more than 6 months to participate in a work-study program for which the student earns academic credits from the college or university; or
- (d) A migrant or seasonal farm worker.

6. A person who violates the provisions of subsection 1, 3 or 5 is guilty of a misdemeanor and, except as otherwise provided in this subsection, shall be punished by a fine of \$1,000. The fine imposed pursuant to this subsection is in addition to any fine or penalty imposed for the other alleged violation or offense for which the vehicle was halted or its driver arrested pursuant to subsection 4. The fine imposed pursuant to this subsection may be reduced to not less than \$200 if the person presents evidence at the time of the hearing that the person has registered the vehicle pursuant to this chapter.

7. Any resident operating upon a highway of this State a motor vehicle which is owned by a nonresident and which is furnished to the resident operator for his or her continuous use within this State, shall cause that vehicle to be registered within 30 days after beginning its operation within this State.

8. A person registering a vehicle pursuant to the provisions of subsection 1, 3, 5, 7 or 9 or pursuant to NRS 482.390:

- (a) Must be assessed the registration fees and governmental services tax, as required by the provisions of this chapter and chapter 371 of NRS; and

(b) Must not be allowed credit on those taxes and fees for the unused months of the previous registration.

9. If a vehicle is used in this State for a gainful purpose, the owner shall immediately apply to the Department for registration, except as otherwise provided in NRS 482.390, 482.395 and 706.801 to 706.861, inclusive ~~H~~ , **and section 1 of this act.**

10. An owner registering a vehicle pursuant to the provisions of this section shall surrender the existing nonresident license plates and registration certificates to the Department for cancellation.

11. A vehicle may be cited for a violation of this section regardless of whether it is in operation or is parked on a highway, in a public parking lot or on private property which is open to the public if, after communicating with the owner or operator of the vehicle, the peace officer issuing the citation determines that:

(a) The owner of the vehicle is a resident of this State;

(b) The vehicle is used in this State for a gainful purpose;

(c) Except as otherwise provided in paragraph (b) of subsection 1, the owner of the vehicle is a nonresident and has operated the vehicle in this State for more than 30 days in the aggregate in any 1 calendar year; or

(d) The owner of the vehicle is a nonresident required to register the vehicle pursuant to subsection 5.

➡ As used in this subsection, "peace officer" includes a constable.

Sec. 4. NRS 482.500 is hereby amended to read as follows:

482.500 1. Except as otherwise provided in subsection 2 or 3, whenever upon application any duplicate or substitute certificate of registration, **indicator**, decal or number plate is issued, the following fees must be paid:

For a certificate of registration	5.00
For every substitute number plate or set of plates	5.00
For every duplicate number plate or set of plates.....	10.00
For every decal displaying a county name	50
For every other indicator , decal, license plate sticker or tab.....	5.00

2. The following fees must be paid for any replacement plate or set of plates issued for the following special license plates:

(a) For any special plate issued pursuant to NRS 482.3667, 482.367002, 482.3672, 482.3675, 482.370 to 482.376, inclusive, or 482.379 to 482.3818, inclusive, a fee of \$10.

(b) For any special plate issued pursuant to NRS 482.368, 482.3765, 482.377 or 482.378, a fee of \$5.

(c) Except as otherwise provided in paragraph (a) of subsection 1 of NRS 482.3824, for any souvenir license plate issued pursuant to

NRS 482.3825 or sample license plate issued pursuant to NRS 482.2703, a fee equal to that established by the Director for the issuance of those plates.

3. A fee must not be charged for a duplicate or substitute of a decal issued pursuant to NRS 482.37635.

4. The fees which are paid for duplicate number plates and decals displaying county names must be deposited with the State Treasurer for credit to the Motor Vehicle Fund and allocated to the Department to defray the costs of duplicating the plates and manufacturing the decals.

Sec. 5. This act becomes effective:

1. 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

2. On January 1, 2014, for all other purposes.

Assemblyman Carrillo moved the adoption of the amendment.

Remarks by Assemblyman Carrillo.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 167.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 318.

AN ACT relating to motor vehicles; revising requirements for the registration of a motor vehicle that is operated on the highways of this State for a business purpose within this State; requiring that such a motor vehicle complies with certain provisions; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, certain nonresident owners of motor vehicles that are used in this State for a gainful purpose must register such motor vehicles in this State. (NRS 482.385) **Section 1** of this bill requires a nonresident who is not a natural person, owns a vehicle of a type subject to registration in this State and allows that vehicle to be operated in this State for business purposes within this State to register the motor vehicle within 10 days after the commencement of such operation of the vehicle. Such a registration would require the payment of a fee , is nontransferable and ~~fee~~ is valid for 1 year. **Section 1** also requires such a motor vehicle to comply with the registration, insurance and emissions testing requirements, if any, of the out-of-state location where the nonresident is resident. If the location where the nonresident is resident does not require emissions testing, **section 1** requires such a motor vehicle to undergo emissions testing as if it were the vehicle of

a Nevada resident. The provisions of **section 1** do not apply to certain motor carriers or apportioned vehicles ~~or~~ **or vehicles that are leased or rented to lessees by short-term lessors.**

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

Section 1. Chapter 482 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section, NRS 482.390 and 706.801 to 706.861, inclusive, a nonresident who:

- (a) Is not a natural person;**
- (b) Is the owner of a vehicle of a type subject to registration pursuant to the provisions of this chapter; and**
- (c) Allows that vehicle to be operated in this State by an employee, independent contractor or any other person for the purpose of engaging in the business of the nonresident within this State,**
↪ shall, within 10 days after the commencement of such operation, apply for the registration of the vehicle.

2. The Department shall grant an application for registration of a vehicle pursuant to subsection 1 if the nonresident owner of the vehicle:

- (a) Submits proof that the vehicle has been registered for the current year in the state, country or other place of which the owner is a resident;**
- (b) Submits proof that the vehicle is currently insured in compliance with the laws of the state, country or other place of which the owner is a resident;**
- (c) Submits proof that the vehicle has been tested for emissions in compliance with the laws of the state, country or other place of which the owner is a resident or, if the place where the owner is a resident does not require the testing of the emissions of motor vehicles, complies with the provisions of NRS 445B.700 to 445B.815, inclusive, and the regulations adopted pursuant thereto for the vehicle as if the vehicle were required to comply with those provisions; and**

(d) Pays a fee of ~~[\$200. The owner must pay a fee of \$150]~~ :

(1) Two hundred dollars for the first vehicle the owner registers pursuant to this section.

(2) One hundred and fifty dollars for each additional vehicle the owner registers pursuant to this section.

3. The Department shall issue to a nonresident owner who registers a vehicle pursuant to this section an indicator for the registered vehicle that must be displayed on the registered vehicle when the registered vehicle is operated in this State. The indicator issued pursuant to this subsection is nontransferable and expires 1 year after the date of issuance.

4. *All fees paid pursuant to subsection 2 must be deposited with the State Treasurer for credit to the State Highway Fund and expended pursuant to subsection 2 of NRS 408.235.*

5. *A person who violates the provisions of this section is guilty of a misdemeanor and shall be punished:*

(a) *For the first offense, by a fine of not more than \$500.*

(b) *For the second and each subsequent offense, by a fine of not more than \$750.*

↪ *The failure of a person to comply with the provisions of this section for each vehicle to which this section applies constitutes a separate offense.*

6. *A vehicle may be cited for a violation of this section regardless of whether it is in operation or is parked on a highway, in a public parking lot or on private property which is open to the public if, after communicating with the owner or operator of the vehicle, the peace officer issuing the citation determines that the vehicle is required to be registered pursuant to subsection 1. As used in this subsection, "peace officer" includes a constable.*

7. *The Department may adopt such regulations as are necessary to carry out the provisions of this section.*

8. *The provisions of this section do not apply with respect to a vehicle that is leased or rented to a lessee by a short-term lessor, as that term is defined in subsection 5 of NRS 482.053.*

Sec. 2. NRS 482.103 is hereby amended to read as follows:

482.103 1. "Resident" includes, but is not limited to, a person:

(a) Whose legal residence is in the State of Nevada.

(b) Who engages in intrastate business and operates in such a business any motor vehicle, trailer or semitrailer, or any person maintaining such vehicles in this State, as the home state of such vehicles.

(c) Who physically resides in this State and engages in a trade, profession, occupation or accepts gainful employment in this State.

(d) Who declares that he or she is a resident of Nevada for purposes of obtaining privileges not ordinarily extended to nonresidents of this State.

2. The term does not include a person who is an actual tourist, an out-of-state student, a border state employee or a seasonal resident.

3. The provisions of this section do not apply to persons who operate vehicles in this State under the provisions of NRS 482.385, 482.390, 482.395 or 706.801 to 706.861, inclusive ~~1-1~~, **or section 1 of this act.**

Sec. 3. NRS 482.385 is hereby amended to read as follows:

482.385 1. Except as otherwise provided in subsections 5 and 7 and NRS 482.390, **and section 1 of this act**, a nonresident owner of a vehicle of a type subject to registration pursuant to the provisions of this chapter, owning any vehicle which has been registered for the current year in the state,

country or other place of which the owner is a resident and which at all times when operated in this State has displayed upon it the registration license plate issued for the vehicle in the place of residence of the owner, may operate or permit the operation of the vehicle within this State without its registration in this State pursuant to the provisions of this chapter and without the payment of any registration fees to this State:

(a) For a period of not more than 30 days in the aggregate in any 1 calendar year; and

(b) Notwithstanding the provisions of paragraph (a), during any period in which the owner is:

(1) On active duty in the military service of the United States;

(2) An out-of-state student;

(3) Registered as a student at a college or university located outside this State and who is in the State for a period of not more than 6 months to participate in a work-study program for which the student earns academic credits from the college or university; or

(4) A migrant or seasonal farm worker.

2. This section does not:

(a) Prohibit the use of manufacturers', distributors' or dealers' license plates issued by any state or country by any nonresident in the operation of any vehicle on the public highways of this State.

(b) Require registration of vehicles of a type subject to registration pursuant to the provisions of this chapter operated by nonresident common motor carriers of persons or property, contract motor carriers of persons or property, or private motor carriers of property as stated in NRS 482.390.

(c) Require registration of a vehicle operated by a border state employee.

3. Except as otherwise provided in subsection 5, when a person, formerly a nonresident, becomes a resident of this State, the person shall:

(a) Within 30 days after becoming a resident; or

(b) At the time he or she obtains a driver's license,

➔ whichever occurs earlier, apply for the registration of each vehicle the person owns which is operated in this State. When a person, formerly a nonresident, applies for a driver's license in this State, the Department shall inform the person of the requirements imposed by this subsection and of the penalties that may be imposed for failure to comply with the provisions of this subsection.

4. A citation may be issued pursuant to subsection 1, 3 or 5 only if the violation is discovered when the vehicle is halted or its driver arrested for another alleged violation or offense. The Department shall maintain or cause to be maintained a list or other record of persons who fail to comply with the provisions of subsection 3 and shall, at least once each month, provide a copy of that list or record to the Department of Public Safety.

5. Except as otherwise provided in this subsection ~~1~~ **and section 1 of this act**, a resident or nonresident owner of a vehicle of a type subject to registration pursuant to the provisions of this chapter who engages in a trade, profession or occupation or accepts gainful employment in this State or who enrolls his or her children in a public school in this State shall, within 30 days after the commencement of such employment or enrollment, apply for the registration of each vehicle the person owns which is operated in this State. The provisions of this subsection do not apply to a nonresident who is:

- (a) On active duty in the military service of the United States;
- (b) An out-of-state student;
- (c) Registered as a student at a college or university located outside this State and who is in the State for a period of not more than 6 months to participate in a work-study program for which the student earns academic credits from the college or university; or
- (d) A migrant or seasonal farm worker.

6. A person who violates the provisions of subsection 1, 3 or 5 is guilty of a misdemeanor and, except as otherwise provided in this subsection, shall be punished by a fine of \$1,000. The fine imposed pursuant to this subsection is in addition to any fine or penalty imposed for the other alleged violation or offense for which the vehicle was halted or its driver arrested pursuant to subsection 4. The fine imposed pursuant to this subsection may be reduced to not less than \$200 if the person presents evidence at the time of the hearing that the person has registered the vehicle pursuant to this chapter.

7. Any resident operating upon a highway of this State a motor vehicle which is owned by a nonresident and which is furnished to the resident operator for his or her continuous use within this State, shall cause that vehicle to be registered within 30 days after beginning its operation within this State.

8. A person registering a vehicle pursuant to the provisions of subsection 1, 3, 5, 7 or 9 or pursuant to NRS 482.390:

- (a) Must be assessed the registration fees and governmental services tax, as required by the provisions of this chapter and chapter 371 of NRS; and
- (b) Must not be allowed credit on those taxes and fees for the unused months of the previous registration.

9. If a vehicle is used in this State for a gainful purpose, the owner shall immediately apply to the Department for registration, except as otherwise provided in NRS 482.390, 482.395 and 706.801 to 706.861, inclusive ~~1~~ **, and section 1 of this act.**

10. An owner registering a vehicle pursuant to the provisions of this section shall surrender the existing nonresident license plates and registration certificates to the Department for cancellation.

11. A vehicle may be cited for a violation of this section regardless of whether it is in operation or is parked on a highway, in a public parking lot or on private property which is open to the public if, after communicating with the owner or operator of the vehicle, the peace officer issuing the citation determines that:

- (a) The owner of the vehicle is a resident of this State;
- (b) The vehicle is used in this State for a gainful purpose;
- (c) Except as otherwise provided in paragraph (b) of subsection 1, the owner of the vehicle is a nonresident and has operated the vehicle in this State for more than 30 days in the aggregate in any 1 calendar year; or
- (d) The owner of the vehicle is a nonresident required to register the vehicle pursuant to subsection 5.

➤ As used in this subsection, “peace officer” includes a constable.

Sec. 4. NRS 482.500 is hereby amended to read as follows:

482.500 1. Except as otherwise provided in subsection 2 or 3, whenever upon application any duplicate or substitute certificate of registration, **indicator**, decal or number plate is issued, the following fees must be paid:

For a certificate of registration	5.00
For every substitute number plate or set of plates	5.00
For every duplicate number plate or set of plates.....	10.00
For every decal displaying a county name	.50
For every other indicator , decal, license plate sticker or tab.....	5.00

2. The following fees must be paid for any replacement plate or set of plates issued for the following special license plates:

(a) For any special plate issued pursuant to NRS 482.3667, 482.367002, 482.3672, 482.3675, 482.370 to 482.376, inclusive, or 482.379 to 482.3818, inclusive, a fee of \$10.

(b) For any special plate issued pursuant to NRS 482.368, 482.3765, 482.377 or 482.378, a fee of \$5.

(c) Except as otherwise provided in paragraph (a) of subsection 1 of NRS 482.3824, for any souvenir license plate issued pursuant to NRS 482.3825 or sample license plate issued pursuant to NRS 482.2703, a fee equal to that established by the Director for the issuance of those plates.

3. A fee must not be charged for a duplicate or substitute of a decal issued pursuant to NRS 482.37635.

4. The fees which are paid for duplicate number plates and decals displaying county names must be deposited with the State Treasurer for credit to the Motor Vehicle Fund and allocated to the Department to defray the costs of duplicating the plates and manufacturing the decals.

Sec. 5. This act becomes effective:

1. 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

2. On January 1, 2014, for all other purposes.

Assemblyman Carrillo moved the adoption of the amendment.

Remarks by Assemblyman Carrillo.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 405.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 341.

AN ACT relating to motor vehicles; providing for the issuance of special indicia of the registration of a motor vehicle to a seasonal resident; modifying the provisions pertaining to the issuance of an identification card to a seasonal resident; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines the term “seasonal resident,” in relevant part, as a person who is not a resident of the State of Nevada but who temporarily resides in this State for a period of at least 31 consecutive days in each calendar year, returns to his or her state of residence at least once in each calendar year, is registered to vote or pays income tax in another state or jurisdiction and does not engage in gainful employment in this State. (NRS 481.052; NAC 481.005) **Section 3** of this bill allows the Department of Motor Vehicles to issue to a seasonal resident a decal, sticker or other indicia of the seasonal registration in this State of a motor vehicle if the motor vehicle meets certain criteria. **Section 3 also deems an out-of-state student to be a seasonal resident for the purpose of obtaining such a decal, sticker or other indicia.** **Section 5** of this bill modifies the fees charged for an identification card issued to a seasonal resident and specifies that such a card is valid for a period of 4 years unless suspended, cancelled or revoked. **Section 5 also deems an out-of-state student to be a seasonal resident for the purpose of obtaining such an identification card.** **Sections 2 and 4** of this bill allow a seasonal resident who possesses valid indicia of the seasonal registration of a motor vehicle and a valid identification card for a seasonal resident to operate the motor vehicle upon the highways of this State without registering the vehicle in this State in the same manner as would be required of a vehicle of a resident of this State.

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

Section 1. Chapter 482 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *A seasonal resident may operate a motor vehicle upon the highways of this State without registering the vehicle in this State pursuant to this chapter if the seasonal resident:*

1. Possesses and displays a valid decal, sticker or other indicia of seasonal registration that is issued pursuant to section 3 of this act; and

2. Possesses a valid identification card for seasonal residents that is issued pursuant to section 5 of this act.

Sec. 3. 1. *The Department may issue to a seasonal resident a decal, sticker or other indicia of the seasonal registration in this State of a motor vehicle, if the motor vehicle:*

(a) Is a private passenger vehicle, a noncommercial truck or a recreational vehicle;

(b) Is not a commercial vehicle or otherwise used for business purposes;

(c) ~~Either:~~

~~*(1) Is in compliance with the standards pertaining to the emissions from motor vehicles that apply in the state of which the owner or operator of the motor vehicle is a resident; or*~~

~~*(2) If the state of which the owner or operator of the motor vehicle is a resident does not have standards pertaining to the emissions from motor vehicles;*~~

~~*(I) Is tested for compliance with the standards, if any, pertaining to the emissions from motor vehicles that apply in the region of this State where the motor vehicle will be based; and*~~

~~*(II) If applicable, passes successfully the testing for emissions that is described in sub-subparagraph (I);*~~

~~*(d)*~~ *Is registered currently and validly in the state of which the owner or operator of the motor vehicle is a resident; and*

~~*(e)*~~ *(d) Is insured currently and validly in the state of which the owner or operator of the motor vehicle is a resident.*

2. The Department shall not require the payment of any governmental services tax as a condition of issuing a decal, sticker or other indicia of seasonal registration pursuant to this section.

3. A decal, sticker or other indicia of seasonal registration that is issued pursuant to this section must be displayed:

(a) On the lower left corner of the rear window of the motor vehicle for which it is issued; or

(b) In another location specified by regulation of the Department.

4. *Except as otherwise provided in subsection 5, a decal, sticker or other indicia of seasonal registration that is issued pursuant to this section expires ~~2 years~~ 1 year after the date on which it is issued.*

5. *The Department may suspend, cancel or revoke a decal, sticker or other indicia of seasonal registration that is issued pursuant to this section for any reason that would justify the suspension, cancellation or revocation, as applicable, of an ordinary motor vehicle registration under the laws of this State.*

6. *The fee for the initial issuance of a decal, sticker or other indicia of seasonal registration that is issued pursuant to this section is \$18. The fee for the renewal of a decal, sticker or other indicia of seasonal registration that is issued pursuant to this section is \$18.*

7. *For the purpose of obtaining a decal, sticker or other indicia of seasonal registration that is issued pursuant to this section, an out-of-state student shall be deemed to be a seasonal resident.*

8. *The Department may adopt regulations to carry out the provisions of this section.*

Sec. 4. NRS 482.385 is hereby amended to read as follows:

482.385 1. Except as otherwise provided in subsections 5 and 7 and NRS 482.390, a nonresident owner of a vehicle of a type subject to registration pursuant to the provisions of this chapter, owning any vehicle which has been registered for the current year in the state, country or other place of which the owner is a resident and which at all times when operated in this State has displayed upon it the registration license plate issued for the vehicle in the place of residence of the owner, may operate or permit the operation of the vehicle within this State without its registration in this State pursuant to the provisions of this chapter and without the payment of any registration fees to this State:

(a) For a period of not more than 30 days in the aggregate in any 1 calendar year; and

(b) Notwithstanding the provisions of paragraph (a), during any period in which the owner is:

(1) On active duty in the military service of the United States;

(2) An out-of-state student;

(3) Registered as a student at a college or university located outside this State and who is in the State for a period of not more than 6 months to participate in a work-study program for which the student earns academic credits from the college or university; ~~or~~

(4) A migrant or seasonal farm worker ~~+~~; or

(5) *A seasonal resident who is authorized to operate a motor vehicle upon the highways of this State pursuant to section 2 of this act.*

2. This section does not:

(a) Prohibit the use of manufacturers', distributors' or dealers' license plates issued by any state or country by any nonresident in the operation of any vehicle on the public highways of this State.

(b) Require registration of vehicles of a type subject to registration pursuant to the provisions of this chapter operated by nonresident common motor carriers of persons or property, contract motor carriers of persons or property, or private motor carriers of property as stated in NRS 482.390.

(c) Require registration of a vehicle operated by a border state employee.

3. Except as otherwise provided in subsection 5, when a person, formerly a nonresident, becomes a resident of this State, the person shall:

(a) Within 30 days after becoming a resident; or

(b) At the time he or she obtains a driver's license,

↪ whichever occurs earlier, apply for the registration of each vehicle the person owns which is operated in this State. When a person, formerly a nonresident, applies for a driver's license in this State, the Department shall inform the person of the requirements imposed by this subsection and of the penalties that may be imposed for failure to comply with the provisions of this subsection.

4. A citation may be issued pursuant to subsection 1, 3 or 5 only if the violation is discovered when the vehicle is halted or its driver arrested for another alleged violation or offense. The Department shall maintain or cause to be maintained a list or other record of persons who fail to comply with the provisions of subsection 3 and shall, at least once each month, provide a copy of that list or record to the Department of Public Safety.

5. Except as otherwise provided in this subsection, a resident or nonresident owner of a vehicle of a type subject to registration pursuant to the provisions of this chapter who engages in a trade, profession or occupation or accepts gainful employment in this State or who enrolls his or her children in a public school in this State shall, within 30 days after the commencement of such employment or enrollment, apply for the registration of each vehicle the person owns which is operated in this State. The provisions of this subsection do not apply to a nonresident who is:

(a) On active duty in the military service of the United States;

(b) An out-of-state student;

(c) Registered as a student at a college or university located outside this State and who is in the State for a period of not more than 6 months to participate in a work-study program for which the student earns academic credits from the college or university; or

(d) A migrant or seasonal farm worker.

6. A person who violates the provisions of subsection 1, 3 or 5 is guilty of a misdemeanor and, except as otherwise provided in this subsection, shall

be punished by a fine of \$1,000. The fine imposed pursuant to this subsection is in addition to any fine or penalty imposed for the other alleged violation or offense for which the vehicle was halted or its driver arrested pursuant to subsection 4. The fine imposed pursuant to this subsection may be reduced to not less than \$200 if the person presents evidence at the time of the hearing that the person has registered the vehicle pursuant to this chapter.

7. Any resident operating upon a highway of this State a motor vehicle which is owned by a nonresident and which is furnished to the resident operator for his or her continuous use within this State, shall cause that vehicle to be registered within 30 days after beginning its operation within this State.

8. A person registering a vehicle pursuant to the provisions of subsection 1, 3, 5, 7 or 9 or pursuant to NRS 482.390:

(a) Must be assessed the registration fees and governmental services tax, as required by the provisions of this chapter and chapter 371 of NRS; and

(b) Must not be allowed credit on those taxes and fees for the unused months of the previous registration.

9. If a vehicle is used in this State for a gainful purpose, the owner shall immediately apply to the Department for registration, except as otherwise provided in NRS 482.390, 482.395 and 706.801 to 706.861, inclusive.

10. An owner registering a vehicle pursuant to the provisions of this section shall surrender the existing nonresident license plates and registration certificates to the Department for cancellation.

11. A vehicle may be cited for a violation of this section regardless of whether it is in operation or is parked on a highway, in a public parking lot or on private property which is open to the public if, after communicating with the owner or operator of the vehicle, the peace officer issuing the citation determines that:

(a) The owner of the vehicle is a resident of this State;

(b) The vehicle is used in this State for a gainful purpose;

(c) Except as otherwise provided in paragraph (b) of subsection 1, the owner of the vehicle is a nonresident and has operated the vehicle in this State for more than 30 days in the aggregate in any 1 calendar year; or

(d) The owner of the vehicle is a nonresident required to register the vehicle pursuant to subsection 5.

➤ As used in this subsection, “peace officer” includes a constable.

Sec. 5. Chapter 483 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person who applies for an identification card in accordance with the provisions of this section and who is not ineligible to receive an identification card pursuant to NRS 483.861 is entitled to receive an identification card if the person:

(a) Is a seasonal resident who does not hold a valid Nevada driver's license; and

(b) Complies with the provisions of this section and any applicable provisions of NRS 483.810 to 483.890, inclusive.

2. The Department shall charge and collect the following fees for the issuance of an original, duplicate or changed identification card:

An original or duplicate identification card issued to a seasonal resident	17
A renewal of an identification card for a seasonal resident	17
A new photograph or change of name, or both, for a seasonal resident	10

3. The increase in fees authorized in NRS 483.347 must be paid in addition to the fees charged pursuant to this section.

4. An identification card that is issued to a seasonal resident pursuant to this section expires 4 years after the date on which it is issued, unless the seasonal resident commits an act or omission for which the Department is required or authorized by the laws of this State to suspend, cancel or revoke the identification card.

5. For the purpose of obtaining an identification card pursuant to this section, an out-of-state student shall be deemed to be a seasonal resident.

6. As used in this section, "photograph" has the meaning ascribed to it in NRS 483.125.

Sec. 5.5. NRS 483.115 is hereby amended to read as follows:

483.115 "Out-of-state student" means a student ~~1.~~

~~1. Whose legal residence is not in this State;~~

~~2. Who comes into this State to attend~~ Nevada for the purpose of attending an educational institution ~~.~~ and

~~3. Who returns to his or her legal residence during the summer months.~~

Sec. 6. NRS 483.347 is hereby amended to read as follows:

483.347 1. Except as otherwise provided in subsection 2, the Department shall issue a rectangular-shaped driver's license which bears a front view colored photograph of the licensee. The photograph and any information included on the license must be placed in a manner which ensures that:

(a) If the licensee is 21 years of age or older, the longer edges of the rectangle serve as the top and bottom of the license; or

(b) If the licensee is under 21 years of age, the shorter edges of the rectangle serve as the top and bottom of the license.

2. The Department may issue a temporary driver's license without a photograph of the licensee if the licensee is temporarily absent from this

State and requests the renewal of, the issuance of a duplicate of, or a change in the information on, his or her driver's license. If the licensee returns to this State for 14 continuous days or more, the licensee shall, within 24 days after the date of return, surrender the temporary license and obtain a license which bears his or her photograph in accordance with subsection 1. A licensee charged with violating the provisions of this subsection may not be convicted if the licensee surrenders the temporary license, obtains a license which bears his or her photograph in accordance with subsection 1 and produces that license in court or in the office of the arresting officer.

3. The Department shall:

(a) Establish a uniform procedure for the production of drivers' licenses, applicable to renewal as well as to original licenses.

(b) Except as otherwise provided in NRS 483.417 and 483.825, by regulation, increase the fees provided in NRS 483.410, 483.820 and 483.910 **and section 5 of this act** as necessary to cover the actual cost of production of photographs for drivers' licenses and identification cards. The increase must be deposited in the State Treasury for credit to the Motor Vehicle Fund and must be allocated to the Department to defray the increased costs of producing the drivers' licenses required by this section.

Sec. 7. NRS 483.820 is hereby amended to read as follows:

483.820 1. A person who applies for an identification card in accordance with the provisions of NRS 483.810 to 483.890, inclusive, **and section 5 of this act**, and who is not ineligible to receive an identification card pursuant to NRS 483.861, is entitled to receive an identification card if the person is ~~1-~~

~~(a) A~~ **a** resident of this State and is 10 years of age or older and does not hold a valid driver's license or identification card from any state or jurisdiction. ~~1- or~~

~~(b) A seasonal resident who does not hold a valid Nevada driver's license.~~

2. Except as otherwise provided in NRS 483.825, the Department shall charge and collect the following fees for the issuance of an original, duplicate or changed identification card:

An original or duplicate identification card issued to a person	
65 years of age or older	\$4
An original or duplicate identification card issued to a person	
under 18 years of age	3
A renewal of an identification card for a person under 18	
years of age	3
An original or duplicate identification card issued to any	
other person	9

A renewal of an identification card for any person at least 18 years of age, but less than 65 years of age	9
A new photograph or change of name, or both	4

3. The Department shall not charge a fee for:

(a) An identification card issued to a person who has voluntarily surrendered his or her driver's license pursuant to NRS 483.420; or

(b) A renewal of an identification card for a person 65 years of age or older.

4. Except as otherwise provided in NRS 483.825, the increase in fees authorized in NRS 483.347 must be paid in addition to the fees charged pursuant to this section.

5. As used in this section, "photograph" has the meaning ascribed to it in NRS 483.125.

Sec. 7.5. NRS 483.850 is hereby amended to read as follows:

483.850 1. Every application for an identification card must be made upon a form provided by the Department and include, without limitation:

(a) The applicant's:

(1) Full legal name.

(2) Date of birth.

(3) State of legal residence.

(4) Current address of principal residence and mailing address, if different from his or her address of principal residence, in this State, unless the applicant is on active duty in the military service of the United States.

(b) A statement from:

(1) A resident stating that he or she does not hold a valid driver's license or identification card from any state or jurisdiction; or

(2) A seasonal resident stating that he or she does not hold a valid Nevada driver's license.

2. When the form is completed, the applicant must sign the form and verify the contents before a person authorized to administer oaths.

3. An applicant who has been issued a social security number must provide to the Department for inspection:

(a) An original card issued to the applicant by the Social Security Administration bearing the social security number of the applicant; or

(b) Other proof acceptable to the Department bearing the social security number of the applicant, including, without limitation, records of employment or federal income tax returns.

4. At the time of applying for an identification card, an applicant may, if eligible, register to vote pursuant to NRS 293.524.

5. A person who possesses a driver's license or identification card issued by another state or jurisdiction who wishes to apply for an identification card

pursuant to this section shall surrender to the Department the driver's license or identification card issued by the other state or jurisdiction at the time the person applies for an identification card pursuant to this section. **This subsection does not apply to a person who, pursuant to this section, applies for an identification card as a seasonal resident.**

Sec. 8. NRS 483.865 is hereby amended to read as follows:

483.865 1. Upon the application of a person with a disability which limits or impairs the ability to walk, the Department shall place on any identification card issued to the person pursuant to NRS 483.810 to 483.890, inclusive, **and section 5 of this act** a designation that the person is a person with a disability. The application must include a statement from a licensed physician certifying that the applicant is a person with a disability which limits or impairs the ability to walk.

2. For the purposes of this section, "person with a disability which limits or impairs the ability to walk" has the meaning ascribed to it in NRS 482.3835.

Sec. 9. NRS 483.867 is hereby amended to read as follows:

483.867 Upon the application of a person who is a seasonal resident of this State, the Department shall place on any identification card issued to the person pursuant to NRS 483.810 to 483.890, inclusive ~~1-1~~, **and section 5 of this act:**

1. A designation indicating that the person is a seasonal resident; and
2. A statement indicating that the person holds a valid driver's license from another state or jurisdiction.

Sec. 10. This act becomes effective:

1. Upon passage and approval for the purpose of adopting regulations and carrying out any other preparatory administrative tasks necessary to implement the provisions of this act; and

2. On January 1, ~~2014~~, **2015**, for all other purposes.

Assemblyman Carrillo moved the adoption of the amendment.

Remarks by Assemblyman Carrillo.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 425.

Bill read second time.

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

Amendment No. 469.

AN ACT relating to insurance; establishing ~~licensure~~ **certification** provisions for certain enrollment facilitators by the Commissioner of

Insurance; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 1-26 of this bill establish ~~licensure~~ **certification** provisions for exchange enrollment facilitators, who will be ~~licensed~~ **certified** by the Commissioner of Insurance and appointed as navigators or assisters by the Silver State Health Insurance Exchange as part of the requirement that the Exchange implement a state-based health insurance exchange pursuant to the federal Patient Protection and Affordable Care Act, Public Law 111-148, as amended by the federal Health Care and Education Reconciliation Act of 2010, Public Law 111-152. (NRS 695I.210) **Section 119** of this bill repeals numerous sections of the Nevada Insurance Code (Title 57 of NRS) to conform to the federal acts, and **sections 27-118** of this bill make conforming changes based on the repeal of those sections.

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 to 26, inclusive, of this act.

Sec. 2. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections ~~2 to 7~~ 2.5 to 7, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 2.5. *"Appointment" means a contract, agreement or other arrangement under which a person may act on behalf of the Exchange as an assister, navigator or any other designation authorized or required by the Federal Act.*

Sec. 3. *"Assister" has the meaning ascribed to it by regulations adopted by the Board of Directors of the Exchange pursuant to NRS 695I.370.*

Sec. 4. *"Exchange" means the Silver State Health Insurance Exchange established by NRS 695I.200.*

Sec. 5. *"Exchange enrollment facilitator" means a person ~~licensed~~ **certified** pursuant to this chapter who is engaged in the business of facilitating ~~the selection of~~ **enrollment in** qualified health plans offered by the Exchange.*

Sec. 6. *"Navigator" means a person or entity that meets the requirements of 45 C.F.R. § 155.210 and any other requirements of the Exchange.*

Sec. 7. *"Qualified health plan" has the meaning ascribed to it in NRS 695I.080.*

Sec. 8. 1. The provisions of NRS 683A.341 and 683A.351 apply to exchange enrollment facilitators.

2. For the purposes of subsection 1, unless the context requires that NRS ~~683A.341~~ 683A.341 or 683A.351 apply only to producers of insurance or insurers, any reference in those sections to “producer of insurance” or “insurer” must be replaced by a reference to “exchange enrollment facilitator.”

Sec. 9. 1. An applicant for an initial ~~license~~ certificate as an exchange enrollment facilitator must:

- (a) Be a natural person of not less than 18 years of age;
- (b) Apply on a form prescribed by the Commissioner;
- (c) Pass a written examination established by the Commissioner by regulation;
- (d) Successfully complete a course of instruction established by the Commissioner by regulation;
- (e) Submit fingerprints as required pursuant to section 10 of this act; and

(f) Pay the nonrefundable:

(1) Application and ~~license~~ certificate fee set forth in NRS 680B.010;

(2) Initial fee set forth in NRS 680C.110; and

(3) Additional fee of not more than \$15 for the processing of the application established pursuant to section 25 of this act.

2. The additional fee for the processing of applications pursuant to subparagraph (3) of paragraph (f) of subsection 1 must be deposited in the Insurance Recovery Account created pursuant to NRS 679B.305.

Sec. 10. 1. The Commissioner shall prescribe the form for application for a ~~license~~ certificate as an exchange enrollment facilitator. The form must require the applicant to declare, under penalty of refusal to issue, or suspension or revocation of, the ~~license~~ certificate of the applicant, that the statements made in the application are true, correct and complete to the best of his or her knowledge and belief.

2. Before approving an application, the Commissioner must find that the applicant:

- (a) Meets the requirements of section 9 of this act.
- (b) Has not committed any act that is a ground for refusal to issue, or suspension or revocation of a ~~license~~ certificate pursuant to NRS 683A.451.

(c) Paid all applicable fees prescribed pursuant to section 9 of this act.

(d) Meets the requirements of subsections 3 and 5.

3. An applicant must, as part of his or her application and at the applicant's own expense:

(a) Arrange to have a complete set of his or her fingerprints taken by a law enforcement agency or other authorized entity acceptable to the Commissioner; and

(b) Submit to the Commissioner:

(1) A completed fingerprint card and written permission authorizing the Commissioner to submit the applicant's fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the Commissioner deems necessary; or

(2) Written verification, on a form prescribed by the Commissioner, stating that the fingerprints of the applicant were taken and directly forwarded electronically or by another means to the Central Repository and that the applicant has given written permission to the law enforcement agency or other authorized entity taking the fingerprints to submit the fingerprints to the Central Repository for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the Commissioner deems necessary.

4. The Commissioner may:

(a) Unless the applicant's fingerprints are directly forwarded pursuant to subparagraph (2) of paragraph (b) of subsection 3, submit those fingerprints to the Central Repository for submission to the Federal Bureau of Investigation and to such other law enforcement agencies as the Commissioner deems necessary;

(b) Request from each such agency any information regarding the applicant's background as the Commissioner deems necessary; and

(c) Adopt regulations concerning the procedures for obtaining the information described in paragraph (b).

5. The Commissioner may require from the applicant any document reasonably necessary to verify information contained in an application.

6. Except as otherwise provided in section 23 of this act, a ~~license~~ certificate issued pursuant to this chapter is valid for 3 years after the date of issuance unless it is suspended, revoked or otherwise terminated.

Sec. 11. 1. A person taking the examination required pursuant to section 9 of this act must apply to the Commissioner to take the examination and pay a nonrefundable fee in an amount prescribed in the regulations adopted pursuant to section 25 of this act.

2. A person who fails to appear for the examination as scheduled or fails to pass the examination must reapply for examination and pay the required fees in order to be scheduled for another examination.

Sec. 12. 1. A ~~license~~ certificate may be renewed for an additional 3-year period by submitting to the Commissioner an application for renewal and:

(a) If the application is made:

(1) On or before the expiration date of the ~~license~~ certificate, all applicable renewal fees and an additional fee established by the Commissioner of not more than \$15 for deposit in the Insurance Recovery Account created pursuant to NRS 679B.305; or

(2) Except as otherwise provided in subsection 3:

(I) Not more than 30 days after the expiration date of the ~~license~~ certificate, all applicable renewal fees plus any late fee required and an additional fee established by the Commissioner of not more than \$15 for deposit in the Insurance Recovery Account created pursuant to NRS 679B.305; or

(II) More than 30 days but not more than 1 year after the expiration date of the ~~license~~ certificate, all applicable renewal fees plus a penalty of twice all applicable renewal fees, except for any fee required pursuant to NRS 680C.110.

(b) Proof of the successful completion of appropriate courses of study required for renewal, as established by the Commissioner by regulation.

2. The fees specified in this section are not refundable.

3. An exchange enrollment facilitator who is unable to renew his or her ~~license~~ certificate because of military service, extended medical disability or other extenuating circumstance may request a waiver of the time limit and of any fine or sanction otherwise required or imposed because of the failure to renew.

Sec. 13. 1. An applicant for the issuance or renewal of a ~~license~~ certificate to act as an exchange enrollment facilitator shall submit to the Commissioner the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Commissioner shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the ~~license~~ certificate; or

(b) A separate form prescribed by the Commissioner.

3. A ~~license~~ certificate to act as an exchange enrollment facilitator may not be issued or renewed by the Commissioner if the applicant is a natural person who:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Commissioner shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 14. 1. If the Commissioner receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a ~~license~~ certificate to act as an exchange enrollment facilitator, the Commissioner shall deem the ~~license~~ certificate issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Commissioner receives a letter issued to the holder of the ~~license~~ certificate by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the ~~license~~ certificate has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Commissioner shall reinstate a ~~license~~ certificate to act as an exchange enrollment facilitator that has been suspended by a district court pursuant to NRS 425.540 if the Commissioner receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose ~~license~~ certificate was suspended stating that the person whose ~~license~~ certificate was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 15. The application of a natural person who applies for the issuance or renewal of a ~~license~~ certificate as an exchange enrollment facilitator must include the social security number of the applicant.

Sec. 16. 1. A ~~license~~ certificate issued pursuant to this chapter must state the ~~licensee's~~ certificate holder's name, address, personal identification number, the date of issuance and the date of expiration, and must contain any other information the Commissioner considers necessary. The ~~license~~ certificate must be made available by the ~~licensee~~ certificate holder for public inspection upon request.

2. A ~~{licensee}~~ certificate holder shall inform the Commissioner of all locations from which he or she conducts business and of each change of business or residence address, in writing or by other means acceptable to the Commissioner, within 30 days after the date on which the change takes place. If a ~~{licensee}~~ certificate holder changes his or her business or residence address without giving written notice and the Commissioner is unable to locate the ~~{licensee}~~ certificate holder after diligent effort, the Commissioner may revoke the ~~{licensee}~~ certificate without a hearing. The mailing of a letter by certified mail, return receipt requested, addressed to the ~~{licensee}~~ certificate holder at his or her last mailing address appearing on the records of the Division, and the return of the letter undelivered, constitutes a diligent effort by the Commissioner.

Sec. 17. 1. If the Commissioner believes that a temporary ~~{license}~~ certificate is necessary to carry on the business of facilitating selection of a qualified health plan, the Commissioner may issue a temporary ~~{license}~~ certificate as an exchange enrollment facilitator for 180 days or less without requiring an examination to:

(a) The surviving spouse, personal representative or guardian of an exchange enrollment facilitator who dies or becomes incompetent, to allow adequate time for the sale of the business, the recovery or return of the exchange enrollment facilitator, or the training and ~~{licensing}~~ certification of new personnel to operate the business;

(b) A member or employee of a business organization appointed ~~as a navigator or assister,~~ by the Exchange, upon the death or disability of the natural person designated in its application or ~~{license}~~ certificate;

(c) The designee of an exchange enrollment facilitator entering active service in the Armed Forces of the United States; or

(d) A person in any other circumstance in which the Commissioner believes that the public interest will be best served by issuing the ~~{license}~~ certificate.

2. The Commissioner may by order limit the authority of a person who holds a temporary ~~{license}~~ certificate as the Commissioner believes necessary to protect persons insured and the public. The Commissioner may require the person who holds a temporary ~~{license}~~ certificate to have a suitable sponsor who is an exchange enrollment facilitator and who assumes responsibility for all acts of the person who holds the temporary ~~{license}~~ certificate, and may impose similar requirements to protect persons insured and the public. The Commissioner may order revocation of a temporary ~~{license}~~ certificate if the interests of persons insured or the public are endangered. A temporary ~~{license}~~ certificate expires when the owner or the personal representative or guardian of the owner disposes of the business.

Sec. 18. *An entity other than a natural person that is appointed ~~to act as a navigator or assister~~ by the Exchange must require that each natural person who is authorized to act for the entity be an exchange enrollment facilitator. Each exchange enrollment facilitator must be named in the partnership's or corporation's appointment.*

Sec. 19. *An exchange enrollment facilitator:*

1. *May not concurrently hold a license as a producer of insurance, an insurance consultant or a surplus lines broker's license in any line.*

2. *Shall not:*

(a) *Sell, solicit or negotiate insurance;*

(b) *Receive any consideration, directly or indirectly, from any health insurance issuer or issuer of stop-loss insurance in connection with the enrollment of any individuals or employees in a qualified health plan or health insurance plan; or*

(c) *Employ, be employed by or be in partnership with, or receive any remuneration arising out of his or her activities as an exchange enrollment facilitator from, any licensed producer of insurance, insurance consultant or surplus lines broker or insurer.*

Sec. 20. *An exchange enrollment facilitator is obligated under his or her ~~license~~ certificate to:*

1. *Serve with objectivity and complete loyalty the interests of his or her client; and*

2. *Render to his or her client information, counsel and service which, to the best of the exchange enrollment facilitator's knowledge, understanding and opinion, best serves the client's insurance needs and interests.*

Sec. 21. 1. *A nonresident who is an exchange enrollment facilitator shall appoint the Commissioner, in writing, as his or her registered agent upon whom may be served all legal process issued in connection with any action or proceeding brought or pending in this State against or involving the nonresident ~~licensee~~ certificate holder and relating to transactions under his or her Nevada ~~license~~ certificate. The appointment is irrevocable and remains in force so long as such an action or proceeding exists or may arise. Duplicate copies of process must be served upon the Commissioner, or other person in apparent charge of the Division during the Commissioner's absence, accompanied by payment of the fee for service of process. Promptly after any such service, the Commissioner shall forward a copy of the process by certified mail, return receipt requested, to the nonresident ~~licensee~~ certificate holder at his or her business address of most recent record with the Division. Process so served and the copy so forwarded constitutes personal service upon the ~~licensee~~ certificate holder for all purposes.*

2. Each such nonresident ~~licensee~~ certificate holder shall also file with the Commissioner a written agreement to appear before the Commissioner pursuant to notice of hearing, order to show cause or subpoena issued by the Commissioner and sent by certified mail to the ~~licensee~~ certificate holder at his or her business address of most recent record with the Division, and that if the nonresident ~~licensee~~ certificate holder fails to appear, the nonresident ~~licensee~~ certificate holder thereby consents to any subsequent suspension, revocation or refusal to renew his or her ~~license~~ certificate.

Sec. 22. 1. The Commissioner may place an exchange enrollment facilitator on probation, suspend his or her ~~license~~ certificate for not more than 12 months, or revoke or refuse to renew his or her ~~license~~ certificate, or may impose an administrative fine or take any combination of the foregoing actions, for one or more of the causes set forth in NRS 683A.451.

2. The provisions of NRS 683A.461 also apply to an exchange enrollment facilitator.

Sec. 23. 1. Upon the suspension, limitation or revocation of the ~~license~~ certificate of an exchange enrollment facilitator, the Commissioner shall immediately notify the ~~licensee~~ certificate holder in person or by mail addressed to the ~~licensee~~ certificate holder at his or her most recent address of record with the Division. Notice by mail is effective when mailed.

2. Upon the suspension, limitation or revocation of the ~~license~~ certificate of an exchange enrollment facilitator, the Commissioner shall immediately notify the Executive Director of the Exchange. Upon receipt of such notification, the Executive Director shall immediately terminate the ~~licensee's~~ certificate holder's appointment. ~~as a navigator or assister.~~

3. The Commissioner shall not again issue a ~~license~~ certificate under this chapter to any natural person whose ~~license~~ certificate has been revoked until at least 1 year after the revocation has become final, and thereafter not until the person again qualifies for a ~~license~~ certificate under this chapter. A person whose ~~license~~ certificate has been revoked twice is not eligible for any ~~license~~ certificate under this title.

Sec. 24. 1. If an exchange enrollment facilitator fails to obtain an appointment by the Exchange ~~as a navigator or assister~~ within 30 days after the date on which the ~~license~~ certificate was issued, the exchange enrollment facilitator's ~~license~~ certificate expires and the exchange enrollment facilitator shall promptly deliver his or her ~~license~~ certificate to the Commissioner.

2. If the Exchange terminates an exchange enrollment facilitator's appointment, ~~as a navigator or assister,~~ the exchange enrollment

facilitator is prohibited from engaging in the business of an exchange enrollment facilitator under his or her ~~license~~ certificate until such time as the exchange enrollment facilitator receives a new appointment by the Exchange ~~, as a navigator or assister.~~ If the exchange enrollment facilitator does not obtain a new appointment by the Exchange ~~as a navigator or assister~~ within 30 days after the date the appointment was terminated, the exchange enrollment facilitator's ~~license~~ certificate expires and the exchange enrollment facilitator shall promptly deliver his or her ~~license~~ certificate to the Commissioner.

3. Except as otherwise provided in subsection 4, if the Exchange terminates the appointment ~~as a navigator or assister~~ of an entity other than a natural person:

(a) The ~~navigator or assister~~ appointments of exchange enrollment facilitators named on the entity's appointment also terminate; and

(b) The exchange enrollment facilitator is prohibited from engaging in the business of an exchange enrollment facilitator under his or her ~~license~~ certificate until such time as the exchange enrollment facilitator receives a new appointment by the Exchange ~~, as a navigator or assister.~~ If the exchange enrollment facilitator does not obtain a new appointment by the Exchange ~~as a navigator or assister~~ within 30 days after the date on which the appointment was terminated, the exchange enrollment facilitator's ~~license~~ certificate expires and the exchange enrollment facilitator shall promptly deliver his or her ~~license~~ certificate to the Commissioner.

4. The provisions of subsection 3 do not apply to any ~~navigator or assister~~ appointments the exchange enrollment facilitator may have individually or through an entity other than the terminated entity.

5. Upon the termination of ~~a navigator or assister~~ an appointment for an entity or licensee, certificate holder, the Executive Director of the Exchange shall notify the Commissioner of the effective date of the termination and the grounds for termination.

Sec. 25. 1. The Commissioner shall adopt regulations:

(a) For establishing and conducting an examination required by this chapter for the initial issuance and renewal of a ~~license~~ certificate;

(b) For the establishment of a course of instruction as required by this chapter for the initial issuance and renewal of a ~~license~~ certificate;

(c) Establishing the fee required by section 9 of this act for the processing of an application;

(d) Establishing the fee required by section 11 of this act for the administration of the examination; and

(e) For carrying out the provisions of this chapter.

2. *The Commissioner may contract with a person to perform functions required by this chapter, including, without limitation:*

- (a) *Administering examinations;*
- (b) *Providing courses of instruction;*
- (c) *Processing applications; and*
- (d) *Collecting fees.*

Sec. 26. 1. *No person may engage in the business of an exchange enrollment facilitator unless a ~~license~~ certificate has been issued to the person by the Commissioner.*

2. *A person who violates subsection 1 is subject to an administrative fine of not more than \$1,000 for each act or violation.*

Sec. 27. Chapter 679A of NRS is hereby amended by adding thereto the provisions set forth as sections 28, 28.5 and 29 of this act.

Sec. 28. *“Federal Act” means the federal Patient Protection and Affordable Care Act, Public Law 111-148, as amended by the federal Health Care and Education Reconciliation Act of 2010, Public Law 111-152, and any amendments to, or regulations or guidance issued pursuant to, those acts.*

Sec. 28.5. *“Grandfathered plan” means a health benefit plan that meets the requirements of 42 U.S.C. § 18011.*

Sec. 29. *“Rating ~~factor~~” characteristic” means ~~+~~*

~~1. Age, age, family composition, tobacco use or geographic rating area~~

~~2. Any other factor or combination of factors as provided in the Federal Act.~~

Sec. 30. NRS 679A.020 is hereby amended to read as follows:

679A.020 As used in this Code, unless the context otherwise requires, the words and terms defined in NRS 679A.030 to 679A.130, inclusive, **and sections 28, 28.5 and 29 of this act** have the meanings ascribed to them in those sections.

Sec. 31. NRS 680B.010 is hereby amended to read as follows:

680B.010 The Commissioner shall collect in advance and receipt for, and persons so served must pay to the Commissioner, fees and miscellaneous charges as follows:

1. Insurer’s certificate of authority:

- (a) Filing initial application..... \$2,450
- (b) Issuance of certificate:

(1) For any one kind of insurance as defined in
NRS 681A.010 to 681A.080, inclusive 283

(2) For two or more kinds of insurance as so defined 578

(3) For a reinsurer..... 2,450

(c) Each annual continuation of a certificate..... 2,450

(d) Reinstatement pursuant to NRS 680A.180, 50 percent of the annual continuation fee otherwise required.	
(e) Registration of additional title pursuant to NRS 680A.240	50
(f) Annual renewal of the registration of additional title pursuant to NRS 680A.240.....	25
2. Charter documents, other than those filed with an application for a certificate of authority. Filing amendments to articles of incorporation, charter, bylaws, power of attorney and other constituent documents of the insurer, each document	\$10
3. Annual statement or report. For filing annual statement or report ...	\$25
4. Service of process:	
(a) Filing of power of attorney	\$5
(b) Acceptance of service of process.....	30
5. Licenses, appointments and renewals for producers of insurance:	
(a) Application and license.....	\$125
(b) Appointment fee for each insurer	15
(c) Triennial renewal of each license	125
(d) Temporary license	10
(e) Modification of an existing license.....	50
6. Surplus lines brokers:	
(a) Application and license.....	\$125
(b) Triennial renewal of each license	125
7. Managing general agents' licenses, appointments and renewals:	
(a) Application and license.....	\$125
(b) Appointment fee for each insurer	15
(c) Triennial renewal of each license	125
8. Adjusters' licenses and renewals:	
(a) Independent and public adjusters:	
(1) Application and license.....	\$125
(2) Triennial renewal of each license	125
(b) Associate adjusters:	
(1) Application and license.....	125
(2) Triennial renewal of each license	125
9. Licenses and renewals for appraisers of physical damage to motor vehicles:	
(a) Application and license.....	\$125
(b) Triennial renewal of each license	125
10. Additional title and property insurers pursuant to NRS 680A.240:	
(a) Original registration.....	\$50
(b) Annual renewal.....	25

11. Insurance vending machines:	
(a) Application and license, for each machine	\$125
(b) Triennial renewal of each license	125
12. Permit for solicitation for securities:	
(a) Application for permit	\$100
(b) Extension of permit	50
13. Securities salespersons for domestic insurers:	
(a) Application and license.....	\$25
(b) Annual renewal of license	15
14. Rating organizations:	
(a) Application and license.....	\$500
(b) Annual renewal.....	500
15. Certificates and renewals for administrators licensed pursuant to chapter 683A of NRS:	
(a) Application and certificate of registration	\$125
(b) Triennial renewal.....	125
16. For copies of the insurance laws of Nevada, a fee which is not less than the cost of producing the copies.	
17. Certified copies of certificates of authority and licenses issued pursuant to the Code	\$10
18. For copies and amendments of documents on file in the Division, a reasonable charge fixed by the Commissioner, including charges for duplicating or amending the forms and for certifying the copies and affixing the official seal.	
19. Letter of clearance for a producer of insurance or other licensee if requested by someone other than the licensee	\$10
20. Certificate of status as a producer of insurance or other licensee if requested by someone other than the licensee	\$10
21. Licenses, appointments and renewals for bail agents:	
(a) Application and license.....	\$125
(b) Appointment for each surety insurer	15
(c) Triennial renewal of each license	125
22. Licenses and renewals for bail enforcement agents	
(a) Application and license.....	\$125
(b) Triennial renewal of each license	125
23. Licenses, appointments and renewals for general agents for bail:	
(a) Application and license.....	\$125
(b) Initial appointment by each insurer	15
(c) Triennial renewal of each license	125
24. Licenses and renewals for bail solicitors:	
(a) Application and license.....	\$125

(b) Triennial renewal of each license	125
25. Licenses and renewals for title agents and escrow officers:	
(a) Application and license.....	\$125
(b) Triennial renewal of each license	125
(c) Appointment fee for each title insurer	15
(d) Change in name or location of business or in association	10
26. Certificate of authority and renewal for a seller of	
prepaid funeral contracts.....	\$125
27. Licenses and renewals for agents for prepaid funeral	
contracts:	
(a) Application and license.....	\$125
(b) Triennial renewal of each license	125
28. Licenses, appointments and renewals for agents for	
fraternal benefit societies:	
(a) Application and license.....	\$125
(b) Appointment for each insurer	15
(c) Triennial renewal of each license	125
29. Reinsurance intermediary broker or manager:	
(a) Application and license.....	\$125
(b) Triennial renewal of each license	125
30. Agents for and sellers of prepaid burial contracts:	
(a) Application and certificate or license	\$125
(b) Triennial renewal.....	125
31. Risk retention groups:	
(a) Initial registration	\$250
(b) Each annual continuation of a certificate of registration	250
32. Required filing of forms:	
(a) For rates and policies	\$25
(b) For riders and endorsements.....	10
33. Viatical settlements:	
(a) Provider of viatical settlements:	
(1) Application and license.....	\$1,000
(2) Annual renewal	1,000
(b) Broker of viatical settlements:	
(1) Application and license.....	500
(2) Annual renewal	500
(c) Registration of producer of insurance acting as a viatical	
settlement broker	250
34. Insurance consultants:	
(a) Application and license.....	\$125
(b) Triennial renewal.....	125
35. Licensee's association with or appointment or sponsorship	

by an organization:

- (a) Initial appointment, association or sponsorship, for each organization \$50
- (b) Renewal of each association or sponsorship 50
- (c) Annual renewal of appointment..... 15
- 36. Purchasing groups:
 - (a) Initial registration and review of an application \$100
 - (b) Each annual continuation of registration 100
- 37. ***Exchange enrollment facilitators:***
 - (a) ***Application and ~~license~~ certificate*** ***\$125***
 - (b) ***Triennial renewal of each ~~license~~ certificate*** ***125***
 - (c) ***Temporary ~~license~~ certificate*** ***10***
 - (d) ***Modification of an existing ~~license~~ certificate*** ***50***

38. In addition to any other fee or charge, all applicable fees required of any person, including, without limitation, persons listed in this section, pursuant to NRS 680C.110.

Sec. 32. NRS 680C.110 is hereby amended to read as follows:

680C.110 1. In addition to any other fee or charge, the Commissioner shall collect in advance and receipt for, and persons so served must pay to the Commissioner, the fees required by this section.

2. A fee required by this section must be:

- (a) If an initial fee, paid at the time of an initial application or issuance of a license, as applicable;
- (b) If an annual fee, paid on or before March 1 of every year;
- (c) If a triennial fee, paid on or before the time of continuation, renewal or other similar action in regard to a certificate, license, permit or other type of authorization, as applicable; and
- (d) Deposited in the Fund for Insurance Administration and Enforcement created by NRS 680C.100.

3. The fees required pursuant to this section are not refundable.

4. The following fees must be paid by the following persons to the Commissioner:

(a) Associations of self-insured private employers, as defined in NRS 616A.050:

- (1) Initial fee..... \$1,300
- (2) Annual fee..... \$1,300

(b) Associations of self-insured public employers, as defined in NRS 616A.055:

- (1) Initial fee..... \$1,300
- (2) Annual fee..... \$1,300

(c) Independent review organizations, as provided for in NRS 616A.469 or 683A.3715, or both:

- (1) Initial fee..... \$60
- (2) Annual fee..... \$60
- (d) Insurers not otherwise provided for in this subsection:
 - (1) Initial fee..... \$1,300
 - (2) Annual fee..... \$1,300
- (e) Producers of insurance, as defined in NRS 679A.117:
 - (1) Initial fee..... \$60
 - (2) Triennial fee..... \$60
- (f) Accredited reinsurers, as provided for in NRS 681A.160:
 - (1) Initial fee..... \$1,300
 - (2) Annual fee..... \$1,300
- (g) Intermediaries, as defined in NRS 681A.330:
 - (1) Initial fee..... \$60
 - (2) Triennial fee..... \$60
- (h) Reinsurers, as defined in NRS 681A.370:
 - (1) Initial fee..... \$1,300
 - (2) Annual fee..... \$1,300
- (i) Administrators, as defined in NRS 683A.025:
 - (1) Initial fee..... \$60
 - (2) Triennial fee..... \$60
- (j) Managing general agents, as defined in NRS 683A.060:
 - (1) Initial fee..... \$60
 - (2) Triennial fee..... \$60
- (k) Agents who perform utilization reviews, as defined in NRS 683A.376:
 - (1) Initial fee..... \$60
 - (2) Annual fee..... \$60
- (l) Insurance consultants, as defined in NRS 683C.010:
 - (1) Initial fee..... \$60
 - (2) Triennial fee..... \$60
- (m) Independent adjusters, as defined in NRS 684A.030:
 - (1) Initial fee..... \$60
 - (2) Triennial fee..... \$60
- (n) Public adjusters, as defined in NRS 684A.030:
 - (1) Initial fee..... \$60
 - (2) Triennial fee..... \$60
- (o) Associate adjusters, as defined in NRS 684A.030:
 - (1) Initial fee..... \$60
 - (2) Triennial fee..... \$60
- (p) Motor vehicle physical damage appraisers, as defined in NRS 684B.010:
 - (1) Initial fee..... \$60

(2) Triennial fee.....	\$60
(q) Brokers, as defined in NRS 685A.031:	
(1) Initial fee.....	\$60
(2) Triennial fee.....	\$60
(r) Eligible surplus line insurers, as provided for in NRS 685A.070:	
(1) Initial fee.....	\$1,300
(2) Annual fee.....	\$1,300
(s) Companies, as defined in NRS 686A.330:	
(1) Initial fee.....	\$1,300
(2) Annual fee.....	\$1,300
(t) Rate service organizations, as defined in NRS 686B.020:	
(1) Initial fee.....	\$1,300
(2) Annual fee.....	\$1,300
(u) Brokers of viatical settlements, as defined in NRS 688C.030:	
(1) Initial fee.....	\$60
(2) Annual fee.....	\$60
(v) Providers of viatical settlements, as defined in NRS 688C.080:	
(1) Initial fee.....	\$60
(2) Annual fee.....	\$60
(w) Agents for prepaid burial contracts subject to the provisions of chapter 689 of NRS:	
(1) Initial fee.....	\$60
(2) Triennial fee.....	\$60
(x) Agents for prepaid funeral contracts subject to the provisions of chapter 689 of NRS:	
(1) Initial fee.....	\$60
(2) Triennial fee.....	\$60
(y) Sellers of prepaid burial contracts subject to the provisions of chapter 689 of NRS:	
(1) Initial fee.....	\$60
(2) Triennial fee.....	\$60
(z) Sellers of prepaid funeral contracts subject to the provisions of chapter 689 of NRS:	
(1) Initial fee.....	\$60
(2) Triennial fee.....	\$60
(aa) Providers, as defined in NRS 690C.070:	
(1) Initial fee.....	\$1,300
(2) Annual fee.....	\$1,300
(bb) Escrow officers, as defined in NRS 692A.028:	
(1) Initial fee.....	\$60
(2) Triennial fee.....	\$60
(cc) Title agents, as defined in NRS 692A.060:	

(1) Initial fee.....	\$60
(2) Triennial fee.....	\$60
(dd) Captive insurers, as defined in NRS 694C.060:	
(1) Initial fee.....	\$250
(2) Annual fee.....	\$250
(ee) Fraternal benefit societies, as defined in NRS 695A.010:	
(1) Initial fee.....	\$1,300
(2) Annual fee.....	\$1,300
(ff) Insurance agents for societies, as provided for in NRS 695A.330:	
(1) Initial fee.....	\$60
(2) Triennial fee.....	\$60
(gg) Corporations subject to the provisions of chapter 695B of NRS:	
(1) Initial fee.....	\$1,300
(2) Annual fee.....	\$1,300
(hh) Health maintenance organizations, as defined in NRS 695C.030:	
(1) Initial fee.....	\$1,300
(2) Annual fee.....	\$1,300
(ii) Organizations for dental care, as defined in NRS 695D.060:	
(1) Initial fee.....	\$1,300
(2) Annual fee.....	\$1,300
(jj) Purchasing groups, as defined in NRS 695E.100:	
(1) Initial fee.....	\$250
(2) Annual fee.....	\$250
(kk) Risk retention groups, as defined in NRS 695E.110:	
(1) Initial fee.....	\$250
(2) Annual fee.....	\$250
(ll) Prepaid limited health service organizations, as defined in NRS 695F.050:	
(1) Initial fee.....	\$1,300
(2) Annual fee.....	\$1,300
(mm) Medical discount plans, as defined in NRS 695H.050:	
(1) Initial fee.....	\$1,300
(2) Annual fee.....	\$1,300
(nn) Club agents, as defined in NRS 696A.040:	
(1) Initial fee.....	\$60
(2) Triennial fee.....	\$60
(oo) Motor clubs, as defined in NRS 696A.050:	
(1) Initial fee.....	\$1,300
(2) Annual fee.....	\$1,300
(pp) Bail agents, as defined in NRS 697.040:	
(1) Initial fee.....	\$60
(2) Triennial fee.....	\$60

(qq) Bail enforcement agents, as defined in NRS 697.055:

- (1) Initial fee..... \$60
- (2) Triennial fee..... \$60

(rr) Bail solicitors, as defined in NRS 697.060:

- (1) Initial fee..... \$60
- (2) Triennial fee..... \$60

(ss) General agents, as defined in NRS 697.070:

- (1) Initial fee..... \$60
- (2) Triennial fee..... \$60

(tt) *Exchange enrollment facilitators, as defined in section 5 of this act:*

- (1) *Initial fee* \$60**
- (2) *Triennial fee* \$60**

Sec. 32.2. 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:

- (a) Rates and proposed increases thereto;
- (b) Forms of policies to which the rates apply;
- (c) Supplementary rate information; and
- (d) Changes and amendments thereof,

➔ made by it for use in this state.

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. *If an insurer makes a filing for a proposed increase in a rate for a health benefit plan, as that term is defined in section 33.4 of this act, the filing must include a unified rate review template, a written description justifying the rate increase and any rate filing documentation.*

4. As used in this section, “rate filing documentation,” “unified rate review template” and “written description justifying the rate increase” have the meanings ascribed in 45 C.F.R. § 154.215.

Sec. 33. Chapter ~~1687A~~ 687B of NRS is hereby amended by adding thereto ~~a new section to read as follows:~~ the provisions set forth as sections 33.4, 33.6 and 33.8 of this act.

Sec. 33.4. 1. “Health benefit plan” means a policy, contract, certificate or agreement offered by a carrier to provide for, deliver payment for, arrange for the payment of, pay for or reimburse any of the costs of health care services. Except as otherwise provided in this section, the term includes catastrophic health insurance policies and a policy that pays on a cost-incurred basis.

2. The term does not include:

(a) Coverage that is only for accident or disability income insurance, or any combination thereof;

(b) Coverage issued as a supplement to liability insurance;

(c) Liability insurance, including general liability insurance and automobile liability insurance;

(d) Workers’ compensation or similar insurance;

(e) Coverage for medical payments under a policy of automobile insurance;

(f) Credit insurance;

(g) Coverage for on-site medical clinics;

(h) Other similar insurance coverage specified pursuant to the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, under which benefits for medical care are secondary or incidental to other insurance benefits;

(i) Coverage under a short-term health insurance policy; and

(j) Coverage under a blanket student accident and health insurance policy.

3. The term does not include the following benefits if the benefits are provided under a separate policy, certificate or contract of insurance or are otherwise not an integral part of a health benefit plan:

(a) Limited-scope dental or vision benefits;

(b) Benefits for long-term care, nursing home care, home health care or community-based care, or any combination thereof; and

(c) Such other similar benefits as are specified in any federal regulations adopted pursuant to the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191.

4. The term does not include the following benefits if the benefits are provided under a separate policy, certificate or contract, there is no coordination between the provisions of the benefits and any exclusion of

benefits under any group health plan maintained by the same plan sponsor, and the benefits are paid for a claim without regard to whether benefits are provided for such a claim under any group health plan maintained by the same plan sponsor;

(a) Coverage that is only for a specified disease or illness; and

(b) Hospital indemnity or other fixed indemnity insurance.

5. The term does not include any of the following, if offered as a separate policy, certificate or contract of insurance:

(a) Medicare supplemental health insurance as defined in section 1882(q)(1) of the Social Security Act, 42 U.S.C. § 1395ss, as that section existed on July 16, 1997;

(b) Coverage supplemental to the coverage provided pursuant to the Civilian Health and Medical Program of Uniformed Services, CHAMPUS, 10 U.S.C. §§ 1071 et seq.; and

(c) Similar supplemental coverage provided under a group health plan.

Sec. 33.6. 1. A carrier that offers coverage in the group or individual market must, before making any network plan available for sale in this State, demonstrate the capacity to deliver services adequately by applying to the Commissioner for the issuance of a network plan and submitting a description of the procedures and programs to be implemented to meet the requirements described in subsection 2.

2. The Commissioner shall determine, within 90 days after receipt of the application required pursuant to subsection 1, if the carrier, with respect to the network plan:

(a) Has demonstrated the willingness and ability to ensure that health care services will be provided in a manner to ensure both availability and accessibility of adequate personnel and facilities in a manner that enhances availability, accessibility and continuity of service;

(b) Has organizational arrangements established in accordance with regulations promulgated by the Commissioner; and

(c) Has a procedure established in accordance with regulations promulgated by the Commissioner to develop, compile, evaluate and report statistics relating to the cost of its operations, the pattern of utilization of its services, the availability and accessibility of its services and such other matters as may be reasonably required by the Commissioner.

3. The Commissioner may certify that the carrier and the network plan meet the requirements of subsection 2, or may determine that the carrier and the network plan do not meet such requirements. Upon a determination that the carrier and the network plan do not meet the requirements of subsection 2, the Commissioner shall specify in what respects the carrier and the network plan are deficient.

4. A carrier approved to issue a network plan pursuant to this section must file annually with the Commissioner a summary of information compiled pursuant to subsection 2 in a manner determined by the Commissioner.

5. The Commissioner shall, not less than once each year, or more often if deemed necessary by the Commissioner for the protection of the interests of the people of this State, make a determination concerning the availability and accessibility of the health care services of any network plan approved pursuant to this section.

6. The expense of any determination made by the Commissioner pursuant to this section must be assessed against the carrier and remitted to the Commissioner.

7. As used in this section, "network plan" has the meaning ascribed to it in NRS 689B.570.

Sec. 33.8. 1. The premium rate charged by a health insurer for health benefit plans offered in the individual or small group market may vary with respect to the particular plan or coverage involved based solely on these ~~factors~~ characteristics:

~~{1.}~~ (a) Whether the plan or coverage applies to an individual or a family;

~~{2.}~~ (b) Geographic rating area;

~~{3.}~~ (c) Tobacco use, except that the rate shall not vary by a ratio of more than 1.5 to 1 for like individuals who vary in tobacco use; and

~~{4.}~~ (d) Age, except that the rate must not vary by a ratio of more than 3 to 1 for like individuals of different age who are age 21 years or older and that the variation in rate must be actuarially justified for individuals who are under the age of 21 years, consistent with the uniform age rating curve established in the Federal Act. For the purpose of identifying the appropriate age adjustment under this ~~subsection~~ paragraph and the age band defined in the Federal Act to a specific enrollee, the enrollee's age as of the date of policy issuance or renewal ~~shall~~ must be used.

2. The provisions of subsection 1:

(a) Apply to a fraternal benefit society organized under chapter 695A of NRS; and

(b) Do not apply to grandfathered plans.

Sec. 34. NRS 689A.020 is hereby amended to read as follows:

689A.020 Nothing in this chapter applies to or affects:

1. Any policy of liability or workers' compensation insurance with or without supplementary expense coverage therein.

2. Any group or blanket policy.

3. Life insurance, endowment or annuity contracts, or contracts supplemental thereto which contain only such provisions relating to health insurance as to:

(a) Provide additional benefits in case of death or dismemberment or loss of sight by accident or accidental means; or

(b) Operate to safeguard such contracts against lapse, or to give a special surrender value or special benefit or an annuity if the insured or annuitant becomes totally and permanently disabled, as defined by the contract or supplemental contract.

4. Reinsurance, except as otherwise provided in NRS 689A.470 to 689A.740, inclusive, and 689C.610 to ~~689C.980,~~ **689C.940**, inclusive, relating to the program of reinsurance.

Sec. 35. NRS 689A.030 is hereby amended to read as follows:

689A.030 A policy of health insurance must not be delivered or issued for delivery to any person in this State unless it otherwise complies with this Code, and complies with the following:

1. The entire money and other considerations for the policy must be expressed therein.

2. The time when the insurance takes effect and terminates must be expressed therein.

3. It must purport to insure only one person, except that a policy may insure, originally or by subsequent amendment, upon the application of an adult member of a family, who shall be deemed the policyholder, any two or more eligible members of that family, including the husband, wife, **domestic partner as defined in NRS 122A.030**, dependent children, from the time of birth, adoption or placement for the purpose of adoption as provided in NRS 689A.043, or any children under a specified age which must not exceed ~~19~~ ~~25~~ **26** years, ~~except as provided in NRS 689A.045,~~ and any other person dependent upon the policyholder.

4. The style, arrangement and overall appearance of the policy must not give undue prominence to any portion of the text, and every printed portion of the text of the policy and of any endorsements or attached papers must be plainly printed in light-faced type of a style in general use, the size of which must be uniform and not less than 10 points with a lowercase unspaced alphabet length not less than 120 points. "Text" includes all printed matter except the name and address of the insurer, the name or the title of the policy, the brief description, if any, and captions and subcaptions.

5. The exceptions and reductions of indemnity must be set forth in the policy and, other than those contained in NRS 689A.050 to 689A.290, inclusive, must be printed, at the insurer's option, with the benefit provision to which they apply or under an appropriate caption such as "Exceptions" or "Exceptions and Reductions," except that if an exception or reduction

specifically applies only to a particular benefit of the policy, a statement of that exception or reduction must be included with the benefit provision to which it applies.

6. Each such form, including riders and endorsements, must be identified by a number in the lower left-hand corner of the first page thereof.

7. The policy must not contain any provision purporting to make any portion of the charter, rules, constitution or bylaws of the insurer a part of the policy unless that portion is set forth in full in the policy, except in the case of the incorporation of or reference to a statement of rates or classification of risks, or short-rate table filed with the Commissioner.

8. The policy must provide benefits for expense arising from care at home or health supportive services if that care or service was prescribed by a physician and would have been covered by the policy if performed in a medical facility or facility for the dependent as defined in chapter 449 of NRS.

9. The policy must provide, at the option of the applicant, benefits for expenses incurred for the treatment of abuse of alcohol or drugs, unless the policy provides coverage only for a specified disease or provides for the payment of a specific amount of money if the insured is hospitalized or receiving health care in his or her home.

10. The policy must provide benefits for expense arising from hospice care.

Sec. 36. NRS 689A.040 is hereby amended to read as follows:

689A.040 1. Except as otherwise provided in subsections 2 and 3, each such policy delivered or issued for delivery to any person in this State must contain the provisions specified in NRS 689A.050 to 689A.170, inclusive, in the words in which the provisions appear, except that the insurer may, at its option, substitute for one or more of the provisions corresponding provisions of different wording approved by the Commissioner which are in each instance not less favorable in any respect to the insured or the beneficiary. Each such provision must be preceded individually by the applicable caption shown or, at the option of the insurer, by such appropriate individual or group captions or subcaptions as the Commissioner may approve.

2. ~~Each policy delivered or issued for delivery in this State after November 1, 1973, must contain a provision, if applicable, setting forth the provisions of NRS 689A.045.~~

~~—3.4~~ If any such provision is in whole or in part inapplicable to or inconsistent with the coverage provided by a particular form of policy, the insurer, with the approval of the Commissioner, may omit from the policy any inapplicable provision or part of a provision, and shall modify any inconsistent provision or part of a provision in such a manner as to make the

provision as contained in the policy consistent with the coverage provided by the policy.

Sec. 37. NRS 689A.0435 is hereby amended to read as follows:

689A.0435 1. A health benefit plan must provide an option of coverage for screening for and diagnosis of autism spectrum disorders and for treatment of autism spectrum disorders for persons covered by the policy under the age of 18 or, if enrolled in high school, until the person reaches the age of 22.

2. Optional coverage ~~{Coverage}~~ provided pursuant to this section must be subject to:

(a) A maximum benefit of not less than \$36,000 per year for applied behavior analysis treatment; and

(b) Copayment, deductible and coinsurance provisions and any other general exclusions or limitations of a policy of health insurance to the same extent as other medical services or prescription drugs covered by the policy.

3. A health benefit plan that offers or issues a policy of health insurance which provides coverage for outpatient care shall not:

(a) Require an insured to pay a higher deductible, copayment or coinsurance or require a longer waiting period for ~~{optional}~~ coverage for outpatient care related to autism spectrum disorders than is required for other outpatient care covered by the policy; or

(b) Refuse to issue a policy of health insurance or cancel a policy of health insurance solely because the person applying for or covered by the policy uses or may use in the future any of the services listed in subsection 1.

4. Except as provided in subsections 1 and 2, an insurer who offers optional coverage pursuant to subsection 1 shall not limit the number of visits an insured may make to any person, entity or group for treatment of autism spectrum disorders.

5. Treatment of autism spectrum disorders must be identified in a treatment plan and may include medically necessary habilitative or rehabilitative care, prescription care, psychiatric care, psychological care, behavior therapy or therapeutic care that is:

(a) Prescribed for a person diagnosed with an autism spectrum disorder by a licensed physician or licensed psychologist; and

(b) Provided for a person diagnosed with an autism spectrum disorder by a licensed physician, licensed psychologist, licensed behavior analyst or other provider that is supervised by the licensed physician, psychologist or behavior analyst.

➡ An insurer may request a copy of and review a treatment plan created pursuant to this subsection.

6. Nothing in this section shall be construed as requiring an insurer to provide reimbursement to an early intervention agency or school for services delivered through early intervention or school services.

7. As used in this section:

(a) “Applied behavior analysis” means the design, implementation and evaluation of environmental modifications using behavioral stimuli and consequences to produce socially significant improvement in human behavior, including, without limitation, the use of direct observation, measurement and functional analysis of the relations between environment and behavior.

(b) “Autism spectrum disorders” means a neurobiological medical condition including, without limitation, autistic disorder, Asperger’s Disorder and Pervasive Developmental Disorder Not Otherwise Specified.

(c) “Behavioral therapy” means any interactive therapy derived from evidence-based research, including, without limitation, discrete trial training, early intensive behavioral intervention, intensive intervention programs, pivotal response training and verbal behavior provided by a licensed psychologist, licensed behavior analyst, licensed assistant behavior analyst or certified autism behavior interventionist.

(d) “Certified autism behavior interventionist” means a person who is certified as an autism behavior interventionist by the Board of Psychological Examiners and who provides behavior therapy under the supervision of:

- (1) A licensed psychologist;
- (2) A licensed behavior analyst; or
- (3) A licensed assistant behavior analyst.

(e) “Evidence-based research” means research that applies rigorous, systematic and objective procedures to obtain valid knowledge relevant to autism spectrum disorders.

(f) “Habilitative or rehabilitative care” means counseling, guidance and professional services and treatment programs, including, without limitation, applied behavior analysis, that are necessary to develop, maintain and restore, to the maximum extent practicable, the functioning of a person.

(g) “Licensed assistant behavior analyst” means a person who holds current certification or meets the standards to be certified as a board certified assistant behavior analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, who is licensed as an assistant behavior analyst by the Board of Psychological Examiners and who provides behavioral therapy under the supervision of a licensed behavior analyst or psychologist.

(h) “Licensed behavior analyst” means a person who holds current certification or meets the standards to be certified as a board certified behavior analyst or a board certified assistant behavior analyst issued by the

Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, and who is licensed as a behavior analyst by the Board of Psychological Examiners.

(i) “Prescription care” means medications prescribed by a licensed physician and any health-related services deemed medically necessary to determine the need or effectiveness of the medications.

(j) “Psychiatric care” means direct or consultative services provided by a psychiatrist licensed in the state in which the psychiatrist practices.

(k) “Psychological care” means direct or consultative services provided by a psychologist licensed in the state in which the psychologist practices.

(l) “Screening for autism spectrum disorders” means medically necessary assessments, evaluations or tests to screen and diagnose whether a person has an autism spectrum disorder.

(m) “Therapeutic care” means services provided by licensed or certified speech pathologists, occupational therapists and physical therapists.

(n) “Treatment plan” means a plan to treat an autism spectrum disorder that is prescribed by a licensed physician or licensed psychologist and may be developed pursuant to a comprehensive evaluation in coordination with a licensed behavior analyst.

Sec. 38. NRS 689A.044 is hereby amended to read as follows:

689A.044 1. A policy of health insurance must provide coverage for benefits payable for expenses incurred for administering the human papillomavirus vaccine ~~to women and girls at such ages~~ as recommended for vaccination by a competent authority, including, without limitation, the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, the Food and Drug Administration or the manufacturer of the vaccine.

2. A policy of health insurance must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1.

3. A policy subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after July 1, 2007, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with subsection 1 is void.

4. For the purposes of this section, “human papillomavirus vaccine” means the Quadrivalent Human Papillomavirus Recombinant Vaccine or its successor which is approved by the Food and Drug Administration for the prevention of human papillomavirus infection and cervical cancer.

Sec. 39. NRS 689A.0455 is hereby amended to read as follows:

689A.0455 1. ~~Notwithstanding any provisions of this Title to the contrary, a~~ A policy of health insurance delivered or issued for delivery in this state pursuant to this chapter must provide coverage for the treatment of conditions relating to severe mental illness.

2. ~~{The coverage required by this section:~~

~~—(a) Must provide:~~

~~—(1) Benefits for at least 40 days of hospitalization as an inpatient per policy year and 40 visits for treatment as an outpatient per policy year, excluding visits for the management of medication; and~~

~~—(2) That two visits for partial or respite care, or a combination thereof, may be substituted for each 1 day of hospitalization not used by the insured. In no event is the policy required to provide coverage for more than 40 days of hospitalization as an inpatient per policy year.~~

~~—(b) Is not required to provide benefits for psychosocial rehabilitation or care received as a custodial inpatient.~~

~~—3. Any deductibles and copayments required to be paid for the coverage required by this section must not be greater than 150 percent of the out of pocket expenses required to be paid for medical and surgical benefits provided pursuant to the policy of health insurance.~~

~~—4. The provisions of this section do not apply to a policy of health insurance if, at the end of the policy year, the premiums charged for that policy, or a standard grouping of policies, increase by more than 2 percent as a result of providing the coverage required by this section and the insurer obtains an exemption from the Commissioner pursuant to subsection 5.~~

~~—5. To obtain the exemption required by subsection 4, an insurer must submit to the Commissioner a written request therefor that is signed by an actuary and sets forth the reasons and actuarial assumptions upon which the request is based. To determine whether an exemption may be granted, the Commissioner shall subtract from the amount of premiums charged during the policy year the amount of premiums charged during the period immediately preceding the policy year and the amount of any increase in the premiums charged that is attributable to factors that are unrelated to providing the coverage required by this section. The Commissioner shall verify the information within 30 days after receiving the request. The request shall be deemed approved if the Commissioner does not deny the request within that time.~~

~~—6. The provisions of this section do not:~~

~~—(a) Limit the provision of specialized services covered by Medicaid for persons with conditions relating to mental health or substance abuse.~~

~~—(b) Supersede any provision of federal law, any federal or state policy relating to Medicaid, or the terms and conditions imposed on any Medicaid waiver granted to this state with respect to the provisions of services to persons with conditions relating to mental health or substance abuse.~~

~~—7. A policy of health insurance subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after January 1, 2000, has the legal effect of including the coverage required by this section,~~

and any provision of the policy or the renewal which is in conflict with this section is void, unless the policy is otherwise exempt from the provisions of this section pursuant to subsection 4.

~~—8.1~~ As used in this section, “severe mental illness” means any of the following mental illnesses that are biologically based and for which diagnostic criteria are prescribed in the ***most recent edition of the Diagnostic and Statistical Manual of Mental Disorders***, ~~{Fourth Edition,}~~ published by the American Psychiatric Association:

- (a) Schizophrenia.
- (b) Schizoaffective disorder.
- (c) Bipolar disorder.
- (d) Major depressive disorders.
- (e) Panic disorder.
- (f) Obsessive-compulsive disorder.

Sec. 40. NRS 689A.470 is hereby amended to read as follows:

689A.470 As used in NRS 689A.470 to 689A.740, inclusive, unless the context otherwise requires, the words and terms defined in NRS 689A.475 to ~~{689A.605,}~~ **689A.600**, inclusive, have the meanings ascribed to them in those sections.

Sec. 41. NRS 689A.520 is hereby amended to read as follows:

689A.520 ~~["Established geographic"]~~ **“Geographic** service area” means a geographic ~~{rating}~~ area, as approved ~~{established}~~ by the Commissioner, ~~{and based on the certificate of authority of the carrier to transact insurance in this state,}~~ within which the carrier is authorized to provide coverage.

Sec. 42. NRS 689A.525 is hereby amended to read as follows:

689A.525 “Geographic **rating** area” means an area established by the Commissioner for use in adjusting the rates for a health benefit plan.

Sec. 43. NRS 689A.630 is hereby amended to read as follows:

689A.630 1. Except as otherwise provided in this section, coverage under an individual health benefit plan must be renewed by the individual carrier that issued the plan, at the option of the individual, unless:

(a) The individual has failed to pay premiums or contributions in accordance with the terms of the health benefit plan or the individual carrier has not received timely premium payments.

(b) The individual has performed an act or a practice that constitutes fraud or has made an intentional misrepresentation of material fact under the terms of the coverage.

(c) The individual carrier decides to discontinue offering and renewing all health benefit plans delivered or issued for delivery in this state. If the individual carrier decides to discontinue offering and renewing such plans, the individual carrier shall:

(1) Provide notice of its intention to the Commissioner and the chief regulatory officer for insurance in each state in which the individual carrier is licensed to transact insurance at least 60 days before the date on which notice of cancellation or nonrenewal is delivered or mailed to the persons covered by the insurance to be discontinued pursuant to subparagraph (2).

(2) Provide notice of its intention to all persons covered by the discontinued insurance and to the Commissioner and the chief regulatory officer for insurance in each state in which such a person is known to reside. The notice must be made at least 180 days before the nonrenewal of any health benefit plan by the individual carrier.

(3) Discontinue all health insurance issued or delivered for issuance for individuals in this state and not renew coverage under any health benefit plan issued to such individuals.

(d) The Commissioner finds that the continuation of the coverage in this state by the individual carrier would not be in the best interests of the policyholders or certificate holders of the individual carrier or would impair the ability of the individual carrier to meet its contractual obligations. If the Commissioner makes such a finding, the Commissioner shall assist the persons covered by the discontinued insurance in this state in finding replacement coverage.

2. An individual carrier may discontinue the issuance and renewal of a form of a product of a health benefit plan if the Commissioner finds that the form of the product offered by the individual carrier is obsolete and is being replaced with comparable coverage. A form of a product of a health benefit plan may be discontinued by the individual carrier pursuant to this subsection only if:

(a) The individual carrier notifies the Commissioner and the chief regulatory officer for insurance in each state in which it is licensed of its decision pursuant to this subsection to discontinue the issuance and renewal of the form of the product at least 60 days before the individual carrier notifies the persons covered by the discontinued insurance pursuant to paragraph (b).

(b) The individual carrier notifies each person covered by the discontinued insurance, the Commissioner and the chief regulatory officer for insurance in each state in which a person covered by the discontinued insurance is known to reside of the decision of the individual carrier to discontinue offering the form of the product. The notice must be made to persons covered by the discontinued insurance at least 180 days before the date on which the individual carrier will discontinue offering the form of the product.

(c) The individual carrier offers to each person covered by the discontinued insurance the option to purchase any other health benefit plan currently offered by the individual carrier to individuals in this state.

(d) In exercising the option to discontinue the form of the product and in offering the option to purchase other coverage pursuant to paragraph (c), the individual carrier acts uniformly without regard to the claim experience of the persons covered by the discontinued insurance or any health status-related factor relating to those persons or beneficiaries covered by the discontinued form of the product or any persons or beneficiaries who may become eligible for such coverage.

3. An individual carrier may discontinue the issuance and renewal of a health benefit plan that is made available to individuals pursuant to this chapter only through a bona fide association if:

(a) The membership of the individual in the association was the basis for the provision of coverage;

(b) The membership of the individual in the association ceases; and

(c) The coverage is terminated pursuant to this subsection uniformly without regard to any health status-related factor relating to the covered individual.

4. An individual carrier that elects not to renew a health benefit plan pursuant to paragraph (c) of subsection 1 shall not write new business for individuals pursuant to this chapter for 5 years after the date on which notice is provided to the Commissioner pursuant to subparagraph (2) of paragraph (c) of subsection 1.

5. If an individual carrier does business in only one ~~established~~ geographic service area of this state, the provisions of this section apply only to the operations of the individual carrier in that service area.

Sec. 44. NRS 689A.635 is hereby amended to read as follows:

689A.635 1. An individual carrier that offers coverage through a network plan is not required pursuant to NRS 689A.630 to offer coverage to or accept an application from ~~an eligible~~ a person if the ~~eligible~~ person does not reside or work in the ~~established~~ geographic service area or in a geographic **rating** area ~~, for which the individual carrier is authorized to transact insurance,~~ provided that the coverage is refused or terminated uniformly without regard to any health status-related factor of any eligible person.

2. As used in this section, “network plan” means a health benefit plan offered by a health carrier under which the financing and delivery of medical care is provided, in whole or in part, through a defined set of providers under contract with the carrier. The term does not include an arrangement for the financing of premiums.

Sec. 45. NRS 689A.637 is hereby amended to read as follows:

689A.637 1. An individual carrier that offers a health benefit plan that includes a provision for a restricted network shall use its best efforts to contract with at least one health center in each ~~established~~ geographic

service area to provide health care services to persons covered by the plan if the health center:

(a) Meets all conditions imposed by the carrier on similarly situated providers of health care with which the carrier contracts, including, without limitation:

(1) Certification for participation in the Medicaid or Medicare program; and

(2) Requirements relating to the appropriate credentials for providers of health care; and

(b) Agrees to reasonable reimbursement rates that are generally consistent with those offered by the carrier to similarly situated providers of health care with which the carrier contracts.

2. As used in this section, "health center" has the meaning ascribed to it in 42 U.S.C. § 254b.

Sec. 46. ~~[NRS 689A.680 is hereby amended to read as follows:~~

~~689A.680 1. [An individual carrier shall develop its rates for its individual health benefit plans pursuant to NRS 689A.470 to 689A.740, inclusive, based on rating characteristics. After any adjustments for rating characteristics and design of benefits, the rate for any block of business for an individual health benefit plan written on or after January 1, 2000, must not exceed the rate for any other block of business for an individual health benefit plan offered by the individual carrier by more than 50 percent. The rate for a block of business is equal to the average rate charged to all the insureds in the block of business. In determining whether the rate of a block of business complies with the provisions of this subsection, any differences in rating factors between blocks of business must be considered.~~

~~2.] In determining the rating factors to establish premium rates for a health benefit plan, an individual carrier shall [not] only use [characteristics other than] age, [sex, occupation,] geographic rating area, composition of the family of the individual and [health status.~~

~~3.] tobacco use.~~

~~2. If an individual carrier uses [health status] tobacco use as a rating factor in establishing premium rates, the [highest factor associated with any classification for health status may not exceed the lowest factor by more than 75 percent.~~

~~4. For the purposes of this section, rating characteristics must not include durational or tier rating, or adverse changes in health status or claim experience after the policy is issued.~~

~~5. As used in this section, "characteristics" means demographic or other information concerning individuals that is considered by a carrier in the determination of premium rates for individuals.] rate shall not vary by a ratio of more than 1.5 to 1.] (Deleted by amendment.)~~

Sec. 47. NRS 689A.690 is hereby amended to read as follows:

689A.690 1. As part of its solicitation and sales materials for an individual health benefit plan, an individual carrier shall disclose, to the extent reasonable:

(a) The extent to which premium rates for an individual and the dependent of the individual are established or adjusted based upon rating characteristics;

(b) The right of the individual carrier to change premium rates and the factors, other than claims experience, that may affect changes in premium rates; **and**

(c) Any provisions in the individual health benefit plan relating to the renewability of the plan. ~~}; and~~

~~—(d) Any provisions in the individual health benefit plan relating to an exclusion for a preexisting condition.]~~

2. For the purposes of this section, an individual carrier shall maintain at its principal place of business a complete and detailed description of its rating practices and underwriting practices, including information and documentation that demonstrate that its rating methods and practices are based upon commonly accepted actuarial assumptions and are in accordance with sound actuarial principles.

~~{3. On or before March 1 of each year, an individual carrier shall file with the Commissioner an actuarial certification that the individual carrier is in compliance with NRS 689A.680 to 689A.700, inclusive, and that the rating methods of the individual carrier are actuarially sound. The certification must be in such a form and must contain such information as specified by the Commissioner. A copy of the certification must be retained by the individual carrier at its principal place of business.~~

~~—4. As used in this section, “actuarial certification” means a written statement signed by a member of the American Academy of Actuaries or any other person acceptable to the Commissioner that an individual carrier is in compliance with the provisions of NRS 689A.680 to 689A.700, inclusive, based upon an examination conducted by the person which included a review of the appropriate records and the actuarial assumptions and methods used by the individual carrier in establishing premium rates for applicable health benefit plans.]~~

Sec. 47.5. 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.690, 689A.695 and 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. 48. NRS 689A.700 is hereby amended to read as follows:

689A.700 The Commissioner may adopt regulations to carry out the provisions of NRS ~~689A.680 to 689A.690~~ **689A.690, 689A.695 and** 689A.700, ~~[inclusive,]~~ and to ensure that the practices used by individual carriers relating to the establishment of rates are consistent with the purposes of NRS 689A.470 to 689A.740, inclusive. ~~It, including, but not limited to, determining the manner in which geographic rating areas are designated by all individual carriers.]~~

Sec. 49. NRS 689A.710 is hereby amended to read as follows:

689A.710 1. Except as otherwise provided in this section, an individual carrier or a producer shall not, directly or indirectly:

(a) Encourage or direct an ~~[eligible person]~~ **individual or family** to refrain from filing an application for coverage with an individual carrier because of the health status, claims experience, industry, occupation ~~[age, family composition, tobacco use]~~ or geographic location of the ~~[eligible person.]~~ **individual or family.**

(b) Encourage or direct an ~~[eligible person]~~ **individual or family** to seek coverage from another carrier because of the health status, claims experience, industry, occupation ~~[age, family composition, tobacco use]~~ or geographic location of the ~~[eligible person.]~~ **individual or family.**

2. The provisions of subsection 1 do not apply to information provided to an ~~[eligible person]~~ **individual or family** by an individual carrier or a producer relating to the ~~[established]~~ geographic service area or a provision for a restricted network of the individual carrier.

3. Except as otherwise provided in this subsection, an individual carrier shall not, directly or indirectly, enter into any contract, agreement or arrangement with a producer if the contract, agreement or arrangement provides for or results in a variation to the compensation paid to a producer for the sale of a health benefit plan because of the health status, claims experience, industry, occupation ~~[age, family composition, tobacco use]~~ or geographic location of the individual at the time that the health benefit plan is issued to or renewed by the individual. ~~[The provisions of this subsection do not apply to any arrangement for compensation that provides payment to a producer on the basis of a percentage of premiums, except that the percentage may not vary because of the health status, claims experience, industry, occupation or geographic area of the individual.]~~

4. An individual carrier shall not terminate, fail to renew, or limit its contract or agreement of representation with a producer for any reason related to the health status, claims experience, industry, occupation ~~[age, family composition, tobacco use]~~ or geographic location of an individual at

the time that the health benefit plan is issued to or renewed by the individual placed by the producer with the individual carrier.

5. A denial by an individual carrier of an application for coverage from an ~~eligible person~~ **individual or family** must be in writing and must state the reason for the denial.

6. The Commissioner may adopt regulations that set forth additional standards to provide for the fair marketing and broad availability of health benefit plans to ~~eligible persons~~ **individuals or families** in this state.

7. A violation of any provision of this section by an individual carrier may constitute an unfair trade practice for the purposes of chapter 686A of NRS.

8. The provisions of this section apply to a third-party administrator if the third-party administrator enters into a contract, agreement or other arrangement with an individual carrier to provide administrative, marketing or other services related to the offering of a health benefit plan to ~~eligible persons~~ **individuals or families** in this state.

9. Nothing in this section interferes with the right and responsibility of a ~~broker~~ **producer** to advise and represent the best interests of an ~~eligible person~~ **individual or family** who is seeking health insurance coverage from an individual carrier.

Sec. 50. NRS 689A.725 is hereby amended to read as follows:

689A.725 For the purposes of NRS 689A.470 to 689A.740, inclusive, a plan for coverage of a bona fide association must:

1. Conform with ~~NRS 689A.680 to~~ **689A.690, 689A.695 and 689A.700, inclusive,** concerning rates.

2. Provide for the renewability of coverage for members of the bona fide association, and their dependents, if such coverage meets the criteria set forth in NRS 689A.630.

~~{3. Provide for the availability of coverage for members of the bona fide association, and their dependents, if such coverage conforms with NRS 689A.640, except that the bona fide association is not required to offer basic and standard health benefit plan coverage to its members or their dependents.~~

~~4. Conform with subsection 1 of NRS 689A.660, relating to preexisting conditions.~~

Sec. 51. ~~NRS 689A.730 is hereby amended to read as follows:~~

~~689A.730 For the purposes of providing coverage under a health benefit plan pursuant to the provisions of NRS 689A.470 to 689A.740, inclusive, a producer may only market association memberships to eligible persons, accept applications for such membership, or sign up such members in a bona fide association if the eligible persons being marketed are actively engaged~~

~~in, or directly related to, the bona fide association.] (Deleted by amendment.)~~

Sec. 52. NRS 689B.0313 is hereby amended to read as follows:

689B.0313 1. A policy of group health insurance must provide coverage for benefits payable for expenses incurred for administering the human papillomavirus vaccine ~~[to women and girls at such ages]~~ as recommended for vaccination by a competent authority, including, without limitation, the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, the Food and Drug Administration or the manufacturer of the vaccine.

2. A policy of group health insurance must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1.

3. A policy subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after July 1, 2007, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with subsection 1 is void.

4. For the purposes of this section, “human papillomavirus vaccine” means the Quadrivalent Human Papillomavirus Recombinant Vaccine or its successor which is approved by the Food and Drug Administration for the prevention of human papillomavirus infection and cervical cancer.

Sec. 53. NRS 689B.033 is hereby amended to read as follows:

689B.033 1. All group health insurance policies providing coverage on an expense-incurred basis and all employee welfare plans providing medical, surgical or hospital care or benefits established or maintained for employees or their families or dependents, or for both, must as to the family members’ coverage provide that the health benefits applicable for children are payable with respect to:

- (a) A newly born child of the insured from the moment of birth;
- (b) An adopted child from the date the adoption becomes effective, if the child was not placed in the home before adoption; and
- (c) A child placed with the insured for the purpose of adoption from the moment of placement as certified by the public or private agency making the placement. The coverage of such a child ceases if the adoption proceedings are terminated as certified by the public or private agency making the placement.

➤ The policies must provide the coverage specified in subsection 3 and must not exclude premature births.

2. The policy or contract may require that notification of:

- (a) The birth of a newly born child;
- (b) The effective date of adoption of a child; or
- (c) The date of placement of a child for adoption,

↪ and payments of the required premium or fees, if any, must be furnished to the insurer or welfare plan within 31 days after the date of birth, adoption or placement for adoption in order to have the coverage continue beyond the 31-day period.

3. The coverage for newly born and adopted children and children placed for adoption consists of coverage of injury or sickness, including the necessary care and treatment of medically diagnosed congenital defects and birth abnormalities and, within the limits of the policy, necessary transportation costs from place of birth to the nearest specialized treatment center under major medical policies, and with respect to basic policies to the extent such costs are charged by the treatment center.

~~{4. An insurer shall not restrict the coverage of a dependent child adopted or placed for adoption solely because of a preexisting condition the child has at the time the child would otherwise become eligible for coverage pursuant to the group health policy. Any provision relating to an exclusion for a preexisting condition must comply with NRS 689B.500.}~~

Sec. 54. NRS 689B.061 is hereby amended to read as follows:

689B.061 A policy of group health insurance which offers a difference of payment between preferred providers of health care and providers of health care who are not preferred:

~~1. {May not require a deductible of more than \$600 difference per admission to a facility for inpatient treatment which is not a preferred provider of health care.~~

~~—2. May not require a deductible of more than \$500 difference per treatment, other than inpatient treatment at a hospital, by a provider which is not preferred.~~

~~—3.}~~ May not require an insured, another insurer who issues policies of group health insurance, a nonprofit medical service corporation or a health maintenance organization to pay any amount in excess of the deductible or coinsurance due from the insured based on the rates agreed upon with a provider.

~~{4. May not provide for a difference in percentage rates of payment for coinsurance of more than 30 percentage points between the payment for coinsurance required to be paid by the insured to a preferred provider of health care and the payment for coinsurance required to be paid by the insured to a provider of health care who is not preferred.~~

~~—5.}~~ 2. Must require that the deductible and payment for coinsurance paid by the insured to a preferred provider of health care be applied to the negotiated reduced rates of that provider.

~~{6.}~~ 3. Must include for providers of health care who are not preferred a provision establishing the point at which an insured's payment for coinsurance is no longer required to be paid if such a provision is included

for preferred providers of health care. Such provisions must be based on a calendar year. The point at which an insured's payment for coinsurance is no longer required to be paid for providers of health care who are not preferred must not be greater than twice the amount for preferred providers of health care, regardless of the method of payment.

~~{7.}~~ **4.** Must provide that if there is a particular service which a preferred provider of health care does not provide and the provider of health care who is treating the insured requests the service and the insurer determines that the use of the service is necessary for the health of the insured, the service shall be deemed to be provided by the preferred provider of health care.

~~{8.}~~ **5.** Must require the insurer to process a claim of a provider of health care who is not preferred not later than 30 working days after the date on which proof of the claim is received.

Sec. 55. NRS 689B.340 is hereby amended to read as follows:

689B.340 As used in NRS 689B.340 to ~~{689B.590,}~~ **689B.580**, inclusive, unless the context otherwise requires, the words and terms defined in NRS 689B.350 to 689B.460, inclusive, have the meanings ascribed to them in those sections.

Sec. 56. ~~{NRS 689B.410 is hereby amended to read as follows:~~

~~689B.410 1. "Health benefit plan" means a policy, contract, certificate or agreement offered by a carrier to provide for, arrange for the payment of, pay for or reimburse any of the costs of health care services. Except as otherwise provided in this section, the term includes catastrophic health insurance policies, and a policy that pays on a cost incurred basis.~~

~~2. The term does not include:~~

~~(a) Coverage that is only for accident or disability income insurance, or any combination thereof;~~

~~(b) Coverage issued as a supplement to liability insurance;~~

~~(c) Liability insurance, including general liability insurance and automobile liability insurance;~~

~~(d) Workers' compensation or similar insurance;~~

~~(e) Coverage for medical payments under a policy of automobile insurance;~~

~~(f) Credit insurance;~~

~~(g) Coverage for on-site medical clinics;~~

~~(h) Other similar insurance coverage specified in federal regulations issued pursuant to the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, under which benefits for medical care are secondary or incidental to other insurance benefits;~~

~~(i) Coverage under a short term health insurance policy; and~~

~~(j) Coverage under a blanket student accident and health insurance policy.~~

~~2. If the benefits are provided under a separate policy, certificate or contract of insurance or are otherwise not an integral part of a health benefit plan, the term does not include the following benefits:~~

~~— (a) Limited scope dental or vision benefits;~~

~~— (b) Benefits for long-term care, nursing home care, home health care or community-based care, or any combination thereof; and~~

~~— (c) Such other similar benefits as are specified in any federal regulations adopted pursuant to the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191.~~

~~4. For the purposes of NRS 689B.340 to [689B.590,] 689B.580, inclusive, if the benefits are provided under a separate policy, certificate or contract of insurance, there is no coordination between the provision of the benefits and any exclusion of benefits under any group health plan maintained by the same plan sponsor, and the benefits are paid for a claim without regard to whether benefits are provided for such a claim under any group health plan maintained by the same plan sponsor, the term does not include:~~

~~— (a) Coverage that is only for a specified disease or illness; and~~

~~— (b) Hospital indemnity or other fixed indemnity insurance.~~

~~5. For the purposes of NRS 689B.340 to [689B.590,] 689B.580, inclusive, if offered as a separate policy, certificate or contract of insurance, the term does not include:~~

~~— (a) Medicare supplemental health insurance as defined in section 1882(g)(1) of the Social Security Act, 42 U.S.C. § 1395ss, as that section existed on July 16, 1997;~~

~~— (b) Coverage supplemental to the coverage provided pursuant to the Civilian Health and Medical Program of Uniformed Services, CHAMPUS, 10 U.S.C. §§ 1071 et seq.; and~~

~~— (c) Similar supplemental coverage provided under a group health plan.]~~
(Deleted by amendment.)

Sec. 57. ~~[NRS 689B.470 is hereby amended to read as follows:~~

~~689B.470 For the purposes of NRS 689B.340 to [689B.590,] 689B.580, inclusive:~~

~~1. Any plan, fund or program which would not be, but for section 2721(e) of the Public Health Service Act, as amended by Public Law 104-191, as that section existed on July 16, 1997, an employee welfare benefit plan and which is established or maintained by a partnership to the extent that the plan, fund or program provides medical care, including items and services paid for as medical care, to current or former partners in the partnership, or to their dependents, as defined under the terms of the plan, fund or program, directly or through insurance, reimbursement, or otherwise,~~

~~must be treated, subject to the provisions of subsection 2, as an employee welfare benefit plan that is a group health plan.~~

~~2. In the case of a group health plan, a partnership shall be deemed to be the employer of each partner.~~ **(Deleted by amendment.)**

Sec. 58. NRS 689B.480 is hereby amended to read as follows:

689B.480 1. In determining the applicable creditable coverage of a person for the purposes of NRS 689B.340 to ~~689B.500,~~ **689B.580**, inclusive, a period of creditable coverage must not be included if, after the expiration of that period but before the enrollment date, there was a 63-day period during all of which the person was not covered under any creditable coverage. To establish a period of creditable coverage, a person must present any certificates of coverage provided to the person in accordance with NRS 689B.490 and such other evidence of coverage as required by regulations adopted by the Commissioner. For the purposes of this subsection, any waiting period for coverage or an affiliation period must not be considered in determining the applicable period of creditable coverage.

2. In determining the period of creditable coverage of a person, ~~for the purposes of NRS 689B.500,~~ a carrier shall include each applicable period of creditable coverage without regard to the specific benefits covered during that period, except that the carrier may elect to include applicable periods of creditable coverage based on coverage of specific benefits as specified in the regulations of the United States Department of Health and Human Services, if such an election is made on a uniform basis for all participants and beneficiaries of the health benefit plan or coverage. Pursuant to such an election, the carrier shall include each applicable period of creditable coverage with respect to any class or category of benefits if any level of benefits is covered within that class or category, as specified by those regulations.

3. Regardless of whether coverage is actually provided, if a carrier elects in accordance with subsection 2 to determine creditable coverage based on specified benefits, a statement that such an election has been made and a description of the effect of the election must be:

(a) Included prominently in any disclosure statement concerning the health benefit plan; and

(b) Provided to each person at the time of enrollment in the health benefit plan.

4. The provisions of this section apply only to grandfathered plans.

Sec. 59. NRS 689B.500 is hereby amended to read as follows:

689B.500 ~~1. Except as otherwise provided in this section, a~~ **A** carrier that issues a group health plan or coverage under blanket accident and health insurance or group health insurance shall not deny, exclude or limit a benefit for a preexisting condition. ~~for:~~

~~—(a) More than 12 months after the effective date of coverage if the employee or other insured enrolls through open enrollment or after the first day of the waiting period for that enrollment, whichever is earlier; or~~

~~—(b) More than 18 months after the effective date of coverage for a late enrollee.~~

~~➔ A carrier may not define a preexisting condition more restrictively than that term is defined in NRS 689B.450.~~

~~—2. The period of any exclusion for a preexisting condition imposed by a group health plan or coverage under blanket accident and health insurance or group health insurance on a person to be insured in accordance with the provisions of this chapter must be reduced by the aggregate period of creditable coverage of that person, if the creditable coverage was continuous to a date not more than 63 days before the effective date of the coverage. The period of continuous coverage must not include:~~

~~—(a) Any waiting period for the effective date of the new coverage applied by the employer or the carrier; or~~

~~—(b) Any affiliation period not to exceed 60 days for a new enrollee and 90 days for a late enrollee required before becoming eligible to enroll in the group health plan.~~

~~—3. A health maintenance organization authorized to transact insurance pursuant to chapter 695C of NRS that does not restrict coverage for a preexisting condition may require an affiliation period before coverage becomes effective under a plan of insurance if the affiliation period applies uniformly to all employees or other persons insured and without regard to any health status related factors. During the affiliation period, the carrier shall not collect any premiums for coverage of the employee or other insured.~~

~~—4. An insurer that restricts coverage for preexisting conditions shall not impose an affiliation period.~~

~~—5. A carrier shall not impose any exclusion for a preexisting condition:~~

~~—(a) Relating to pregnancy.~~

~~—(b) In the case of a person who, as of the last day of the 30 day period beginning on the date of the birth of the person, is covered under creditable coverage.~~

~~—(c) In the case of a child who is adopted or placed for adoption before attaining the age of 18 years and who, as of the last day of the 30 day period beginning on the date of adoption or placement for adoption, whichever is earlier, is covered under creditable coverage. The provisions of this paragraph do not apply to coverage before the date of adoption or placement for adoption.~~

~~—(d) In the case of a condition for which medical advice, diagnosis, care or treatment was recommended or received for the first time while the covered person held creditable coverage, and the medical advice, diagnosis, care or~~

~~treatment was a benefit under the plan, if the creditable coverage was continuous to a date not more than 63 days before the effective date of the new coverage.~~

~~➔ The provisions of paragraphs (b) and (c) do not apply to a person after the end of the first 63-day period during all of which the person was not covered under any creditable coverage.~~

~~—6.— As used in this section, “late enrollee” means an eligible employee, or a dependent of the eligible employee, who requests enrollment in a group health plan following the initial period of enrollment, if that initial period of enrollment is at least 30 days, during which the person is entitled to enroll under the terms of the health benefit plan. The term does not include an eligible employee or a dependent of the eligible employee if:~~

~~—(a) The employee or dependent:~~

~~—(1) Was covered under creditable coverage at the time of the initial enrollment;~~

~~—(2) Lost coverage under creditable coverage as a result of cessation of contributions by his or her employer, termination of employment or eligibility, reduction in the number of hours of employment, involuntary termination of creditable coverage, or death of, or divorce or legal separation from, a covered spouse; and~~

~~—(3) Requests enrollment not later than 30 days after the date on which the creditable coverage of the employee or dependent was terminated or on which the change in conditions that gave rise to the termination of the coverage occurred.~~

~~—(b) The employee enrolls during the open enrollment period, as provided in the contract or as otherwise specifically provided by specific statute.~~

~~—(c) The employer of the employee offers several health benefit plans and the employee elected a different plan during an open enrollment period.~~

~~—(d) A court has ordered coverage to be provided to the spouse or a minor or dependent child of an employee under a health benefit plan of the employee and a request for enrollment is made within 30 days after the issuance of the court order.~~

~~—(e) The employee changes status from not being an eligible employee to being an eligible employee and requests enrollment, subject to any waiting period, within 30 days after the change in status.~~

~~—(f) The person has continued coverage in accordance with the Consolidated Omnibus Budget Reconciliation Act of 1985, Public Law 99-272, and that coverage has been exhausted.}]~~

Sec. 60. NRS 689B.560 is hereby amended to read as follows:

689B.560 1. Except as otherwise provided in this section, coverage under a policy of group health insurance must be renewed by the carrier at the option of the plan sponsor, unless:

(a) The plan sponsor has failed to pay premiums or contributions in accordance with the terms of the group health insurance or the carrier has not received timely premium payments;

(b) The plan sponsor has performed an act or a practice that constitutes fraud or has made an intentional misrepresentation of material fact under the terms of the coverage;

(c) The plan sponsor has failed to comply with any material provision of the group health insurance relating to employer contributions and group participation; or

(d) The carrier decides to discontinue offering coverage under group health insurance. If the carrier decides to discontinue offering and renewing such insurance, the carrier shall:

(1) Provide notice of its intention to the Commissioner and the chief regulatory officer for insurance in each state in which the carrier is licensed to transact insurance at least 60 days before the date on which notice of cancellation or nonrenewal is delivered or mailed to the persons covered by the discontinued insurance pursuant to subparagraph (2).

(2) Provide notice of its intention to all persons covered by the discontinued insurance and to the Commissioner and the chief regulatory officer for insurance in each state in which such a person is known to reside. The notice must be made at least 180 days before the discontinuance of any group health plan by the carrier.

(3) Discontinue all health insurance issued or delivered for issuance for persons in this state and not renew coverage under any group health insurance issued to such persons.

2. A carrier may discontinue the issuance and renewal of a form of a product of group health insurance if the Commissioner finds that the form of the product offered by the carrier is obsolete and is being replaced with comparable coverage. A form of a product may be discontinued by the carrier pursuant to this subsection only if:

(a) The carrier notifies the Commissioner and the chief regulatory officer in each state in which it is licensed of its decision pursuant to this subsection to discontinue the issuance and renewal of the form of the product at least 60 days before the individual carrier notifies the persons covered by the discontinued insurance pursuant to paragraph (b).

(b) The carrier notifies each person covered by the discontinued insurance and the Commissioner and the chief regulatory officer in each state in which such a person is known to reside of the decision of the carrier to discontinue offering the form of the product. The notice must be made at least 180 days before the date on which the carrier will discontinue offering the form of the product.

(c) The carrier offers to each person covered by the discontinued insurance the option to purchase any other health benefit plan currently offered by the carrier to large groups in this state.

(d) In exercising the option to discontinue the form of the product and in offering the option to purchase other coverage pursuant to paragraph (c), the carrier acts uniformly without regard to the claim experience of the persons covered by the discontinued insurance or any health status-related factor relating to those persons or beneficiaries covered by the discontinued form of the product or any person or beneficiary who may become eligible for such coverage.

3. A carrier may discontinue the issuance and renewal of any type of group health insurance offered by the carrier in this state that is made available pursuant to this chapter only to a member of a bona fide association if:

(a) The membership of the person in the bona fide association was the basis for the provision of coverage under the group health insurance;

(b) The membership of the person in the bona fide association ceases; and

(c) Coverage is terminated pursuant to this subsection for all such former members uniformly without regard to any health status-related factor relating to the former member.

4. A carrier that elects not to renew group health insurance pursuant to paragraph (d) of subsection 1 shall not write new business pursuant to this chapter for 5 years after the date on which notice is provided to the Commissioner pursuant to subparagraph (2) of paragraph (d) of subsection 1.

5. If the carrier does business in only one ~~established~~ geographic service area of this state, the provisions of this section apply only to the operations of the carrier in that service area.

6. As used in this section, "bona fide association" has the meaning ascribed to it in NRS 689A.485.

Sec. 61. NRS 689B.570 is hereby amended to read as follows:

689B.570 1. A carrier that offers coverage through a network plan is not required to offer coverage to or accept an application from an employer that does not employ or no longer employs any enrollees who reside or work in the ~~established~~ geographic service area of the carrier ~~, for the geographic rating area for which the carrier is authorized to transact insurance,~~ provided that such coverage is refused or terminated uniformly without regard to any health status-related factor for any employee of the employer.

2. As used in this section, "network plan" means a health benefit plan offered by a health carrier under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the

carrier. The term does not include an arrangement for the financing of premiums.

Sec. 62. ~~NRS 689B.575 is hereby amended to read as follows:~~

~~689B.575 1. A carrier that offers coverage through a network plan shall use its best efforts to contract with at least one health center in each [established] geographic service area of the carrier or geographic **rating** area for which the carrier is authorized to transact insurance to provide medical care for enrollees if the health center:~~

~~(a) Meets all conditions imposed by the carrier on similarly situated providers of health care with which the carrier contracts, including, without limitation;~~

~~(1) Certification for participation in the Medicaid or Medicare program; and~~

~~(2) Requirements relating to the appropriate credentials for providers of health care; and~~

~~(b) Agrees to reasonable reimbursement rates that are generally consistent with those offered by the carrier to similarly situated providers of health care with which the carrier contracts.~~

~~2. As used in this section:~~

~~(a) "Health center" has the meaning ascribed to it in 42 U.S.C. § 254b.~~

~~(b) "Network plan" has the meaning ascribed to it in NRS 689B.570.]~~

(Deleted by amendment.)

Sec. 63. NRS 689B.580 is hereby amended to read as follows:

689B.580 1. A plan sponsor of a governmental plan that is a group health plan to which the provisions of NRS 689B.340 to ~~[689B.590,]~~ **689B.580**, inclusive, otherwise apply may elect to exclude the governmental plan from compliance with those sections. Such an election:

(a) Must be made in such a form and in such a manner as the Commissioner prescribes by regulation.

(b) Is effective for a single specified year of the plan or, if the plan is provided pursuant to a collective bargaining agreement, for the term of that agreement.

(c) May be extended by subsequent elections.

(d) Excludes the governmental plan from those provisions in this chapter that apply only to group health plans.

2. If a plan sponsor of a governmental plan makes an election pursuant to this section, the plan sponsor shall:

(a) Annually and at the time of enrollment, notify the enrollees in the plan of the election and the consequences of the election; and

(b) Provide certification and disclosure of creditable coverage under the plan with respect to those enrollees pursuant to NRS 689B.490.

3. As used in this section, “governmental plan” has the meaning ascribed to in section 3(32) of the Employee Retirement Income Security Act of 1974, as that section existed on July 16, 1997.

Sec. 64. NRS 689C.055 is hereby amended to read as follows:

689C.055 “Dependent” means a spouse , ***a domestic partner as defined in NRS 122A.030***, or ~~[-~~:

- ~~1. An unmarried] a child under [19] 26 years of age . [-;~~
- ~~2. An unmarried child who is a full time student under 24 years of age and who is financially dependent upon the parent; or~~
- ~~3. An unmarried child of any age who is medically certified as disabled and dependent upon the parent,~~
~~↪ who the parent claimed as his or her dependent on the form for income tax returns which the parent filed with the Internal Revenue Service for the previous fiscal year.]~~

Sec. 65. NRS 689C.067 is hereby amended to read as follows:

689C.067 ~~[-“Established geographic] “Geographic~~ service area” means a geographic ~~[rating] area , as approved [established]~~ by the Commissioner , ~~[and based on the certificate of authority of the carrier to transact insurance in this state,]~~ within which the carrier is authorized to provide coverage.

Sec. 66. NRS 689C.071 is hereby amended to read as follows:

689C.071 “Geographic ***rating*** area” means an area established by the Commissioner for use in adjusting the rates for a health benefit plan.

Sec. 66.5. NRS 689C.095 is hereby amended to read as follows:

689C.095 ~~[-] “Small employer” [means, with respect to a calendar year and a plan year, an employer who employed on business days during the preceding calendar year an average of at least 2 employees, but not more than 50 employees, who have a normal workweek of 30 hours or more, and who employs at least 2 employees on the first day of the plan year. For the purposes of determining the number of eligible employees, organizations which are affiliated or which are eligible to file a combined tax return for the purposes of taxation constitute one employer.~~

~~2. For the purposes of this section, organizations are “affiliated” if one directly, or indirectly, through one or more intermediaries, controls or is controlled by, or is under common control with, the other, as determined pursuant to the provisions of NRS 692C.050.]~~ ***has the meaning ascribed to it in 42 U.S.C. § 18024(b)(2).***

Sec. 67. NRS 689C.125 is hereby amended to read as follows:

689C.125 1. A carrier serving small employers shall apply rating factors ~~[-, including characteristics,]~~ consistently with respect to all small employers . ~~[in a class of business.]~~ Rating factors must produce premiums for identical groups that differ only by the amounts attributable to the design of the plans and the terms of the coverage and do not reflect differences

based on the nature of the groups that will select particular health benefit plans. As used in this subsection, “premium” means all money paid by a small employer and eligible employees to a carrier as a condition of receiving coverage from a carrier, including any fees or other contributions associated with the health benefit plan.

2. A carrier serving small employers shall treat all health benefit plans issued or renewed in the same calendar month as having the same rating period, if the terms of coverage provided in the plans are the same.

Sec. 68. ~~NRS 689C.145 is hereby amended to read as follows:~~

~~689C.145 In determining the rating factors for establishing the premiums for a health benefit plan, a carrier serving small employers shall not use characteristics other than age, sex, industry, geographic **rating** area, composition of family, size of group and the amount contributed by the employer to the cost of coverage without the prior approval of the Commissioner.] (Deleted by amendment.)~~

Sec. 69. NRS 689C.155 is hereby amended to read as follows:

689C.155 The Commissioner may adopt regulations to carry out the provisions of NRS ~~[689C.107]~~ **689C.109** to ~~[689C.145,]~~ **689C.142**, inclusive, 689C.156 to 689C.159, inclusive, 689C.165, 689C.183, 689C.187, ~~689C.191~~, **689C.192** to 689C.198, inclusive, 689C.203, 689C.207, 689C.265, ~~[689C.283, 689C.287,]~~ 689C.325, ~~[689C.342 to 689C.348, inclusive,]~~ 689C.355 and 689C.610 to ~~[689C.980,]~~ **689C.940**, inclusive, and to ensure that rating practices used by carriers serving small employers are consistent with those sections, including regulations that:

1. Ensure that differences in rates charged for health benefit plans by such carriers are reasonable and reflect only differences in the designs of the plans, the terms of the coverage, the amount contributed by the employers to the cost of coverage and differences based on the rating factors established by the carrier.

2. Prescribe the manner in which ~~[characteristics]~~ **rating factors** may be used by such carriers.

Sec. 70. NRS 689C.156 is hereby amended to read as follows:

689C.156 1. As a condition of transacting business in this State with small employers, a carrier shall actively market to a small employer each health benefit plan which is actively marketed in this State by the carrier to any small employer in this State. ~~[The health insurance plans marketed pursuant to this section by the carrier must include, without limitation, a basic health benefit plan and a standard health benefit plan.]~~ A carrier shall be deemed to be actively marketing a health benefit plan when it makes available any of its plans to a small employer that is not currently receiving coverage under a health benefit plan issued by that carrier.

2. A carrier shall issue to a small employer any health benefit plan marketed in accordance with this section if the eligible small employer applies for the plan and agrees to make the required premium payments and satisfy the other reasonable provisions of the health benefit plan that are not inconsistent with NRS 689C.015 to 689C.355, inclusive, and 689C.610 to ~~689C.980,~~ **689C.940**, inclusive, except that a carrier is not required to issue a health benefit plan to a self-employed person who is covered by, or is eligible for coverage under, a health benefit plan offered by another employer.

3. If a health benefit plan marketed pursuant to this section provides, delivers, arranges for, pays for or reimburses any cost of health care services through managed care, the carrier shall provide a system for resolving any complaints of an employee concerning those health care services that complies with the provisions of NRS 695G.200 to 695G.310, inclusive.

Sec. 71. NRS 689C.159 is hereby amended to read as follows:

689C.159 The provisions of NRS 689C.156 ~~1, 689C.157~~ and 689C.190 do not apply to health benefit plans offered by a carrier if the carrier makes the health benefit plan available in the small employer market only through a bona fide association.

Sec. 72. NRS 689C.160 is hereby amended to read as follows:

689C.160 The requirements used by a carrier serving small employers to determine whether to provide coverage to a small employer, including, without limitation, ~~standards for medical underwriting,~~ requirements for minimum participation of eligible employees and minimum employer's contributions, must be applied uniformly among all small employers with the same number of eligible employees applying for coverage or receiving coverage from the carrier.

Sec. 73. NRS 689C.169 is hereby amended to read as follows:

689C.169 1. ~~Notwithstanding any provisions of this title to the contrary, a~~ A policy of group health insurance delivered or issued for delivery in this State pursuant to this chapter must provide coverage for the treatment of conditions relating to severe mental illness.

2. ~~The coverage required by this section:~~

~~—(a) Must provide:~~

~~—(1) Benefits for at least 40 days of hospitalization as an inpatient per policy year and 40 visits for treatment as an outpatient per policy year, excluding visits for the management of medication; and~~

~~—(2) That two visits for partial or respite care, or a combination thereof, may be substituted for each 1 day of hospitalization not used by the insured. In no event is the policy required to provide coverage for more than 40 days of hospitalization as an inpatient per policy year.~~

~~—(b) Is not required to provide benefits for psychosocial rehabilitation or care received as a custodial inpatient.~~

~~—3. Any deductibles and copayments required to be paid for the coverage required by this section must not be greater than 150 percent of the out-of-pocket expenses required to be paid for medical and surgical benefits provided pursuant to the policy of group health insurance.~~

~~—4. The provisions of this section do not apply to a policy of group health insurance if, at the end of the policy year, the premiums charged for that policy, or a standard grouping of policies, increase by more than 2 percent as a result of providing the coverage required by this section and the insurer obtains an exemption from the Commissioner pursuant to subsection 5.~~

~~—5. To obtain the exemption required by subsection 4, an insurer must submit to the Commissioner a written request therefor that is signed by an actuary and sets forth the reasons and actuarial assumptions upon which the request is based. To determine whether an exemption may be granted, the Commissioner shall subtract from the amount of premiums charged during the policy year the amount of premiums charged during the period immediately preceding the policy year and the amount of any increase in the premiums charged that is attributable to factors that are unrelated to providing the coverage required by this section. The Commissioner shall verify the information within 30 days after receiving the request. The request shall be deemed approved if the Commissioner does not deny the request within that time.~~

~~—6. The provisions of this section do not:~~

~~—(a) Limit the provision of specialized services covered by Medicaid for persons with conditions relating to mental health or substance abuse.~~

~~—(b) Supersede any provision of federal law, any federal or state policy relating to Medicaid, or the terms and conditions imposed on any Medicaid waiver granted to this State with respect to the provisions of services to persons with conditions relating to mental health or substance abuse.~~

~~—7. A policy of group health insurance subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after October 3, 2009, has the legal effect of including the coverage required by this section, and any provision of the policy or the renewal which is in conflict with this section is void, unless the policy is otherwise exempt from the provisions of this section pursuant to subsection 4.~~

~~—8.】 As used in this section, “severe mental illness” means any of the following mental illnesses that are biologically based and for which diagnostic criteria are prescribed in the *latest edition of the Diagnostic and Statistical Manual of Mental Disorders*, ~~Fourth Edition,~~ published by the American Psychiatric Association:~~

- (a) Schizophrenia.
- (b) Schizoaffective disorder.
- (c) Bipolar disorder.
- (d) Major depressive disorders.
- (e) Panic disorder.
- (f) Obsessive-compulsive disorder.

Sec. 74. NRS 689C.190 is hereby amended to read as follows:

689C.190 ~~1. Except as otherwise provided in this section, a~~ A carrier serving small employers that issues a health benefit plan shall not deny, exclude or limit a benefit for a preexisting condition . ~~1.~~

~~—(a) For more than 12 months after the effective date of coverage if the employee enrolls through open enrollment or after the first day of the waiting period for such enrollment, whichever is earlier; or~~

~~—(b) For more than 18 months after the effective date of coverage for a late enrollee. A carrier may not define a preexisting condition in its health benefit plan more restrictively than that term is defined in NRS 689C.082.~~

~~—2. The period of any exclusion for a preexisting condition imposed by a health benefit plan on a person to be insured in accordance with the provisions of this chapter must be reduced by the aggregate period of creditable coverage of that person, if the creditable coverage was continuous to a date not more than 63 days before the effective date of the new coverage. The period of continuous coverage must not include:~~

~~—(a) Any waiting period for the effective date of the new coverage applied by the employer or the carrier; or~~

~~—(b) Any affiliation period, not to exceed 60 days for a new enrollee and 90 days for a late enrollee, required before becoming eligible to enroll in the health benefit plan.~~

~~—3. A health maintenance organization authorized to transact insurance pursuant to chapter 695C of NRS that does not restrict coverage for a preexisting condition may require an affiliation period before coverage becomes effective under a plan of insurance if the affiliation period applies uniformly to all employees and without regard to any health status-related factors. During the affiliation period, the carrier shall not collect any premiums for coverage of the employee.~~

~~—4. A carrier that restricts coverage for preexisting conditions shall not impose an affiliation period.~~

~~—5. A carrier shall not impose any exclusion for a preexisting condition:~~

~~—(a) Relating to pregnancy.~~

~~—(b) In the case of a person who, as of the last day of the 30-day period beginning on the date of the person's birth, is covered under creditable coverage.~~

~~—(c) In the case of a child who is adopted or placed for adoption before attaining the age of 18 years and who, as of the last day of the 30-day period beginning on the date of adoption or placement for adoption, whichever is earlier, is covered under creditable coverage. The provisions of this paragraph do not apply to coverage before the date of adoption or placement for adoption.~~

~~—(d) In the case of a condition for which medical advice, diagnosis, care or treatment was recommended or received for the first time while the covered person held creditable coverage, and the medical advice, diagnosis, care or treatment was a covered benefit under the plan, if the creditable coverage was continuous to a date not more than 90 days before the effective date of the new coverage.~~

~~✦ The provisions of paragraphs (b) and (c) do not apply to a person after the end of the first 63-day period during all of which the person was not covered under any creditable coverage.~~

~~—6. As used in this section, “late enrollee” means an eligible employee, or a dependent of the eligible employee, who requests enrollment in a health benefit plan of a small employer following the initial period of enrollment, if the initial period of enrollment is at least 30 days, during which the person is entitled to enroll under the terms of the health benefit plan. The term does not include an eligible employee or a dependent of the eligible employee if:~~

~~—(a) The employee or dependent:~~

~~—(1) Was covered under creditable coverage at the time of the initial enrollment;~~

~~—(2) Lost coverage under creditable coverage as a result of cessation of employer contribution, termination of employment or eligibility, reduction in the number of hours of employment, involuntary termination of creditable coverage, or the death of, or divorce or legal separation from, a covered spouse; and~~

~~—(3) Requests enrollment not later than 30 days after the date on which his or her creditable coverage was terminated or on which the change in conditions that gave rise to the termination of the coverage occurred.~~

~~—(b) The person enrolls during the open enrollment period, as provided in the contract or as otherwise provided by specific statute.~~

~~—(c) The person is employed by an employer which offers multiple health benefit plans and the person elected a different plan during an open enrollment period.~~

~~—(d) A court has ordered coverage to be provided to the spouse or a minor or dependent child of an employee under a health benefit plan of the employee and a request for enrollment is made within 30 days after the issuance of the court order.~~

~~—(e) The person changes status from not being an eligible employee to being an eligible employee and requests enrollment, subject to any waiting period, within 30 days after the change in status.~~

~~—(f) The person has continued coverage in accordance with the Consolidated Omnibus Budget Reconciliation Act of 1985 and such coverage has been exhausted.]~~

Sec. 75. NRS 689C.191 is hereby amended to read as follows:

689C.191 1. In determining the applicable creditable coverage of a person, ~~[for the purposes of NRS 689C.190,]~~ a period of creditable coverage must not be included if, after the expiration of that period but before the enrollment date, there was a 63-day period during all of which the person was not covered under any creditable coverage. To establish a period of creditable coverage, an eligible employee must present any certificates of coverage provided to the eligible employee in accordance with NRS 689C.192 and such other evidence of coverage as required by regulations adopted by the Commissioner. For the purposes of this subsection, any waiting period for coverage or an affiliation period must not be considered in determining the applicable period of creditable coverage.

2. In determining the period of creditable coverage of a person, ~~[for the purposes of NRS 689C.190,]~~ a carrier shall include each applicable period of creditable coverage without regard to the specific benefits covered during that period, except that the carrier may elect to include applicable periods of creditable coverage based on coverage of specific benefits as specified by the United States Department of Health and Human Services by regulation, if such an election is made on a uniform basis for all participants and beneficiaries of the health benefit plan or coverage. Pursuant to such an election, the carrier shall include each applicable period of creditable coverage with respect to any class or category of benefits if any level of benefits is covered within that class or category, as specified by those regulations.

3. Regardless of whether coverage is actually provided, if a carrier elects in accordance with subsection 2 to determine creditable coverage based on specified benefits, a statement that such an election has been made and a description of the effect of the election must be:

(a) Included prominently in any disclosure statement concerning the health benefit plan; and

(b) Provided to each eligible employee at the time of enrollment in the health benefit plan.

4. The provisions of this section apply only to grandfathered plans.

Sec. 76. NRS 689C.193 is hereby amended to read as follows:

689C.193 1. A carrier shall not place any restriction on a small employer or an eligible employee or a dependent of the eligible employee as

a condition of being a participant in or a beneficiary of a health benefit plan that is inconsistent with NRS 689C.015 to 689C.355, inclusive.

2. A carrier that offers health insurance coverage to small employers pursuant to this chapter shall not establish rules of eligibility, including, but not limited to, rules which define applicable waiting periods, for the initial or continued enrollment under a health benefit plan offered by the carrier that are based on the following factors relating to the eligible employee or a dependent of the eligible employee:

- (a) Health status.
- (b) Medical condition, including physical and mental illnesses, or both.
- (c) Claims experience.
- (d) Receipt of health care.
- (e) Medical history.
- (f) Genetic information.
- (g) Evidence of insurability, including conditions which arise out of acts of domestic violence.
- (h) Disability.

3. Except as otherwise provided in NRS 689C.190, the provisions of subsection 1 do not ~~require~~:

~~—(a) Require~~ **require** a carrier to provide particular benefits other than those that would otherwise be provided under the terms of the health benefit plan or coverage. ~~;~~ ~~or~~

~~—(b) Prevent a carrier from establishing limitations or restrictions on the amount, level, extent or nature of the benefits or coverage for similarly situated persons.~~

4. As a condition of enrollment or continued enrollment under a health benefit plan, a carrier shall not require any person to pay a premium or contribution that is greater than the premium or contribution for a similarly situated person covered by similar coverage on the basis of any factor described in subsection 2 in relation to the person or a dependent of the person.

5. Nothing in this section:

(a) Restricts the amount that a small employer may be charged for coverage by a carrier;

(b) Prevents a carrier from establishing premium discounts or rebates or from modifying otherwise applicable copayments or deductibles in return for adherence by the insured person to programs of health promotion and disease prevention; or

(c) Precludes a carrier from establishing rules relating to employer contribution or group participation when offering health insurance coverage to small employers in this State.

6. As used in this section:

(a) "Contribution" means the minimum employer contribution toward the premium for enrollment of participants and beneficiaries in a health benefit plan.

(b) "Group participation" means the minimum number of participants or beneficiaries that must be enrolled in a health benefit plan in relation to a specified percentage or number of eligible persons or employees of the employer.

Sec. 77. NRS 689C.200 is hereby amended to read as follows:

689C.200 A carrier serving small employers is not required to accept applications from or offer coverage to:

1. A small employer if the employer is not physically located in the carrier's ~~established~~ geographic ~~rating~~ **service** area; or

2. An employee if the employee does not work or reside within the carrier's ~~established rating~~ geographic **service** area.

Sec. 78. 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.]~~

1. Except in cases of violations of NRS 689C.015 to 689C.355, inclusive, the ~~[information is] rating practices~~ **unified rate review template and rate filing documentation used by carriers servicing small employers are considered** proprietary, ~~[constitutes]~~ **constitute** a trade secret, and ~~[is]~~ **are** 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.

2. As used in this section, "rate filing documentation" and "unified rate review template" ascribed to in 45 C.F.R § 154.215.

Sec. 79. NRS 689C.310 is hereby amended to read as follows:

689C.310 1. Except as otherwise provided in subsections 2 and 3, a carrier shall renew a health benefit plan at the option of the small employer who purchased the plan.

2. A carrier may refuse to issue or to renew a health benefit plan if:

(a) The carrier discontinues transacting insurance in this state or in the geographic **rating** area of this state where the employer is located;

(b) The employer fails to pay the premiums or contributions required by the terms of the plan;

(c) The employer misrepresents any information regarding the employees covered under the plan or other information regarding eligibility for coverage under the plan;

(d) The plan sponsor has engaged in an act or practice that constitutes fraud to obtain or maintain coverage under the plan;

(e) The employer is not in compliance with the minimum requirements for participation or employer contribution as set forth in the plan; or

(f) The employer fails to comply with any of the provisions of this chapter.

3. A carrier may require a small employer to exclude a particular employee or a dependent of the particular employee from coverage under a health benefit plan as a condition to renewal of the plan if the employee or dependent of the employee commits fraud upon the carrier or misrepresents a material fact which affects his or her coverage under the plan.

4. A carrier shall discontinue the issuance and renewal of coverage to a small employer if the Commissioner finds that the continuation of the coverage would not be in the best interests of the policyholders or certificate holders of the carrier in this state or would impair the ability of the carrier to meet its contractual obligations. If the Commissioner makes such a finding, the Commissioner shall assist the affected small employers in finding replacement coverage.

5. A carrier may discontinue the issuance and renewal of a form of a product of a health benefit plan offered to small employers pursuant to this chapter if the Commissioner finds that the form of the product offered by the carrier is obsolete and is being replaced with comparable coverage. A form of a product of a health benefit plan may be discontinued by a carrier pursuant to this subsection only if:

(a) The carrier notifies the Commissioner and the chief regulatory officer for insurance in each state in which it is licensed of its decision pursuant to this subsection to discontinue the issuance and renewal of the form of the product at least 60 days before the carrier notifies the affected small employers pursuant to paragraph (b).

(b) The carrier notifies each affected small employer and the Commissioner and the chief regulatory officer for insurance in each state in which any affected small employer is located or eligible employee resides of the decision of the carrier to discontinue offering the form of the product. The notice must be made at least 180 days before the date on which the carrier will discontinue offering the form of the product.

(c) The carrier offers to each affected small employer the option to purchase any other health benefit plan currently offered by the carrier to small employers in this state.

(d) In exercising the option to discontinue the particular form of the product and in offering the option to purchase other coverage pursuant to paragraph (c), the carrier acts uniformly without regard to the claims experience of the affected small employers or any health status-related factor relating to any participant or beneficiary covered by the discontinued product

or any new participant or beneficiary who may become eligible for such coverage.

6. A carrier may discontinue the issuance and renewal of a health benefit plan offered to a small employer or an eligible employee pursuant to this chapter only through a bona fide association if:

(a) The membership of the small employer or eligible employee in the association was the basis for the provision of coverage;

(b) The membership of the small employer or eligible employee in the association ceases; and

(c) The coverage is terminated pursuant to this subsection uniformly without regard to any health status-related factor relating to the small employer or eligible employee or dependent of the eligible employee.

7. If a carrier does business in only one ~~established~~ geographic service area of this state, the provisions of this section apply only to the operations of the carrier in that service area.

Sec. 80. NRS 689C.320 is hereby amended to read as follows:

689C.320 1. A carrier that discontinues transacting insurance in this State or in a particular geographic ~~rating~~ service area of this State shall:

(a) Notify the Commissioner and the chief regulatory officer for insurance in each state in which the carrier is licensed to transact insurance at least 60 days before a notice of cancellation or nonrenewal is delivered or mailed to the affected small employers pursuant to paragraph (b).

(b) Notify the Commissioner and each small employer affected not less than 180 days before the expiration of any policy or contract of insurance under any health benefit plan issued to a small employer pursuant to this chapter.

2. A carrier that cancels any health benefit plan because it has discontinued transacting insurance in this State or in a particular geographic ~~rating~~ service area of this State:

(a) Shall discontinue the issuance and delivery for issuance of all health benefit plans pursuant to this chapter in this State and not renew coverage under any health benefit plan issued to a small employer; and

(b) May not issue any health benefit plans pursuant to this chapter in this State or in the particular geographic area for 5 years after it gives notice to the Commissioner pursuant to paragraph (b) of subsection 1.

Sec. 81. NRS 689C.325 is hereby amended to read as follows:

689C.325 A carrier that offers coverage through a network plan is not required to offer coverage to or accept any applications for coverage from the eligible employees of a small employer pursuant to NRS 689C.310 and 689C.320 if:

1. The eligible employees do not reside or work in the ~~established~~ geographic service area of the network plan.

2. For a small employer whose eligible employees reside or work in the ~~established~~ geographic service area of the network plan, the carrier demonstrates to the satisfaction of the Commissioner that the carrier does not have the capacity to deliver adequate service to additional small employers and eligible employees because of the existing obligations of the carrier. If a carrier is authorized by the Commissioner not to offer coverage pursuant to this subsection, the carrier shall not thereafter offer coverage to additional small employers and eligible employees within that ~~established~~ geographic service area until the carrier demonstrates to the satisfaction of the Commissioner that it has regained the capacity to deliver adequate service to additional small employers and eligible employees within that service area.

Sec. 82. ~~NRS 689C.327 is hereby amended to read as follows:~~

~~689C.327 1. A carrier that offers a network plan shall use its best efforts to contract with at least one health center in each established geographic service area to provide health care as a member of the carrier's defined set of providers under the network plan if the health center:~~

~~(a) Meets all conditions imposed by the carrier on similarly situated providers of health care that are members of the carrier's defined set of providers, including, without limitation:~~

~~(1) Certification for participation in the Medicaid or Medicare program; and~~

~~(2) Requirements relating to the appropriate credentials for providers of health care; and~~

~~(b) Agrees to reasonable reimbursement rates that are generally consistent with those offered by the carrier to similarly situated providers of health care that are members of the carrier's defined set of providers.~~

~~2. As used in this section, "health center" has the meaning ascribed to it in 42 U.S.C. § 254b.~~ **(Deleted by amendment.)**

Sec. 83. NRS 689C.350 is hereby amended to read as follows:

689C.350 A health benefit plan which offers a difference of payment between preferred providers of health care and providers of health care who are not preferred:

1. ~~May not require a deductible of more than \$600 difference per admission to a facility for inpatient treatment which is not a preferred provider of health care.~~

2. ~~May not require a deductible of more than \$500 difference per treatment, other than inpatient treatment at a hospital, by a provider which is not preferred.~~

3. ~~May not provide for a difference in percentage rates of payment for coinsurance of more than 30 percentage points between the payment for coinsurance required to be paid by the insured to a preferred provider of~~

~~health care and the payment for coinsurance required to be paid by the insured to a provider of health care who is not preferred.~~

~~—4.]~~ Must require that the deductible and payment for coinsurance paid by the insured to a preferred provider of health care be applied to the negotiated reduced rates of that provider.

~~{5.]~~ 2. Must include for providers of health care who are not preferred a provision establishing the point at which an insured's payment for coinsurance is no longer required to be paid if such a provision is included for preferred providers of health care. Such provisions must be based on a ~~{calendar}~~ **plan** year. The point at which an insured's payment for coinsurance is no longer required to be paid for providers of health care who are not preferred must not be greater than twice the amount for preferred providers of health care, regardless of the method of payment.

~~{6.]~~ 3. Must provide that if there is a particular service which a preferred provider of health care does not provide and the provider of health care who is treating the insured requests the service and the insurer determines that the use of the service is necessary for the health of the insured, the service shall be deemed to be provided by the preferred provider of health care.

~~{7. Must require the insurer to process a claim of a provider of health care who is not preferred not later than 30 working days after the date on which proof of the claim is received.]~~

Sec. 84. NRS 689C.355 is hereby amended to read as follows:

689C.355 1. Except as otherwise provided in this section, a carrier or a producer shall not, directly or indirectly:

(a) Encourage or direct a small employer to refrain from filing an application for coverage with the carrier because of the health status, claims experience, industry, occupation ~~age, family composition, tobacco use~~ or geographic location of the small employer.

(b) Encourage or direct a small employer to seek coverage from another carrier because of the health status, claims experience, industry, occupation ~~age, family composition, tobacco use~~ or geographic location of the small employer.

2. The provisions of subsection 1 do not apply to information provided to a small employer by a carrier or a producer relating to the ~~established~~ geographic service area or a provision for a restricted network of the carrier.

3. Except as otherwise provided in this subsection, a carrier shall not, directly or indirectly, enter into any contract, agreement or arrangement with a producer if the contract, agreement or arrangement provides for or results in a variation to the compensation that is paid to a producer for the sale of a health benefit plan because of the health status, claims experience, industry, occupation ~~age, family composition, tobacco use~~ or geographic location of the small employer at the time that the health benefit plan is issued to or

renewed by the small employer. ~~{The provisions of this subsection do not apply to any arrangement for compensation that provides payment to a producer on the basis of percentage of premium, except that the percentage may not vary because of the health status, claims experience, industry, occupation or geographic area of the small employer.}~~

4. A carrier shall not terminate, fail to renew, or limit its contract or agreement of representation with a producer for any reason related to the health status, claims experience, occupation ~~age, family composition, tobacco use~~ or geographic location of a small employer at the time that the health benefit plan is issued to or renewed by the small employer placed by the producer with the carrier.

5. A carrier or producer shall not induce or otherwise encourage a small employer to separate or otherwise exclude an employee or a dependent of the employee from health coverage or benefits provided in connection with the employment of the employee.

6. A violation of any provision of this section by a carrier may constitute an unfair trade practice for the purposes of chapter 686A of NRS.

7. The provisions of this section apply to a third-party administrator if the third-party administrator enters into a contract, agreement or other arrangement with a carrier to provide administrative, marketing or other services related to the offering of a health benefit plan to small employers in this state.

8. Nothing in this section interferes with the right and responsibility of a ~~{broker}~~ **producer** to advise and represent the best interests of a small employer who is seeking health insurance coverage from a small employer carrier.

Sec. 85. NRS 689C.390 is hereby amended to read as follows:

689C.390 “Dependent” means a spouse, ~~{an unmarried}~~ **a domestic partner as defined in NRS 122A.030, or a** child who has not attained ~~{19}~~ **26** years of age . ~~{an unmarried child who is a full-time student who has not attained 24 years of age and who is financially dependent upon the parent, and an unmarried child of any age who is medically certified as disabled and dependent upon the parent.}~~

Sec. 86. NRS 689C.610 is hereby amended to read as follows:

689C.610 As used in NRS 689C.610 to ~~{689C.980,}~~ **689C.940**, inclusive, unless the context otherwise requires, the words and terms defined in NRS ~~{689C.620 to 689C.730, inclusive,}~~ **689C.630, 689C.660 and 689C.670** have the meanings ascribed to them in those sections.

Sec. 87. ~~{NRS 689C.650 is hereby amended to read as follows:~~

~~689C.650 “Eligible person” [has the meaning ascribed to it in NRS 689A.515.] means:~~

~~1. A person:~~

~~(a) Who, as of the date on which the person seeks coverage pursuant to this chapter, has an aggregate period of creditable coverage that is 18 months or more;~~

~~(b) Whose most recent prior creditable coverage, other than coverage under a short term health insurance policy, was under a group health plan, governmental plan, church plan or health insurance coverage offered in connection with any such plan;~~

~~(c) Who is not eligible for coverage under a group health plan, Part A or Part B of Title XVIII of the Social Security Act, 42 U.S.C. §§ 1395c et seq., also known as Medicare, a state plan pursuant to Title XIX of the Social Security Act, 42 U.S.C. §§ 1396 et seq., also known as Medicaid, or any successor program, and who does not have any other health insurance coverage;~~

~~(d) Whose most recent health insurance coverage within the period of aggregate creditable coverage was not terminated because of a failure to pay premiums or fraud;~~

~~(e) Who has exhausted his or her continuation of coverage under the Consolidation Omnibus Budget Reconciliation Act of 1985, Public Law 99-272, or under a similar state program, if any; and~~

~~(f) Who has not had a break of more than 63 consecutive days in his or her creditable coverage.~~

~~2. A person whose most recent prior creditable coverage was under a basic or standard health benefit plan and was not renewed by a carrier who discontinued offering and renewing individual health benefit plans in this State pursuant to NRS 689A.630.~~

~~3. Notwithstanding the provisions of paragraph (a) of subsection 1, a newborn child or a child placed for adoption, if the child was enrolled timely and would have otherwise met the requirements of an eligible person as set forth in subsection 1.} (Deleted by amendment.)~~

Sec. 88. NRS 695A.152 is hereby amended to read as follows:

695A.152 1. To the extent reasonably applicable, a fraternal benefit society shall comply with the provisions of NRS 689B.340 to ~~{689B.590,}~~ **689B.580**, inclusive, and chapter 689C of NRS relating to the portability and availability of health insurance offered by the society to its members. If there is a conflict between the provisions of this chapter and the provisions of NRS 689B.340 to ~~{689B.590,}~~ **689B.580**, inclusive, and chapter 689C of NRS, the provisions of NRS 689B.340 to ~~{689B.590,}~~ **689B.580**, inclusive, and chapter 689C of NRS control.

2. For the purposes of subsection 1, unless the context requires that a provision apply only to a group health plan or a carrier that provides

coverage under a group health plan, any reference in those sections to “group health plan” or “carrier” must be replaced by “fraternal benefit society.”

Sec. 89. NRS 695A.159 is hereby amended to read as follows:

695A.159 1. If a person:

(a) Adopts a dependent child; or

(b) Assumes and retains a legal obligation for the total or partial support of a dependent child in anticipation of adopting the child,

➔ while the person is eligible for group coverage under a certificate for health benefits, the society issuing that certificate shall not restrict the coverage, in accordance with NRS 689B.340 to ~~689B.590,~~ **689B.580**, inclusive, and chapter 689C of NRS relating to the portability and availability of health insurance, of the child solely because of a preexisting condition the child has at the time he or she would otherwise become eligible for coverage pursuant to that policy.

2. For the purposes of this section, “child” means a person who is under 18 years of age at the time of his or her adoption or the assumption of a legal obligation for his or her support in anticipation of his or her adoption.

Sec. 90. NRS 695B.187 is hereby amended to read as follows:

695B.187 Except as otherwise provided by the provisions of NRS 689B.340 to ~~689B.590,~~ **689B.580**, inclusive, and chapter 689C of NRS relating to the portability and availability of health insurance:

1. A group contract for hospital, medical or dental services issued by a nonprofit hospital, medical or dental service corporation to replace any discontinued policy or coverage for group health insurance must:

(a) Provide coverage for all persons who were covered under the previous policy or coverage on the date it was discontinued; and

(b) Except as otherwise provided in subsection 2, provide benefits which are at least as extensive as the benefits provided by the previous policy or coverage, except that the benefits may be reduced or excluded to the extent that such a reduction or exclusion was permissible under the terms of the previous policy or coverage,

➔ if that contract is issued within 60 days after the date on which the previous policy or coverage was discontinued.

2. If an employer obtains a replacement contract pursuant to subsection 1 to cover the employees of the employer, any benefits provided by the previous policy or coverage may be reduced if notice of the reduction is given to the employees of the employer pursuant to NRS 608.1577.

3. Any corporation which issues a replacement contract pursuant to subsection 1 may submit a written request to the insurer which provided the previous policy or coverage for a statement of benefits which were provided under that policy or coverage. Upon receiving such a request, the insurer shall give a written statement to the corporation which indicates what

benefits were provided and what exclusions or reductions were in effect under the previous policy or coverage.

4. The provisions of this section apply to a self-insured employer who provides health benefits to the employees of the self-insured employer and replaces those benefits with a group contract for hospital, medical or dental services issued by a nonprofit hospital, medical or dental service corporation.

Sec. 91. NRS 695B.189 is hereby amended to read as follows:

695B.189 A group contract issued by a corporation under the provisions of this chapter must contain a provision which permits the continuation of coverage pursuant to the provisions of NRS ~~689B.245 to 689B.249, inclusive, and~~ 689B.340 to ~~689B.590,~~ **689B.580**, inclusive, and chapter 689C of NRS relating to the portability and availability of health insurance.

Sec. 92. NRS 695B.192 is hereby amended to read as follows:

695B.192 1. No hospital, medical or dental service contract issued by a corporation pursuant to the provisions of this chapter may contain any exclusion, reduction or other limitation of coverage relating to complications of pregnancy, unless the provision applies generally to all benefits payable under the contract and complies with the provisions of NRS 689B.340 to ~~689B.590,~~ **689B.580**, inclusive, and chapter 689C of NRS relating to the portability and availability of health insurance.

2. As used in this section, the term “complications of pregnancy” includes any condition which requires hospital confinement for medical treatment and:

(a) If the pregnancy is not terminated, is caused by an injury or sickness not directly related to the pregnancy or by acute nephritis, nephrosis, cardiac decompensation, missed abortion or similar medically diagnosed conditions; or

(b) If the pregnancy is terminated, results in nonelective cesarean section, ectopic pregnancy or spontaneous termination.

3. A contract subject to the provisions of this chapter which is issued or delivered on or after July 1, 1977, has the legal effect of including the coverage required by this section, and any provision of the contract which is in conflict with this section is void.

Sec. 93. NRS 695B.251 is hereby amended to read as follows:

695B.251 1. Except as otherwise provided in the provisions of this section, NRS 689B.340 to ~~689B.590,~~ **689B.580**, inclusive, and chapter 689C of NRS relating to the portability and availability of health insurance, all group subscriber contracts delivered or issued for delivery in this state providing for hospital, surgical or major medical coverage, or any combination of these coverages, on a service basis or an expense-incurred basis, or both, must contain a provision that the employee or member is entitled to have issued to him or her a subscriber contract of health coverage

when the employee or member is no longer covered by the group subscriber contract.

2. The requirement in subsection 1 does not apply to contracts providing benefits only for specific diseases or accidental injuries.

3. If an employee or member was a recipient of benefits under the coverage provided pursuant to NRS 695B.1944, the employee or member is not entitled to have issued to him or her by a replacement insurer a subscriber contract of health coverage unless the employee or member has reported for his or her normal employment for a period of 90 consecutive days after last being eligible to receive any benefits under the coverage provided pursuant to NRS 695B.1944.

Sec. 94. NRS 695B.259 is hereby amended to read as follows:

695B.259 The medical service corporation may continue coverage identical to that provided under the group contract instead of issuing a converted contract. Coverage may be offered by amending the group certificate or by issuing an individual contract and ~~[-except as otherwise provided in NRS 689B.245 to 689B.249, inclusive,]~~ must otherwise comply with every requirement of NRS 695B.251 to 695B.259, inclusive.

Sec. 95. NRS 695B.318 is hereby amended to read as follows:

695B.318 1. Nonprofit hospital, medical or dental service corporations are subject to the provisions of NRS 689B.340 to ~~[-689B.590,]~~ **689B.580**, inclusive, and chapter 689C of NRS relating to the portability and availability of health insurance offered by such organizations. If there is a conflict between the provisions of this chapter and the provisions of NRS 689B.340 to ~~[-689B.590,]~~ **689B.580**, inclusive, and chapter 689C of NRS, the provisions of NRS 689B.340 to ~~[-689B.590,]~~ **689B.580**, inclusive, and chapter 689C of NRS control.

2. For the purposes of subsection 1, unless the context requires that a provision apply only to a group health plan or a carrier that provides coverage under a group health plan, any reference in those sections to:

(a) “Carrier” must be replaced by “corporation.”

(b) “Group health plan” must be replaced by “group contract for hospital, medical or dental services.”

Sec. 95.5. NRS 695B.320 is hereby amended to read as follows:

695B.320 Nonprofit hospital and medical or dental service corporations are subject to the provisions of this chapter, and to the provisions of chapters 679A and 679B of NRS, NRS 686A.010 to 686A.315, inclusive, 687B.010 to 687B.040, inclusive, 687B.070 to 687B.140, inclusive, 687B.150, 687B.160, 687B.180, 687B.200 to 687B.255, inclusive, 687B.270, 687B.310 to 687B.380, inclusive, 687B.410, 687B.420, 687B.430, and section 33.8 of this act, and chapters 692C and 696B of NRS, to the extent applicable and not in conflict with the express provisions of this chapter.

Sec. 96. NRS 695C.050 is hereby amended to read as follows:

695C.050 1. Except as otherwise provided in this chapter or in specific provisions of this title, the provisions of this title are not applicable to any health maintenance organization granted a certificate of authority under this chapter. This provision does not apply to an insurer licensed and regulated pursuant to this title except with respect to its activities as a health maintenance organization authorized and regulated pursuant to this chapter.

2. Solicitation of enrollees by a health maintenance organization granted a certificate of authority, or its representatives, must not be construed to violate any provision of law relating to solicitation or advertising by practitioners of a healing art.

3. Any health maintenance organization authorized under this chapter shall not be deemed to be practicing medicine and is exempt from the provisions of chapter 630 of NRS.

4. The provisions of NRS 695C.110, 695C.125, 695C.1691, 695C.1693, 695C.170 to 695C.173, inclusive, 695C.1733 to 695C.200, inclusive, ~~695C.250~~ and 695C.265 do not apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services. This subsection does not exempt a health maintenance organization from any provision of this chapter for services provided pursuant to any other contract.

5. The provisions of NRS 695C.1694, 695C.1695 and 695C.1731 apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid.

Sec. 96.5. NRS 695C.055 is hereby amended to read as follows:

695C.055 1. The provisions of NRS 449.465, 679A.200, 679B.700, subsections 2, 4, 18, 19 and 32 of NRS 680B.010, NRS 680B.020 to 680B.060, inclusive, and section 33.8 of this act, and chapters 686A and 695G of NRS apply to a health maintenance organization.

2. For the purposes of subsection 1, unless the context requires that a provision apply only to insurers, any reference in those sections to "insurer" must be replaced by "health maintenance organization."

Sec. 97. NRS 695C.057 is hereby amended to read as follows:

695C.057 1. A health maintenance organization is subject to the provisions of NRS 689B.340 to ~~689B.590~~, **689B.580**, inclusive, and chapter 689C of NRS relating to the portability and availability of health insurance offered by such organizations. If there is a conflict between the provisions of this chapter and the provisions of NRS 689B.340 to

~~{689B.590,}~~ **689B.580**, inclusive, and chapter 689C of NRS, the provisions of NRS 689B.340 to ~~{689B.590,}~~ **689B.580**, inclusive, and chapter 689C of NRS control.

2. For the purposes of subsection 1, unless the context requires that a provision apply only to a group health plan or a carrier that provides coverage under a group health plan, any reference in those sections to “group health plan” or “carrier” must be replaced by “health maintenance organization.”

Sec. 98. NRS 695C.080 is hereby amended to read as follows:

695C.080 1. ~~{Upon receipt of an application for issuance of a certificate of authority, the Commissioner shall forthwith transmit copies of such application and accompanying documents to the State Board of Health.~~

~~—2.}~~ The ~~{State Board of Health}~~ **Commissioner** shall determine whether the applicant for a certificate of authority, with respect to health care services to be furnished:

(a) Has demonstrated the willingness and ability to ensure that such health care services will be provided in a manner to ensure both availability and accessibility of adequate personnel and facilities and in a manner enhancing availability, accessibility and continuity of service;

(b) Has organizational arrangements, established in accordance with regulations promulgated by the **Commissioner and in consultation with the** State Board of Health; and

(c) Has a procedure established in accordance with regulations of the ~~{State Board of Health}~~ **Commissioner** to develop, compile, evaluate and report statistics relating to the cost of its operations, the pattern of utilization of its services, the availability and accessibility of its services and such other matters as may be reasonably required by the ~~{State Board of Health.~~

~~—3.}~~ **Commissioner.**

2. Within 90 days of receipt of the application for issuance of a certificate of authority, the ~~{State Board of Health shall certify to the}~~ Commissioner **shall certify** whether the proposed health maintenance organization meets the requirements of subsection ~~{2.}~~ **1**. If the ~~{State Board of Health}~~ **Commissioner** certifies that the health maintenance organization does not meet such requirements, it shall specify in what respects it is deficient.

Sec. 99. NRS 695C.090 is hereby amended to read as follows:

695C.090 The Commissioner shall issue or deny a certificate of authority to any person filing an application pursuant to NRS 695C.060 within 90 days ~~{of receipt of the}~~ **after** certification . ~~{from the State Board of Health.}~~ Issuance of a certificate of authority must be granted upon payment of the fees prescribed in NRS 695C.230 if the Commissioner is satisfied that the following conditions are met:

1. The persons responsible for the conduct of the affairs of the applicant are competent, trustworthy and possess good reputations.

2. The ~~State Board of Health~~ **Commissioner** certifies, in accordance with NRS 695C.080, that the health maintenance organization's proposed plan of operation meets the requirements of subsection ~~2~~ **1** of NRS 695C.080.

3. The health care plan furnishes comprehensive health care services.

4. The health maintenance organization is financially responsible and may reasonably be expected to meet its obligations to enrollees and prospective enrollees. In making this determination, the Commissioner may consider:

(a) The financial soundness of the health care plan's arrangements for health care services and the schedule of charges used in connection therewith;

(b) The adequacy of working capital;

(c) Any agreement with an insurer, a government, or any other organization for insuring the payment of the cost of health care services;

(d) Any agreement with providers for the provision of health care services; and

(e) Any surety bond or deposit of cash or securities submitted in accordance with NRS 695C.270 as a guarantee that the obligations will be duly performed.

5. The enrollees will be afforded an opportunity to participate in matters of program content pursuant to NRS 695C.110.

6. Nothing in the proposed method of operation, as shown by the information submitted pursuant to NRS 695C.060, 695C.070 and 695C.140, or by independent investigation is contrary to the public interest.

Sec. 100. NRS 695C.140 is hereby amended to read as follows:

695C.140 1. A health maintenance organization shall, unless otherwise provided for in this chapter, file notice with the Commissioner ~~and the State Board of Health~~ before any material modification of the operations described in the information required by NRS 695C.070. If the Commissioner does not disapprove within 90 days after filing of the notice, the modification is deemed approved.

2. The Commissioner may adopt regulations to carry out the provisions of this section.

Sec. 101. NRS 695C.1693 is hereby amended to read as follows:

695C.1693 1. Except as otherwise provided in NRS 695C.050, a health care plan issued by a health maintenance organization must provide coverage for medical treatment which an enrollee receives as part of a clinical trial or study if:

(a) The medical treatment is provided in a Phase I, Phase II, Phase III or Phase IV study or clinical trial for the treatment of cancer or in a Phase II, Phase III or Phase IV study or clinical trial for the treatment of chronic fatigue syndrome;

(b) The clinical trial or study is approved by:

(1) An agency of the National Institutes of Health as set forth in 42 U.S.C. § 281(b);

(2) A cooperative group;

(3) The Food and Drug Administration as an application for a new investigational drug;

(4) The United States Department of Veterans Affairs; or

(5) The United States Department of Defense;

(c) In the case of:

(1) A Phase I clinical trial or study for the treatment of cancer, the medical treatment is provided at a facility authorized to conduct Phase I clinical trials or studies for the treatment of cancer; or

(2) A Phase II, Phase III or Phase IV study or clinical trial for the treatment of cancer or chronic fatigue syndrome, the medical treatment is provided by a provider of health care and the facility and personnel for the clinical trial or study have the experience and training to provide the treatment in a capable manner;

(d) There is no medical treatment available which is considered a more appropriate alternative medical treatment than the medical treatment provided in the clinical trial or study;

(e) There is a reasonable expectation based on clinical data that the medical treatment provided in the clinical trial or study will be at least as effective as any other medical treatment;

(f) The clinical trial or study is conducted in this State; and

(g) The enrollee has signed, before participating in the clinical trial or study, a statement of consent indicating that the enrollee has been informed of, without limitation:

(1) The procedure to be undertaken;

(2) Alternative methods of treatment; and

(3) The risks associated with participation in the clinical trial or study, including, without limitation, the general nature and extent of such risks.

2. Except as otherwise provided in subsection 3, the coverage for medical treatment required by this section is limited to:

(a) Coverage for any drug or device that is approved for sale by the Food and Drug Administration without regard to whether the approved drug or device has been approved for use in the medical treatment of the enrollee.

(b) The cost of any reasonably necessary health care services that are required as a result of the medical treatment provided in a Phase II, Phase III

or Phase IV clinical trial or study or as a result of any complication arising out of the medical treatment provided in a Phase II, Phase III or Phase IV clinical trial or study, to the extent that such health care services would otherwise be covered under the health care plan.

(c) The cost of any routine health care services that would otherwise be covered under the health care plan for an enrollee in a Phase I clinical trial or study.

(d) The initial consultation to determine whether the enrollee is eligible to participate in the clinical trial or study.

(e) Health care services required for the clinically appropriate monitoring of the enrollee during a Phase II, Phase III or Phase IV clinical trial or study.

(f) Health care services which are required for the clinically appropriate monitoring of the enrollee during a Phase I clinical trial or study and which are not directly related to the clinical trial or study.

➤ Except as otherwise provided in NRS 695C.1691, the services provided pursuant to paragraphs (b), (c), (e) and (f) must be covered only if the services are provided by a provider with whom the health maintenance organization has contracted for such services. If the health maintenance organization has not contracted for the provision of such services, the health maintenance organization shall pay the provider the rate of reimbursement that is paid to other providers with whom the health maintenance organization has contracted for similar services and the provider shall accept that rate of reimbursement as payment in full.

3. Particular medical treatment described in subsection 2 and provided to an enrollee is not required to be covered pursuant to this section if that particular medical treatment is provided by the sponsor of the clinical trial or study free of charge to the enrollee.

4. The coverage for medical treatment required by this section does not include:

(a) Any portion of the clinical trial or study that is customarily paid for by a government or a biotechnical, pharmaceutical or medical industry.

(b) Coverage for a drug or device described in paragraph (a) of subsection 2 which is paid for by the manufacturer, distributor or provider of the drug or device.

(c) Health care services that are specifically excluded from coverage under the enrollee's health care plan, regardless of whether such services are provided under the clinical trial or study.

(d) Health care services that are customarily provided by the sponsors of the clinical trial or study free of charge to the participants in the trial or study.

(e) Extraneous expenses related to participation in the clinical trial or study including, without limitation, travel, housing and other expenses that a participant may incur.

(f) Any expenses incurred by a person who accompanies the enrollee during the clinical trial or study.

(g) Any item or service that is provided solely to satisfy a need or desire for data collection or analysis that is not directly related to the clinical management of the enrollee.

(h) Any costs for the management of research relating to the clinical trial or study.

5. A health maintenance organization that delivers or issues for delivery a health care plan specified in subsection 1 may require copies of the approval or certification issued pursuant to paragraph (b) of subsection 1, the statement of consent signed by the enrollee, protocols for the clinical trial or study and any other materials related to the scope of the clinical trial or study relevant to the coverage of medical treatment pursuant to this section.

6. A health maintenance organization that delivers or issues for delivery a health care plan specified in subsection 1 shall ~~provide~~:

~~(a) Include in the disclosure required pursuant to NRS 695C.193 notice to each enrollee of the availability of the benefits required by this section.~~

~~(b) Provide~~ **provide** the coverage required by this section subject to the same deductible, copayment, coinsurance and other such conditions for coverage that are required under the plan.

7. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2006, has the legal effect of including the coverage required by this section, and any provision of the plan that conflicts with this section is void.

8. A health maintenance organization that delivers or issues for delivery a health care plan specified in subsection 1 is immune from liability for:

(a) Any injury to an enrollee caused by:

(1) Any medical treatment provided to the enrollee in connection with his or her participation in a clinical trial or study described in this section; or

(2) An act or omission by a provider of health care who provides medical treatment or supervises the provision of medical treatment to the enrollee in connection with his or her participation in a clinical trial or study described in this section.

(b) Any adverse or unanticipated outcome arising out of an enrollee's participation in a clinical trial or study described in this section.

9. As used in this section:

(a) "Cooperative group" means a network of facilities that collaborate on research projects and has established a peer review program approved by the National Institutes of Health. The term includes:

(1) The Clinical Trials Cooperative Group Program; and

(2) The Community Clinical Oncology Program.

(b) “Facility authorized to conduct Phase I clinical trials or studies for the treatment of cancer” means a facility or an affiliate of a facility that:

(1) Has in place a Phase I program which permits only selective participation in the program and which uses clear-cut criteria to determine eligibility for participation in the program;

(2) Operates a protocol review and monitoring system which conforms to the standards set forth in the Policies and Guidelines Relating to the Cancer-Center Support Grant published by the Cancer Centers Branch of the National Cancer Institute;

(3) Employs at least two researchers and at least one of those researchers receives funding from a federal grant;

(4) Employs at least three clinical investigators who have experience working in Phase I clinical trials or studies conducted at a facility designated as a comprehensive cancer center by the National Cancer Institute;

(5) Possesses specialized resources for use in Phase I clinical trials or studies, including, without limitation, equipment that facilitates research and analysis in proteomics, genomics and pharmacokinetics;

(6) Is capable of gathering, maintaining and reporting electronic data; and

(7) Is capable of responding to audits instituted by federal and state agencies.

(c) “Provider of health care” means:

(1) A hospital; or

(2) A person licensed pursuant to chapter 630, 631 or 633 of NRS.

Sec. 102. NRS 695C.1705 is hereby amended to read as follows:

695C.1705 Except as otherwise provided in the provisions of NRS 689B.340 to ~~689B.590,~~ **689B.580**, inclusive, and chapter 689C of NRS relating to the portability and accountability of health insurance:

1. A group health care plan issued by a health maintenance organization to replace any discontinued policy or coverage for group health insurance must:

(a) Provide coverage for all persons who were covered under the previous policy or coverage on the date it was discontinued; and

(b) Except as otherwise provided in subsection 2, provide benefits which are at least as extensive as the benefits provided by the previous policy or coverage, except that benefits may be reduced or excluded to the extent that such a reduction or exclusion was permissible under the terms of the previous policy or coverage,

↪ if that plan is issued within 60 days after the date on which the previous policy or coverage was discontinued.

2. If an employer obtains a replacement plan pursuant to subsection 1 to cover the employees of the employer, any benefits provided by the previous

policy or coverage may be reduced if notice of the reduction is given to the employees pursuant to NRS 608.1577.

3. Any health maintenance organization which issues a replacement plan pursuant to subsection 1 may submit a written request to the insurer which provided the previous policy or coverage for a statement of benefits which were provided under that policy or coverage. Upon receiving such a request, the insurer shall give a written statement to the organization indicating what benefits were provided and what exclusions or reductions were in effect under the previous policy or coverage.

4. If an employee or enrollee was a recipient of benefits under the coverage provided pursuant to NRS 695C.1709, the employee or enrollee is not entitled to have issued to him or her by a health maintenance organization a replacement plan unless the employee or enrollee has reported for his or her normal employment for a period of 90 consecutive days after last being eligible to receive any benefits under the coverage provided pursuant to NRS 695C.1709.

5. The provisions of this section apply to a self-insured employer who provides health benefits to the employees of the self-insured employer and replaces those benefits with a group health care plan issued by a health maintenance organization.

Sec. 103. NRS 695C.172 is hereby amended to read as follows:

695C.172 1. No health maintenance organization may issue evidence of coverage under a health care plan to any enrollee in this state if it contains any exclusion, reduction or other limitation of coverage relating to complications of pregnancy unless the provision applies generally to all benefits payable under the policy and complies with the provisions of NRS 689B.340 to ~~689B.590,~~ **689B.580**, inclusive, and chapter 689C of NRS relating to the portability and accountability of health insurance.

2. As used in this section, the term “complications of pregnancy” includes any condition which requires hospital confinement for medical treatment and:

(a) If the pregnancy is not terminated, is caused by an injury or sickness not directly related to the pregnancy or by acute nephritis, nephrosis, cardiac decompensation, missed abortion or similar medically diagnosed conditions; or

(b) If the pregnancy is terminated, results in nonelective cesarean section, ectopic pregnancy or spontaneous termination.

3. Evidence of coverage under a health care plan subject to the provisions of this chapter which is issued on or after July 1, 1977, has the legal effect of including the coverage required by this section, and any provision which is in conflict with this section is void.

Sec. 104. NRS 695C.1727 is hereby amended to read as follows:

695C.1727 1. No evidence of coverage that provides coverage for hospital, medical or surgical expenses may be delivered or issued for delivery in this state unless the evidence of coverage includes coverage for the management and treatment of diabetes, including, without limitation, coverage for the self-management of diabetes.

2. An insurer who delivers or issues for delivery an evidence of coverage specified in subsection 1 ~~is~~:

~~—(a) Shall include in the disclosure required pursuant to NRS 695C.193 notice to each enrollee under the evidence of coverage of the availability of the benefits required by this section.~~

~~—(b) Shall~~ **shall** provide the coverage required by this section subject to the same deductible, copayment, coinsurance and other such conditions for the evidence of coverage that are required under the evidence of coverage.

3. Evidence of coverage subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 1998, has the legal effect of including the coverage required by this section, and any provision of the evidence of coverage that conflicts with this section is void.

4. As used in this section:

(a) “Coverage for the management and treatment of diabetes” includes coverage for medication, equipment, supplies and appliances that are medically necessary for the treatment of diabetes.

(b) “Coverage for the self-management of diabetes” includes:

(1) The training and education provided to the enrollee after the enrollee is initially diagnosed with diabetes which is medically necessary for the care and management of diabetes, including, without limitation, counseling in nutrition and the proper use of equipment and supplies for the treatment of diabetes;

(2) Training and education which is medically necessary as a result of a subsequent diagnosis that indicates a significant change in the symptoms or condition of the enrollee and which requires modification of the enrollee’s program of self-management of diabetes; and

(3) Training and education which is medically necessary because of the development of new techniques and treatment for diabetes.

(c) “Diabetes” includes type I, type II and gestational diabetes.

Sec. 105. NRS 695C.1745 is hereby amended to read as follows:

695C.1745 1. A health care plan of a health maintenance organization must provide coverage for benefits payable for expenses incurred for administering the human papillomavirus vaccine ~~to women and girls at such ages~~ as recommended for vaccination by a competent authority, including, without limitation, the Centers for Disease Control and Prevention of the

United States Department of Health and Human Services, the Food and Drug Administration or the manufacturer of the vaccine.

2. A health care plan of a health maintenance organization must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1.

3. Any evidence of coverage subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after July 1, 2007, has the legal effect of including the coverage required by subsection 1, and any provision of the evidence of coverage or the renewal which is in conflict with subsection 1 is void.

4. For the purposes of this section, “human papillomavirus vaccine” means the Quadrivalent Human Papillomavirus Recombinant Vaccine or its successor which is approved by the Food and Drug Administration for the prevention of human papillomavirus infection and cervical cancer.

Sec. 106. NRS 695C.200 is hereby amended to read as follows:

695C.200 The Commissioner shall within a reasonable period approve any form if the requirements of NRS 695C.170 are met . ~~and any schedule of charges if the requirements of NRS 695C.180 are met.~~ It is unlawful to issue such form or to use such schedule of charges until approved. If the Commissioner disapproves such filing, the Commissioner shall notify the filer. In the notice, the Commissioner shall specify the reasons for disapproval. A hearing will be granted within 90 days after a request in writing by the person filing.

Sec. 107. NRS 695C.210 is hereby amended to read as follows:

695C.210 1. Every health maintenance organization shall file with the Commissioner on or before March 1 of each year a report showing its financial condition on the last day of the preceding calendar year. The report must be verified by at least two principal officers of the organization. ~~{The organization shall file a copy of the report with the State Board of Health.}~~

2. The report must be on forms prescribed by the Commissioner and must include:

(a) A financial statement of the organization, including its balance sheet and receipts and disbursements for the preceding calendar year;

(b) Any material changes in the information submitted pursuant to NRS 695C.070;

(c) The number of persons enrolled during the year, the number of enrollees as of the end of the year, the number of enrollments terminated during the year and, if requested by the Commissioner, a compilation of the reasons for such terminations;

(d) The number and amount of malpractice claims initiated against the health maintenance organization and any of the providers used by it during

the year broken down into claims with and without form of legal process, and the disposition, if any, of each such claim, if requested by the Commissioner;

(e) A summary of information compiled pursuant to paragraph (c) of subsection ~~[2]~~ **1** of NRS 695C.080 in such form as required by the ~~[State Board of Health]~~ **Commissioner**; and

(f) Such other information relating to the performance of the health maintenance organization as is necessary to enable the Commissioner to carry out his or her duties pursuant to this chapter.

3. Every health maintenance organization shall file with the Commissioner annually an audited financial statement of the organization prepared by an independent certified public accountant. The statement must cover the preceding 12-month period and must be filed with the Commissioner within 120 days after the end of the organization's fiscal year. Upon written request, the Commissioner may grant a 30-day extension.

4. If an organization fails to file timely the report or financial statement required by this section, it shall pay an administrative penalty of \$100 per day until the report or statement is filed, except that the total penalty must not exceed \$3,000. The Attorney General shall recover the penalty in the name of the State of Nevada.

5. The Commissioner may grant a reasonable extension of time for filing the report or financial statement required by this section, if the request for an extension is submitted in writing and shows good cause.

Sec. 108. NRS 695C.310 is hereby amended to read as follows:

695C.310 1. The Commissioner shall make an examination of the affairs of any health maintenance organization and providers with whom such organization has contracts, agreements or other arrangements pursuant to its health care plan as often as the Commissioner deems it necessary for the protection of the interests of the people of this State. An examination must be made not less frequently than once every 3 years.

2. The ~~[State Board of Health]~~ **Commissioner** shall make an examination concerning the quality of health care services of any health maintenance organization and providers with whom such organization has contracts, agreements or other arrangements pursuant to its health care plan as often as it deems necessary for the protection of the interests of the people of this State. An examination must be made not less frequently than once every 3 years.

3. Every health maintenance organization and provider shall submit its books and records relating to the health care plan to an examination made pursuant to subsection 1 or 2 and in every way facilitate the examination. Medical records of natural persons and records of physicians providing service pursuant to a contract to the health maintenance organization are not subject to such examination, although the records are subject to subpoena

upon a showing of good cause. For the purpose of examinations, the Commissioner ~~and the State Board of Health~~ may administer oaths to, and examine the officers and agents of the health maintenance organization and the principals of such providers concerning their business.

4. The expenses of examinations pursuant to this section must be assessed against the organization being examined and remitted to the Commissioner. ~~for the State Board of Health, whichever is appropriate.~~

5. In lieu of such examination, the Commissioner may accept the report of an examination made by the insurance commissioner or the state board of health of another state.

Sec. 109. NRS 695C.330 is hereby amended to read as follows:

695C.330 1. The Commissioner may suspend or revoke any certificate of authority issued to a health maintenance organization pursuant to the provisions of this chapter if the Commissioner finds that any of the following conditions exist:

(a) The health maintenance organization is operating significantly in contravention of its basic organizational document, its health care plan or in a manner contrary to that described in and reasonably inferred from any other information submitted pursuant to NRS 695C.060, 695C.070 and 695C.140, unless any amendments to those submissions have been filed with and approved by the Commissioner;

(b) The health maintenance organization issues evidence of coverage or uses a schedule of charges for health care services which do not comply with the requirements of NRS 695C.1691 to 695C.200, inclusive, or 695C.207;

(c) The health care plan does not furnish comprehensive health care services as provided for in NRS 695C.060;

(d) The ~~State Board of Health certifies to the~~ Commissioner **certifies** that the health maintenance organization:

(1) Does not meet the requirements of subsection ~~2~~ **1** of NRS 695C.080; or

(2) Is unable to fulfill its obligations to furnish health care services as required under its health care plan;

(e) The health maintenance organization is no longer financially responsible and may reasonably be expected to be unable to meet its obligations to enrollees or prospective enrollees;

(f) The health maintenance organization has failed to put into effect a mechanism affording the enrollees an opportunity to participate in matters relating to the content of programs pursuant to NRS 695C.110;

(g) The health maintenance organization has failed to put into effect the system required by NRS 695C.260 for:

(1) Resolving complaints in a manner reasonably to dispose of valid complaints; and

(2) Conducting external reviews of adverse determinations that comply with the provisions of NRS 695G.241 to 695G.310, inclusive;

(h) The health maintenance organization or any person on its behalf has advertised or merchandised its services in an untrue, misrepresentative, misleading, deceptive or unfair manner;

(i) The continued operation of the health maintenance organization would be hazardous to its enrollees;

(j) The health maintenance organization fails to provide the coverage required by NRS 695C.1691; or

(k) The health maintenance organization has otherwise failed to comply substantially with the provisions of this chapter.

2. A certificate of authority must be suspended or revoked only after compliance with the requirements of NRS 695C.340.

3. If the certificate of authority of a health maintenance organization is suspended, the health maintenance organization shall not, during the period of that suspension, enroll any additional groups or new individual contracts, unless those groups or persons were contracted for before the date of suspension.

4. If the certificate of authority of a health maintenance organization is revoked, the organization shall proceed, immediately following the effective date of the order of revocation, to wind up its affairs and shall conduct no further business except as may be essential to the orderly conclusion of the affairs of the organization. It shall engage in no further advertising or solicitation of any kind. The Commissioner may, by written order, permit such further operation of the organization as the Commissioner may find to be in the best interest of enrollees to the end that enrollees are afforded the greatest practical opportunity to obtain continuing coverage for health care.

Sec. 110. NRS 695C.340 is hereby amended to read as follows:

695C.340 1. When the Commissioner has cause to believe that grounds for the denial of an application for a certificate of authority exist, or that grounds for the suspension or revocation of a certificate of authority exist, the Commissioner shall notify the health maintenance organization ~~and the State Board of Health~~ in writing specifically stating the grounds for denial, suspension or revocation and fixing a time at least 30 days thereafter for a hearing on the matter.

2. ~~[The State Board of Health or its delegated representative shall be in attendance at the hearing and shall participate in the proceedings. The recommendation and findings of the State Board of Health with respect to matters relating to the quality of health maintenance services provided in connection with any decision regarding denial, suspension or revocation of a certificate of authority are conclusive and binding upon the Commissioner.]~~
After the hearing, or upon the failure of the health maintenance organization

to appear at the hearing, the Commissioner shall take action as is deemed advisable on written findings which must be mailed to the health maintenance organization . ~~[with a copy thereof to the State Board of Health.]~~ The action of the Commissioner ~~[and the recommendation and findings of the State Board of Health]~~ are subject to review by the First Judicial District Court of the State of Nevada in and for Carson City. The court may, in disposing of the issue before it, modify, affirm or reverse the order of the Commissioner in whole or in part.

Sec. 111. NRS 695C.350 is hereby amended to read as follows:

695C.350 1. The Commissioner may, in lieu of suspension or revocation of a certificate of authority under NRS 695C.330, levy an administrative penalty in an amount not more than \$2,500 for each act or violation, if reasonable notice in writing is given of the intent to levy the penalty.

2. Any person who violates the provisions of this chapter is guilty of a misdemeanor.

3. If the Commissioner ~~[for the State Board of Health]~~ ~~[have]~~ **has** cause to believe that any violation of this chapter has occurred or is threatened, the Commissioner ~~[for the State Board of Health]~~ may give notice to the health maintenance organization and to the representatives, or other persons who appear to be involved in the suspected violation, to arrange a conference with the alleged violators or their authorized representatives to attempt to determine the facts relating to the suspected violation, and, if it appears that any violation has occurred or is threatened, to arrive at an adequate and effective means of correcting or preventing the violation.

4. The proceedings conducted pursuant to the provisions of subsection 3 must not be governed by any formal procedural requirements, and may be conducted in such manner as the Commissioner ~~[for the State Board of Health]~~ may deem appropriate under the circumstances.

5. The Commissioner may issue an order directing a health maintenance organization or a representative of a health maintenance organization to cease and desist from engaging in any act or practice in violation of the provisions of this chapter.

6. Within 30 days after service of the order to cease and desist, the respondent may request a hearing on the question of whether acts or practices in violation of this chapter have occurred. The hearing must be conducted pursuant to the provisions of chapter 233B of NRS and judicial review must be available as provided therein.

7. In the case of any violation of the provisions of this chapter, if the Commissioner elects not to issue a cease and desist order, or in the event of noncompliance with a cease and desist order issued pursuant to subsection 5,

the Commissioner may institute a proceeding to obtain injunctive relief, or seek other appropriate relief in the district court of the judicial district of the county in which the violator resides.

Sec. 112. NRS 695F.090 is hereby amended to read as follows:

695F.090 Prepaid limited health service organizations are subject to the provisions of this chapter and to the following provisions, to the extent reasonably applicable:

1. NRS 687B.310 to 687B.420, inclusive, concerning cancellation and nonrenewal of policies.
2. NRS 687B.122 to 687B.128, inclusive, concerning readability of policies.
3. The requirements of NRS 679B.152.
4. The fees imposed pursuant to NRS 449.465.
5. NRS 686A.010 to 686A.310, inclusive, concerning trade practices and frauds.
6. The assessment imposed pursuant to NRS 679B.700.
7. Chapter 683A of NRS.
8. To the extent applicable, the provisions of NRS 689B.340 to ~~689B.590,~~ **689B.580**, inclusive, and chapter 689C of NRS relating to the portability and availability of health insurance.
9. NRS 689A.035, 689A.410, 689A.413 and 689A.415.
10. NRS 680B.025 to 680B.039, inclusive, concerning premium tax, premium tax rate, annual report and estimated quarterly tax payments. For the purposes of this subsection, unless the context otherwise requires that a section apply only to insurers, any reference in those sections to “insurer” must be replaced by a reference to “prepaid limited health service organization.”
11. Chapter 692C of NRS, concerning holding companies.
12. NRS 689A.637, concerning health centers.

Sec. 113. NRS 695G.130 is hereby amended to read as follows:

695G.130 1. In addition to any other report which is required to be filed with the Commissioner, ~~for the State Board of Health,~~ each managed care organization shall file with the Commissioner, ~~and the State Board of Health,~~ on or before March 1 of each year, a report regarding its methods for reviewing the quality of health care services provided to its insureds.

2. Each managed care organization shall include in its report the criteria, data, benchmarks or studies used to:

- (a) Assess the nature, scope, quality and accessibility of health care services provided to insureds; or
- (b) Determine any reduction or modification of the provision of health care services to insureds.

3. Except as already required to be filed with the Commissioner, ~~for the State Board of Health,~~ if the managed care organization is not owned and operated by a public entity and has more than 100 insureds, the report filed pursuant to subsection 1 must include:

- (a) A copy of all of its quarterly and annual financial reports;
- (b) A statement of any financial interest it has in any other business which is related to health care that is greater than 5 percent of that business or \$5,000, whichever is less; and
- (c) A description of each complaint filed with or against it that resulted in arbitration, a lawsuit or other legal proceeding, unless disclosure is prohibited by law or a court order.

4. A report filed pursuant to this section must be made available for public inspection within a reasonable time after it is received by the Commissioner.

Sec. 114. NRS 695G.171 is hereby amended to read as follows:

695G.171 1. A health care plan issued by a managed care organization must provide coverage for benefits payable for expenses incurred for administering the human papillomavirus vaccine ~~to women and girls at such ages~~ as recommended for vaccination by a competent authority, including, without limitation, the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, the Food and Drug Administration or the manufacturer of the vaccine.

2. A health care plan must not require an insured to obtain prior authorization for any service provided pursuant to subsection 1.

3. An evidence of coverage for a health care plan subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after July 1, 2007, has the legal effect of including the coverage required by subsection 1, and any provision of the evidence of coverage or the renewal thereof which is in conflict with subsection 1 is void.

4. For the purposes of this section, “human papillomavirus vaccine” means the Quadrivalent Human Papillomavirus Recombinant Vaccine or its successor which is approved by the Food and Drug Administration for the prevention of human papillomavirus infection and cervical cancer.

Sec. 115. NRS 695G.173 is hereby amended to read as follows:

695G.173 1. A health care plan issued by a managed care organization must provide coverage for medical treatment which a person insured under the plan receives as part of a clinical trial or study if:

- (a) The medical treatment is provided in a Phase I, Phase II, Phase III or Phase IV study or clinical trial for the treatment of cancer or in a Phase II, Phase III or Phase IV study or clinical trial for the treatment of chronic fatigue syndrome;
- (b) The clinical trial or study is approved by:

(1) An agency of the National Institutes of Health as set forth in 42 U.S.C. § 281(b);

(2) A cooperative group;

(3) The Food and Drug Administration as an application for a new investigational drug;

(4) The United States Department of Veterans Affairs; or

(5) The United States Department of Defense;

(c) In the case of:

(1) A Phase I clinical trial or study for the treatment of cancer, the medical treatment is provided at a facility authorized to conduct Phase I clinical trials or studies for the treatment of cancer; or

(2) A Phase II, Phase III or Phase IV study or clinical trial for the treatment of cancer or chronic fatigue syndrome, the medical treatment is provided by a provider of health care and the facility and personnel for the clinical trial or study have the experience and training to provide the treatment in a capable manner;

(d) There is no medical treatment available which is considered a more appropriate alternative medical treatment than the medical treatment provided in the clinical trial or study;

(e) There is a reasonable expectation based on clinical data that the medical treatment provided in the clinical trial or study will be at least as effective as any other medical treatment;

(f) The clinical trial or study is conducted in this State; and

(g) The insured has signed, before participating in the clinical trial or study, a statement of consent indicating that the insured has been informed of, without limitation:

(1) The procedure to be undertaken;

(2) Alternative methods of treatment; and

(3) The risks associated with participation in the clinical trial or study, including, without limitation, the general nature and extent of such risks.

2. Except as otherwise provided in subsection 3, the coverage for medical treatment required by this section is limited to:

(a) Coverage for any drug or device that is approved for sale by the Food and Drug Administration without regard to whether the approved drug or device has been approved for use in the medical treatment of the insured.

(b) The cost of any reasonably necessary health care services that are required as a result of the medical treatment provided in a Phase II, Phase III or Phase IV clinical trial or study or as a result of any complication arising out of the medical treatment provided in a Phase II, Phase III or Phase IV clinical trial or study, to the extent that such health care services would otherwise be covered under the health care plan.

(c) The cost of any routine health care services that would otherwise be covered under the health care plan for an insured in a Phase I clinical trial or study.

(d) The initial consultation to determine whether the insured is eligible to participate in the clinical trial or study.

(e) Health care services required for the clinically appropriate monitoring of the insured during a Phase II, Phase III or Phase IV clinical trial or study.

(f) Health care services which are required for the clinically appropriate monitoring of the insured during a Phase I clinical trial or study and which are not directly related to the clinical trial or study.

➡ Except as otherwise provided in NRS 695G.164, the services provided pursuant to paragraphs (b), (c), (e) and (f) must be covered only if the services are provided by a provider with whom the managed care organization has contracted for such services. If the managed care organization has not contracted for the provision of such services, the managed care organization shall pay the provider the rate of reimbursement that is paid to other providers with whom the managed care organization has contracted for similar services and the provider shall accept that rate of reimbursement as payment in full.

3. Particular medical treatment described in subsection 2 and provided to a person insured under the plan is not required to be covered pursuant to this section if that particular medical treatment is provided by the sponsor of the clinical trial or study free of charge to the person insured under the plan.

4. The coverage for medical treatment required by this section does not include:

(a) Any portion of the clinical trial or study that is customarily paid for by a government or a biotechnical, pharmaceutical or medical industry.

(b) Coverage for a drug or device described in paragraph (a) of subsection 2 which is paid for by the manufacturer, distributor or provider of the drug or device.

(c) Health care services that are specifically excluded from coverage under the insured's health care plan, regardless of whether such services are provided under the clinical trial or study.

(d) Health care services that are customarily provided by the sponsors of the clinical trial or study free of charge to the participants in the trial or study.

(e) Extraneous expenses related to participation in the clinical trial or study including, without limitation, travel, housing and other expenses that a participant may incur.

(f) Any expenses incurred by a person who accompanies the insured during the clinical trial or study.

(g) Any item or service that is provided solely to satisfy a need or desire for data collection or analysis that is not directly related to the clinical management of the insured.

(h) Any costs for the management of research relating to the clinical trial or study.

5. A managed care organization that delivers or issues for delivery a health care plan specified in subsection 1 may require copies of the approval or certification issued pursuant to paragraph (b) of subsection 1, the statement of consent signed by the insured, protocols for the clinical trial or study and any other materials related to the scope of the clinical trial or study relevant to the coverage of medical treatment pursuant to this section.

6. A managed care organization that delivers or issues for delivery a health care plan specified in subsection 1 shall ~~be~~:

~~—(a) Include in the disclosure required pursuant to NRS 695C.193 notice to each person insured under the plan of the availability of the benefits required by this section.~~

~~—(b) Provide~~ **provide** the coverage required by this section subject to the same deductible, copayment, coinsurance and other such conditions for coverage that are required under the plan.

7. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2006, has the legal effect of including the coverage required by this section, and any provision of the plan that conflicts with this section is void.

8. A managed care organization that delivers or issues for delivery a health care plan specified in subsection 1 is immune from liability for:

(a) Any injury to an insured caused by:

(1) Any medical treatment provided to the insured in connection with his or her participation in a clinical trial or study described in this section; or

(2) An act or omission by a provider of health care who provides medical treatment or supervises the provision of medical treatment to the insured in connection with his or her participation in a clinical trial or study described in this section.

(b) Any adverse or unanticipated outcome arising out of an insured's participation in a clinical trial or study described in this section.

9. As used in this section:

(a) "Cooperative group" means a network of facilities that collaborate on research projects and has established a peer review program approved by the National Institutes of Health. The term includes:

(1) The Clinical Trials Cooperative Group Program; and

(2) The Community Clinical Oncology Program.

(b) "Facility authorized to conduct Phase I clinical trials or studies for the treatment of cancer" means a facility or an affiliate of a facility that:

(1) Has in place a Phase I program which permits only selective participation in the program and which uses clear-cut criteria to determine eligibility for participation in the program;

(2) Operates a protocol review and monitoring system which conforms to the standards set forth in the Policies and Guidelines Relating to the Cancer-Center Support Grant published by the Cancer Centers Branch of the National Cancer Institute;

(3) Employs at least two researchers and at least one of those researchers receives funding from a federal grant;

(4) Employs at least three clinical investigators who have experience working in Phase I clinical trials or studies conducted at a facility designated as a comprehensive cancer center by the National Cancer Institute;

(5) Possesses specialized resources for use in Phase I clinical trials or studies, including, without limitation, equipment that facilitates research and analysis in proteomics, genomics and pharmacokinetics;

(6) Is capable of gathering, maintaining and reporting electronic data; and

(7) Is capable of responding to audits instituted by federal and state agencies.

(c) “Provider of health care” means:

(1) A hospital; or

(2) A person licensed pursuant to chapter 630, 631 or 633 of NRS.

Sec. 116. NRS 695G.200 is hereby amended to read as follows:

695G.200 1. Each managed care organization shall establish a system for resolving complaints of an insured concerning:

(a) Payment or reimbursement for covered health care services;

(b) Availability, delivery or quality of covered health care services, including, without limitation, an adverse determination made pursuant to utilization review; or

(c) The terms and conditions of a health care plan.

➔ The system must be approved by the Commissioner in consultation with the State Board of Health.

2. If an insured makes an oral complaint, a managed care organization shall inform the insured that if the insured is not satisfied with the resolution of the complaint, the insured must file the complaint in writing to receive further review of the complaint.

3. Each managed care organization shall:

(a) Upon request, assign an employee of the managed care organization to assist an insured or other person in filing a complaint or appealing a decision of the review board;

(b) Authorize an insured who appeals a decision of the review board to appear before the review board to present testimony at a hearing concerning the appeal; and

(c) Authorize an insured to introduce any documentation into evidence at a hearing of a review board and require an insured to provide the documentation required by the health care plan of the insured to the review board not later than 5 business days before a hearing of the review board.

4. The Commissioner ~~for the State Board of Health~~ may examine the system for resolving complaints established pursuant to this section at such times as either deems necessary or appropriate.

Sec. 117. NRS 695G.220 is hereby amended to read as follows:

695G.220 1. Each managed care organization shall submit to the Commissioner ~~and the State Board of Health~~ an annual report regarding its system for resolving complaints established pursuant to NRS 695G.200 on a form prescribed by the Commissioner in consultation with the State Board of Health which includes, without limitation:

(a) A description of the procedures used for resolving complaints of an insured;

(b) The total number of complaints and appeals handled through the system for resolving complaints since the last report and a compilation of the causes underlying the complaints filed;

(c) The current status of each complaint and appeal filed; and

(d) The average amount of time that was needed to resolve a complaint and an appeal, if any.

2. Each managed care organization shall maintain records of complaints filed with it which concern something other than health care services and shall submit to the Commissioner a report summarizing such complaints at such times and in such format as the Commissioner may require.

Sec. 117.5. NRS 287.010 is hereby amended to read as follows:

287.010 1. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada may:

(a) Adopt and carry into effect a system of group life, accident or health insurance, or any combination thereof, for the benefit of its officers and employees, and the dependents of officers and employees who elect to accept the insurance and who, where necessary, have authorized the governing body to make deductions from their compensation for the payment of premiums on the insurance.

(b) Purchase group policies of life, accident or health insurance, or any combination thereof, for the benefit of such officers and employees, and the dependents of such officers and employees, as have authorized the purchase, from insurance companies authorized to transact the business of such

insurance in the State of Nevada, and, where necessary, deduct from the compensation of officers and employees the premiums upon insurance and pay the deductions upon the premiums.

(c) Provide group life, accident or health coverage through a self-insurance reserve fund and, where necessary, deduct contributions to the maintenance of the fund from the compensation of officers and employees and pay the deductions into the fund. The money accumulated for this purpose through deductions from the compensation of officers and employees and contributions of the governing body must be maintained as an internal service fund as defined by NRS 354.543. The money must be deposited in a state or national bank or credit union authorized to transact business in the State of Nevada. Any independent administrator of a fund created under this section is subject to the licensing requirements of chapter 683A of NRS, and must be a resident of this State. Any contract with an independent administrator must be approved by the Commissioner of Insurance as to the reasonableness of administrative charges in relation to contributions collected and benefits provided. The provisions of NRS 687B.408, 689B.030 to 689B.050, inclusive, and 689B.287 ~~and 689B.575~~ apply to coverage provided pursuant to this paragraph.

(d) Defray part or all of the cost of maintenance of a self-insurance fund or of the premiums upon insurance. The money for contributions must be budgeted for in accordance with the laws governing the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada.

2. If a school district offers group insurance to its officers and employees pursuant to this section, members of the board of trustees of the school district must not be excluded from participating in the group insurance. If the amount of the deductions from compensation required to pay for the group insurance exceeds the compensation to which a trustee is entitled, the difference must be paid by the trustee.

3. In any county in which a legal services organization exists, the governing body of the county, or of any school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada in the county, may enter into a contract with the legal services organization pursuant to which the officers and employees of the legal services organization, and the dependents of those officers and employees, are eligible for any life, accident or health insurance provided pursuant to this section to the officers and employees, and the dependents of the officers and employees, of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency.

4. If a contract is entered into pursuant to subsection 3, the officers and employees of the legal services organization:

(a) Shall be deemed, solely for the purposes of this section, to be officers and employees of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency with which the legal services organization has contracted; and

(b) Must be required by the contract to pay the premiums or contributions for all insurance which they elect to accept or of which they authorize the purchase.

5. A contract that is entered into pursuant to subsection 3:

(a) Must be submitted to the Commissioner of Insurance for approval not less than 30 days before the date on which the contract is to become effective.

(b) Does not become effective unless approved by the Commissioner.

(c) Shall be deemed to be approved if not disapproved by the Commissioner within 30 days after its submission.

6. As used in this section, "legal services organization" means an organization that operates a program for legal aid and receives money pursuant to NRS 19.031.

Sec. 118. NRS 287.045 is hereby amended to read as follows:

287.045 1. Except as otherwise provided in this section, every state officer or employee is eligible to participate in the Program on the first day of the month following the completion of 90 days of full-time employment.

2. Professional employees of the Nevada System of Higher Education who have annual employment contracts are eligible to participate in the Program on:

(a) The effective dates of their respective employment contracts, if those dates are on the first day of a month; or

(b) The first day of the month following the effective dates of their respective employment contracts, if those dates are not on the first day of a month.

3. Every officer or employee who is employed by a participating local governmental agency on a permanent and full-time basis on the date on which the participating local governmental agency enters into an agreement to participate in the Program pursuant to paragraph (a) of subsection 1 of NRS 287.025, and every officer or employee who commences employment with that participating local governmental agency after that date, is eligible to participate in the Program on the first day of the month following the completion of 90 days of full-time employment, unless that officer or employee is excluded pursuant to sub-subparagraph (III) of subparagraph (2) of paragraph (h) of subsection 2 of NRS 287.043.

4. Every member of the Senate and Assembly is eligible to participate in the Program on the first day of the month following the 90th day after the member's initial term of office begins.

5. Notwithstanding the provisions of subsections 1, 3 and 4, if the Board does not, pursuant to NRS 689B.580, elect to exclude the Program from compliance with NRS 689B.340 to ~~689B.590,~~ **689B.580**, inclusive, and if the coverage under the Program is provided by a health maintenance organization authorized to transact insurance in this State pursuant to chapter 695C of NRS, any affiliation period imposed by the Program may not exceed the statutory limit for an affiliation period set forth in NRS 689B.500.

Sec. 119. NRS 689A.045, 689A.370, 689A.480, 689A.500, 689A.515, 689A.545, 689A.560, 689A.565, 689A.575, 689A.595, 689A.605, 689A.610, 689A.620, 689A.640, 689A.645, 689A.650, 689A.655, 689A.660, 689A.665, 689A.670, 689A.675, **689A.680**, 689A.685, **689A.730**, 689B.120, 689B.130, 689B.140, 689B.150, 689B.170, 689B.180, 689B.200, 689B.210, 689B.245, 689B.246, 689B.247, 689B.248, 689B.249, 689B.283, **689B.410**, 689B.420, **689B.470**, **689B.575**, 689B.590, 689C.021, 689C.035, 689C.051, 689C.076, 689C.084, 689C.089, 689C.099, 689C.107, 689C.145, 689C.157, ~~689C.191,~~ 689C.210, 689C.230, 689C.240, 689C.260, 689C.283, 689C.287, 689C.290, 689C.300, **689C.327**, 689C.340, 689C.342, 689C.344, 689C.346, 689C.348, 689C.620, 689C.640, 689C.650, 689C.680, 689C.690, 689C.700, 689C.710, 689C.720, 689C.730, 689C.740, 689C.750, 689C.760, 689C.770, 689C.780, 689C.790, 689C.800, 689C.810, 689C.820, 689C.830, 689C.840, 689C.850, 689C.860, 689C.870, 689C.880, 689C.890, 689C.900, 689C.910, 689C.920, 689C.930, 689C.950, 689C.955, 689C.960, 689C.970, 689C.980, 695C.1707, 695C.180, 695C.193, 695C.195, 695C.250 and 695I.050 are hereby repealed.

Sec. 119.5. The provisions of sections 27 to 30, inclusive, 32.2 to 66, inclusive, and 67 to 118, inclusive, of this act apply to policies which are issued on or after October 1, 2013, and which become effective on or after January 1, 2014.

Sec. 120. 1. This section and sections 1 to ~~30,~~ **26**, inclusive, **31 and 32** of this act become effective upon passage and approval.

2. Sections ~~31 to 119,~~ **27 to 30, inclusive, 32.2 to 66, inclusive, and 67 to 119.5**, inclusive, of this act become effective ~~for~~ :

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

(b) On January 1, 2014 ~~for~~, for all other purposes.

3. **Section 66.5 of this act becomes effective on January 1, 2016.**

4. Sections 13, 14 and 15 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to

restrict the use of professional, occupational and recreational licenses of persons who:

- (a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or
 - (b) Are in arrears in the payment for the support of one or more children,
- ➔ are repealed by the Congress of the United States.

LEADLINES OF REPEALED SECTIONS

- 689A.045 Termination of coverage on dependent child.**
- 689A.370 Health insurance on franchise plan.**
- 689A.480 “Basic health benefit plan” defined.**
- 689A.500 “Converted policy” defined.**
- 689A.515 “Eligible person” defined.**
- 689A.545 “Health status-related factor” defined.**
- 689A.560 “Individual reinsuring carrier” defined.**
- 689A.565 “Individual risk-assuming carrier” defined.**
- 689A.575 “Plan of operation” defined.**
- 689A.595 “Program of Reinsurance” defined.**
- 689A.605 “Standard health benefit plan” defined.**
- 689A.610 Applicability; ceding arrangement prohibited in certain circumstances.**
- 689A.620 Certain person with break in coverage deemed eligible person.**
- 689A.640 Each health benefit plan marketed in this State required to be offered to eligible persons.**
- 689A.645 Coverage to eligible person who does not reside in established geographic service area not required; coverage within certain areas not required.**
- 689A.650 Coverage to eligible persons not required under certain circumstances; notice to Commissioner of and prohibition on writing new business after election not to offer new coverage required.**
- 689A.655 Requirement to file basic and standard health benefit plans with Commissioner; disapproval of plan.**
- 689A.660 Prohibited acts concerning preexisting conditions and modification of health benefit plan.**
- 689A.665 Certain health carriers not required to offer health benefit insurance coverage to individuals.**
- 689A.670 Election to operate as individual risk-assuming carrier or individual reinsuring carrier: Notice to Commissioner; effective date; change in status.**

689A.675 Election to act as individual risk-assuming carrier: Suspension by Commissioner; applicable statutes.

689A.680 Rates for individual health benefit plans to be developed based on rating characteristics: Prohibited characteristics; health status as rating factor.

689A.685 Amount of change in rate of single block of business; plan with provision for restricted network; involuntary transfer of individual or dependent prohibited; premiums adjusted for block of business.

689A.730 Producer may only sign up eligible persons if eligible persons are actively engaged in or related to association.

689B.120 Policies of group health insurance to contain provision for conversion; exceptions; conditions.

689B.130 Conversion privilege available to spouse and children; conditions.

689B.140 Denial of converted policy because of overinsurance; notice concerning cancellation of other coverage.

689B.150 Choice of plans for converted policy.

689B.170 Benefits payable under converted policy may be reduced by amount payable under group policy.

689B.180 Issuance and effective date of converted policy; premiums; persons covered.

689B.200 Notice of conversion privilege.

689B.210 Converted policy delivered outside Nevada: Form.

689B.245 Required provision concerning continuation of coverage.

689B.246 Notice of eligibility or election to continue coverage.

689B.247 Payment of premium for continued coverage.

689B.248 New insurer to provide continued coverage.

689B.249 Termination of continued coverage before end of period.

689B.283 Mandatory renewal of coverage under conversion health benefit plan.

689B.410 “Health benefit plan” defined.

689B.420 “Health status-related factor” defined.

689B.470 Certain plan, fund or program to be treated as employee welfare benefit plan which is group health plan; partnership deemed employer of each partner.

689B.575 Carrier that offers coverage through network plan: Contracts with certain federally qualified health centers.

689B.590 Converted policies: Carrier may only offer choice of basic and standard plans; election of basic or standard plan; premium; rates must be same for persons with similar case characteristics; losses must be spread across book.

689C.021 “Basic health benefit plan” defined.

689C.035 “Characteristics” defined.

689C.051 “Converted policy” defined.

689C.076 “Health status-related factor” defined.

689C.084 “Program of Reinsurance” defined.

689C.089 “Risk-assuming carrier” defined.

689C.099 “Standard health benefit plan” defined.

689C.107 Affiliated carriers deemed one carrier in certain circumstances; affiliated carrier that is health maintenance organization considered separate carrier; ceding arrangement prohibited in certain circumstances.

689C.145 Characteristics that carrier may use to determine rating factors for establishing premiums.

689C.157 Requirement to file basic and standard health benefit plans with Commissioner; disapproval of plan.

~~[689C.191 Determination of applicable creditable coverage of person; determining period of creditable coverage of person; required statement.]~~

689C.210 Procedure for increasing premium rates.

689C.230 Determination and application of index rate.

689C.240 Use of industry classifications as rating factor.

689C.260 Manner in which carrier may establish separate class of business; transferring small employer into or out of class of business.

689C.283 Election to operate as risk-assuming carrier or reinsuring carrier: Notice to Commissioner; effective date; change in status.

689C.287 Election to act as risk-assuming carrier: Suspension by Commissioner; applicable statutes.

689C.290 Commissioner authorized to suspend restriction on increase of premiums for new rating period based on new business for policy.

689C.300 Carrier to file actuarial certification annually with Commissioner.

689C.327 Carrier that offers network plan: Contracts with certain federally qualified health centers.

689C.340 Required provisions in health benefit plan of employer who employs less than 20 employees related to continuation of coverage.

689C.342 Notice of election and payment of premium.

689C.344 Amount of premium for continuation of coverage; change in rates; payment to insurer; termination.

689C.346 Effect of change in insurer during period of continued coverage.

689C.348 Continued coverage ceases before end of established period under certain circumstances.

689C.620 “Board” defined.

689C.640 “Committee” defined.

689C.650 “Eligible person” defined.

689C.680 “Individual reinsuring carrier” defined.

689C.690 “Individual risk-assuming carrier” defined.

689C.700 “Plan of operation” defined.

689C.710 “Program of Reinsurance” defined.

689C.720 “Reinsuring carrier” defined.

689C.730 “Risk-assuming carrier” defined.

689C.740 Creation.

689C.750 Board of Directors: Creation; members; term; vacancy.

689C.760 Meetings of Board; Chair of Board.

689C.770 Plan of operation: Submission by Board; approval by Commissioner; temporary plan when plan not suitable or not submitted.

689C.780 Requirements of plan of operation and temporary plan of operation.

689C.790 Program deemed to have powers and authority of insurance companies and health maintenance organizations; exceptions; powers.

689C.800 Amount of coverage to be reinsured; time within which reinsurance may begin; limitation on reimbursement to reinsuring carrier; termination of reinsurance; premium rate charged to federally qualified health maintenance organization; manner of handling managed care and claims by reinsuring carrier.

689C.810 Premium rates: Methodology for determining; minimum rates; review of methodology.

689C.820 Premiums for certain health benefit plans that are reinsured with program required to meet established requirements for premium rates.

689C.830 Board required to determine, account for and report to Commissioner net loss.

689C.840 Net loss from reinsuring small employers and eligible employees and dependents required to be recouped by assessments against reinsuring carriers.

689C.850 Net loss from reinsuring individual eligible persons and dependents required to be recouped by assessments against individual reinsuring carriers.

689C.860 Board required to determine, account for and report to Commissioner estimate of assessments needed to pay for losses; evaluation of operation of Program.

689C.870 Additional funding: Eligibility based on amount of assessment needed; Board to establish formula for additional assessments on all carriers.

689C.880 Use of excess assessments.

689C.890 Assessment against reinsuring carrier to be determined annually; penalty for late payment of assessments; deferment of assessment.

689C.900 Insurer to receive certificate of contribution for paying additional assessment; certain amount of contribution may be shown as asset and may offset liability for premium tax.

689C.910 Adjustment of assessment on federally qualified health maintenance organizations.

689C.920 Immunity from liability of Program and reinsuring carriers for certain acts.

689C.930 Board to develop standards setting forth manner and levels of compensation paid to producers for sale of health benefit plans.

689C.950 Certain provisions inapplicable to certain basic health benefit plan delivered to small employers or eligible persons.

689C.955 Member, agent or employee of Board immune from liability in certain circumstances.

689C.960 Creation; members; term; vacancy.

689C.970 Meetings; Chair; duties.

689C.980 Board and Committee to study and submit report concerning effectiveness of certain provisions.

695C.1707 Required provision for continuation of coverage.

695C.180 Schedule of charges.

695C.193 Summary of coverage: Contents of disclosure; approval by Commissioner; regulations.

695C.195 Summary of coverage: Copy to be provided before policy issued; policy not to be offered unless summary approved by Commissioner.

695C.250 Open enrollment.

695I.050 "Federal Act" defined.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that Assembly Bill No. 418 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Motion carried.

Assemblyman Horne moved that Assembly Bill No. 77 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 418.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 564.

AN ACT relating to local financial administration; revising provisions relating to the distribution of proceeds from certain taxes ad valorem in certain larger counties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the board of county commissioners of each county to levy an additional 5-cent property tax on all taxable property in the county. (NRS 354.59815) For any county whose population is ~~100,000~~ 700,000 or more (currently Clark ~~and Washoe Counties~~) County, **section 1** of this bill revises the formula for distributing the proceeds of the tax among the county and the cities ~~and towns~~ in the county.

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

Section 1. NRS 354.59815 is hereby amended to read as follows:

354.59815 1. In addition to the allowed revenue from taxes ad valorem determined pursuant to NRS 354.59811, the board of county commissioners may levy a tax ad valorem on all taxable property in the county at a rate not to exceed 5 cents per \$100 of the assessed valuation of the county.

2. If a tax is levied pursuant to subsection 1 in:

(a) A county whose population is less than 100,000, the board of county commissioners shall direct the county treasurer to distribute quarterly the proceeds of the tax among the county and the cities and towns within that county in the proportion that the supplemental city-county relief tax distribution factor of each of those local governments for the 1990-1991 Fiscal Year bears to the sum of the supplemental city-county relief tax distribution factors of all of the local governments in the county for the 1990-1991 Fiscal Year.

(b) A county whose population is 100,000 or more ~~100,000~~ but less than 700,000, the board of county commissioners shall direct the county treasurer to distribute quarterly, from the proceeds of the tax for:

(1) The fiscal year beginning on July 1, 2008:

(I) Eighty-eight percent of those proceeds among the county and the cities and towns within that county in the proportion that the supplemental city-county relief tax distribution factor of each of those local governments for the 1990-1991 Fiscal Year bears to the sum of the supplemental city-county relief tax distribution factors of all the local governments in the county for the 1990-1991 Fiscal Year; and

(II) Twelve percent of those proceeds to the State Treasurer for deposit in the State Highway Fund for administration pursuant to subsection 7 of NRS 408.235.

(2) The fiscal year beginning on July 1, 2009:

(I) Seventy-six percent of those proceeds to the State Treasurer for deposit in the State General Fund; and

(II) Twenty-four percent of those proceeds to the State Treasurer for deposit in the State Highway Fund for administration pursuant to subsection 7 of NRS 408.235.

(3) The fiscal year beginning on July 1, 2010:

(I) Sixty-four percent of those proceeds to the State Treasurer for deposit in the State General Fund; and

(II) Thirty-six percent of those proceeds to the State Treasurer for deposit in the State Highway Fund for administration pursuant to subsection 7 of NRS 408.235.

(4) The fiscal year beginning on July 1, 2011:

(I) Fifty-two percent of those proceeds among the county and the cities and towns within that county in the proportion that the supplemental city-county relief tax distribution factor of each of those local governments for the 1990-1991 Fiscal Year bears to the sum of the supplemental city-county relief tax distribution factors of all the local governments in the county for the 1990-1991 Fiscal Year; and

(II) Forty-eight percent of those proceeds to the State Treasurer for deposit in the State Highway Fund for administration pursuant to subsection 7 of NRS 408.235.

(5) ~~Each~~ ~~The~~ fiscal year beginning on or after July 1, 2012:

(I) Forty percent of those proceeds among the county and the cities and towns within that county in the proportion that the supplemental city-county relief tax distribution factor of each of those local governments for the 1990-1991 Fiscal Year bears to the sum of the supplemental city-county relief tax distribution factors of all the local governments in the county for the 1990-1991 Fiscal Year; and

(II) Sixty percent of those proceeds to the State Treasurer for deposit in the State Highway Fund for administration pursuant to subsection 7 of NRS 408.235.

~~[(6) Each]~~

(c) A county whose population is 700,000 or more, from the proceeds of the tax for each fiscal year beginning on or after July 1, 2013:

~~[(1)]~~ (1) Forty percent of those proceeds must be divided among the county and the cities within the county as provided in this subparagraph. The board of county commissioners shall direct the county treasurer to retain 30 percent and distribute quarterly the remaining 70 percent among the county and the cities ~~and towns~~ within ~~that~~ the county in the proportion that the projected assessed value of ~~each of those local governments~~ the unincorporated areas of the county and each of those cities for the fiscal year bears to the sum of the projected assessed values of the unincorporated areas and all those ~~local governments~~ cities for that fiscal year. ~~;~~ and

~~[(1)]~~ (2) Sixty percent of those proceeds must be remitted quarterly by the county treasurer to the State Treasurer for deposit in the State Highway Fund for administration pursuant to subsection 7 of NRS 408.235.

➡ As used in this ~~subparagraph~~ paragraph, “projected assessed value” means the assessed value of real and personal property in a county ~~or~~ city ~~or town~~, as applicable, excluding real or personal property in any redevelopment area, which is projected by the Department of Taxation in the report prepared pursuant to NRS 361.4535.

3. The board of county commissioners shall not reduce the rate of any tax levied pursuant to the provisions of subsection 1 without the approval of the State Board of Finance and each of the local governments that receives a portion of the tax, except that, if a local government declines to receive its portion of the tax in a particular year the levy may be reduced by the amount that local government would have received.

Sec. 2. This act becomes effective on July 1, 2013.

Assemblywoman Neal moved the adoption of the amendment.

Remarks by Assemblywoman Neal.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 77.

Bill read third time.

The following amendment was proposed by Assemblywoman Kirkpatrick:

Amendment No. 565.

AN ACT relating to the Legislature; requiring a cooling-off period before a former State Legislator may serve as a paid lobbyist before the Legislature; providing for certain exceptions; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Nevada Lobbying Disclosure Act regulates lobbying before the Legislature and is administered by the Director of the Legislative Counsel Bureau. (Chapter 218H of NRS) Certain violations of the Lobbying Act are punishable as misdemeanors. (NRS 218H.960)

Under the Lobbying Act, a paid lobbyist is a person who receives any compensation to: (1) appear in person in the Legislative Building or any other building in which the Legislature or any of its standing committees hold meetings; and (2) communicate directly with a member of the Legislative Branch on behalf of someone other than himself or herself to influence legislative action. (NRS 218H.080, 218H.500)

However, a paid lobbyist does not include: (1) persons who confine their activities to formal appearances before legislative committees and who clearly identify themselves and the interest or interests for whom they are testifying; (2) employees of a bona fide news medium who are acting in the course of their professional duties and news gathering function; (3) certain state and local officers and employees who confine their activities to matters related to their public offices or agencies; and (4) persons who contact the Legislators elected from the districts in which such persons reside. (NRS 218H.080)

Section 1 of this bill amends the Lobbying Act to prohibit a former State Legislator , **except in certain limited circumstances**, from serving as a paid lobbyist before the Legislature for a cooling-off period beginning on the date on which the former Legislator leaves office as a member of the Legislature and ending on the date after the final adjournment of the next regular session during which the former Legislator is not a member of the Legislature.

Section 2 of this bill prohibits a former State Legislator from filing a registration statement with the Director in the classification of a paid lobbyist during the cooling-off period. (NRS 218H.200)

Section 3 of this bill makes violations of the cooling-off period punishable as misdemeanors. (NRS 218H.960)

Section 4 of this bill provides that the cooling-off period applies only to a person who is elected to office as a State Legislator for a term commencing on or after November 4, 2014, or a person who is appointed to serve the remainder of such an unexpired term.

Section 5 of this bill provides that the provisions of this bill become effective on November 4, 2014.

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

Section 1. Chapter 218H of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~{A}~~ Except as otherwise provided in this section, a former Legislator shall not receive compensation or other consideration to serve as a lobbyist for the period beginning on the date on which the former Legislator leaves office as a member of the Legislature and ending on the date after the final adjournment of the next regular session during which the former Legislator is not a member of the Legislature.

2. The provisions of this section do not apply to a former Legislator if the former Legislator:

(a) Is required, as part of his or her full-time employment, to lobby exclusively and directly for his or her employer;

(b) Does not lobby for any other employer, client or client of his or her employer; and

(c) Is required to perform significant duties for his or her employer other than lobbying.

3. As used in this section, "consideration" means a gift, salary, payment, distribution, loan, advance or deposit of money or anything of value and includes, without limitation, a contract, promise or agreement, whether or not legally enforceable.

Sec. 2. NRS 218H.200 is hereby amended to read as follows:

218H.200 1. Every person who acts as a lobbyist shall, not later than 2 days after the beginning of that activity, file a registration statement with the Director in such form as the Director prescribes.

2. ***A former Legislator shall not file a registration statement with the Director in the classification of a lobbyist who receives any compensation for his or her lobbying activities during any period in which the former Legislator is prohibited from serving as such a lobbyist pursuant to section 1 of this act.***

Sec. 3. NRS 218H.960 is hereby amended to read as follows:

218H.960 A person who is subject to any provision in NRS 218H.900 or 218H.930 ***or section 1 of this act*** and who violates or otherwise refuses or fails to comply with the provision is guilty of a misdemeanor.

Sec. 4. This act applies only to a person who is elected to office as a State Legislator for a term commencing on or after November 4, 2014, or a person who is appointed to serve the remainder of such an unexpired term.

Sec. 5. This act becomes effective on November 4, 2014.

Assemblyman Hickey moved the adoption of the amendment.

Remarks by Assemblyman Hickey.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 22, 2013

To the Honorable the Assembly:

It is my pleasure to inform your esteemed body that the Senate on this day passed Senate Bill No. 510.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 510.

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

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Carlton moved that for the remainder of the session, Assembly Standing Rule No. 57 be suspended for all bills in the Committee on Ways and Means.

Motion carried.

Assemblyman Horne moved that Assembly Bills Nos. 90, 363, 374, 441; Senate Bill No. 139, be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

REMARKS FROM THE FLOOR

Assemblyman Eisen requested that the following proclamation be entered in the Journal.

PROCLAMATION

WHEREAS, Barry and Beverly Eisen were married on October 9th, 1962; and

WHEREAS, Mr. and Mrs. Eisen moved on March 8th, 1963 from University City, Missouri, to southern Nevada where they established their family; and

WHEREAS, The Eisen family now extends to three generations with their three sons: Steve, Bob and Andy, all born and raised in southern Nevada, and three grandsons: Jonathan, Adam, and Reese, also growing up in southern Nevada; and

WHEREAS, Barry and Beverly were actively involved in their children's education, including serving as co-Presidents of the Parent-Teacher Association at George Harris Elementary School in Las Vegas; and

WHEREAS, Aside from caring for their family and educating their sons, Barry and Beverly were also committed to their volunteer work with the southern Nevada Jewish community; and

WHEREAS, Barry is past-President of Temple Beth Sholom while Beverly served as President of the Sisterhood; and

WHEREAS, Barry was also President of Nate Mack Greater Las Vegas B'nai B'rith and Beverly was Community Relations Director of the Jewish Federation of Las Vegas; and

WHEREAS, Barry and Beverly's accomplishments were not limited to raising a happy family while remaining committed to serve their community, but they are also dedicated to each other and have an exemplary marriage that has lasted more than a half-century; and

WHEREAS, Barry Eisen celebrated his 70th birthday on April 20th and his wife, sons, daughters-in-law, and grandsons celebrate a lifetime of his accomplishments as a husband, father, grandfather, community leader, and admirable man; now, therefore, be it

PROCLAIMED, That the State of Nevada recognizes the honorable lives and exemplary marriage of Barry and Beverly Eisen, that carry on a legacy through the third Eisen generation in southern Nevada; and be it further

PROCLAIMED, That the Nevada Legislature honors Barry and Beverly Eisen for their efforts raising three sons and their commitment to the local community, while maintaining and educating the family in their Jewish roots and traditions, proclaiming April 22nd as “Barry and Beverly Eisen Day” in the State of Nevada.

DATED this 22nd day of April, 2013.

ANDY EISEN
Nevada State Assemblyman

MARILYN KIRKPATRICK
Speaker of the Assembly

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Bill No. 121.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Bobzien, the privilege of the floor of the Assembly Chamber for this day was extended to the following students and chaperones from Hug High School: Oscar Adame, Alberto Garcia, Hannah Gebensleben, Frida Ponce, Diana Martinez, Alejandro Ayala, Aljeron Colis, Cara Freybargar Moore, Christian Vasquez, Robyn Bailey, Nick Dunkle, Kadi Campagna, Yezenia Olivera, Elizabeth Barajas, Anthony Barrera-Monroy, Mary Joy Beltejar, Joanna Perez, Guinevere Foldi, Shanelle Wright, Alexis Gallardo Del Valle, Dylan Lopez, Ayrhianna Paulin, Edgardo Rodriguez, Mario Fitzpatrick, and Scott Barclay.

On request of Assemblywoman Bustamante Adams, the privilege of the floor of the Assembly Chamber for this day was extended to Denise Cashman and Sari Rogoff.

On request of Assemblywoman Cohen, the privilege of the floor of the Assembly Chamber for this day was extended to Julie Gilday-Shaffer.

On request of Assemblywoman Dondero Loop, the privilege of the floor of the Assembly Chamber for this day was extended to Gard Jameson, Diana Bennett, and Cindy Dreibelbis.

On request of Assemblyman Eisen, the privilege of the floor of the Assembly Chamber for this day was extended to Barry Eisen and Beverly Eisen.

On request of Assemblywoman Fiore, the privilege of the floor of the Assembly Chamber for this day was extended to Mercy Darlucio, Iran Maggie Manzano, and Alex Barnes.

On request of Assemblyman Hambrick, the privilege of the floor of the Assembly Chamber for this day was extended to Wendy Thomas and Frank Cutrone.

On request of Assemblyman Healey, the privilege of the floor of the Assembly Chamber for this day was extended to Julie Murray and Allison Serafin.

On request of Assemblyman Kirner, the privilege of the floor of the Assembly Chamber for this day was extended to Dominick Richard Seminario and Charles Jurzenski.

On request of Assemblyman Oscarson, the privilege of the floor of the Assembly Chamber for this day was extended to Heidi Parker.

On request of Assemblyman Wheeler, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from George Whittell High School: Elizabeth Anderson, Alex Barnes, Tristan Beckwith, Steven Beelar, Zoe Bertz, Brittany Boulet, Spenser Buchholz, Danica Bunnett, Mercy Crace Darlucio, Margaret Dean, Margaret Elias, Hailey Elliott, Matthew Elliott, Kendal Ferris, Marcus Foerschler, Sterling Freeman, Ana Fuller-Wilmarth, Kay Henderson, Casey Huber, Tori Jimenez, Charles Jurzenski, Serena Libert, Iran Manzano, Nolan Marquez, Gianna Miller, Cameron Nye, Joshua Peterson, Laurie Petty, Kevin Preciado-Estrada, Veronica Rodriguez, Robert Rupp Jr., Dominick Seminerio, Jennifer Shepack, Skylar Smith, Dillon Stetler, Jonathan Verbeten, Mark Waite, Jacob Washalefsky, and Roceifin Nye.

Assemblyman Horne moved that the Assembly adjourn until Tuesday, April 23, 2013, at 11:30 a.m.

Motion carried.

Assembly adjourned at 6:15 p.m.

Approved:

MARILYN K. KIRKPATRICK
Speaker of the Assembly

Attest: SUSAN FURLONG

Chief Clerk of the Assembly