THE ONE HUNDRED AND SIXTH DAY

CARSON CITY (Monday), May 20, 2013

Assembly called to order at 1:17 p.m.

Madam Speaker presiding.

Roll called.

All present except Assemblywomen Pierce and Woodbury, who were excused.

Prayer by the Chaplain, Pastor Albert Tilstra.

We pray for the members of this body, its officers, and all those who share in its work. We remember that You never were in a hurry nor lost Your inner peace when under pressure. But, we are only human. We feel the strain of meeting deadlines, and we chafe under frustration. We need poise and peace of mind, and only You can supply the deepest needs of tired bodies, jaded spirits, and frayed nerves.

Give to us Your peace and refresh us in our weariness, that this may be a good day with much done and done well.

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 Government Affairs, to which were referred Senate Bills Nos. 20, 22, 25, 39, 66, 135, 236, 436, 440, 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 Health and Human Services, to which was referred Senate Bill No. 450, 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 Senate Bills Nos. 76, 169, 199, 414, 421, 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 Natural Resources, Agriculture, and Mining, to which were referred Senate Bills Nos. 82, 213; Senate Joint Resolution No. 9, 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 was referred Senate Bill No. 152, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

IRENE BUSTAMANTE ADAMS, *Chair*

Madam Speaker:

Your Committee on Transportation, to which was referred Senate Bill No. 109, 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*

Madam Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 470, 473, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which were referred Assembly Bills Nos. 463, 482, 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 Ways and Means, to which was rereferred Assembly Bill No. 466, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 7, 311, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MAGGIE CARLTON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 18, 2013

To the Honorable the Assembly:

It is my pleasure to inform your esteemed body that the Senate on this day passed Assembly Bills Nos. 28, 53, 69, 493, 495; Senate Bills Nos. 462, 464, 512.

Also, it is my pleasure to inform your esteemed body that the Senate on this day passed Assembly Joint Resolutions Nos. 4, 5, 7.

Also, it is my pleasure to inform your esteemed body that the Senate on this day passed, as amended, Senate Bills Nos. 58, 451, 465, 468.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

May 17, 2013

Pursuant to paragraph (a) of subsection 4 of Joint Standing Rule No. 14.6, Senate Bill No. 298 is not subject to the provisions of subsections 1 and 2 of Joint Standing Rule No. 14, Joint Standing Rule No. 14.1, Joint Standing Rule No. 14.2, and Joint Standing Rule No. 14.3.

RICHARD S. COMBS
Director

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Concurrent Resolution No. 7—Urging the Office of the Governor to continue working with the Legislature to consider the potential impact of listing the greater sage grouse as an endangered or threatened species and to develop strategies to preclude the listing.

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

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 58.

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

Motion carried.

Senate Bill No. 451.

Assemblyman Ohrenschall moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Senate Bill No. 462.

Assemblywoman Carlton moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 464.

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

Motion carried.

Senate Bill No. 465.

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

Motion carried.

Senate Bill No. 468.

Assemblywoman Carlton moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 512.

Assemblyman Ohrenschall moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that Assembly Bills Nos. 463, 470, 473, 482; Senate Bills Nos. 20, 22, 25, 39, 66, 76, 82, 109, 135, 152, 169, 199, 213, 236, 414, 421, 436, 440, 450; Senate Joint Resolution No. 9, just reported out of committee, be placed on the Second Reading File.

Motion carried.

Assemblyman Horne moved that Assembly Bills Nos. 7 and 311, just reported out of committee, be placed on the General File.

Motion carried.

Assemblyman Horne moved that Senate Bill No. 262 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Assemblyman Horne moved that Senate Bill No. 185 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

Assemblyman Horne moved that Assembly Bills Nos. 67, 436; Senate Bills Nos. 27, 111, 112, 191, 202, be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Horne moved that Senate Joint Resolution No. 14 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

Assemblyman Horne moved that Assembly Bill No. 499; Senate Bills Nos. 60, 80, 162, 198, 237, be taken from their positions on the General File and placed at the bottom of the General File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 463.

Bill read second time.

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

Amendment No. 583.

AN ACT relating to state financial administration; revising provisions relating to **the payment of stale** claims **;** ~~[presented by a state agency to the State Board of Examiners after the date on which it is provided by law that money appropriated to that state agency for the previous fiscal year reverts to the fund from which it was appropriated;]~~ authorizing a person designated by

the Clerk of the State Board of Examiners to carry out certain duties of the Clerk; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that certain stale claims which are presented by a state agency to the State Board of Examiners after the date on which it is provided by law that money appropriated to the state agency for the previous fiscal year reverts to the fund from which it was appropriated must be paid from the Stale Claims Account in the State General Fund. A state agency is authorized to pay certain other claims incurred in the previous fiscal year from the appropriate budget account in a current fiscal year. (NRS 353.097)

Section 1 of this bill **clarifies the definition of "stale claim" to specifically refer to money authorized for expenditure, in addition to appropriated money, and makes similar conforming changes. Section 1 also** provides that a state agency may pay a **stale** claim for payroll expenses ~~[incurred in the previous fiscal year]~~ from the appropriate budget account in the current fiscal year.

Sections 1 and 2 of this bill authorize a person designated by the Clerk of the State Board of Examiners to perform ~~[certain]~~ **the** duties of the Clerk ~~[.]~~ **, which have been delegated to the Clerk by the Board of Examiners, to approve stale claims and claims from the Reserve for Statutory Contingency Account on behalf of the Board.**

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

Section 1. NRS 353.097 is hereby amended to read as follows:

353.097 1. As used in this section, "stale claim" means any claim ~~[other than a claim for *payroll expenses, a claim for* medical expenses submitted by a third-party administrator or a claim which is $100 or more, and]~~ which is presented by a state agency to the State Board of Examiners ***:***

(a) If the claim was eligible to be paid from money that was appropriated, after the date on which it is provided by law that money appropriated to that state agency for the previous fiscal year reverts to the fund from which appropriated ~~[.]~~ ***; or***

(b) If the claim was eligible to be paid from money that was authorized, after the last day of the fiscal year in which that state agency was authorized to expend the money.

2. There is hereby created a Stale Claims Account in the State General Fund. Money for the Account must be provided by direct legislative appropriation.

3. Upon the approval of a stale claim ~~[as provided in this section,]~~ ***pursuant to subsection 4,*** the claim must be paid from the Stale Claims

Account. Payments of ***such*** stale claims for a state agency must not exceed ~~[the]~~ **:**

(a) If the claim was eligible to be paid from money that was appropriated, the amount of money reverted to the fund from which appropriated by the state agency for the fiscal year in which the obligations represented by the stale claims were incurred ~~[.]~~ ***; or***

(b) If the claim was eligible to be paid from money that was authorized, the balance on the last day of the fiscal year of money that the state agency was authorized to expend during the fiscal year.

4. ~~[A]~~ ***Except as otherwise provided in this section, a*** stale claim must be approved for payment from the Stale Claims Account by the State Board of Examiners ***.*** ~~[, except that the]~~ ***The*** State Board of Examiners may authorize its Clerk ~~[,]~~ ***or a person designated by the Clerk,*** under such circumstances as it deems appropriate, to approve stale claims on behalf of the Board. A state agency that is aggrieved by a determination of the Clerk ***or the person designated by the Clerk*** to deny all or any part of a stale claim may appeal that determination to the State Board of Examiners.

5. A stale claim may be approved and paid at any time, despite the age of the claim, if payable from available federal grants or from a permanent fund in the State Treasury other than the State General Fund.

6. A state agency may pay from the appropriate budget account in the current fiscal year ~~[an obligation]~~ ***a stale claim*** of the state agency which ~~[:~~

~~(a) Is:~~

~~(1)]~~ ***is:***

(a) Less than $100; ~~[or]~~

~~[(2)]~~ ***(b)*** For medical expenses pursuant to a claim from a third-party administrator; ***or***

~~[(3)]~~ ***(c) For payroll expenses*** ***.*** ~~[, and~~

~~(b) Was incurred in the previous fiscal year but was not submitted for payment until after the date on which it is provided by law that money appropriated to that state agency for the previous fiscal year reverts to the fund from which appropriated.]~~

Sec. 2. NRS 353.264 is hereby amended to read as follows:

353.264 1. The Reserve for Statutory Contingency Account is hereby created in the State General Fund.

2. The State Board of Examiners shall administer the Reserve for Statutory Contingency Account. The money in the Account must be expended only for:

(a) The payment of claims which are obligations of the State pursuant to NRS 41.03435, 41.0347, 62I.025, 176.485, 179.310, 212.040, 212.050, 212.070, 281.174, 282.290, 282.315, 288.203, 293.253, 293.405, 353.120, 353.262, 412.154 and 475.235;

(b) The payment of claims which are obligations of the State pursuant to:

(1) Chapter 472 of NRS arising from operations of the Division of Forestry of the State Department of Conservation and Natural Resources directly involving the protection of life and property; and

(2) NRS 7.155, 34.750, 176A.640, 179.225 and 213.153,

➥ except that claims may be approved for the respective purposes listed in this paragraph only when the money otherwise appropriated for those purposes has been exhausted;

(c) The payment of claims which are obligations of the State pursuant to NRS 41.0349 and 41.037, but only to the extent that the money in the Fund for Insurance Premiums is insufficient to pay the claims; and

(d) The payment of claims which are obligations of the State pursuant to NRS 535.030 arising from remedial actions taken by the State Engineer when the condition of a dam becomes dangerous to the safety of life or property.

3. The State Board of Examiners may authorize its Clerk ~~[,]~~ ***or a person designated by the Clerk,*** under such circumstances as it deems appropriate, to approve, on behalf of the Board, the payment of claims from the Reserve for Statutory Contingency Account. For the purpose of exercising any authority granted to the Clerk of the State Board of Examiners ***or to the person designated by the Clerk*** pursuant to this subsection, any statutory reference to the State Board of Examiners relating to such a claim shall be deemed to refer to the Clerk of the Board ~~[.]~~ ***or the person designated by the Clerk.***

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

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 470.

Bill read second time and ordered to third reading.

Assembly Bill No. 473.

Bill read second time and ordered to third reading.

Assembly Bill No. 482.

Bill read second time.

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

Amendment No. 640.

AN ACT relating to unemployment compensation; creating the Interest Repayment Fund for the payment of interest accruing and payable on advances received by this State from the Federal Government relating to

unemployment benefits; requiring the Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation to establish an assessment to be imposed on certain employers; requiring certain employers to pay a proportionate share of such an assessment; requiring any money received from such employers to be deposited into the Fund; providing for the termination of the Fund in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes and directs the Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation to apply for an advance to the Unemployment Compensation Fund and to accept such an advance in accordance with the conditions specified in Title XII of the Social Security Act, 42 U.S.C. §§ 1321 et seq., as amended. Upon such a request by the Administrator, the Governor is required to make an application for advances to this State. (NRS 612.290)

This bill creates the Interest Repayment Fund as a special revenue fund to be used only for the payment of interest accruing and payable on such advances received **.** ~~[or special revenue bonds issued for the purpose of refinancing such advances.]~~ This bill requires the Administrator to establish an assessment, of which certain employers subject to the provisions governing unemployment compensation are required to pay a proportionate share. Any money collected from such an employer must be deposited into the Fund. This bill also provides that if the Administrator determines that the assessment is no longer necessary, the Administrator shall notify all such employers and shall not accept any further payments. Any money remaining in the Interest Repayment Fund must be deposited into the Unemployment Compensation Fund after: (1) the payment of all interest payable on the advances received from the Federal Government **;** ~~[and all special revenue bonds issued for the purpose of refinancing such advances;]~~ and (2) a determination by the Administrator that no further payments are anticipated.

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

Section 1. Chapter 612 of NRS is hereby amended by adding thereto a new section to read as follows:

1. There is hereby created the Interest Repayment Fund as a special revenue fund.

2. The Fund consists of all money received pursuant to this section, and must only be used for the payment of interest accruing and payable on advances received pursuant to NRS 612.290 in accordance with the conditions specified in Title XII of the Social Security Act, 42 U.S.C. §§

1321 et seq., as amended . ~~[, or for the payment of special revenue bonds issued for the purpose of refinancing such advances.]~~

3. The Administrator ~~[, in consultation with the Employment Security Council in a manner consistent with NRS 612.310,]~~ shall establish an assessment that will be calculated by dividing the interest accruing and payable on advances received pursuant to NRS 612.290 by 95 percent of the total taxable wages paid by all employers in this State during the immediately preceding calendar year.

4. Except as otherwise provided in subsection 7, each employer subject to the provisions of this chapter shall pay a proportionate share of the assessment established by the Administrator pursuant to subsection 3. An employer's proportionate share of the assessment will be calculated by multiplying the employer's total taxable wages paid during the immediately preceding calendar year by the amount of the assessment. The Administrator shall notify each employer of his or her proportionate share of the assessment on or before June 30 of each year, and may collect interest on any such amount that remains unpaid on July 31 of each year in accordance with the provisions of NRS 612.620. Any money collected from an employer pursuant to this subsection must be deposited into the Interest Repayment Fund. The Administrator shall establish procedures necessary to collect payments pursuant to this subsection.

5. An employer's proportionate share of the assessment must not be charged against the experience rating record of the employer.

6. The provisions of law applicable to the collection of unemployment contributions also apply to the collection of payments pursuant to this section.

7. The provisions of this section do not apply to any nonprofit organization, political subdivision or Indian tribe which makes reimbursements in lieu of contributions pursuant to NRS 612.553.

8. The provisions of this section are operative only so long as the Interest Repayment Fund continues to exist and the Administrator continues to accept and deposit payments received from employers pursuant to this section into the Interest Repayment Fund. If the Administrator determines that the assessment is no longer necessary, the Administrator shall notify all employers paying a proportionate share of the assessment and shall not accept any further payments. If and when the Interest Repayment Fund ceases to exist, any money remaining in the Interest Repayment Fund, after the payment of all interest accruing and payable on advances received pursuant to NRS 612.290 ~~[and all special revenue bonds issued for the purpose of refinancing such advances]~~ and a determination by the Administrator that no further payments are

anticipated, must be deposited into the Unemployment Compensation Fund.

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

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 20.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 677.

AN ACT relating to governmental publications; revising provisions governing the submission of certain publications to the State Publications Distribution Center by certain state agencies and local governments; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the State Publications Distribution Center within the State Library and Archives. (NRS 378.170) Under existing law, state agencies and local governments, with certain exceptions, are required to deposit paper copies of certain publications, upon release, with the Center for distribution to certain libraries throughout the State. If such a state agency or local government releases a publication in an electronic format or medium, the state agency or local government is required to notify the Center of the release and provide the Center with access to the publication. (NRS 378.180) A "publication" is defined to include any information in any format or medium that is: (1) produced pursuant to the authority or at the expense of a state agency or local government; (2) required by law to be distributed by a state agency or local government; or (3) distributed publicly by a state agency or local government outside that state agency or local government. (NRS 378.160)

Section 1 of this bill excludes from the definition of "publication" certain records of a local government which have been scheduled for disposition or retention.

Section 3 of this bill reduces the number of **paper** copies **of a publication** that a state agency **or local government** is required to deposit with the Center **. ~~[from 12 copies to 10 copies. Section]~~ Unless a publication is available only in paper form, section 3 ~~[also authorizes]~~ requires** a state agency or local government to provide the Center with an electronic version of the publication in lieu of depositing paper copies. If the publication is **available** only **in paper form at the time copies are deposited with the**

Center, but is later released in an electronic format or medium, **section 3 also** requires the state agency or local government to provide the Center with an electronic version of the publication ~~[instead of notice and access to the electronic publication.]~~ **when it becomes available.** Finally, **section 3** prescribes requirements for the submission of an electronic version of a publication to the Center by a state agency or local government**.** ~~[and section]~~ **Section 2** of this bill requires the State Library and Archives Administrator to adopt regulations prescribing the procedures for submitting an electronic version of a publication to the Center.

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

Section 1. NRS 378.160 is hereby amended to read as follows:

378.160 As used in NRS 378.150 to 378.210, inclusive:

1. "Center" means the State Publications Distribution Center created by NRS 378.170.

2. "Depository library" means a library with which the Center has entered into an agreement pursuant to NRS 378.190.

3. "Local government" means every political subdivision or other entity which has the right to levy or receive money from ad valorem or other taxes or any mandatory assessments, and includes, without limitation, counties, cities, towns, boards, school districts and other districts organized pursuant to chapters 244A, 309, 318, 379, 474, 541, 543 and 555 of NRS, NRS 450.550 to 450.750, inclusive, and any agency or department of a county or city which prepares a budget separate from that of the parent political subdivision. The term includes the Nevada Rural Housing Authority.

4. "Publication" includes any information in any format or medium that is produced pursuant to the authority of or at the total or partial expense of a state agency or local government, is required by law to be distributed by a state agency or local government, or is distributed publicly by a state agency or local government outside that state agency or local government. The term does not include:

(a) Nevada Revised Statutes with annotations;

(b) Nevada Reports;

(c) Bound volumes of the Statutes of Nevada;

(d) Items published by the University of Nevada Press and other information disseminated by the Nevada System of Higher Education which is not designed for public distribution; or

(e) Official state records scheduled for retention and disposition pursuant to NRS 239.080.

(f) Records of a local government which have been scheduled for disposition pursuant to NRS 239.124 or retention pursuant to NRS 239.125.

5. "State agency" includes the Legislature, constitutional officers or any department, division, bureau, board, commission or agency of the State of Nevada.

Sec. 2. NRS 378.170 is hereby amended to read as follows:

378.170 1. There is hereby created within the State Library and Archives a State Publications Distribution Center.

2. The State Library and Archives Administrator ~~[may make]~~ ***:***

(a) Except as otherwise provided in paragraph (b), may adopt such regulations as may be necessary to carry out the purposes of the Center.

(b) Shall adopt regulations prescribing the procedures for submitting an electronic version of a publication to the Center pursuant to NRS 378.180.

Sec. 3. NRS 378.180 is hereby amended to read as follows:

378.180 1. ~~[Every]~~ ***Except as otherwise provided in this subsection, every*** state agency shall:

~~[(a) For each publication of the state agency that was published, printed or copied *on paper* by the state agency itself or by a private printer, deposit with the Center, upon release,]~~ ~~[12]~~ ***[10*** ~~copies of the publication]~~ ~~[.]~~ ***[or]*** ***, upon release of each of its publications, provide the Center with an electronic version of the publication.***

~~[(b) For each publication printed *on paper* for or on behalf of the state agency by the State Printing Office:~~

~~(1) In addition to the number of copies otherwise required by the state agency, request the State Printing Office to print]~~ ~~[12]~~ ***[10*** ~~copies of that publication; and~~

~~(2) Deposit or request the State Printing Office to deposit those additional copies]~~ ***If a publication is available only in paper form, the state agency shall deposit 10 copies of the publication*** with the Center.

2. ~~[Every]~~ ***Except as otherwise provided in this subsection, every*** local government shall, upon release ~~[,]~~ ***of each of its publications,*** ~~[deposit with the Center at least six copies of]~~ ~~[each of its publications.]~~ ***[the publication or]*** ***provide the Center with an electronic version of the publication. If a publication is available only in paper form, the local government shall deposit six copies of the publication with the Center.***

3. ~~[Every]~~ ***If a publication is available only in paper form at the time copies are deposited with the Center pursuant to subsection 1 or 2, every*** state agency and local government shall, upon release of ~~[a]~~ ***the*** publication in an electronic format or medium, ~~[notify the Center of such release and]~~ provide the Center with ~~[access to]~~ ***an electronic version of*** the publication.

4. If a state agency or local government provides an electronic version of a publication to the Center pursuant to this section, the state agency or local government shall:

(a) Include, in a conspicuous location at or near the beginning of the publication, the date on which the publication was initially released by the state agency or local government; and

(b) Submit the electronic version of the publication in accordance with regulations adopted by the State Library and Archives Administrator pursuant to NRS 378.170.

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

Assemblywoman Benitez-Thompson moved the adoption of the amendment.

Remarks by Assemblywoman Benitez-Thompson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 22.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 635.

AN ACT relating to the Office of the Attorney General; requiring the Office of the Attorney General to be provided with a copy of certain court rulings and to provide an index of those rulings to the Legislative Counsel biennially; ~~[~~requiring~~]~~ **specifying that** the Office of the Attorney General ~~[~~and certain other governmental entities to enter into a cooperative agreement with the Office of the State Controller for~~]~~ **must assign** the collection of certain restitution related to the expenses of extradition **~~[,]~~ to the State Controller;** authorizing the establishment of a program to prevent certain criminal offenders and persons charged with a crime from obtaining or using a United States passport; clarifying the term "state agency" as it relates to agencies required to deposit money in the Fund for Insurance Premiums; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a court, in certain circumstances, to order a person who was extradited to this State to make restitution for the expenses incurred by the Attorney General or any other governmental entity in returning the person to this State. (NRS 179.225) **Existing law also requires: (1) the State Controller to act as the collection agent for each state agency; and (2) a state agency to coordinate all its debt collection efforts through the State Controller. (NRS 353C.195) Section 8** of this bill ~~[~~provides~~]~~ **specifies** that **if a court orders a person to make restitution to** the Office of the

Attorney General ~~[and any other governmental entity to which such restitution is owed must enter into a cooperative agreement with the Office of]~~ **for expenses relating to extradition, the Office of the Attorney General must assign the collection of such restitution to** the State Controller ~~[under which the Office of the State Controller will act as the collection agent for any such restitution.]~~ **in accordance with the provisions of existing law.**

Existing law requires each state agency to deposit certain amounts of money into the Fund for Insurance Premiums, which is maintained in part for use by the Attorney General. (NRS 331.187) **Section 14** of this bill clarifies that a part-time or full-time board, commission or similar body of the State which is created by law is required to make such a deposit.

Section 4 of this bill authorizes the Office of the Extradition Coordinator within the Office of the Attorney General to establish a program that assists prosecuting attorneys and law enforcement officers in this State in coordinating with the United States Department of State to prevent criminal offenders and certain persons charged with a crime from obtaining or using a United States passport. **Section 4** also authorizes the Attorney General to adopt regulations relating to such a program.

Section 5 of this bill provides that if the Nevada Supreme Court holds that a provision of the Nevada Constitution or the Nevada Revised Statutes violates a provision of the Nevada Constitution or the United States Constitution, the prevailing party in the proceeding must provide a copy of the ruling to the Office of the Attorney General. **Sections 6 and 7** of this bill apply this requirement to the prevailing party in a proceeding in which a district court or justice court holds that any such provision is unconstitutional. **Section 2** of this bill requires the Office of the Attorney General to provide to the Legislative Counsel an index of all rulings it receives pursuant to **sections 5-7** on or before September 1 of each even-numbered year.

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

Section 1. Chapter 228 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. ***On or before September 1 of each even-numbered year, the Office of the Attorney General shall provide to the Legislative Counsel an index of all court rulings it has received pursuant to sections 5, 6 and 7 of this act during the immediately preceding 2-year period.***

Sec. 3. (Deleted by amendment.)

Sec. 4. ***1. The Office of the Extradition Coordinator within the Office of the Attorney General may establish a program that assists prosecuting***

attorneys and law enforcement officers in this State in coordinating with the United States Department of State to prevent criminal offenders or persons charged with a crime who are subject to court-ordered restrictions on international travel from obtaining or using a United States passport.

2. The Attorney General may adopt regulations to carry out the provisions of this section.

Sec. 5. Chapter 2 of NRS is hereby amended by adding thereto a new section to read as follows:

If the Supreme Court holds that a provision of the Nevada Constitution or the Nevada Revised Statutes violates a provision of the Nevada Constitution or the United States Constitution, the prevailing party in the proceeding shall provide a copy of the ruling to the Office of the Attorney General.

Sec. 6. Chapter 3 of NRS is hereby amended by adding thereto a new section to read as follows:

If a district court holds that a provision of the Nevada Constitution or the Nevada Revised Statutes violates a provision of the Nevada Constitution or the United States Constitution, the prevailing party in the proceeding shall provide a copy of the ruling to the Office of the Attorney General.

Sec. 7. Chapter 4 of NRS is hereby amended by adding thereto a new section to read as follows:

If a justice court holds that a provision of the Nevada Constitution or the Nevada Revised Statutes violates a provision of the Nevada Constitution or the United States Constitution, the prevailing party in the proceeding shall provide a copy of the ruling to the Office of the Attorney General.

Sec. 8. NRS 179.225 is hereby amended to read as follows:

179.225 1. If the punishment of the crime is the confinement of the criminal in prison, the expenses must be paid from money appropriated to the Office of the Attorney General for that purpose, upon approval by the State Board of Examiners. After the appropriation is exhausted, the expenses must be paid from the Reserve for Statutory Contingency Account upon approval by the State Board of Examiners. In all other cases, they must be paid out of the county treasury in the county wherein the crime is alleged to have been committed. The expenses are:

(a) If the prisoner is returned to this State from another state, the fees paid to the officers of the state on whose governor the requisition is made;

(b) If the prisoner is returned to this State from a foreign country or jurisdiction, the fees paid to the officers and agents of this State or the United States; or

(c) If the prisoner is temporarily returned for prosecution to this State from another state pursuant to this chapter or chapter 178 of NRS and is then

returned to the sending state upon completion of the prosecution, the fees paid to the officers and agents of this State,

➥ and the per diem allowance and travel expenses provided for state officers and employees generally incurred in returning the prisoner.

2. If a person is returned to this State pursuant to this chapter or chapter 178 of NRS and is convicted of, or pleads guilty, guilty but mentally ill or nolo contendere to, the criminal charge for which the person was returned or a lesser criminal charge, the court shall conduct an investigation of the financial status of the person to determine the ability to make restitution. In conducting the investigation, the court shall determine if the person is able to pay any existing obligations for:

(a) Child support;

(b) Restitution to victims of crimes; and

(c) Any administrative assessment required to be paid pursuant to NRS 62E.270, 176.059, 176.0611, 176.0613 and 176.062.

3. If the court determines that the person is financially able to pay the obligations described in subsection 2, it shall, in addition to any other sentence it may impose, order the person to make restitution for the expenses incurred by the ***Office of the*** Attorney General or other governmental entity in returning the person to this State. The court shall not order the person to make restitution if payment of restitution will prevent the person from paying any existing obligations described in subsection 2. Any amount of restitution remaining unpaid constitutes a civil liability arising upon the date of the completion of the sentence.

4. ~~*[The]*~~ ***If the court orders a person to make restitution for the expenses incurred by the Office of the Attorney General*** ~~*[and any other governmental entity to which restitution is ordered to be made]*~~ ***in returning the person to this State pursuant to this section , the Office of the Attorney General shall*** ~~*[enter into a cooperative agreement with the Office of]*~~ ***assign the collection of such restitution to the State Controller*** ~~*[pursuant to NRS 353.650 for the collection of any restitution which a court orders a person to make pursuant to this section.]*~~ ***in accordance with the provisions of NRS 353C.195.***

5. The Attorney General may adopt regulations to carry out the provisions of this section.

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Sec. 14. NRS 331.187 is hereby amended to read as follows:

331.187 1. There is created in the State Treasury the Fund for Insurance Premiums as an internal service fund to be maintained for use by the Risk Management Division of the Department of Administration and the Attorney General.

2. Each state agency shall deposit in the Fund:

(a) An amount equal to its insurance premium and other charges for potential liability, self-insured claims, other than self-insured tort claims, and administrative expenses, as determined by the Risk Management Division; and

(b) An amount for self-insured tort claims and expenses related to those claims, as determined by the Attorney General.

3. Each county shall deposit in the Fund an assessment for the employees of the district court of that county, excluding district judges, unless the county enters into a written agreement with the Attorney General to:

(a) Hold the State of Nevada harmless and assume liability and costs of defense for the employees of the district court;

(b) Reimburse the State of Nevada for any liability and costs of defense that the State of Nevada incurs for the employees of the district court; or

(c) Include the employees of the district court under the county's own insurance or other coverage.

4. Expenditures from the Fund must be made by the Risk Management Division or the Attorney General to an insurer for premiums of state agencies as they become due or for deductibles, self-insured property and tort claims or claims pursuant to NRS 41.0349. If the money in the Fund is insufficient to pay a tort claim, it must be paid from the Reserve for Statutory Contingency Account.

5. As used in this section ~~[~~, "assessment"~~]~~ ***:***

(a) "Assessment" means an amount determined by the Risk Management Division and the Attorney General to be equal to the share of a county for:

~~[~~(a)~~]~~ ***(1)*** Applicable insurance premiums;

~~[~~(b)~~]~~ ***(2)*** Other charges for potential liability and tort claims; and

~~[~~(c)~~]~~ ***(3)*** Expenses related to tort claims.

(b) "State agency" includes, without limitation, a part-time or full-time board, commission or similar body of the State which is created by law.

Assemblywoman Benitez-Thompson moved the adoption of the amendment.

Remarks by Assemblywoman Benitez-Thompson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 25.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 678.

AN ACT relating to technological crimes; authorizing the Attorney General to take certain actions to prevent technological crimes; revising the provisions governing actions which constitute theft to include the theft of audio or visual services; revising the provisions governing the appointment of an Executive Director of Technological Crime within the Office of the Attorney General; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill authorizes the Attorney General to investigate and prosecute any alleged technological crime, pursue the forfeiture of property relating to a technological crime and bring an action to enjoin or obtain any equitable relief to prevent the occurrence or continuation of any technological crime.

Existing law authorizes a district attorney to institute a civil proceeding for the forfeiture of property used in the course of, intended for use in the course of, derived from or gained through a technological crime. Currently, the Attorney General may institute such a proceeding only if the property at issue is seized by a state agency. (NRS 179.1229, 179.1231) Section 1.5 of this bill removes this limitation on the authority of the Attorney General and authorizes the institution of a forfeiture proceeding by a district attorney or the Attorney General, as determined in each case by an agreement between the district attorney and the Attorney General.

Existing law describes certain actions which constitute theft. (NRS 205.0832) **Section 2** of this bill revises those provisions to include the theft of audio or visual services.

Existing law creates the Technological Crime Advisory Board. (NRS 205A.040) Existing law also requires the appointment of an Executive Director of Technological Crime within the Office of the Attorney General upon approval by two-thirds of the members of the Board. (NRS 205A.070) **Section 3** of this bill requires the appointment to be made upon approval by a majority of the members of the Board.

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

Section 1. Chapter 228 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Attorney General may:

(a) Investigate and prosecute any alleged technological crime.

(b) Pursue the forfeiture of property relating to a technological crime in accordance with the provisions of NRS ~~[179.1156 to 179.121,]~~ 179.1211 to 179.1235, inclusive.

(c) Bring an action to enjoin or obtain any other equitable relief to prevent the occurrence or continuation of a technological crime.

2. As used in this section, "technological crime" has the meaning ascribed to it in NRS 205A.030.

Sec. 1.5. **NRS 179.1231 is hereby amended to read as follows:**

179.1231 1. Property subject to forfeiture under NRS 179.1219 or 179.1229 may be seized by a law enforcement agency upon process issued by a court. Before an order of civil forfeiture is issued without legal process, notice of the claim for forfeiture of real property may be given in the manner provided in NRS 14.010 and 14.015. A seizure of personal property may be made without legal process if the seizure is incident to:

(a) A lawful arrest or search; or

(b) An inspection under an administrative warrant.

2. Property seized or made the subject of notice under this section is deemed to be in the custody of the agency, subject only to orders of the court which has jurisdiction over the proceedings for forfeiture. An agency which has seized such property without process shall begin proceedings for forfeiture promptly. Such an action takes precedence over other civil proceedings. The seized property is subject to an action to claim the delivery of the property if the agency does not file the complaint for forfeiture within 60 days after the property is seized. If a complaint for forfeiture is filed after an affidavit claiming delivery, the complaint must be treated as a counterclaim.

3. When property is seized pursuant to this section, pending forfeiture and final disposition, the law enforcement agency may:

(a) Place the property under seal.

(b) Remove the property to a place designated by the court.

(c) Require another agency authorized by law to take custody of the property and remove it to an appropriate location.

4. The district attorney ***or the Attorney General*** may institute civil proceedings under this section for the forfeiture of property subject to forfeiture pursuant to NRS 179.1229. The ***district attorney and the*** Attorney General ~~[may institute such proceedings when the property is seized by a state agency.]~~ ***shall determine by agreement between themselves which of them will institute such a proceeding in a particular case.*** If a district attorney ***or the Attorney General*** has not instituted such a proceeding or has not pursued one which was instituted ~~[,]~~ ***in accordance with the agreement,*** the ~~[Attorney General]~~ ***other*** may intercede after giving ***the prosecutor***

designated in the agreement 30 days' written notice of the intention to do so ***.*** ~~[to the district attorney.]~~ In any action so brought, the district court shall proceed as soon as practicable to the hearing and determination. Pending final determination in an action brought pursuant to this section, the district court may at any time enter such injunctions, prohibitions or restraining orders, or take such actions, including, without limitation, the acceptance of satisfactory performance bonds, as the court deems proper in connection with any property or interest subject to forfeiture.

5. Upon a finding of civil liability under this section, the court may order the forfeiture of the appropriate property.

Sec. 2. NRS 205.0832 is hereby amended to read as follows:

205.0832 1. Except as otherwise provided in subsection 2, a person commits theft if, without lawful authority, the person knowingly:

(a) Controls any property of another person with the intent to deprive that person of the property.

(b) Converts, makes an unauthorized transfer of an interest in, or without authorization controls any property of another person, or uses the services or property of another person entrusted to him or her or placed in his or her possession for a limited, authorized period of determined or prescribed duration or for a limited use.

(c) Obtains real, personal or intangible property or the services of another person by a material misrepresentation with intent to deprive that person of the property or services. As used in this paragraph, "material misrepresentation" means the use of any pretense, or the making of any promise, representation or statement of present, past or future fact which is fraudulent and which, when used or made, is instrumental in causing the wrongful control or transfer of property or services. The pretense may be verbal or it may be a physical act.

(d) Comes into control of lost, mislaid or misdelivered property of another person under circumstances providing means of inquiry as to the true owner and appropriates that property to his or her own use or that of another person without reasonable efforts to notify the true owner.

(e) Controls property of another person knowing or having reason to know that the property was stolen.

(f) Obtains services ***, including, without limitation, audio or visual services,*** or parts, products or other items related to such services which the person knows ***or, in the case of audio or visual services, should have known*** are available only for compensation without paying or agreeing to pay compensation or diverts the services of another person to his or her own benefit or that of another person without lawful authority to do so.

(g) Takes, destroys, conceals or disposes of property in which another person has a security interest, with intent to defraud that person.

(h) Commits any act that is declared to be theft by a specific statute.

(i) Draws or passes a check, and in exchange obtains property or services, if the person knows that the check will not be paid when presented.

(j) Obtains gasoline or other fuel or automotive products which are available only for compensation without paying or agreeing to pay compensation.

2. A person who commits an act that is prohibited by subsection 1 which involves the repair of a vehicle has not committed theft unless, before the repair was made, the person received a written estimate of the cost of the repair.

Sec. 3. NRS 205A.070 is hereby amended to read as follows:

205A.070 1. Upon approval by ~~[two-thirds]~~ ***a majority*** of the members of the Board, the Board shall appoint an Executive Director of Technological Crime within the Office of the Attorney General.

2. The Executive Director is in the unclassified service of the State and serves at the pleasure of the Board.

3. The Board shall establish the qualifications, powers and duties of the Executive Director.

Sec. 4. This act becomes effective on July 1, 2013.

Assemblywoman Benitez-Thompson moved the adoption of the amendment.

Remarks by Assemblywoman Benitez-Thompson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 39.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 679.

AN ACT relating to the Nevada Commission on Homeland Security; clarifying that the exceptions to the Open Meeting Law that are provided by law for the Commission also apply **, with certain limitations,** to all committees appointed by the Chair of the Commission; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law generally requires the Nevada Commission on Homeland Security to comply with the Open Meeting Law but authorizes the Commission, upon a majority vote, to hold a closed meeting to receive security briefings, discuss procedures for responding to acts of terrorism and related emergencies, or discuss deficiencies in security with respect to public services, public facilities and infrastructure. (NRS 239C.140) This bill

clarifies that the exceptions to the Open Meeting Law that are provided by law for the Commission also apply to all committees appointed by the Chair of the Commission. **This bill authorizes any such committee to hold a closed meeting under circumstances where the Commission may do so, with the prior approval of the Commission.**

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

Section 1. NRS 239C.140 is hereby amended to read as follows:

239C.140 1. Except as otherwise provided in subsections 2 and 3, the Commission ***and any committee appointed pursuant to NRS 239C.170*** shall comply with the provisions of chapter 241 of NRS and ***shall conduct*** all meetings ~~[of the Commission must be conducted]~~ in accordance with that chapter.

2. The Commission ***and , with the prior approval of the Commission, any committee appointed pursuant to NRS 239C.170*** may hold a closed meeting to:

(a) Receive security briefings;

(b) Discuss procedures for responding to acts of terrorism and related emergencies; or

(c) Discuss deficiencies in security with respect to public services, public facilities and infrastructure,

➥ if the Commission ***or committee*** determines, upon a majority vote of its members, that the public disclosure of such matters would be likely to compromise, jeopardize or otherwise threaten the safety of the public.

3. Except as otherwise provided in NRS 239.0115, all information and materials received or prepared by the Commission ***or any committee appointed pursuant to NRS 239C.170*** during a meeting closed pursuant to subsection 2 and all minutes and audiovisual or electronic reproductions of such a meeting are confidential, not subject to subpoena or discovery, and not subject to inspection by the general public.

Assemblywoman Benitez-Thompson moved the adoption of the amendment.

Remarks by Assemblywoman Benitez-Thompson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 66.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 715.

AN ACT relating to counties; authorizing, under certain circumstances, the board of county commissioners of certain smaller counties to authorize the use of county equipment on the property of a local government **or a private road** located within the county; ~~[revising the authority of counties over property within the county; revising provisions governing the use of county highway patrols and equipment on private roads and authorizing a county to recover the related labor costs of such use; revising provisions governing the abatement of a chronic nuisance on property located within the unincorporated area of a county; revising provisions governing the abatement of a public nuisance on property located within a county; revising provisions governing the covering or removal of graffiti on residential and nonresidential property in a county;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a board of county commissioners may authorize the use of county highway patrols and snowplows on private roads under certain circumstances. (NRS 244.273) Section 1 of this bill authorizes, under certain circumstances, the board of county commissioners in a county whose population is less than 15,000 (currently Esmeralda, Eureka, Lander, Lincoln, Mineral, Pershing, Storey and White Pine Counties) to authorize the use of county equipment on the property of any local government that is located within the county.

~~[Existing law authorizes a board of county commissioners to make orders concerning the property of the county. (NRS 244.265) Section 1.5 of this bill extends that authority to property within the county.~~

~~Existing law provides that a board of county commissioners may authorize the use of county highway patrols and snowplows on private roads if the board declares an emergency or deems the use to be in the best interest of the county. (NRS 244.273) Section 2 of this bill: (1) authorizes the use of county equipment on private roads under certain circumstances; (2) eliminates provisions that limit the circumstances under which such a use may be deemed to be in the best interest of the county; and (3) authorizes the board to recover from the owner of the private road the related labor costs of such a use.~~

~~Existing law authorizes a board of county commissioners to adopt an ordinance setting forth procedures pursuant to which the district attorney may file a court action seeking the abatement of a chronic nuisance that is located or occurring within the unincorporated area of the county, the closure of the property where the nuisance is located or occurring, penalties against the owner of the property and any other appropriate relief. (NRS 244.3603) Section 4 of this bill eliminates certain provisions which: (1) specify the~~

~~procedures and provisions that the ordinance must include; (2) specify the civil penalties and costs that may be imposed against the owner of the property; and (3) define the term "chronic nuisance" to specify when such a nuisance exists.~~

~~Existing law authorizes a board of county commissioners to adopt an ordinance setting forth procedures pursuant to which the board or its designee may order an owner of property within the county to take certain actions concerning the property to abate a public nuisance. (NRS 244.3605) Section 5 of this bill eliminates certain provisions which: (1) specify that the ordinance must contain certain procedures; and (2) specify the conditions under which the county may abate the public nuisance.~~

~~Existing law authorizes a board of county commissioners to adopt an ordinance setting forth procedures pursuant to which officers, employees or other designees of the county may cover or remove certain graffiti on residential property. (NRS 244.36935) Section 6 of this bill eliminates certain provisions that the ordinance must contain, including: (1) the circumstances under which the county may cover or remove such graffiti; and (2) the requirement that the county pay the cost of covering or removing the graffiti.~~

~~Existing law also authorizes a board of county commissioners to adopt an ordinance setting forth procedures pursuant to which the board or its designee may order an owner of nonresidential property to cover or remove certain graffiti. (NRS 244.3694) Section 7 of this bill eliminates certain provisions which: (1) specify that the ordinance must contain certain procedures; and (2) specify the conditions under which the county may cover or remove the graffiti.~~**]** **Section 1 also authorizes, under certain circumstances, the board of county commissioners of such a county to authorize the use of county highway patrols and county equipment on any private road that is located within the county and to require the owner of the road to pay the county for the use of the equipment and related labor costs.**

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

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

In a county whose population is less than 15,000, the board of county commissioners may authorize the use of ~~[county]~~ :

1. County equipment on the property of any local government that is located within the county if:

~~[1.]~~ (a) The board adopts an ordinance which sets forth its determination that such use is in the best interest of the county.

~~[2.]~~ ***(b) The board and the governing body of the local government enter into an interlocal agreement providing for the reimbursement of the county for the use of such equipment and related labor costs.***

~~[3.]~~ ***(c) An employee of the county operates the equipment.***

2. County highway patrols and county equipment on any private road that is located within the county if:

(a) The board declares an emergency; or

(b) The board adopts an ordinance which sets forth its determination that such use is in the best interest of the county in the absence of a contractor that is licensed to perform the work.

➥ If the board authorizes the use of a county highway patrol or county equipment on a private road pursuant to this subsection, the equipment must be operated by an employee of the county. The board may require the owner of the road to pay the county for the use of the equipment and related labor costs.

Sec. 1.5. ~~[~~NRS 244.265 is hereby amended to read as follows:~~]~~ ~~244.265 The boards of county commissioners shall have power and jurisdiction in their respective counties to make orders respecting the property [of] within the county. [in conformity with any law of this State, and to take care of and preserve such property.]~~ **(Deleted by amendment.)**

Sec. 2. NRS 244.273 is hereby amended to read as follows:

244.273 ~~[The]~~ ***Except as otherwise provided in section 1 of this act, the*** board of county commissioners of each county may authorize the use of county highway patrols and snowplows ~~*[equipment]*~~ on private roads if:

1. The board declares an emergency; or

2. The board deems ~~*[adopts an ordinance which sets forth its determination that]*~~ such use to be ~~*[is]*~~ in the best interest of the county ~~[.]~~ ***in the absence of a contractor that is licensed to perform the work.*** The board shall not deem such use to be in the best interest of the county unless:

(a) The equipment is being used for routine county business in the area where the private roads are located; and

(b) The use of the equipment on private roads does not interfere with the normal operations of the county. ~~*[in the absence of a responsive and responsible contractor that is licensed to perform the work.]*~~

➥ If the board authorizes the use of a county highway patrol or snowplow ~~*[equipment]*~~ on a private road pursuant to this section, the equipment must be operated by an employee of the county. The board may require the owner of the road to pay the county the prevailing rental rate for the use of such equipment . ~~*[and related labor costs.]*~~

Sec. 3. ~~[NRS 244.3601 is hereby amended to read as follows:~~

~~244.3601 1. Notwithstanding the abatement procedures set forth in NRS 244.360~~ **,** ~~[or 244.3605,]~~ a board of county commissioners may, by ordinance ~~[, provide]~~ **:**

~~***(a) Provide*** for a reasonable means to secure or summarily abate a dangerous structure or condition that at least three persons who enforce building codes, housing codes, zoning ordinances or local health regulations, or who are members of a local law enforcement agency or fire department, determine in a signed, written statement to be an imminent danger.~~

~~***(b) Provide for the imposition of civil penalties.***~~

~~2. Except as otherwise provided in subsection 3, the owner of the property on which the structure or condition is located must be given reasonable written notice that is:~~

~~(a) If practicable, hand-delivered or sent prepaid by United States mail to the owner of the property; or~~

~~(b) Posted on the property,~~

~~before the structure or condition is so secured. The notice must state clearly that the owner of the property may challenge the action to secure or summarily abate the structure or condition and must provide a telephone number and address at which the owner may obtain additional information.~~

~~3. If it is determined in the signed, written statement provided pursuant to subsection 1 that the structure or condition is an imminent danger and the result of the imminent danger is likely to occur before the notice and an opportunity to challenge the action can be provided pursuant to subsection 2, then the structure or condition which poses such an imminent danger that presents an immediate hazard may be summarily abated. A structure or condition summarily abated pursuant to this section may only be abated to the extent necessary to remove the imminent danger that presents an immediate hazard. The owner of the structure or condition which is summarily abated must be given written notice of the abatement after its completion. The notice must state clearly that the owner of the property may seek judicial review of the summary abatement and must provide an address and telephone number at which the owner may obtain additional information concerning the summary abatement.~~

~~4. The costs of securing or summarily abating the structure or condition~~ ***and any civil penalty that has not been collected from the owner of the property*** ~~may be made a special assessment against the real property on which the structure or condition is located and may be collected pursuant to the provisions set forth in subsection 4 of NRS 244.360.~~

~~5. As used in this section~~ **[**~~:~~

~~(a) "Dangerous structure or condition" has the meaning ascribed to it in subsection 6 of NRS 244.3605.~~

~~(b) "Imminent~~**] , *"imminent*** ~~danger" means the existence of any structure or condition that could reasonably be expected to cause injury or endanger the life, safety, health or property of:~~

~~**[**(1)~~**] *(a)*** ~~The occupants, if any, of the real property on which the structure or condition is located; or~~

~~**[**(2)~~**] *(b)*** ~~The general public.~~**] (Deleted by amendment.)**

Sec. 4. ~~**[**NRS 244.3603 is hereby amended to read as follows:~~

~~244.3603 1. Each board of county commissioners may, by ordinance, to protect the public health, safety and welfare of the residents of the county, adopt procedures pursuant to which the district attorney may file an action in a court of competent jurisdiction to:~~

~~(a) Seek the abatement of a chronic nuisance that is located or occurring within the unincorporated area of the county;~~

~~(b) If applicable, seek the closure of the property where the chronic nuisance is located or occurring; and~~

~~(c) If applicable, seek *civil* penalties against the owner of the property within the unincorporated area of the county and any other appropriate relief.~~

~~2. An ordinance adopted pursuant to subsection 1 **[**must:~~

~~(a) Contain procedures pursuant to which the owner of the property is:~~

~~(1) Sent a notice, by certified mail, return receipt requested, by the sheriff or other person authorized to issue a citation of the existence on the owner's property of nuisance activities and the date by which the owner must abate the condition to prevent the matter from being submitted to the district attorney for legal action.~~

~~(2) If the chronic nuisance is not an immediate danger to the public health, safety or welfare and was caused by the criminal activity of a person other than the owner, afforded a minimum of 30 days to abate the chronic nuisance.~~

~~(3) Afforded an opportunity for a hearing before a court of competent jurisdiction.~~

~~(b) Provide that the date specified in the notice by which the owner must abate the condition is tolled for the period during which the owner requests a hearing and receives a decision.~~

~~(c)~~**] *may:***

~~***(a)*** Provide the manner in which the county will recover money expended to abate the condition on the property if the owner fails to abate the condition.~~

~~***(b) Provide for the imposition of civil penalties.***~~

~~3. **[**If the court finds that a chronic nuisance exists and action is necessary to avoid serious threat to the public welfare or the safety or health of the occupants of the property, the court may order the county to secure and close the property until the nuisance is abated and may:~~

~~(a) Impose a civil penalty:~~

~~(1) If the property is nonresidential property, of not more than $750 per day; or~~

~~(2) If the property is residential property, of not more than $500 per day,~~

~~for each day that the condition was not abated after the date specified in the notice by which the owner was required to abate the condition;~~

~~(b) Order the owner to pay the county for the cost incurred by the county in abating the condition; and~~

~~(c) Order any other appropriate relief.~~

~~4. In addition to any other reasonable means authorized by the court for the recovery of money expended by the county to abate the chronic nuisance and, except as otherwise provided in subsection 5, for the collection of civil penalties imposed pursuant to subsection 3, the board may make the expense and civil penalties a special assessment against the property upon which the chronic nuisance is located or occurring. The special assessment may be collected pursuant to the provisions set forth in subsection 4 of NRS 244.360.~~

~~5.~~**]** ~~Any~~ ***money expended to abate the condition on the property and*** ~~civil penalties that have not been collected from the owner of the property may~~ **[**~~not~~**]** ~~be made a special assessment against the property~~ **.** **[**~~pursuant to subsection 4 by the board unless:~~

~~(a) At least 12 months have elapsed after the date specified in the order of the court by which the owner must abate the chronic nuisance or, if the owner appeals that order, the date specified in the order of the appellate court by which the owner must abate the chronic nuisance, whichever is later;~~

~~(b) The owner has been billed, served or otherwise notified that the civil penalties are due; and~~

~~(c) The amount of the uncollected civil penalties is more than $5,000.~~

~~6. As used in this section:~~

~~(a) A "chronic nuisance" exists:~~

~~(1) When three or more nuisance activities exist or have occurred during any 90-day period on the property.~~

~~(2) When a person associated with the property has engaged in three or more nuisance activities during any 90-day period on the property or within 100 feet of the property.~~

~~(3) When the property has been the subject of a search warrant based on probable cause of continuous or repeated violations of chapter 459 of NRS.~~

~~(4) When a building or place is used for the purpose of unlawfully selling, serving, storing, keeping, manufacturing, using or giving away a controlled substance, immediate precursor or controlled substance analog.~~

~~(5) When a building or place was used for the purpose of unlawfully manufacturing a controlled substance, immediate precursor or controlled substance analog and:~~

~~(I) The building or place has not been deemed safe for habitation by a governmental entity; or~~

~~(II) All materials or substances involving the controlled substance, immediate precursor or controlled substance analog have not been removed from or remediated on the building or place by an entity certified or licensed to do so within 180 days after the building or place is no longer used for the purpose of unlawfully manufacturing a controlled substance, immediate precursor or controlled substance analog.~~

~~(b) "Commercial real estate" has the meaning ascribed to it in NRS 645.8711.~~

~~(c) "Controlled substance analog" has the meaning ascribed to it in NRS 453.043.~~

~~(d) "Immediate precursor" has the meaning ascribed to it in NRS 453.086.~~

~~(e) "Nuisance activity" means:~~

~~(1) Criminal activity;~~

~~(2) The presence of debris, litter, garbage, rubble, abandoned or junk vehicles or junk appliances;~~

~~(3) Violations of building codes, housing codes or any other codes regulating the health or safety of occupants of real property;~~

~~(4) Excessive noise and violations of curfew; or~~

~~(5) Any other activity, behavior or conduct defined by the board to constitute a public nuisance.~~

~~(f) "Person associated with the property" means:~~

~~(1) The owner of the property;~~

~~(2) The manager or assistant manager of the property;~~

~~(3) The tenant of the property; or~~

~~(4) A person who, on the occasion of a nuisance activity, has:~~

~~(I) Entered, patronized or visited;~~

~~(II) Attempted to enter, patronize or visit; or~~

~~(III) Waited to enter, patronize or visit,~~

~~the property or a person present on the property.~~

~~(g) "Residential property" means:~~

~~(1) Improved real estate that consists of not more than four residential units;~~

~~(2) Unimproved real estate for which not more than four residential units may be developed or constructed pursuant to any zoning regulations or any development plan applicable to the real estate; or~~

~~(3) 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.~~

~~"The term does not include commercial real estate.~~**]** **(Deleted by amendment.)**

Sec. 5. ~~[NRS 244.3605 is hereby amended to read as follows:~~

~~244.3605 1. Notwithstanding the provisions of NRS 244.360 and 244.3601, the board of county commissioners of a county may, to abate public nuisances, adopt by ordinance procedures pursuant to which the board or its designee may order an owner of property within the county to:~~

~~(a) Repair, safeguard or eliminate a dangerous structure or condition;~~

~~(b) Clear debris, rubbish and refuse which is not subject to the provisions of chapter 459 of NRS;~~

~~(c) Clear weeds and noxious plant growth; or~~

~~(d) Repair, clear, correct, rectify, safeguard or eliminate any other public nuisance as defined in the ordinance adopted pursuant to this section,~~

~~"to protect the public health, safety and welfare of the residents of the county.~~

~~2. An ordinance adopted pursuant to subsection 1~~ **[**~~must:~~**]** ***may:***

~~(a)~~ **[**~~Contain procedures pursuant to which the owner of the property is:~~

~~(1) Sent notice, by certified mail, return receipt requested, of the existence on the owner's property of a public nuisance set forth in subsection 1 and the date by which the owner must abate the public nuisance.~~

~~(2) If the public nuisance is not an immediate danger to the public health, safety or welfare and was caused by the criminal activity of a person other than the owner, afforded a minimum of 30 days to abate the public nuisance.~~

~~(3) Afforded an opportunity for a hearing before the designee of the board and an appeal of that decision either to the board or to a court of competent jurisdiction, as determined by the ordinance adopted pursuant to subsection 1.~~

~~(b) Provide that the date specified in the notice by which the owner must abate the public nuisance is tolled for the period during which the owner requests a hearing and receives a decision.~~

~~(c)~~**]** ~~Provide the manner in which the county will recover money expended to abate the public nuisance on the property if the owner fails to abate the public nuisance.~~

~~**[**(d)~~**]** ***(b)*** ~~Provide for~~ ***the imposition of*** ~~civil penalties~~ **[**~~for each day that~~**]** ***if*** ~~the owner did not abate the public nuisance .~~ **[**~~after the date specified in the notice by which the owner was required to abate the public nuisance.~~

~~3. The county may abate the public nuisance on the property and may recover the amount expended by the county for labor and materials used to abate the public nuisance if:~~

~~(a) The owner has not requested a hearing within the time prescribed in the ordinance adopted pursuant to subsection 1 and has failed to abate the public nuisance on the owner's property within the period specified in the notice;~~

~~(b) After a hearing in which the owner did not prevail, the owner has not filed an appeal within the time prescribed in the ordinance adopted pursuant to subsection 1 and has failed to abate the public nuisance within the period specified in the order; or~~

~~(c) The board or a court of competent jurisdiction has denied the appeal of the owner and the owner has failed to abate the public nuisance within the period specified in the order.~~

~~4.~~**]** ***3.*** ~~In addition to any other reasonable means for recovering money expended by the county to abate the public nuisance and~~ **[**~~, except as otherwise provided in subsection 5,~~**]** ~~for collecting civil penalties imposed pursuant to the ordinance adopted pursuant to subsection 1, the expense and civil penalties are a special assessment against the property upon which the public nuisance is located, and this special assessment may be collected pursuant to the provisions set forth in subsection 4 of NRS 244.360.~~

~~**[**5. Any civil penalties that have not been collected from the owner of the property are not a special assessment against the property pursuant to subsection 4 unless:~~

~~(a) At least 12 months have elapsed after the date specified in the notice by which the owner must abate the public nuisance or the date specified in the order of the board or court by which the owner must abate the public nuisance, whichever is later;~~

~~(b) The owner has been billed, served or otherwise notified that the civil penalties are due; and~~

~~(c) The amount of the uncollected civil penalties is more than $5,000.~~

~~6. As used in this section, "dangerous structure or condition" means a structure or condition that is a public nuisance which may cause injury to or endanger the health, life, property or safety of the general public or the occupants, if any, of the real property on which the structure or condition is located. The term includes, without limitation, a structure or condition that:~~

~~(a) Does not meet the requirements of a code or regulation adopted pursuant to NRS 244.3675 with respect to minimum levels of health or safety; or~~

~~(b) Violates an ordinance, rule or regulation regulating health and safety enacted, adopted or passed by the board of county commissioners of a county, the violation of which is designated by the board as a public nuisance in the ordinance, rule or regulation.~~**]** **(Deleted by amendment.)**

Sec. 6. ~~[NRS 244.36935 is hereby amended to read as follows:~~

~~244.36935 [1.] The board of county commissioners may adopt by ordinance procedures pursuant to which officers, employees or other designees of the county may cover or remove graffiti that is:~~

~~[(a)] 1. Placed on the exterior of a fence or wall located on the perimeter of residential property; and~~

~~[(b)] 2. Visible from a public right-of-way.~~

~~[2. An ordinance adopted pursuant to subsection 1 must provide that:~~

~~(a) Officers, employees or other designees of the county shall not cover or remove the graffiti unless:~~

~~(1) The owner of the residential property consents to the covering or removal of the graffiti; or~~

~~(2) If the board of county commissioners or its designee is unable to contact the owner of the residential property to obtain the owner's consent, the board first provides the owner of the property with written notice that is:~~

~~(I) Sent by certified mail, return receipt requested; and~~

~~(II) Posted on the residential property on which the graffiti will be covered or from which the graffiti will be removed,~~

~~→ at least 5 days before the officers, employees or other designees of the county cover or remove the graffiti.~~

~~(b) The county shall pay the cost of covering or removing the graffiti.]]~~

(Deleted by amendment.)

Sec. 7. ~~[NRS 244.3694 is hereby amended to read as follows:~~

~~244.3694 1. The board of county commissioners of a county may adopt by ordinance procedures pursuant to which the board or its designee may order an owner of nonresidential property within the county to cover or remove graffiti that is:~~

~~(a) Placed on that nonresidential property; and~~

~~(b) Visible from a public right-of-way,~~

~~→ to protect the public health, safety and welfare of the residents of the county and to prevent blight upon the community.~~

~~2. An ordinance adopted pursuant to subsection 1 [must:] may:~~

~~(a) [Contain procedures pursuant to which the owner of the property is:~~

~~(1) Sent notice, by certified mail, return receipt requested, of the existence on the owner's property of graffiti and the date by which the owner must cover or remove the graffiti; and~~

~~(2) Afforded an opportunity for a hearing and an appeal before the board or its designee.~~

~~(b) Provide that the date specified in the notice by which the owner must cover or remove the graffiti is tolled for the period during which the owner requests a hearing and receives a decision.~~

~~(c)~~**]** ~~Provide the manner in which the county will recover money expended for labor and materials used to cover or remove the graffiti if the owner fails to cover or remove the graffiti.~~

~~***(b) Provide for the imposition of civil penalties.***~~

~~3.~~ ~~**[**The board or its designee may direct the county to cover or remove the graffiti and may recover the amount expended by the county for labor and materials used to cover or remove the graffiti if:~~

~~(a) The owner has not requested a hearing within the time prescribed in the ordinance adopted pursuant to subsection 1 and has failed to cover or remove the graffiti within the period specified in the notice;~~

~~(b) After a hearing in which the owner did not prevail, the owner has not filed an appeal within the time prescribed in the ordinance adopted pursuant to subsection 1 and has failed to cover or remove the graffiti within the period specified in the order; or~~

~~(c) The board has denied the appeal of the owner and the owner has failed to cover or remove the graffiti within the period specified in the order.~~

~~4.~~**]** ~~In addition to any other reasonable means of recovering money expended by the county to cover or remove the graffiti, the board may~~ **[**~~:~~

~~(a) Provide that the cost of covering or removing the graffiti is a lien upon the nonresidential property on which the graffiti was covered or from which the graffiti was removed; or~~

~~(b) Make~~**]** ***make*** ~~the cost of covering or removing the graffiti~~ ***and any civil penalty that has not been collected from the owner of the property*** ~~a special assessment against the nonresidential property on which the graffiti was covered or from which the graffiti was removed.~~

~~**[**5. A lien authorized pursuant to paragraph (a) of subsection 4 must be perfected by:~~

~~(a) Mailing by certified mail a notice of the lien, separately prepared for each lot affected, addressed to the last known owner of the property at his or her last known address, as determined by the real property assessment roll in the county in which the nonresidential property is located; and~~

~~(b) Filing with the county recorder of the county in which the nonresidential property is located, a statement of the amount due and unpaid and describing the property subject to the lien.~~

~~6. A special assessment authorized pursuant to paragraph (b) of subsection 4 may be collected at the same time and in the same manner as ordinary county taxes are collected, and is subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary county taxes. All laws applicable to the levy, collection and enforcement of county taxes are applicable to such a special assessment.~~

~~7. As used in this section, "nonresidential property" means all real property other than residential property. The term does not include real property owned by a governmental entity.~~ **] (Deleted by amendment.)**

Sec. 8. This act becomes effective on January 1, 2014.

Assemblywoman Benitez-Thompson moved the adoption of the amendment.

Remarks by Assemblywoman Benitez-Thompson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 76.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 683.

AN ACT relating to concealed firearms; revising the definition of "concealed firearm"; authorizing a person to obtain one permit to carry a concealed firearm for all handguns owned by the person; revising provisions relating to a person's demonstration of competence with certain firearms for the purpose of obtaining or renewing a permit to carry a concealed firearm; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines "concealed firearm" as a loaded or unloaded pistol, revolver or other firearm which is carried upon a person in such a manner as not to be discernible by ordinary observation. (NRS 202.3653) Existing law provides that a person who applies for a permit to carry a concealed firearm may submit one application and obtain one permit to carry all revolvers and semiautomatic firearms owned by the person. A permit must list each category of firearm to which the permit pertains and is valid for any revolver or semiautomatic firearm which the permittee owns or thereafter obtains. An applicant for a permit must demonstrate competence with revolvers, semiautomatic firearms or both, as applicable, before obtaining a permit. (NRS 202.3657) Existing law also requires a permittee who wishes to renew his or her permit to demonstrate continued competence with revolvers, semiautomatic firearms or both, as applicable. (NRS 202.3677)

Section 1 of this bill revises the definition of "concealed firearm" and defines the term as a loaded or unloaded handgun which is carried upon a person in a manner as not to be discernible by ordinary observation. **Section 2** of this bill provides that a person may obtain one permit to carry all handguns owned by the person, and such a permit is valid for any handgun which the person owns or thereafter obtains. **Section 2** requires an applicant for a permit to demonstrate competence with handguns before obtaining a permit, and **section 4** of this bill requires a permittee to demonstrate

continued competence with handguns before renewing a permit. **Section 3** of this bill revises the required form of a permit.

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

Section 1. NRS 202.3653 is hereby amended to read as follows:

202.3653 As used in NRS 202.3653 to 202.369, inclusive, unless the context otherwise requires:

1. "Concealed firearm" means a loaded or unloaded **[**~~pistol, revolver or other firearm~~**]** ***handgun*** which is carried upon a person in such a manner as not to be discernible by ordinary observation.

2. "Department" means the Department of Public Safety.

3. ***"Handgun" has the meaning ascribed to it in 18 U.S.C. § 921(a)(29).***

4. "Permit" means a permit to carry a concealed firearm issued pursuant to the provisions of NRS 202.3653 to 202.369, inclusive.

[~~4. "Revolver" means a firearm that has a revolving cylinder with several chambers, which, by pulling the trigger or setting the hammer, are aligned with the barrel, placing the bullet in a position to be fired. The term includes, without limitation, a single or double derringer.~~

~~5. "Semiautomatic firearm" means a firearm which:~~

~~(a) Uses the energy of the explosive in a fixed cartridge to extract a fixed cartridge and chamber a fresh cartridge with each single pull of the trigger; and~~

~~(b) Requires the release of the trigger and another pull of the trigger for each successive shot.~~**]**

Sec. 2. NRS 202.3657 is hereby amended to read as follows:

202.3657 1. Any person who is a resident of this State may apply to the sheriff of the county in which he or she resides for a permit on a form prescribed by regulation of the Department. Any person who is not a resident of this State may apply to the sheriff of any county in this State for a permit on a form prescribed by regulation of the Department. Application forms for permits must be furnished by the sheriff of each county upon request.

2. A person applying for a permit may submit one application and obtain one permit to carry all **[**~~revolvers and semiautomatic firearms~~**]** ***handguns*** owned by the person. The person must not be required to list and identify on the application each **[**~~revolver or semiautomatic firearm~~**]** ***handgun*** owned by the person. A permit **[**~~must list each category of firearm to which the permit pertains and~~**]** is valid for any **[**~~revolver or semiautomatic firearm~~**]** ***handgun*** which is owned or thereafter obtained by the person to whom the permit is issued.

3. Except as otherwise provided in this section, the sheriff shall issue a permit **[**~~for revolvers, semiautomatic firearms or both, as applicable,~~**]** to any

person who is qualified to possess ~~[the firearms to which the application pertains]~~ ***a handgun*** under state and federal law, who submits an application in accordance with the provisions of this section and who:

(a) Is 21 years of age or older;

(b) Is not prohibited from possessing a firearm pursuant to NRS 202.360; and

(c) Demonstrates competence with ~~[revolvers, semiautomatic firearms or both, as applicable,]~~ ***handguns*** by presenting a certificate or other documentation to the sheriff which shows that the applicant:

(1) Successfully completed a course in firearm safety approved by a sheriff in this State; or

(2) Successfully completed a course in firearm safety offered by a federal, state or local law enforcement agency, community college, university or national organization that certifies instructors in firearm safety.

➥ Such a course must include instruction in the use of ~~[revolvers, semiautomatic firearms or both, as applicable,]~~ ***handguns*** and in the laws of this State relating to the use of a firearm. A sheriff may not approve a course in firearm safety pursuant to subparagraph (1) unless the sheriff determines that the course meets any standards that are established by the Nevada Sheriffs' and Chiefs' Association or, if the Nevada Sheriffs' and Chiefs' Association ceases to exist, its legal successor.

4. The sheriff shall deny an application or revoke a permit if the sheriff determines that the applicant or permittee:

(a) Has an outstanding warrant for his or her arrest.

(b) Has been judicially declared incompetent or insane.

(c) Has been voluntarily or involuntarily admitted to a mental health facility during the immediately preceding 5 years.

(d) Has habitually used intoxicating liquor or a controlled substance to the extent that his or her normal faculties are impaired. For the purposes of this paragraph, it is presumed that a person has so used intoxicating liquor or a controlled substance if, during the immediately preceding 5 years, the person has been:

(1) Convicted of violating the provisions of NRS 484C.110; or

(2) Committed for treatment pursuant to NRS 458.290 to 458.350, inclusive.

(e) Has been convicted of a crime involving the use or threatened use of force or violence punishable as a misdemeanor under the laws of this or any other state, or a territory or possession of the United States at any time during the immediately preceding 3 years.

(f) Has been convicted of a felony in this State or under the laws of any state, territory or possession of the United States.

(g) Has been convicted of a crime involving domestic violence or stalking, or is currently subject to a restraining order, injunction or other order for protection against domestic violence.

(h) Is currently on parole or probation from a conviction obtained in this State or in any other state or territory or possession of the United States.

(i) Has, within the immediately preceding 5 years, been subject to any requirements imposed by a court of this State or of any other state or territory or possession of the United States, as a condition to the court's:

(1) Withholding of the entry of judgment for a conviction of a felony; or

(2) Suspension of sentence for the conviction of a felony.

(j) Has made a false statement on any application for a permit or for the renewal of a permit.

5. The sheriff may deny an application or revoke a permit if the sheriff receives a sworn affidavit stating articulable facts based upon personal knowledge from any natural person who is 18 years of age or older that the applicant or permittee has or may have committed an offense or engaged in any other activity specified in subsection 4 which would preclude the issuance of a permit to the applicant or require the revocation of a permit pursuant to this section.

6. If the sheriff receives notification submitted by a court or law enforcement agency of this or any other state, the United States or a territory or possession of the United States that a permittee or an applicant for a permit has been charged with a crime involving the use or threatened use of force or violence, the conviction for which would require the revocation of a permit or preclude the issuance of a permit to the applicant pursuant to this section, the sheriff shall suspend the person's permit or the processing of the person's application until the final disposition of the charges against the person. If a permittee is acquitted of the charges, or if the charges are dropped, the sheriff shall restore his or her permit without imposing a fee.

7. An application submitted pursuant to this section must be completed and signed under oath by the applicant. The applicant's signature must be witnessed by an employee of the sheriff or notarized by a notary public. The application must include:

(a) The name, address, place and date of birth, social security number, occupation and employer of the applicant and any other names used by the applicant;

(b) A complete set of the applicant's fingerprints taken by the sheriff or his or her agent;

(c) A front-view colored photograph of the applicant taken by the sheriff or his or her agent;

(d) If the applicant is a resident of this State, the driver's license number or identification card number of the applicant issued by the Department of Motor Vehicles;

(e) If the applicant is not a resident of this State, the driver's license number
or identification card number of the applicant issued by another state or jurisdiction;

(f) ~~[~~Whether the application pertains to semiautomatic firearms;

~~(g) Whether the application pertains to revolvers;~~

~~(h)]~~ A nonrefundable fee equal to the nonvolunteer rate charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation to obtain the reports required pursuant to subsection 1 of NRS 202.366; and

~~[(i)]~~ ***(g)*** A nonrefundable fee set by the sheriff not to exceed $60.

Sec. 3. NRS 202.366 is hereby amended to read as follows:

202.366 1. Upon receipt by a sheriff of an application for a permit, including an application for the renewal of a permit pursuant to NRS 202.3677, the sheriff shall conduct an investigation of the applicant to determine if the applicant is eligible for a permit. In conducting the investigation, the sheriff shall forward a complete set of the applicant's fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report concerning the criminal history of the applicant. The investigation also must include a report from the National Instant Criminal Background Check System. The sheriff shall issue a permit to the applicant unless the applicant is not qualified to possess a handgun pursuant to state or federal law or is not otherwise qualified to obtain a permit pursuant to NRS 202.3653 to 202.369, inclusive, or the regulations adopted pursuant thereto.

2. To assist the sheriff in conducting the investigation, any local law enforcement agency, including the sheriff of any county, may voluntarily submit to the sheriff a report or other information concerning the criminal history of an applicant.

3. Within 120 days after a complete application for a permit is submitted, the sheriff to whom the application is submitted shall grant or deny the application. If the application is denied, the sheriff shall send the applicant written notification setting forth the reasons for the denial. If the application is granted, the sheriff shall provide the applicant with a permit containing a colored photograph of the applicant and containing such other information as may be prescribed by the Department. The permit must be in substantially the following form:

NEVADA CONCEALED FIREARM PERMIT

County..... Permit Number .....
Expires ..... Date of Birth.....
Height..... Weight .....
Name ..... Address.....
City ..... Zip .....

Photograph

Signature .....
Issued by .....
Date of Issue .....
~~[Semiautomatic firearms authorized……Yes……..No~~
~~Revolvers authorized……Yes……No]~~

4. Unless suspended or revoked by the sheriff who issued the permit, a permit expires 5 years after the date on which it is issued.

5. As used in this section, "National Instant Criminal Background Check System" means the national system created by the federal Brady Handgun Violence Prevention Act, Public Law 103-159.

Sec. 4. NRS 202.3677 is hereby amended to read as follows:

202.3677 1. If a permittee wishes to renew his or her permit, the permittee must:

(a) Complete and submit to the sheriff who issued the permit an application for renewal of the permit; and

(b) Undergo an investigation by the sheriff pursuant to NRS 202.366 to determine if the permittee is eligible for a permit.

2. An application for the renewal of a permit must:

(a) Be completed and signed under oath by the applicant;

(b) Contain a statement that the applicant is eligible to receive a permit pursuant to NRS 202.3657;

(c) Be accompanied by a nonrefundable fee equal to the nonvolunteer rate charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation to obtain the reports required pursuant to subsection 1 of NRS 202.366; and

(d) Be accompanied by a nonrefundable fee of $25.

➥ If a permittee fails to renew his or her permit on or before the date of expiration of the permit, the application for renewal must include an additional nonrefundable late fee of $15.

3. No permit may be renewed pursuant to this section unless the permittee has demonstrated continued competence with ~~[revolvers, semiautomatic firearms or both, as applicable,]~~ ***handguns*** by successfully completing a course prescribed by the sheriff renewing the permit.

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 82.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 689.

AN ACT relating to wildlife; urging the Board of Wildlife Commissioners to thoroughly ~~[and scientifically]~~ **conduct a certain** review **of** the hunting of black bears; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) requires the Board of Wildlife Commissioners to adopt regulations establishing seasons for hunting game mammals and the manner and means of taking wildlife; and (2) authorizes the Commission to adopt regulations setting forth the species of wildlife which may be hunted or trapped without a license or permit. (NRS 501.181, 502.010) **Section 11.7** of this bill urges the Commission to thoroughly ~~[and scientifically]~~ **conduct its 3-year comprehensive** review **of** the hunting of black bears.

WHEREAS, Wildlife belongs to the people of the State of Nevada under NRS 501.100, and black bears are considered a big game mammal pursuant to NAC 502.020; and

WHEREAS, Pursuant to NRS 501.102, the Nevada Legislature has declared that hunting is a valuable activity in the management of game mammals and game birds, results in financial support for conservation programs that benefit many species, including nongame wildlife, is an excellent source of food, recreational opportunities and employment, contributes significantly to the economy of this State and the quality of life of its citizens, and provides a beneficial use for firearms, archery equipment and other legal weapons used to take game mammals and game birds, following the pioneer spirit of Nevada; and

WHEREAS, As set forth in NRS 501.100, the preservation, protection, management and restoration of wildlife within this State contribute immeasurably to the aesthetic, recreational and economic aspects of the natural resources belonging to the people of the State of Nevada; and

WHEREAS, Outdoor recreation is a major feature of life in Nevada, and the majority of the State of Nevada is in public ownership through the Federal Government, which manages over 60 million acres, or about 86 percent of the total land area of the State of Nevada; and

WHEREAS, In February 2011, the Board of Wildlife Commissioners approved the first black bear hunt in Nevada history; and

WHEREAS, As part of this approval, the Board adopted and the Nevada Legislature approved temporary regulations setting forth parameters under which the black bear hunt would operate, including a bear hunting season beginning on the third Saturday of August 2011 and ending on the last Saturday of December 2011 or until the harvest quota was achieved; and

WHEREAS, Before the 2012 bear hunting season, the Board of Wildlife Commissioners, with the Nevada Legislature approving, amended the administrative regulations to close bear hunting in portions of the Lake Tahoe Basin and the Carson Range, leaving bear hunting open in other areas of western Nevada; and

WHEREAS, A total of 1,156 applications for bear hunting tags were received by the Department of Wildlife for the 2011 bear hunting season and 1,762 applications were received for the 2012 bear hunting season, with 45 tags issued each year; and

WHEREAS, The 2011 black bear hunt resulted in the taking of 14 bears, and the 2012 bear hunt resulted in the harvest of 11 bears; and

WHEREAS, Proponents and opponents of the black bear hunt have continuously registered their opinions relating to the bear hunt to the Department of Wildlife, the Board of Wildlife Commissioners and Nevada lawmakers; and

WHEREAS, Some Native American tribes in Nevada have expressed concerns regarding potential interference with certain traditional ceremonies and activities, such as the annual pine nut harvest in black bear habitats in the Pine Nut and Sweetwater Mountains and the Wassuk Range, because the bear hunt takes place at the same time, and in the same places, as these traditional ceremonies and activities; and

WHEREAS, Opponents of the bear hunt in Nevada have declared that the black bear hunt is not scientifically sustainable and conflicts with nonlethal priorities of bear management and conservation, the interests and concerns of the majority of Nevadans, including Nevada Native American tribes, and the various nonconsumptive forms of outdoor recreation, including hiking and camping; and

WHEREAS, Proponents of the black bear hunt have stated that the bear hunt is scientifically sound and part of a viable and proven wildlife management approach, that hunting is the preferred means by which to manage wildlife and that a vast majority of Nevada sportsmen and sportswomen support bear hunting if it is done properly and ethically; and

WHEREAS, Scientists from the Department of Wildlife and scientists representing opponents of the bear hunt have arrived at different conclusions

relating to Nevada's black bear population, the scope and range of black bear habitat in Nevada and the genetic diversity of black bears; and

WHEREAS, The Board of Wildlife Commissioners has made a public commitment to review the black bear hunt following its third season and the Department of Wildlife's Black Bear Management Plan for 2012 further commits to a 3-year scientific analysis of the black bear hunt, including a review of black bear survival, mortality rates and population trends, with the goal of achieving and maintaining healthy and productive black bear populations; now, therefore,

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

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 11.3. The Legislature hereby acknowledges the various perspectives on the hunting of black bears in Nevada.

Sec. 11.5. The Legislature hereby finds and declares that any hunting of black bears in Nevada should be predicated on sound scientific data that ensures a healthy, productive and viable black bear population and reduces the number of conflicts between bears and humans.

Sec. 11.7. The Nevada Legislature urges:

1. The proponents and opponents of the black bear hunt in Nevada to engage in productive and meaningful discussions with the goal of achieving a consensus on the proper management of Nevada's black bear population and which recognize and protect the rights of sportsmen and sportswomen, Native American tribes, conservationists and outdoor recreation enthusiasts in this State;

2. The continued management of black bears in Nevada by the Department of Wildlife in a way that conserves, sustains and protects the black bear population in a healthy and productive condition and minimizes threats to public safety and damage to personal property;

3. The Board of Wildlife Commissioners to thoroughly conduct its 3-year ~~[scientific]~~ **comprehensive** review of the black bear hunt following the 2013 bear hunting season, with the goal of ~~[evaluating]~~ **:**

(a) Evaluating the Department of Wildlife's 3-year scientific analysis of the black bear hunt and any other relevant and available scientific analysis of that hunt;

(b) Evaluating the overall impacts of three consecutive bear hunts **;** and ~~[making]~~

(c) Making an unbiased and informed recommendation concerning the viability of hunting black bears in Nevada; and

4. The Board of Wildlife Commissioners to submit this review to the Director of the Legislative Counsel Bureau for distribution to the Chair of the Senate Committee on Natural Resources and the Chair of the Assembly Committee on Natural Resources, Agriculture, and Mining.

Sec. 12. This act becomes effective upon passage and approval.

Assemblyman Daly moved the adoption of the amendment.

Remarks by Assemblyman Daly.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 109.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 632.

AN ACT relating to off-highway vehicles; authorizing the operation of an off-highway vehicle for the purposes of display, demonstration, maintenance, sale or exchange under certain circumstances; requiring the Department of Motor Vehicles to furnish special plates for an off-highway vehicle under certain circumstances; **specifying the required dimensions of a registration sticker or decal provided by the Department for an off-highway vehicle;** revising provisions governing the registration and operation of an off-highway vehicle and the licensing of an off-highway dealer, long-term lessor, short-term lessor and manufacturer; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law allows a manufacturer, distributor, dealer or rebuilder of motor vehicles to operate vehicles for the purposes of display, demonstration, maintenance, sale or exchange if the person attaches special plates to the motor vehicle. (NRS 482.320) The Department of Motor Vehicles provides those special plates to the person upon issuance of a license certificate.

(NRS 482.330) **Sections 2 and 3** of this bill set forth similar provisions applicable to dealers, lessors and manufacturers of off-highway vehicles.

Existing law exempts certain off-highway vehicles from registration requirements. (NRS 490.082) **Section 4** of this bill exempts from registration any off-highway vehicle: (1) operated solely in an organized race, festival or other event conducted under the auspices of a sanctioning body or by permit; (2) operated or stored on privately owned or leased land; (3) operated while engaged in an approved search-and-rescue operation; or (4) that has a displacement of not more than 70 cubic centimeters. **Under existing law, an off-highway vehicle that is registered or certified in another state and is located in this State for not more than 60 days is exempt from the requirement to register in this State. (NRS 490.082) Section 4 reduces the period of exemption from 60 to 15 days.**

Section 4.5 of this bill revises the dimensions of the registration sticker or decal for an off-highway vehicle, providing that the sticker or decal must be at least 3 inches high by 3 1/2 inches wide.

Existing law requires that any off-highway vehicle operated on a highway must have at least one headlamp that illuminates objects at least 500 feet ahead of the vehicle and at least one tail lamp that is visible from at least 500 feet behind the vehicle. (NRS 490.120) **Section 5** of this bill exempts an off-highway vehicle from this requirement when operated during daylight hours on a highway designated by a county for the operation of the off-highway vehicle without having the headlamp or tail lamp.

Existing law requires that, in order to obtain a license as a dealer, long-term or short-term lessor or manufacturer of off-highway vehicles, an applicant must: (1) furnish a processing fee, a complete set of the applicant's fingerprints and written permission authorizing the Department to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and (2) file with the Department a bond of $50,000 or make a deposit with the Department of $50,000. (NRS 490.210, 490.270, 490.280) **Section 7** of this bill exempts from the fingerprinting requirement any applicant who has previously met the same requirement as part of an application for a license to operate as a transporter, manufacturer, distributor, dealer, rebuilder, broker or salesperson of motor vehicles. (NRS 482.3163, 482.325, 482.333, 482.362) **Section 8** of this bill exempts from the bond or deposit requirement any applicant who has previously filed a bond of $50,000 or more covering certain activities involving off-highway vehicles or made a deposit of $50,000 or more with the Department as part of an application for a license to operate as a broker, manufacturer, distributor, dealer or rebuilder of motor vehicles. (NRS 482.3333, 482.345, 482.346)

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

Section 1. Chapter 490 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. Except as otherwise provided in NRS 490.160, an off-highway vehicle dealer, long-term or short-term lessor or manufacturer who has an established place of business in this State and who owns or controls any new or used off-highway vehicle that is otherwise required to be registered pursuant to NRS 490.082, may operate that vehicle or allow it to be operated for purposes of display, demonstration, maintenance, sale or exchange if there is displayed thereon a special plate issued to the off-highway vehicle dealer, long-term or short-term lessor or manufacturer as provided in section 3 of this act. Owners or officers of the corporation, managers, heads of departments and salespersons may be temporarily assigned and operate an off-highway vehicle displaying the special plate.***

2. A special plate which is issued to an off-highway vehicle dealer, long-term or short-term lessor or manufacturer pursuant to section 3 of this act may be attached to an off-highway vehicle specified in subsection 1 by a secure means. The plate must not be displayed loosely in the window or by any other unsecured method in or on an off-highway vehicle.

3. The provisions of this section do not apply to:

(a) Work or service off-highway vehicles owned or controlled by an off-highway vehicle dealer, long-term or short-term lessor or manufacturer.

(b) Off-highway vehicles leased by off-highway vehicle dealers, long-term or short-term lessors or manufacturers, except off-highway vehicles rented or leased to off-highway vehicle salespersons in the course of their employment.

(c) Off-highway vehicles which are privately owned by the owners, officers or employees of the off-highway vehicle dealer, long-term or short-term lessor or manufacturer.

(d) Off-highway vehicles which are being used for personal reasons by a person who is not licensed by the Department or otherwise exempted in subsection 1.

(e) Off-highway vehicles which have been given or assigned to persons who work for an off-highway vehicle dealer, long-term or short-term lessor or manufacturer for services performed.

(f) Off-highway vehicles purchased by an off-highway vehicle dealer, long-term or short-term lessor or manufacturer for personal use which the off-highway vehicle dealer, long-term or short-term lessor or manufacturer is not licensed or authorized to resell.

Sec. 3. ***1. Upon issuance of an off-highway vehicle dealer's, long-term or short-term lessor's or manufacturer's license certificate pursuant to NRS 490.200 or upon the renewal of the license pursuant to NRS 490.210, the Department shall furnish to the off-highway vehicle dealer, long-term or short-term lessor or manufacturer one or more special plates for use on an off-highway vehicle specified in subsection 1 of section 2 of this act. Each plate must have displayed upon it the identification number assigned by the Department to the off-highway vehicle dealer, long-term or short-term lessor or manufacturer, and may include a different letter or symbol on the plate. The off-highway vehicle dealer's, long-term or short-term lessor's or manufacturer's special plates may be used interchangeably on that off-highway vehicle.***

2. The Department shall issue to each off-highway vehicle dealer, long-term or short-term lessor or manufacturer a reasonable number of special plates.

Sec. 4. NRS 490.082 is hereby amended to read as follows:

490.082 1. An owner of an off-highway vehicle that is acquired:

(a) Before the effective date of this section:

(1) May apply for, to the Department by mail or to an authorized dealer, and obtain from the Department, a certificate of title for the off-highway vehicle.

(2) Except as otherwise provided in subsection 3, shall, within 1 year after the effective date of this section, apply for, to the Department by mail or to an authorized dealer, and obtain from the Department, the registration of the off-highway vehicle.

(b) On or after the effective date of this section, shall, within 30 days after acquiring ownership of the off-highway vehicle:

(1) Apply for, to the Department by mail or to an authorized dealer, and obtain from the Department, a certificate of title for the off-highway vehicle.

(2) Except as otherwise provided in subsection 3, apply for, to the Department by mail or to an authorized dealer, and obtain from the Department, the registration of the off-highway vehicle.

2. If an owner of an off-highway vehicle applies to the Department or to an authorized dealer for:

(a) A certificate of title for the off-highway vehicle, the owner shall submit to the Department or to the authorized dealer proof prescribed by the Department that he or she is the owner of the off-highway vehicle.

(b) The registration of the off-highway vehicle, the owner shall submit:

(1) If ownership of the off-highway vehicle was obtained before the effective date of this section, proof prescribed by the Department:

(I) That he or she is the owner of the off-highway vehicle; and

(II) Of the unique vehicle identification number, serial number or distinguishing number obtained pursuant to NRS 490.0835 for the off-highway vehicle; or

(2) If ownership of the off-highway vehicle was obtained on or after the effective date of this section:

(I) Evidence satisfactory to the Department that he or she has paid all taxes applicable in this State relating to the purchase of the off-highway vehicle, or submit an affidavit indicating that he or she purchased the vehicle through a private party sale and no tax is due relating to the purchase of the off-highway vehicle; and

(II) Proof prescribed by the Department that he or she is the owner of the off-highway vehicle and of the unique vehicle identification number, serial number or distinguishing number obtained pursuant to NRS 490.0835 for the off-highway vehicle.

3. Registration of an off-highway vehicle is not required if the off-highway vehicle:

(a) Is owned and operated by:

(1) A federal agency;

(2) An agency of this State; or

(3) A county, incorporated city or unincorporated town in this State;

(b) Is part of the inventory of a dealer of off-highway vehicles ~~[.]~~ ***and is affixed with a special plate provided to the off-highway vehicle dealer pursuant to section 3 of this act;***

(c) Is registered or certified in another state and is located in this State for not more than ~~[60]~~ ***15*** days;

(d) Is used solely for husbandry on private land or on public land that is leased to or used under a permit issued to the owner or operator of the off-highway vehicle;

(e) Is used for work conducted by or at the direction of a public or private utility; ~~[or]~~

(f) Was manufactured before January 1, 1976 ~~[.]~~ ***;***

(g) Is operated solely in an organized race, festival or other event that is conducted:

(1) Under the auspices of a sanctioning body; or

(2) By permit issued by a governmental entity having jurisdiction;

(h) Except as otherwise provided in paragraph (d), is operated or stored on private land or on public land that is leased to the owner or operator of the off-highway vehicle, including when operated in an organized race, festival or other event;

(i) Is used in a search and rescue operation conducted by a governmental entity having jurisdiction; or

(j) Has a displacement of not more than 70 cubic centimeters.

➥ ***As used in this subsection, "sanctioning body" means an organization that establishes a schedule of racing events, grants rights to conduct those events and establishes and administers rules and regulations governing the persons who conduct or participate in those events.***

4. The registration of an off-highway vehicle expires 1 year after its issuance. If an owner of an off-highway vehicle fails to renew the registration of the off-highway vehicle before it expires, the registration may be reinstated upon the payment to the Department of the annual renewal fee and a late fee of $25. Any late fee collected by the Department must be deposited with the State Treasurer for credit to the Revolving Account for the Administration of Off-Highway Vehicle Titling and Registration created by NRS 490.085.

5. If a certificate of title or registration for an off-highway vehicle is lost or destroyed, the owner of the off-highway vehicle may apply to the Department by mail, or to an authorized dealer, for a duplicate certificate of title or registration. The Department may collect a fee to replace a certificate of title or registration certificate, sticker or decal that is lost, damaged or destroyed. Any such fee collected by the Department must be:

(a) Set forth by the Department by regulation; and

(b) Deposited with the State Treasurer for credit to the Revolving Account for the Administration of Off-Highway Vehicle Titling and Registration created by NRS 490.085.

6. The provisions of subsections 1 to 5, inclusive, do not apply to an owner of an off-highway vehicle who is not a resident of this State.

Sec. 4.5. **NRS 490.083 is hereby amended to read as follows:**

490.083 Each registration of an off-highway vehicle must:

1. Be in the form of a sticker or decal, as prescribed by the ~~[Department.]~~ ***Commission.***

2. Be ~~[approximately the size of a license plate for a motorcycle, as set forth by the Department.]~~ ***at least 3 inches high by 3 1/2 inches wide and display not more than four characters that are at least 1 1/4 inches high.***

3. Include the unique vehicle identification number, serial number or distinguishing number obtained pursuant to NRS 490.0835 for the off-highway vehicle.

4. Be displayed on the off-highway vehicle in the manner set forth by the Commission.

Sec. 5. NRS 490.120 is hereby amended to read as follows:

490.120 ~~[In]~~

1. Except as otherwise provided in subsection 2 and in addition to the requirements set forth in NRS 490.070, a person shall not operate an off-highway vehicle on a highway pursuant to NRS 490.090 to 490.130, inclusive, unless the off-highway vehicle has:

~~[1.]~~ ***(a)*** At least one headlamp that illuminates objects at least 500 feet ahead of the vehicle;

~~[2.]~~ ***(b)*** At least one tail lamp that is visible from at least 500 feet behind the vehicle;

~~[3.]~~ ***(c)*** At least one red reflector on the rear of the vehicle, unless the tail lamp is red and reflective;

~~[4.]~~ ***(d)*** A stop lamp on the rear of the vehicle; and

~~[5.]~~ ***(e)*** A muffler which is in working order and which is in constant operation when the vehicle is running.

2. The provisions of paragraphs (a) and (b) of subsection 1 do not apply to an off-highway vehicle which is operated during daylight hours on a highway designated by a county pursuant to NRS 490.100 for the operation of the off-highway vehicle without at least one headlamp specified in paragraph (a) of subsection 1 or without at least one tail lamp specified in paragraph (b) of that subsection.

Sec. 6. NRS 490.130 is hereby amended to read as follows:

490.130 The operator of an off-highway vehicle that is being driven on a highway in this State in accordance with NRS 490.090 to 490.130, inclusive, shall:

1. Comply with all traffic laws of this State;

2. Ensure that the registration of the off-highway vehicle is attached to the vehicle in accordance with NRS 490.083 ~~[.]~~ ***or a special plate issued pursuant to section 3 of this act is attached to the vehicle;*** and

3. Wear a helmet.

Sec. 7. NRS 490.210 is hereby amended to read as follows:

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

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

(b) A fee of $125.

(c) ***Unless the applicant has previously met the requirements of subsection 3 of NRS 482.3163, paragraphs (c) and (d) of subsection 1 of NRS 482.325, paragraph (d) of subsection 1 of NRS 482.333 or paragraph (e) of subsection 1 of NRS 482.362:***

(1) A fee for the processing of fingerprints. The Department shall establish by regulation the fee for processing fingerprints. The fee must not exceed the sum of the amounts charged by the Central Repository for Nevada

Records of Criminal History and the Federal Bureau of Investigation for processing the fingerprints.

~~[(d)]~~ ***(2)*** For initial licensure, a complete set of the applicant's fingerprints and written permission authorizing the Department to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

~~[(e)]~~ ***(d)*** If the applicant is a natural person, the statement required pursuant to NRS 490.330.

~~[(f)]~~ ***(e)*** A certificate of insurance for liability.

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

3. Licenses issued pursuant to this section expire on December 31 of each year. Before December 31 of each year, a licensee must furnish the Department with an application for renewal of his or her license accompanied by an annual fee of $50. If the applicant is a natural person, the application for renewal also must be accompanied by the statement required pursuant to NRS 490.330. The additional fee for the processing of fingerprints, established by regulation pursuant to paragraph (c) of subsection 1, must be submitted for each applicant whose name does not appear on the original application for the license. The renewal application must be provided by the Department and contain information required by the Department.

Sec. 8. NRS 490.270 is hereby amended to read as follows:

490.270 1. Except as otherwise provided in ***subsection 9 and*** NRS 490.280, before any off-highway vehicle dealer, long-term or short-term lessor or manufacturer is issued a license pursuant to this chapter, the Department shall require that the applicant procure and file with the Department a good and sufficient bond with a corporate surety thereon, duly licensed to do business within the State of Nevada, approved as to form by the Attorney General and conditioned that the applicant or any employee who acts on the applicant's behalf within the scope of his or her employment shall conduct his or her business as an off-highway vehicle dealer, ***long-term or short-term*** lessor or manufacturer without breaching a consumer contract or engaging in a deceptive trade practice, fraud or fraudulent representation and without violation of the provisions of this chapter. The bond must be in the amount of $50,000.

2. The Department may, pursuant to a written agreement with any off-highway vehicle dealer, long-term or short-term lessor or manufacturer who has been licensed to do business in this State for at least 5 years, allow a

reduction in the amount of the bond of the off-highway vehicle dealer, lessor or manufacturer if such business has been conducted in a manner satisfactory to the Department for the preceding 5 years. No bond may be reduced to less than 50 percent of the bond required pursuant to subsection 1.

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

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

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

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

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

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

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

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

(c) Settle the matter with the off-highway vehicle dealer, lessor, manufacturer, representative or off-highway vehicle salesperson. If such a settlement is made, the settlement must be reduced to writing, signed by both

parties and acknowledged before any person authorized to take acknowledgments in this State and submitted to the Director with a request for compensation from the bond. If the Director determines that the settlement was reached in good faith and there is no evidence of collusion or fraud between the parties in reaching the settlement, the surety shall make the payment to the injured person in the amount agreed upon in the settlement.

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

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

9. The provisions of this section do not apply to any off-highway vehicle dealer, long-term or short-term lessor or manufacturer who has met the requirements of NRS 482.3333, 482.345 or 482.346 with respect to:

(a) A bond greater than or equal to the amount prescribed in subsection 1 if the undertaking on the bond includes the activities described in subsection 4; or

(b) A deposit greater than or equal to the amount of the bond that would otherwise be required by subsection 1.

Sec. 9. NRS 490.510 is hereby amended to read as follows:

490.510 1. The Department may impose an administrative fine, not to exceed $2,500, for a violation of any provision of NRS 490.150 to 490.520, inclusive, ***and sections 2 and 3 of this act*** or any rule, regulation or order adopted or issued pursuant thereto. The Department shall afford to any person so fined an opportunity for a hearing pursuant to the provisions of NRS 233B.121.

2. All administrative fines collected by the Department pursuant to subsection 1 must be deposited with the State Treasurer to the credit of the Revolving Account for the Administration of Off-Highway Vehicle Titling and Registration created by NRS 490.085.

3. In addition to any other remedy provided by this chapter, the Department may compel compliance with any provision of this chapter and any rule, regulation or order adopted or issued pursuant thereto by injunction or other appropriate remedy, and the Department may institute and maintain in the name of the State of Nevada any such enforcement proceedings.

Sec. 9.5. **Notwithstanding the amendatory provisions of section 4.5 of this act, a sticker or decal issued before July 1, 2013, for the**

registration of an off-highway vehicle remains valid for the period for which the sticker or decal is issued.

Sec. 10. This act becomes effective on July 1, 2013.

Assemblyman Carrillo moved the adoption of the amendment.

Remarks by Assemblyman Carrillo.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 135.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 618.

AN ACT relating to redevelopment of communities; revising requirements for the submission of an employment plan **[,] relating to certain redevelopment projects;** requiring **[**a**]** **certain** redevelopment **[**agency**]** **agencies** to withhold a portion of any incentive provided to a developer **[**unless**]** **until** the developer satisfies certain conditions; requiring the reporting of certain information relating to the redevelopment project by certain developers; **[**extending the duration of certain redevelopment plans;**]** requiring **[**an employment plan to**]** **that certain employment plans** include information relating to **[**preferences for hiring**]** **efforts to hire** persons **[**from the redevelopment area; creating a revolving loan account to loan money to small businesses for redevelopment purposes in certain cities;**]** **who reside in certain areas;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, if a redevelopment agency provides property for development for less than the fair market value of the property or provides financial incentives of more than $100,000 to a developer, the developer must comply with certain laws relating to the payment of a prevailing wage. (NRS 279.500) Additionally, a proposal for a redevelopment project must include an employment plan, if appropriate. (NRS 279.482)

Sections 2-10 of this bill **[**only**]** apply to **[**a developer for**]** a redevelopment project if **[**part of the redevelopment area is within an enterprise community.**]** **the project is undertaken in a redevelopment area of a city whose population is 500,000 or more (currently the City of Las Vegas).** **Section 7** requires public agencies who use redevelopment funds for a public work to submit an employment plan **.** **[**and exempts private developers who do not construct a redevelopment project for a known owner from that requirement.**]** **Section 8** requires an agency that proposes to provide an incentive to a developer to withhold payment of **an amount equal to 10 percent of** the incentive until: (1) at least 15 percent of the employees of contractors,

subcontractors, vendors and suppliers of the developer are residents of the redevelopment area ~~[,]~~ **, an area in the city for which the city council has adopted a plan for neighborhood revitalization or which is eligible for a community development block grant, or the Southern Nevada Enterprise Community;** (2) at least 15 percent of the jobs created by employers as a result of the redevelopment project are filled by residents of ~~[~~the redevelopment~~]~~ **such an** area; **and** (3) the developer ~~[~~or build-to-suit owner or lessee complies with the requirements in the employment plan; and (4) the developer~~]~~ satisfies the reporting ~~[~~required by~~]~~ **requirements of section 9**. **Section 10** allows a developer to appeal a refusal to pay the amount provided for in **section 8** to the ~~[~~legislative body of the community.~~]~~ **city council.**

Section 9 requires a developer that receives an incentive of more than $100,000 to report to the redevelopment agency certain information relating to the redevelopment project. **Section 9** also requires a developer that receives $100,000 or less in incentives to use its best efforts to report such information. Finally, **section 9** allows the redevelopment agency to refuse to pay all or a portion of the incentive or to require repayment of any incentive already paid if a developer fails to comply.

~~[~~Section 10.5 of this bill creates a revolving loan account in the treasury of a city whose population is 500,000 or more (currently the City of Las Vegas) to be used to make loans at or below market rate to small businesses located within, or interested in relocating to, certain redevelopment areas of the city.

~~Section]~~ **For a redevelopment project undertaken in a redevelopment area of a city whose population is 500,000 or more, section 13** of this bill requires **that** the employment plan ~~[~~to~~]~~ include information about the ~~[~~preference for hiring persons living within the redevelopment area used by~~]~~ **efforts of** the developer and each employer who will be relocating a business into the **redevelopment** area ~~[~~as a result of the redevelopment.

~~Existing law provides that a redevelopment plan adopted by a redevelopment agency before July 1, 1991, terminates at the end of the fiscal year in which the principal and interest of the last maturing securities issued before that date concerning the redevelopment area are fully paid, or 45 years after the date on which the original redevelopment plan was adopted, whichever is later. (NRS 279.438) Section 12 of this bill provides that in a county whose population is 700,000 or more (currently Clark County), such a redevelopment plan terminates at the end of the fiscal year in which the principal and interest of the last maturing securities issued before that date concerning the redevelopment area are fully paid, or 60 years after the date on which the original redevelopment plan was adopted, whichever is later.~~

~~Section 15.5 of this bill requires the redevelopment agency of a city whose population is 500,000 or more (currently the City of Las Vegas) to submit an~~

~~annual report to the Director of the Legislative Counsel Bureau for transmittal to the Legislature that includes information on each loan made during the previous fiscal year from the revolving loan account created by section 10.5.]~~ **to hire residents of the redevelopment area, an area in the city for which the city council has adopted a plan for neighborhood revitalization or which is eligible for a community development block grant, or the Southern Nevada Enterprise Community. Section 13 also requires a developer or employer to agree to offer and conduct training for such residents or to make a good faith effort to provide training through an available program of training.**

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 the provisions set forth as sections 2 to 10.5, inclusive, of this act.

Sec. 2. ~~***[“Build-to-suit developer” means a private developer who constructs a redevelopment project in accordance with the customized specifications of a known owner or lessee to whom the developer will convey or lease the property upon completion of the project.]***~~ **(Deleted by amendment.)**

Sec. 3. ~~***[“Build-to-suit owner or lessee” means the owner or lessee of a redevelopment project that has been constructed by a build-to-suit developer to the customized specifications of the owner or lessee.]***~~ **(Deleted by amendment.)**

Sec. 4. ***“Developer” means a person or entity that proposes to construct a redevelopment project which will receive financial assistance from an agency.***

Sec. 5. ***“Southern Nevada Enterprise Community” means the area designated as the Southern Nevada Enterprise Community in section 5 of chapter 407, Statutes of Nevada 2007.***

Sec. 6. ***The provisions of sections 2 to 10, inclusive, of this act*** ~~***[do not apply to a developer for a redevelopment project unless a portion of the redevelopment area of the redevelopment project is within an enterprise community which is currently or was previously established pursuant to 24 C.F.R. Part 597, including, without limitation, the Southern Nevada Enterprise Community.]***~~ ***apply only to a redevelopment project undertaken in a redevelopment area of a city whose population is 500,000 or more.***

Sec. 7. ~~***[1.]***~~ ***A public agency that uses redevelopment funds for the design or construction of a redevelopment project being built as a public work pursuant to chapter 338 of NRS*** ~~***[is required to]***~~ ***shall submit an employment plan pursuant to NRS 279.482.***

~~[2. A developer who constructs a redevelopment project for the purpose of conveying or leasing the property to an unknown owner or lessee is not required to submit an employment plan pursuant to NRS 279.482 but may submit an employment plan voluntarily.]~~

Sec. 8. *1. Except as otherwise provided in subsection 2, if an agency proposes to provide an incentive to a developer for a redevelopment project, an amount equal to 10 percent of the amount of the proposed incentive must be withheld by the agency and must not be paid to the developer until:*

(a) At least 15 percent of all employees of contractors, subcontractors, vendors and suppliers of the developer are bona fide residents of ~~[the redevelopment area and, among such persons, preference in hiring and contracting is given to residents of]~~ a redevelopment area described in section 6 of this act, an area in the city for which the legislative body has adopted a specific plan for neighborhood revitalization or which is eligible for a community development block grant pursuant to 24 C.F.R. Part 570, or the Southern Nevada Enterprise Community;

(b) At least 15 percent of all jobs created by employers who relocate to the redevelopment area are filled by bona fide residents of ~~[the redevelopment area and, among such persons, preference in hiring is given to residents of the Southern Nevada Enterprise Community;]~~ any of the areas described in paragraph (a); and

(c) ~~[The developer or build-to-suit owner or build-to-suit lessee complies with any requirements imposed by the agency relating to the employment plan in the agreement for the redevelopment project; and~~

~~(d)]~~ The developer satisfies all reporting requirements as described in section 9 of this act.

2. If an agency provides ~~[nonmonetary]~~ incentives in a form other than cash to a developer for a redevelopment project, the developer shall deposit an amount of money with the agency equal to 10 percent of the value of ~~[the nonmonetary]~~ such incentives as agreed upon between the agency and the developer. If the developer satisfies the requirements of ~~[paragraphs (a) to (d), inclusive, of]~~ subsection 1, the agency shall return the deposit required by this subsection to the developer.

Sec. 9. *1. Except as otherwise provided in subsection 2, a developer that receives incentives from an agency for a redevelopment project shall, upon completion of the project and upon request of the agency, report, in a form prescribed by the agency, information relating to:*

(a) Outreach efforts that the developer has utilized, including, without limitation, information relating to job fairs, advertisements in publications that reach residents of the ~~[redevelopment area]~~ areas described in section 8 of this act and utilization of employment referral agencies;

(b) Training conducted for persons hired by the developer and contractors, subcontractors, vendors and suppliers of the developer and the employers within the ~~[development]~~ redevelopment project; and

(c) The execution of the redevelopment ~~[,]~~ project, including, without limitation, plans and the scope of services.

2. If a developer receives incentives from an agency for a redevelopment project with a value of $100,000 or less, the developer shall use its best efforts to satisfy the reporting requirements described in subsection 1.

3. If the developer fails to comply with the requirements of this section:

(a) The agency may refuse to pay all or any portion of an incentive; and

(b) The agency may require the developer to repay any incentive already paid to the developer.

Sec. 10. *1. A developer may appeal the refusal by an agency to pay the amount provided for in section 8 of this act to the legislative body of the community.*

2. In an appeal, the developer has the burden of demonstrating that:

(a) Specific actions were taken to substantially fulfill the requirements of section 8 of this act;

(b) An insufficient number of significant opportunities for appropriate contractors, subcontractors, vendors or suppliers to perform a commercially useful function in the project existed; and

(c) Use of appropriate contractors, subcontractors, vendors or suppliers as required by section 8 of this act would have significantly and adversely affected the overall cost of the project.

3. If the legislative body finds that the developer's appeal has satisfied the requirements of subsection 2, the agency shall pay the developer the amount provided for in section 8 of this act.

Sec. 10.5. ~~*[1. A revolving loan account is hereby created in the treasury of the community.*~~

~~*2. The money in the account must be used to make loans at or below market rate to small businesses located within the redevelopment area or interested in relocating to the redevelopment area for the costs of expanding, improving or relocating, as applicable, the existing small business. The terms of any loan made pursuant to this subsection must be limited to not more than 3 years.*~~

~~*3. The money in the account must be invested as money in other community accounts is invested. All interest and income earned on the money in the account must be credited to the account. Any money remaining in the account at the end of the fiscal year does not revert to the treasury of the community, and the balance in the account must be carried forward.*~~

~~*— 4. All payments of principal and interest on all the loans made to a small business from the account must be deposited for credit to the account.*~~

~~*— 5. Claims against the account must be paid as other claims against the community are paid.*~~

~~*— 6. The account may accept gifts, grants, bequests and donations from any source for deposit into the account.*~~

~~*— 7. The legislative body shall adopt rules prescribing:*~~

~~*— (a) The standards for the applicants for a loan;*~~

~~*— (b) The standards for the terms of a loan; and*~~

~~*— (c) The procedures for the issuance and repayment of a loan.*~~

~~*— 8. The agency shall issue a loan to each applicant whose application the agency approves.*~~

~~*— 9. The provisions of this section apply only to a community which is a city whose population is 500,000 or more.]*~~ **(Deleted by amendment.)**

Sec. 11. NRS 279.384 is hereby amended to read as follows:

279.384 As used in NRS 279.382 to 279.685, inclusive, ***and sections 2 to 10.5, inclusive, of this act,*** unless the context otherwise requires, the words and terms defined in NRS 279.386 to 279.414, inclusive, ***and sections 2 to 5, inclusive, of this act*** have the meanings ascribed to them in those sections.

Sec. 12. ~~[~~NRS 279.438 is hereby amended to read as follows:

~~— 279.438 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. In a county whose population is 700,000 or more, 60 years after the date on which the original redevelopment plan was adopted, whichever is later.*~~

~~*— 2. In a county whose population is less than 700,000,* 45 years after the date on which the original redevelopment plan was adopted, whichever is later.~~~~]~~ **(Deleted by amendment.)**

Sec. 13. NRS 279.482 is hereby amended to read as follows:

279.482 1. An agency may obligate lessees or purchasers of property acquired in a redevelopment project to:

(a) Use the property for the purpose designated in the redevelopment plans.

(b) Begin the redevelopment of the area within a period of time which the agency fixes as reasonable.

(c) Comply with other conditions which the agency deems necessary to carry out the purposes of NRS 279.382 to 279.685, inclusive, ***and sections 2 to 10.5, inclusive, of this act,*** including, without limitation, the provisions of an employment plan or a contract approved for a redevelopment project.

2. ~~[As]~~ ***Except as otherwise provided in section 7 of this act, as*** appropriate for the particular project, each proposal for a redevelopment project must also include an employment plan. The employment plan must include:

(a) A description of the existing opportunities for employment within the area;

(b) A projection of the effect that the redevelopment project will have on opportunities for employment within the area; ~~[and]~~

(c) A description of the manner in which an employer relocating a business into the area plans to employ persons living within the area of operation who:

(1) Are economically disadvantaged;

(2) Have a physical disability;

(3) Are members of racial minorities;

(4) Are veterans; or

(5) Are women ~~[.]~~ ***; and***

(d) ~~[A]~~ For a redevelopment project undertaken in a redevelopment area of a city whose population is 500,000 or more, a description of the manner in which:

(1) The developer will , ~~[give a preference]~~ in hiring for construction jobs for the project ~~[to persons living within the redevelopment area and, among such persons, to]~~ , use its best efforts to hire veterans and other persons of both sexes and diverse ethnicities living within the redevelopment area, an area in the city for which the legislative body has adopted a specific plan for neighborhood revitalization ~~[, an area]~~ or which is eligible for a community development block grant pursuant to 24 C.F.R. Part 570 , or the Southern Nevada Enterprise Community; and

(2) Each employer relocating a business into the area ~~[plans to give a preference in hiring to]~~ will use its best efforts to hire veterans and other persons of both sexes and diverse ethnicities living within ~~[the redevelopment area and, among such persons, to persons living within an area for which the legislative body has adopted a specific plan for neighborhood revitalization, an area eligible for a community development block grant pursuant to 24 C.F.R. Part 570 or the Southern Nevada Enterprise Community.]~~ any of the areas described in subparagraph (1).

3. A description provided pursuant to paragraph (d) of subsection 2 must include an agreement by the developer or employer to offer and conduct training for the residents described in that paragraph or make a good faith effort to provide such training through a program of training that is offered by a governmental agency and reasonably available to the developer or employer.

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 15.5. ~~[1. On or before January 1 of each year, if a community has a revolving loan account created by section 10.5 of this act, the agency shall submit to the Director of the Legislative Counsel Bureau, for transmittal to the Legislature, or to the Legislative Commission when the Legislature is not in regular session, a report for the previous fiscal year containing information on each loan made from the account.~~

~~2. The report required pursuant to subsection 1 must be submitted for each fiscal year beginning with the Fiscal Year 2013-2014 and ending with the Fiscal Year 2016-2017.~~

~~3. As used in this section:~~

~~(a) "Agency" has the meaning ascribed to it in NRS 279.386.~~

~~(b) "Community" has the meaning ascribed to it in NRS 279.392.]~~ **(Deleted by amendment.)**

Sec. 16. This act becomes effective on July 1, 2013.

Assemblywoman Benitez-Thompson moved the adoption of the amendment.

Remarks by Assemblywoman Benitez-Thompson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 152.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 713.

AN ACT relating to taxation; making various changes governing the administration of sales and use taxes and related taxes; providing that the right of a retailer to claim certain deductions or refunds is not affected by the assignment of a debt to certain affiliated entities, the writing off by such an entity of the debt as a bad debt and the eligibility of such an entity to deduct the bad debt under federal law; ~~[providing for the retroactive application of those provisions under certain circumstances;]~~ requiring the Department of Taxation to adopt certain regulations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Sales and Use Tax Act provides that a retailer who is unable to collect all or part of the sales price of a sale is entitled to receive a deduction from his or her taxable sales for that bad debt. (NRS 372.368) A corresponding provision is set forth in the Local School Support Tax Law. (NRS 374.373) **Section 1** of this bill provides that the right of a retailer to claim a deduction or refund under the Sales and Use Tax Act is not affected by the assignment of a debt by the retailer to an entity which is part of an affiliated group that

includes the retailer, the writing off by the entity of the debt as a bad debt and the eligibility of the entity to deduct the bad debt under federal law. **Section 1** also defines what constitutes an affiliated group. **Section 2** of this bill makes corresponding changes to the Local School Support Tax Law. ~~[Section 4 of this bill provides for the retroactive application of those provisions under certain circumstances.]~~ **Section 3** of this bill requires the Department of Taxation to adopt regulations necessary to carry out the provisions of this bill.

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

Section 1. NRS 372.368 is hereby amended to read as follows:

372.368 1. If a retailer is unable to collect all or part of the sales price of a sale, the retailer is entitled to receive a deduction from his or her taxable sales for that bad debt.

2. Any deduction that is claimed pursuant to this section may not include interest.

3. The amount of any deduction claimed must equal the amount of a deduction that may be claimed pursuant to ***section 166 of the Internal Revenue Code,*** 26 U.S.C. § 166 **,** for that sale minus:

(a) Any finance charge or interest charged as part of the sale;

(b) Any sales or use tax charged on the sales price;

(c) Any amount not paid on the sales price because the tangible personal property that was sold has remained in the possession of the retailer until the full sales price is paid;

(d) Any expense incurred in attempting to collect the bad debt; and

(e) The value of any property sold that has been repossessed by the retailer.

4. A bad debt may be claimed as a deduction on the return that covers the period during which the bad debt is written off in the business records of the retailer that are maintained in the ordinary course of the retailer's business and is eligible to be claimed as a deduction pursuant to ***section 166 of the Internal Revenue Code,*** 26 U.S.C. § 166 **,** or ~~[,]~~ if the retailer is not required to file a federal income tax return, would be eligible to be claimed as a deduction pursuant to ***section 166 of the Internal Revenue Code,*** 26 U.S.C. § 166.

5. If a bad debt for which a deduction has been claimed is subsequently collected in whole or in part, the tax on the amount so collected must be reported on the return that covers the period in which the collection is made.

6. If the amount of the bad debt is greater than the amount of the taxable sales reported for the period during which the bad debt is claimed as a deduction, a claim for a refund may be filed pursuant to NRS 372.630 to

372.720, inclusive, except that the time within which the claim may be filed begins on the date on which the return that included the deduction was filed.

7. If the retailer has contracted with a certified service provider for the remittance of the tax due under this chapter, the service provider may, on behalf of the retailer, claim any deduction to which the retailer is entitled pursuant to this section. The service provider shall credit or refund the full amount of any deduction or refund received pursuant to this section to the retailer.

8. For the purposes of reporting a payment received on a bad debt for which a deduction has been claimed, the payment must first be applied to the sales price of the property sold and the tax due thereon, and then to any interest, service charge or other charge that was charged as part of the sale.

9. If the records of a retailer indicate that a bad debt may be allocated among other states that are members of the Streamlined Sales and Use Tax Agreement, the retailer may allocate the bad debt among those states.

10. ***A retailer who assigns a debt to an entity which is part of an affiliated group that includes the retailer may claim any deduction or refund to which the retailer would otherwise be entitled pursuant to this section, notwithstanding:***

(a) The assignment of the debt to the entity;

(b) That the debt is written off as a bad debt in the business records of the entity which are maintained in the ordinary course of the entity's business; and

(c) That the bad debt is or would be eligible to be claimed by the entity as a deduction pursuant to section 166 of the Internal Revenue Code, 26 U.S.C. § 166.

11. Except as otherwise provided in subsection ~~[11,]~~ ***12,*** upon determining that a retailer has filed a return which contains one or more violations of the provisions of this section, the Department shall:

(a) For the first return of any retailer which contains one or more violations, issue a letter of warning to the retailer which provides an explanation of the violation or violations contained in the return.

(b) For the first or second return, other than a return described in paragraph (a), in any calendar year which contains one or more violations, assess a penalty equal to the amount of the deduction claimed or $1,000, whichever is less.

(c) For the third and each subsequent return in any calendar year which contains one or more violations, assess a penalty of three times the amount of the deduction claimed or $3,000, whichever is less.

~~[11.]~~ ***12.*** For the purposes of subsection ~~[10,]~~ ***11,*** if the first violation of this section by any retailer was determined by the Department through an audit which covered more than one return of the retailer, the Department

shall treat all returns which were determined through the same audit to contain a violation or violations in the manner provided in paragraph (a) of subsection ~~[10.~~

~~12.]~~ ***11.***

13. As used in this section:

(a) ***"Affiliated group" means:***

(1) An affiliated group as defined in section 1504(a) of the Internal Revenue Code, 26 U.S.C. § 1504(a); or

(2) A controlled group of corporations as described in section 1563(a)(2) of the Internal Revenue Code, 26 U.S.C. § 1563(a)(2).

(b) "Bad debt" means a debt that may be deducted pursuant to ***section 166 of the Internal Revenue Code,*** 26 U.S.C. § 166.

~~[(b)]~~ ***(c)*** "Certified service provider" has the meaning ascribed to it in NRS 360B.060.

Sec. 2. NRS 374.373 is hereby amended to read as follows:

374.373 1. If a retailer is unable to collect all or part of the sales price of a sale, the retailer is entitled to receive a deduction from his or her taxable sales for that bad debt.

2. Any deduction that is claimed pursuant to this section may not include interest.

3. The amount of any deduction claimed must equal the amount of a deduction that may be claimed pursuant to ***section 166 of the Internal Revenue Code,*** 26 U.S.C. § 166 **,** for that sale minus:

(a) Any finance charge or interest charged as part of the sale;

(b) Any sales or use tax charged on the sales price;

(c) Any amount not paid on the sales price because the tangible personal property that was sold has remained in the possession of the retailer until the full sales price is paid;

(d) Any expense incurred in attempting to collect the bad debt; and

(e) The value of any property sold that has been repossessed by the retailer.

4. A bad debt may be claimed as a deduction on the return that covers the period during which the bad debt is written off in the business records of the retailer that are maintained in the ordinary course of the retailer's business and is eligible to be claimed as a deduction pursuant to ***section 166 of the Internal Revenue Code,*** 26 U.S.C. § 166 **,** or ~~[,]~~ if the retailer is not required to file a federal income tax return, would be eligible to be claimed as a deduction pursuant to ***section 166 of the Internal Revenue Code,*** 26 U.S.C. § 166.

5. If a bad debt for which a deduction has been claimed is subsequently collected in whole or in part, the tax on the amount so collected must be reported on the return that covers the period in which the collection is made.

6. If the amount of the bad debt is greater than the amount of the taxable sales reported for the period during which the bad debt is claimed as a deduction, a claim for a refund may be filed pursuant to NRS 374.635 to 374.720, inclusive, except that the time within which the claim may be filed begins on the date on which the return that included the deduction was filed.

7. If the retailer has contracted with a certified service provider for the remittance of the tax due under this chapter, the service provider may, on behalf of the retailer, claim any deduction to which the retailer is entitled pursuant to this section. The service provider shall credit or refund the full amount of any deduction or refund received pursuant to this section to the retailer.

8. For the purposes of reporting a payment received on a bad debt for which a deduction has been claimed, the payment must first be applied to the sales price of the property sold and the tax due thereon, and then to any interest, service charge or other charge that was charged as part of the sale.

9. If the records of a retailer indicate that a bad debt may be allocated among other states that are members of the Streamlined Sales and Use Tax Agreement, the retailer may allocate the bad debt among those states.

10. ***A retailer who assigns a debt to an entity which is part of an affiliated group that includes the retailer may claim any deduction or refund to which the retailer would otherwise be entitled pursuant to this section, notwithstanding:***

(a) The assignment of the debt to the entity;

(b) That the debt is written off as a bad debt in the business records of the entity which are maintained in the ordinary course of the entity's business; and

(c) That the bad debt is or would be eligible to be claimed by the entity as a deduction pursuant to section 166 of the Internal Revenue Code, 26 U.S.C. § 166.

11. Except as otherwise provided in subsection ~~[11,]~~ ***12,*** upon determining that a retailer has filed a return which contains one or more violations of the provisions of this section, the Department shall:

(a) For the first return of any retailer which contains one or more violations, issue a letter of warning to the retailer which provides an explanation of the violation or violations contained in the return.

(b) For the first or second return, other than a return described in paragraph (a), in any calendar year which contains one or more violations, assess a penalty equal to the amount of the deduction claimed or $1,000, whichever is less.

(c) For the third and each subsequent return in any calendar year which contains one or more violations, assess a penalty of three times the amount of the deduction claimed or $3,000, whichever is less.

~~[11.]~~ ***12.*** For the purposes of subsection ~~[10,]~~ ***11,*** if the first violation of this section by any retailer was determined by the Department through an audit which covered more than one return of the retailer, the Department shall treat all returns which were determined through the same audit to contain a violation or violations in the manner provided in paragraph (a) of subsection ~~[10.~~

~~12.]~~ ***11.***

13. As used in this section:

(a) ***"Affiliated group" means:***

(1) An affiliated group as defined in section 1504(a) of the Internal Revenue Code, 26 U.S.C. § 1504(a); or

(2) A controlled group of corporations as described in section 1563(a)(2) of the Internal Revenue Code, 26 U.S.C. § 1563(a)(2).

(b) "Bad debt" means a debt that may be deducted pursuant to ***section 166 of the Internal Revenue Code,*** 26 U.S.C. § 166.

~~[(b)]~~ ***(c)*** "Certified service provider" has the meaning ascribed to it in NRS 360B.060.

Sec. 3. The Department of Taxation shall, as soon as practicable on or after the date of passage and approval of this act, adopt such regulations as are necessary to carry out the provisions of this act.

Sec. 4. ~~[1. Notwithstanding the provisions of subsection 2 of NRS 372.725 and subsection 2 of NRS 374.725, the provisions of NRS 372.368, as amended by section 1 of this act, and NRS 374.373, as amended by section 2 of this act, apply retroactively with respect to a bad debt that on or after January 1, 2012, was written off in the business records of a retailer, or an entity that is part of an affiliated group which includes the retailer, and that were maintained in the ordinary course of the retailer's or entity's business.~~

~~2. As used in this section, "affiliated group" has the meaning ascribed to it in subsection 13 of NRS 372.368, as amended by section 1 of this act.]~~ **(Deleted by amendment.)**

Sec. 5. This act becomes effective:

1. Upon passage and approval for the purposes of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On July 1, 2013, for all other purposes.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Remarks by Assemblywoman Bustamante Adams.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 169.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 623.

AN ACT relating to crimes; revising criminal penalties for crimes that are gross misdemeanors; revising provisions governing the sealing of records of convictions pertaining to gross misdemeanors; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law generally provides that a person convicted of a gross misdemeanor may be punished, in lieu of or in addition to a fine, by imprisonment in the county jail for not more than 1 year. (NRS 193.140) Existing law further provides that a person convicted of certain other offenses may also be punished, in lieu of or in addition to a fine, by imprisonment in the county jail for not more than 1 year. (NRS 200.5099, 372.760, 374.765, 383.180, 453.411, 459.280, 459.595, 618.685, 638.170, 641A.440)

This bill provides that a person convicted of a gross misdemeanor may, in lieu of or in addition to any fine, only be punished by imprisonment in the county jail for a maximum of 364 days. **Sections 4, 8-10, 16-18, 23, 27 and 28** of this bill also clarify that certain crimes which are punishable by imprisonment in the county jail for a maximum of 364 days constitute gross misdemeanors.

Existing law provides that a person may petition the court in which the person was convicted for the sealing of all records relating to a conviction of a gross misdemeanor after 7 years from the date of release from actual custody or discharge from probation, whichever occurs later. (NRS 179.245) **Section 5** of this bill reduces the period to 5 years after the date of release from actual custody or discharge from probation, whichever occurs later.

Section 30 of this bill provides that the amendatory provisions of this bill apply to a person who is sentenced on or after October 1, 2013, for a crime committed before, on or after October 1, 2013.

Section 31 of this bill authorizes a person who was convicted of a gross misdemeanor before October 1, 2013, and sentenced to a term of imprisonment in the county jail for 1 year to file a petition with the court of original jurisdiction requesting that the court, for good cause shown, order that his or her original sentence be modified to a sentence imposing a term of imprisonment for 364 days.

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

Section 1. NRS 193.140 is hereby amended to read as follows:

193.140 Every person convicted of a gross misdemeanor shall be punished by imprisonment in the county jail for not more than ~~[1 year,]~~ ***364 days,*** or by a fine of not more than $2,000, or by both fine and imprisonment, unless the statute in force at the time of commission of such gross misdemeanor prescribed a different penalty.

Sec. 2. NRS 193.1605 is hereby amended to read as follows:

193.1605 1. Any person who commits a gross misdemeanor on the property of a public or private school, at an activity sponsored by a public or private school, or on a school bus or at a bus stop used to load and unload a school bus while the bus is engaged in its official duties:

(a) Shall be punished by imprisonment in the county jail for not fewer than 15 days but not more than ~~[1 year;]~~ ***364 days;*** and

(b) In addition to imprisonment, may be punished by a fine of not more than $2,000.

2. For the purposes of this section, "school bus" has the meaning ascribed to it in NRS 483.160.

Sec. 3. NRS 193.330 is hereby amended to read as follows:

193.330 1. An act done with the intent to commit a crime, and tending but failing to accomplish it, is an attempt to commit that crime. A person who attempts to commit a crime, unless a different penalty is prescribed by statute, shall be punished as follows:

(a) If the person is convicted of:

(1) Attempt to commit a category A felony, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years.

(2) Attempt to commit a category B felony for which the maximum term of imprisonment authorized by statute is greater than 10 years, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years.

(3) Attempt to commit a category B felony for which the maximum term of imprisonment authorized by statute is 10 years or less, for a category C felony as provided in NRS 193.130.

(4) Attempt to commit a category C felony, for a category D felony as provided in NRS 193.130, or for a gross misdemeanor by imprisonment in the county jail for not more than ~~[1 year,]~~ ***364 days,*** or by a fine of not more than $2,000, or by both fine and imprisonment.

(5) Attempt to commit a category D felony, for a category E felony as provided in NRS 193.130, or for a gross misdemeanor by imprisonment in the county jail for not more than ~~[1 year,]~~ ***364 days,*** or by a fine of not more than $2,000, or by both fine and imprisonment.

(6) Attempt to commit a category E felony, for a category E felony as provided in NRS 193.130, or for a gross misdemeanor by imprisonment in the county jail for not more than ~~[1 year,]~~ ***364 days,*** or by a fine of not more than $2,000, or by both fine and imprisonment.

(b) If the person is convicted of attempt to commit a misdemeanor, a gross misdemeanor or a felony for which a category is not designated by statute, by imprisonment for not more than one-half the longest term authorized by statute, or by a fine of not more than one-half the largest sum, prescribed upon conviction for the commission of the offense attempted, or by both fine and imprisonment.

2. Nothing in this section protects a person who, in an unsuccessful attempt to commit one crime, does commit another and different one, from the punishment prescribed for the crime actually committed. A person may be convicted of an attempt to commit a crime, although it appears on the trial that the crime was consummated, unless the court in its discretion discharges the jury and directs the defendant to be tried for the crime itself.

Sec. 4. NRS 200.5099 is hereby amended to read as follows:

200.5099 1. Except as otherwise provided in subsection 6, any person who abuses an older person or a vulnerable person is guilty:

(a) For the first offense, of a gross misdemeanor; or

(b) For any subsequent offense or if the person has been previously convicted of violating a law of any other jurisdiction that prohibits the same or similar conduct, of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 6 years, unless a more severe penalty is prescribed by law for the act or omission which brings about the abuse.

2. Except as otherwise provided in subsection 7, any person who has assumed responsibility, legally, voluntarily or pursuant to a contract, to care for an older person or a vulnerable person and who:

(a) Neglects the older person or vulnerable person, causing the older person or vulnerable person to suffer physical pain or mental suffering;

(b) Permits or allows the older person or vulnerable person to suffer unjustifiable physical pain or mental suffering; or

(c) Permits or allows the older person or vulnerable person to be placed in a situation where the older person or vulnerable person may suffer physical pain or mental suffering as the result of abuse or neglect,

➥ is guilty of a gross misdemeanor unless a more severe penalty is prescribed by law for the act or omission which brings about the abuse or neglect.

3. Except as otherwise provided in subsection 4, any person who exploits an older person or a vulnerable person shall be punished, if the value of any money, assets and property obtained or used:

(a) Is less than $650, for a ***gross*** misdemeanor by imprisonment in the county jail for not more than ~~[1 year,]~~ ***364 days,*** or by a fine of not more than $2,000, or by both fine and imprisonment;

(b) Is at least $650, but less than $5,000, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, or by a fine of not more than $10,000, or by both fine and imprisonment; or

(c) Is $5,000 or more, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years, or by a fine of not more than $25,000, or by both fine and imprisonment,

➥ unless a more severe penalty is prescribed by law for the act which brought about the exploitation. The monetary value of all of the money, assets and property of the older person or vulnerable person which have been obtained or used, or both, may be combined for the purpose of imposing punishment for an offense charged pursuant to this subsection.

4. If a person exploits an older person or a vulnerable person and the monetary value of any money, assets and property obtained cannot be determined, the person shall be punished for a gross misdemeanor by imprisonment in the county jail for not more than ~~[1 year,]~~ ***364 days,*** or by a fine of not more than $2,000, or by both fine and imprisonment.

5. Any person who isolates an older person or a vulnerable person is guilty:

(a) For the first offense, of a gross misdemeanor; or

(b) For any subsequent offense, of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than $5,000.

6. A person who violates any provision of subsection 1, if substantial bodily or mental harm or death results to the older person or vulnerable person, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years, unless a more severe penalty is prescribed by law for the act or omission which brings about the abuse.

7. A person who violates any provision of subsection 2, if substantial bodily or mental harm or death results to the older person or vulnerable person, shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 6 years, unless a more severe penalty is prescribed by law for the act or omission which brings about the abuse or neglect.

8. In addition to any other penalty imposed against a person for a violation of any provision of NRS 200.5091 to 200.50995, inclusive, the court shall order the person to pay restitution.

9. As used in this section:

(a) "Allow" means to take no action to prevent or stop the abuse or neglect of an older person or a vulnerable person if the person knows or has reason to know that the older person or vulnerable person is being abused or neglected.

(b) "Permit" means permission that a reasonable person would not grant and which amounts to a neglect of responsibility attending the care and custody of an older person or a vulnerable person.

(c) "Substantial mental harm" means an injury to the intellectual or psychological capacity or the emotional condition of an older person or a vulnerable person as evidenced by an observable and substantial impairment of the ability of the older person or vulnerable person to function within his or her normal range of performance or behavior.

Sec. 5. NRS 179.245 is hereby amended to read as follows:

179.245 1. Except as otherwise provided in subsection 5 and NRS 176A.265, 176A.295, 179.259, 453.3365 and 458.330, a person may petition the court in which the person was convicted for the sealing of all records relating to a conviction of:

(a) A category A or B felony after 15 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(b) A category C or D felony after 12 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(c) A category E felony after 7 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(d) Any gross misdemeanor after ~~[7]~~ ***5*** years from the date of release from actual custody or discharge from probation, whichever occurs later;

(e) A violation of NRS 484C.110 or 484C.120 other than a felony, or a battery which constitutes domestic violence pursuant to NRS 33.018 other than a felony, after 7 years from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later; or

(f) Any other misdemeanor after 2 years from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later.

2. A petition filed pursuant to subsection 1 must:

(a) Be accompanied by current, verified records of the petitioner's criminal history received from:

(1) The Central Repository for Nevada Records of Criminal History; and

(2) The local law enforcement agency of the city or county in which the conviction was entered;

(b) Include a list of any other public or private agency, company, official or other custodian of records that is reasonably known to the petitioner to have possession of records of the conviction and to whom the order to seal records, if issued, will be directed; and

(c) Include information that, to the best knowledge and belief of the petitioner, accurately and completely identifies the records to be sealed.

3. Upon receiving a petition pursuant to this section, the court shall notify the law enforcement agency that arrested the petitioner for the crime and:

(a) If the person was convicted in a district court or justice court, the prosecuting attorney for the county; or

(b) If the person was convicted in a municipal court, the prosecuting attorney for the city.

➥ The prosecuting attorney and any person having relevant evidence may testify and present evidence at the hearing on the petition.

4. If, after the hearing, the court finds that, in the period prescribed in subsection 1, the petitioner has not been charged with any offense for which the charges are pending or convicted of any offense, except for minor moving or standing traffic violations, the court may order sealed all records of the conviction which are in the custody of the court, of another court in the State of Nevada or of a public or private agency, company or official in the State of Nevada, and may also order all such criminal identification records of the petitioner returned to the file of the court where the proceeding was commenced from, including, but not limited to, the Federal Bureau of Investigation, the California Bureau of Criminal Identification and Information, sheriffs' offices and all other law enforcement agencies reasonably known by either the petitioner or the court to have possession of such records.

5. A person may not petition the court to seal records relating to a conviction of a crime against a child or a sexual offense.

6. If the court grants a petition for the sealing of records pursuant to this section, upon the request of the person whose records are sealed, the court may order sealed all records of the civil proceeding in which the records were sealed.

7. As used in this section:

(a) "Crime against a child" has the meaning ascribed to it in NRS 179D.0357.

(b) "Sexual offense" means:

(1) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual

molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.

(2) Sexual assault pursuant to NRS 200.366.

(3) Statutory sexual seduction pursuant to NRS 200.368, if punishable as a felony.

(4) Battery with intent to commit sexual assault pursuant to NRS 200.400.

(5) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this paragraph.

(6) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence pursuant to NRS 200.408, if the crime of violence is an offense listed in this paragraph.

(7) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.

(8) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.

(9) Incest pursuant to NRS 201.180.

(10) Solicitation of a minor to engage in acts constituting the infamous crime against nature pursuant to NRS 201.195.

(11) Open or gross lewdness pursuant to NRS 201.210, if punishable as a felony.

(12) Indecent or obscene exposure pursuant to NRS 201.220, if punishable as a felony.

(13) Lewdness with a child pursuant to NRS 201.230.

(14) Sexual penetration of a dead human body pursuant to NRS 201.450.

(15) Luring a child or a person with mental illness pursuant to NRS 201.560, if punishable as a felony.

(16) An attempt to commit an offense listed in subparagraphs (1) to (15), inclusive.

Sec. 6. NRS 332.810 is hereby amended to read as follows:

332.810 1. Before a contract is awarded, a person who has bid on the contract or an officer, employee, representative, agent or consultant of such a person shall not:

(a) Make an offer or promise of future employment or business opportunity to, or engage in a discussion of future employment or business opportunity with, an evaluator or member of the governing body offering the contract;

(b) Offer, give or promise to offer or give money, a gratuity or any other thing of value to an evaluator or member of the governing body offering the contract; or

(c) Solicit or obtain from an officer, employee or member of the governing body offering the contract:

(1) Any proprietary information regarding the contract; or

(2) Any information regarding a bid on the contract submitted by another person, unless such information is available to the general public.

2. A person who violates any of the provisions of subsection 1 is guilty of a gross misdemeanor and shall be punished by imprisonment in the county jail for not more than ~~[1 year,]~~ ***364 days,*** or by a fine of not less than $2,000 nor more than $50,000, or by both fine and imprisonment.

Sec. 7. NRS 333.800 is hereby amended to read as follows:

333.800 1. Before a contract is awarded, a person who has provided a bid or proposal on the contract or an officer, employee, representative, agent or consultant of such a person shall not:

(a) Make an offer or promise of future employment or business opportunity to, or engage in a discussion of future employment or business opportunity with, the Administrator, a purchasing officer or an employee of the using agency for which the contract is being offered;

(b) Offer, give or promise to offer or give money, a gratuity or any other thing of value to the Administrator, a purchasing officer or an employee of the using agency for which the contract is being offered; or

(c) Solicit or obtain from the Administrator, a purchasing officer or an employee of the using agency for which the contract is being offered:

(1) Any proprietary information regarding the contract; or

(2) Any information regarding a bid or proposal on the contract submitted by another person, unless such information is available to the general public.

2. A person who violates any of the provisions of subsection 1 is guilty of a gross misdemeanor and shall be punished by imprisonment in the county jail for not more than ~~[1 year,]~~ ***364 days,*** or by a fine of not less than $2,000 nor more than $50,000, or by both fine and imprisonment.

Sec. 8. NRS 372.760 is hereby amended to read as follows:

372.760 Any person required to make, render, sign or verify any report who makes any false or fraudulent return, with intent to defeat or evade the determination of an amount due required by law to be made, ***is guilty of a gross misdemeanor and*** shall for each offense be fined not less than $300 nor more than $5,000, or be imprisoned for not more than ~~[1 year]~~ ***364 days*** in the county jail, or be punished by both fine and imprisonment.

Sec. 9. NRS 374.765 is hereby amended to read as follows:

374.765 Any person required to make, render, sign or verify any report who makes any false or fraudulent return, with intent to defeat or evade the determination of an amount due required by law to be made, ***is guilty of a gross misdemeanor and*** shall for each offense be fined not less than $300 nor more than $5,000, or be imprisoned for not ~~[exceeding 1 year]~~ ***more than 364 days*** in the county jail, or be subject to both fine and imprisonment.

Sec. 10. NRS 383.180 is hereby amended to read as follows:

383.180 1. Except as otherwise provided in NRS 383.170, a person who willfully removes, mutilates, defaces, injures or destroys the cairn or grave of a native Indian ***is guilty of a gross misdemeanor and*** shall be punished by a fine of $500 for the first offense, or by a fine of not more than $3,000 for a second or subsequent offense, and may be further punished by imprisonment in the county jail for not more than ~~[1 year.]~~ ***364 days.***

2. A person who fails to notify the Office of the discovery and location of an Indian burial site in violation of NRS 383.170 ***is guilty of a gross misdemeanor and*** shall be punished by a fine of $500 for the first offense, or by a fine of not more than $1,500 for a second or subsequent offense, and may be further punished by imprisonment in the county jail for not more than ~~[1 year.]~~ ***364 days.***

3. A person who:

(a) Possesses any artifact or human remains taken from the cairn or grave of a native Indian on or after October 1, 1989, in a manner other than that authorized by NRS 383.170;

(b) Publicly displays or exhibits any of the human remains of a native Indian, except during a funeral ceremony; or

(c) Sells any artifact or human remains taken from the cairn or grave of a native Indian,

➥ is guilty of a category D felony and shall be punished as provided in NRS 193.130.

4. This section does not apply to:

(a) The possession or sale of an artifact:

(1) Discovered in or taken from a location other than the cairn or grave of a native Indian; or

(2) Removed from the cairn or grave of a native Indian by other than human action; or

(b) Action taken by a peace officer in the performance of his or her duties.

Sec. 11. NRS 383.435 is hereby amended to read as follows:

383.435 1. Except as otherwise provided in this section, a person who knowingly and willfully removes, mutilates, defaces, excavates, injures or destroys a historic or prehistoric site or resource on state land or who receives, traffics in or sells cultural property appropriated from state land

without a valid permit, unless a greater penalty is provided by a specific statute:

(a) For a first offense, is guilty of a misdemeanor and shall be punished by a fine of $500.

(b) For a second or subsequent offense, is guilty of a gross misdemeanor and shall be punished by imprisonment in the county jail for not more than ~~[1 year]~~ ***364 days*** or by a fine of not more than $3,000, or by both fine and imprisonment.

2. This section does not apply to any action taken:

(a) In accordance with an agreement with the Office entered into pursuant to NRS 383.430; or

(b) In accordance with the provisions of NRS 381.195 to 381.227, inclusive, by the holder of a permit issued pursuant to those sections.

3. In addition to any other penalty, a person who violates a provision of this section is liable for civil damages to the state agency or political subdivision which has jurisdiction over the state land in an amount equal to the cost or, in the discretion of the court, an amount equal to twice the cost of the restoration, stabilization and interpretation of the site plus any court costs and fees.

Sec. 12. NRS 398.496 is hereby amended to read as follows:

398.496 1. An athlete's agent shall not, with the intent to induce a student athlete to enter into any contract:

(a) Give any materially false or misleading information or make a materially false promise or representation;

(b) Furnish anything of value to the student athlete before the student athlete enters into the contract; or

(c) Furnish anything of value to a natural person other than the student athlete or another registered athlete's agent.

2. An athlete's agent shall not intentionally:

(a) Initiate communication, direct or indirect, with a student athlete to recruit or solicit the student athlete to enter into a contract of agency, unless the agent is registered pursuant to NRS 398.400 to 398.620, inclusive;

(b) Refuse or fail to retain or permit inspection of records required to be retained pursuant to NRS 398.480;

(c) Fail to register when required pursuant to NRS 398.448;

(d) Include materially false or misleading information in an application for registration or renewal of registration;

(e) Predate or postdate a contract of agency; or

(f) Fail to notify a student athlete, before the student athlete signs or otherwise authenticates a contract of agency for a particular sport, that the signing or authentication will make the student athlete ineligible to participate as a student athlete in that sport.

3. A person who willfully violates:

(a) A provision of NRS 398.400 to 398.620, inclusive;

(b) A regulation adopted by the Secretary of State pursuant to NRS 398.400 to 398.620, inclusive; or

(c) An order denying, suspending or revoking the effectiveness of a registration, or an order to cease and desist, issued by the Secretary of State pursuant to NRS 398.400 to 398.620, inclusive,

➥ is guilty of a gross misdemeanor and shall be punished by imprisonment in the county jail for not more than ~~[1 year,]~~ ***364 days,*** or by a fine of not more than $25,000, or by both fine and imprisonment. In addition to any other penalty, the court shall order the person to pay restitution.

4. A person who violates:

(a) A regulation adopted by the Secretary of State pursuant to NRS 398.400 to 398.620, inclusive; or

(b) An order denying, suspending or revoking the effectiveness of a registration, or an order to cease and desist, issued by the Secretary of State pursuant to NRS 398.400 to 398.620, inclusive,

➥ without knowledge of the regulation or order, is guilty of a misdemeanor and shall be punished by a fine of not more than $25,000.

5. The provisions of NRS 398.400 to 398.620, inclusive, do not limit the power of the State of Nevada to punish a person for conduct which constitutes a crime pursuant to any other law.

Sec. 13. NRS 444.630 is hereby amended to read as follows:

444.630 1. A person who places, deposits or dumps, or who causes to be placed, deposited or dumped, or who causes or allows to overflow, any sewage, sludge, cesspool or septic tank effluent, or accumulation of human excreta, or any solid waste, in or upon any street, alley, public highway or road in common use, or upon any public park or other public property other than property designated or set aside for such a purpose by the governing body having charge thereof, or upon any private property, is guilty of:

(a) For a first offense within the immediately preceding 2 years, a misdemeanor.

(b) For a second offense within the immediately preceding 2 years, a gross misdemeanor and shall be punished by imprisonment in the county jail for not less than 14 days but not more than ~~[1 year.]~~ ***364 days.***

(c) For a third or subsequent offense within the immediately preceding 2 years, a gross misdemeanor and shall be punished by imprisonment in the county jail for ~~[1 year.]~~ ***364 days.***

2. In addition to any criminal penalty imposed pursuant to subsection 1, any civil penalty imposed pursuant to NRS 444.635 and any administrative penalty imposed pursuant to NRS 444.629, a court shall sentence a person convicted of violating subsection 1:

(a) If the person is a natural person, to clean up the dump site and perform 10 hours of community service under the conditions prescribed in NRS 176.087.

(b) If the person is a business entity:

(1) For a first or second offense within the immediately preceding 2 years, to:

(I) Clean up the dump site; and

(II) Perform 40 hours of community service cleaning up other dump sites identified by the solid waste management authority.

(2) For a third or subsequent offense within the immediately preceding 2 years, to:

(I) Clean up the dump site; and

(II) Perform 200 hours of community service cleaning up other dump sites identified by the solid waste management authority.

3. If a person is sentenced to clean up a dump site pursuant to subsection 2, the person shall:

(a) Within 3 calendar days after sentencing, commence cleaning up the dump site; and

(b) Within 5 business days after cleaning up the dump site, provide to the solid waste management authority proof of the lawful disposal of the sewage, solid waste or other matter that the person was convicted of disposing of unlawfully.

➥ The solid waste management authority shall prescribe the forms of proof which may be provided to satisfy the provisions of paragraph (b).

4. In addition to any other penalty prescribed by law, if a business entity is convicted of violating subsection 1:

(a) Such violation constitutes reasonable grounds for the revocation of any license to engage in business that has been issued to the business entity by any governmental entity of this State; and

(b) The solid waste management authority may seek the revocation of such a license by way of any applicable procedures established by the governmental entity that issued the license.

5. Except as otherwise provided in NRS 444.585, ownership of solid waste does not transfer from the person who originally possessed it until it is received for transport by a person authorized to dispose of solid waste pursuant to this chapter or until it is disposed of at a municipal disposal site. Identification of the owner of any solid waste which is disposed of in violation of subsection 1 creates a reasonable inference that the owner is the person who disposed of the solid waste. The fact that the disposal of the solid waste was not witnessed does not, in and of itself, preclude the identification of its owner.

6. All:

(a) Health officers and their deputies;

(b) Game wardens;

(c) Police officers of cities and towns;

(d) Sheriffs and their deputies;

(e) Other peace officers of the State of Nevada; and

(f) Other persons who are specifically designated by the local government to do so,

➥ shall, within their respective jurisdictions, enforce the provisions of this section.

7. A district health officer or a deputy of the district health officer or other person specifically designated by the local government to do so may issue a citation for any violation of this section which occurs within the jurisdiction of the district health officer.

8. To effectuate the purposes of this section, the persons charged with enforcing this section may request information from any:

(a) Agency of the State or its political subdivisions.

(b) Employer, public or private.

(c) Employee organization or trust of any kind.

(d) Financial institution or other entity which is in the business of providing credit reports.

(e) Public utility.

➥ Each of these persons and entities, their officers and employees, shall cooperate by providing any information in their possession which may aid in the location and identification of a person believed to be in violation of subsection 1. A disclosure made in good faith pursuant to this subsection does not give rise to any action for damages for the disclosure.

Sec. 14. NRS 445A.705 is hereby amended to read as follows:

445A.705 1. Except as otherwise provided in NRS 445A.710 or unless a greater penalty is prescribed by NRS 459.600, a person who intentionally or with criminal negligence violates NRS 445A.465 or 445A.575, any limitation established pursuant to NRS 445A.525 and 445A.530, the terms or conditions of a permit issued pursuant to NRS 445A.495 to 445A.515, inclusive, or any final order issued under NRS 445A.690, except a final order concerning a diffuse source, is guilty of a gross misdemeanor and shall be punished by a fine of not more than $25,000 for each day of the violation or by imprisonment in the county jail for not more than ~~[1 year,]~~ ***364 days,*** or by both fine and imprisonment.

2. If the conviction is for a second violation of the provisions indicated in subsection 1, the person is guilty of a category D felony and shall be punished as provided in NRS 193.130.

3. The penalties imposed by subsections 1 and 2 are in addition to any other penalties, civil or criminal, provided pursuant to NRS 445A.300 to 445A.730, inclusive.

Sec. 15. NRS 445A.710 is hereby amended to read as follows:

445A.710 1. Any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan or other document filed or required to be maintained by the provisions of NRS 445A.300 to 445A.730, inclusive, or by any permit, rule, regulation or order issued pursuant thereto, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required to be maintained under the provisions of NRS 445A.300 to 445A.730, inclusive, or by any permit, rule, regulation or order issued pursuant thereto, is guilty of a gross misdemeanor and shall be punished by a fine of not more than $10,000 or by imprisonment in the county jail for not more than ~~[1 year,]~~ ***364 days,*** or by both fine and imprisonment.

2. The penalty imposed by subsection 1 is in addition to any other penalties, civil or criminal, provided pursuant to NRS 445A.300 to 445A.730, inclusive.

Sec. 16. NRS 453.411 is hereby amended to read as follows:

453.411 1. It is unlawful for a person knowingly to use or be under the influence of a controlled substance except in accordance with a lawfully issued prescription.

2. It is unlawful for a person knowingly to use or be under the influence of a controlled substance except when administered to the person at a rehabilitation clinic established or licensed by the Health Division of the Department, or a hospital certified by the Department.

3. Unless a greater penalty is provided in NRS 212.160, a person who violates this section shall be punished:

(a) If the controlled substance is listed in schedule I, II, III or IV, for a category E felony as provided in NRS 193.130.

(b) If the controlled substance is listed in schedule V, ***for a gross misdemeanor*** by imprisonment in the county jail for not more than ~~[1 year,]~~ ***364 days,*** and may be further punished by a fine of not more than $1,000.

Sec. 17. NRS 459.280 is hereby amended to read as follows:

459.280 1. A person who is employed at an area used for the disposal of radioactive waste and removes from the disposal area any of that waste, or without prior written authorization from the State Health Officer removes from the disposal area for his or her own personal use any machinery or equipment belonging to the operator of the area and used within the area where the waste is buried, ***is guilty of a gross misdemeanor and*** shall be punished by imprisonment in the county jail for not more than ~~[1 year,]~~ ***364***

days, or by a fine of not more than $10,000, or by both fine and imprisonment.

2. If a person who violates this section is employed by the operator of the disposal area, the operator may be assessed an administrative penalty of not more than $10,000, in addition to any other penalty provided by law.

Sec. 18. NRS 459.595 is hereby amended to read as follows:

459.595 Any person who:

1. Knowingly makes any false statement, representation or certification on any application, record, report, manifest, plan or other document filed or required to be maintained by any provision of NRS 459.400 to 459.560, inclusive, NRS 459.590 or by any regulation adopted or permit or order issued pursuant to those sections; or

2. Falsifies, tampers with or knowingly renders inaccurate any device or method for continuing observation required by a provision of NRS 459.400 to 459.560, inclusive, or by any regulation adopted or permit or order issued pursuant to those sections,

➥ ***is guilty of a gross misdemeanor and*** shall be punished by imprisonment in the county jail for not more than ~~[1 year,]~~ ***364 days,*** or by a fine of not more than $25,000, or by both fine and imprisonment. Each day the false document remains uncorrected or a device or method described in subsection 2 remains inaccurate constitutes a separate violation of this section for purposes of determining the maximum fine.

Sec. 19. NRS 482.551 is hereby amended to read as follows:

482.551 1. Except as otherwise provided in subsection 3, a person who knowingly:

(a) Buys with the intent to resell;

(b) Disposes of;

(c) Sells; or

(d) Transfers,

➥ a motor vehicle or part from a motor vehicle that has an identification number or mark that has been falsely attached, removed, defaced, altered or obliterated to misrepresent the identity or to prevent the identification of the motor vehicle or part from a motor vehicle is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and may be further punished by a fine of not more than $60,000, or by both fine and imprisonment.

2. Except as otherwise provided in subsection 3 and NRS 482.5505, or if a greater penalty is otherwise provided by law, a person who takes possession of a motor vehicle or part from a motor vehicle knowing that an identification number or mark has been falsely attached, removed, defaced, altered or obliterated is guilty of a gross misdemeanor and shall be punished

by imprisonment in the county jail for not more than ~~[1 year,]~~ ***364 days,*** or by a fine of not more than $10,000, or by both fine and imprisonment.

3. The provisions of this section do not apply to an owner of or person authorized to possess a motor vehicle or part of a motor vehicle:

(a) If the motor vehicle or part of the motor vehicle was recovered by a law enforcement agency after having been stolen;

(b) If the condition of the identification number or mark of the motor vehicle or part of the motor vehicle is known to, or has been reported to, a law enforcement agency; or

(c) If the motor vehicle or part from the motor vehicle has an identification number attached to it which has been assigned or approved by the Department in lieu of the original identification number or mark.

Sec. 20. NRS 554.090 is hereby amended to read as follows:

554.090 Any corporation, common carrier, agent or employee of any corporation, or any other person violating or assisting in violating any of the provisions of NRS 554.020 to 554.090, inclusive, is guilty of a gross misdemeanor and shall be punished by imprisonment in the county jail for not more than ~~[1 year,]~~ ***364 days,*** or by a fine of not more than $5,000, or by both fine and imprisonment. The prosecuting attorney and the State Department of Agriculture may recover the costs of the proceeding, including investigative costs, against a person convicted of a gross misdemeanor pursuant to this section.

Sec. 21. NRS 581.445 is hereby amended to read as follows:

581.445 1. Except as otherwise provided in subsection 2, a person who violates any provision of NRS 581.415 is guilty of a gross misdemeanor and shall be punished:

(a) For the first offense, by imprisonment in the county jail for not more than 6 months, or by a fine of not less than $500 or more than $2,000, or by both fine and imprisonment.

(b) For a second or subsequent offense, by imprisonment in the county jail for not more than ~~[1 year,]~~ ***364 days,*** or by a fine of not less than $2,000 or more than $5,000, or by both fine and imprisonment.

2. A person who:

(a) Intentionally violates any provision of this chapter or any regulation adopted pursuant thereto;

(b) Is convicted pursuant to subsection 1 more than three times in a 2-year period; or

(c) Uses or has in his or her possession any device which has been altered to facilitate fraud,

➥ is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 22. NRS 582.320 is hereby amended to read as follows:

582.320 1. Except as otherwise provided in subsection 2, a person who by himself or herself, by a servant or agent, or as the servant or agent of another person, violates any provision of this chapter is guilty of a gross misdemeanor and shall be punished by imprisonment in the county jail for not less than 6 months or more than ~~[1 year,]~~ ***364 days,*** or by a fine of not less than $1,000 or more than $5,000, or by both fine and imprisonment.

2. A person who by himself or herself, by a servant or agent, or as the servant or agent of another person:

(a) Intentionally violates any provision of this chapter or any regulation adopted pursuant thereto; or

(b) Is convicted pursuant to subsection 1 more than three times in a 2-year period,

➥ is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 23. NRS 618.685 is hereby amended to read as follows:

618.685 Any employer who willfully violates any requirement of this chapter, or any standard, rule, regulation or order promulgated or prescribed pursuant to this chapter, where the violation causes the death of any employee, shall be punished:

1. For a first offense, ***for a misdemeanor*** by a fine of not more than $50,000 or by imprisonment in the county jail for not more than 6 months, or by both fine and imprisonment.

2. For a second or subsequent offense, ***for a gross misdemeanor*** by a fine of not more than $100,000 or by imprisonment in the county jail for not more than ~~[1 year,]~~ ***364 days,*** or by both fine and imprisonment.

Sec. 24. NRS 623.360 is hereby amended to read as follows:

623.360 1. It is unlawful for any person to:

(a) Hold himself or herself out to the public or to solicit business as an architect, registered interior designer or residential designer in this State without having a certificate of registration or temporary certificate issued by the Board. This paragraph does not prohibit a person who is exempt, pursuant to NRS 623.330, from the provisions of this chapter from holding himself or herself out to the public or soliciting business as an interior designer.

(b) Advertise or put out any sign, card or other device which indicates to the public that he or she is an architect, registered interior designer or residential designer or that he or she is otherwise qualified to:

(1) Engage in the practice of architecture or residential design; or

(2) Practice as a registered interior designer,

➥ without having a certificate of registration issued by the Board.

(c) Engage in the practice of architecture or residential design or practice as a registered interior designer without a certificate of registration issued by the Board.

(d) Violate any other provision of this chapter.

2. Any person who violates any of the provisions of subsection 1:

(a) For the first violation, is guilty of a misdemeanor and shall be punished by a fine of not less than $500 nor more than $1,000, and may be further punished by imprisonment in the county jail for not more than 6 months.

(b) For the second or any subsequent violation, is guilty of a gross misdemeanor and shall be punished by a fine of not less than $1,000 nor more than $2,000, and may be further punished by imprisonment in the county jail for not more than ~~[1 year.]~~ ***364 days.***

3. If any person has engaged or is about to engage in any acts or practices which constitute or will constitute an offense against this chapter, the district court of any county, on application of the Board, may issue an injunction or other appropriate order restraining such conduct. Proceedings pursuant to this subsection are governed by Rule 65 of the Nevada Rules of Civil Procedure, except that no bond or undertaking is required in any action commenced by the Board.

Sec. 25. NRS 624.750 is hereby amended to read as follows:

624.750 1. It is unlawful for a person to commit any act or omission described in subsection 1 of NRS 624.3012, subsection 2 of NRS 624.3013, NRS 624.3014 or subsection 1, 3 or 7 of NRS 624.3016.

2. Unless a greater penalty is otherwise provided by a specific statute, any person who violates subsection 1, NRS 624.305, subsection 1 of NRS 624.700 or NRS 624.720 or 624.740:

(a) For a first offense, is guilty of a misdemeanor and shall be punished by a fine of not more than $1,000, and may be further punished by imprisonment in the county jail for not more than 6 months.

(b) For the second offense, is guilty of a gross misdemeanor and shall be punished by a fine of not less than $2,000 nor more than $4,000, and may be further punished by imprisonment in the county jail for not more than ~~[1 year.]~~ ***364 days.***

(c) For the third or subsequent offense, is guilty of a category E felony and shall be punished by a fine of not less than $5,000 nor more than $10,000 and may be further punished by imprisonment in the state prison for not less than 1 year and not more than 4 years.

3. It is unlawful for a person to receive money for the purpose of obtaining or paying for services, labor, materials or equipment if the person:

(a) Willfully fails to use that money for that purpose by failing to complete the improvements for which the person received the money or by

failing to pay for any services, labor, materials or equipment provided for that construction; and

(b) Wrongfully diverts that money to a use other than that for which it was received.

4. Unless a greater penalty is otherwise provided by a specific statute, any person who violates subsection 3:

(a) If the amount of money wrongfully diverted is $1,000 or less, is guilty of a gross misdemeanor and shall be punished by a fine of not less than $2,000 nor more than $4,000, and may be further punished by imprisonment in the county jail for not more than ~~[1 year.]~~ ***364 days.***

(b) If the amount of money wrongfully diverted is more than $1,000, is guilty of a category E felony and shall be punished by a fine of not less than $5,000 nor more than $10,000, and may be further punished by imprisonment in the state prison for not less than 1 year and not more than 4 years.

5. Imposition of a penalty provided for in this section is not precluded by any disciplinary action taken by the Board against a contractor pursuant to the provisions of NRS 624.300 to 624.305, inclusive.

Sec. 26. NRS 624.965 is hereby amended to read as follows:

624.965 1. A violation of any provision of NRS 624.900 to 624.965, inclusive, or any regulation adopted by the Board with respect to contracts for work concerning a residential pool or spa by a contractor constitutes cause for disciplinary action pursuant to NRS 624.300.

2. It is unlawful for a person to violate any provision of NRS 624.900 to 624.965, inclusive.

3. Any person who violates any provision of NRS 624.900 to 624.965, inclusive:

(a) For a first offense, is guilty of a misdemeanor and shall be punished by a fine of not more than $1,000, and may be further punished by imprisonment in the county jail for not more than 6 months.

(b) For the second offense, is guilty of a gross misdemeanor and shall be punished by a fine of not less than $2,000 nor more than $4,000, and may be further punished by imprisonment in the county jail for not more than ~~[1 year.]~~ ***364 days.***

(c) For the third or subsequent offense, is guilty of a ~~[class]~~ ***category*** E felony and shall be punished by a fine of not less than $5,000 nor more than $10,000 and may be further punished by imprisonment in the state prison for not less than 1 year and not more than 4 years.

4. The imposition of a penalty provided for in this section is not precluded by any disciplinary action taken by the Board against a contractor pursuant to the provisions of NRS 624.300 to 624.305, inclusive.

Sec. 27. NRS 638.170 is hereby amended to read as follows:

638.170 1. Except as otherwise provided in subsections 2 and 3 of this section and NRS 638.1525, a person who violates any of the provisions of this chapter is guilty of a misdemeanor.

2. A person who practices veterinary medicine without a license issued pursuant to the provisions of this chapter is guilty of a category D felony and shall be punished as provided in NRS 193.130.

3. A person who practices as a veterinary technician without a license issued pursuant to the provisions of this chapter ***is guilty of a gross misdemeanor and*** shall be punished by imprisonment in the county jail for not more than ~~[1 year,]~~ ***364 days,*** or by a fine of not more than $2,000, or by both fine and imprisonment.

Sec. 28. NRS 641A.440 is hereby amended to read as follows:

641A.440 Any person who violates any of the provisions of this chapter or, having had his or her license suspended or revoked, continues to represent himself or herself as a marriage and family therapist, marriage and family therapist intern, clinical professional counselor or clinical professional counselor intern ***is guilty of a gross misdemeanor and*** shall be punished by imprisonment in the county jail for not more than ~~[1 year]~~ ***364 days*** or by a fine of not more than $5,000, or by both fine and imprisonment. Each violation is a separate offense.

Sec. 29. NRS 645F.430 is hereby amended to read as follows:

645F.430 A foreclosure purchaser who engages in any conduct that operates as a fraud or deceit upon a homeowner in connection with a transaction that is subject to the provisions of NRS 645F.300 to 645F.450, inclusive, including, without limitation, a foreclosure reconveyance, is guilty of a gross misdemeanor and shall be punished by imprisonment in the county jail for not more than ~~[1 year,]~~ ***364 days,*** or by a fine of not more than $50,000, or by both fine and imprisonment.

Sec. 30. The amendatory provisions of this act apply to a person who is sentenced on or after October 1, 2013, for a crime committed before, on or after October 1, 2013.

Sec. 31. **1. A person who was convicted of a gross misdemeanor and sentenced before October 1, 2013, to serve a term of imprisonment in the county jail for 1 year may file a petition with the court of original jurisdiction requesting that the court, for good cause shown, order that his or her original sentence be modified to a sentence imposing a term of imprisonment for 364 days.**

2. No person has a right to modification of a sentence pursuant to this section, and the granting or denial of a petition pursuant to this section does not establish a basis for any cause of action against this State, any political subdivision of this State or any agency, board,

commission, department, officer, employee or agent of this State or a political subdivision of this State.

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 199.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 660.

AN ACT relating to crimes; making it a felony to perform certain health care procedures or surgical procedures without a license; **revising the provision defining when a person is deemed to be practicing dentistry;** providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires various medical professionals to be licensed to practice in this State (Chapters 630-637, 639 and 640 of NRS) **Sections 5 and 6** of this bill make it a felony to perform certain health care procedures or surgical procedures without a license and set forth specific penalties for engaging in such unlawful conduct.

Sections ~~[~~7-18~~]~~ 7-9 and 10-18 of this bill amend various provisions of existing law which impose penalties for the practice of certain medical professions without a license to specify that if the provisions of **section 5 or 6** provide a greater penalty for engaging in the unlawful conduct, the greater penalty must apply. **Section 9.5 of this bill revises the provision defining when a person is deemed to be practicing dentistry.**

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

Section 1. Chapter 200 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 6, 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. ***"Health care procedure" means any medical procedure, other than a surgical procedure, that requires a license to perform pursuant to chapters 630 to 637, inclusive, 639 or 640 of NRS.***

Sec. 4. ***"Surgical procedure" means any invasive medical procedure where a break in the skin is created and there is contact with the mucosa or any minimally invasive medical procedure where a break in the skin is created or which involves manipulation of the internal body cavity beyond***

a natural or artificial body orifice which requires a license to perform pursuant to chapters 630 to 637, inclusive, 639 or 640 of NRS.

Sec. 5. *A person who performs a health care procedure on another person without a license which results in:*

1. Substantial bodily harm other than death to the person who received the procedure:

(a) For a first offense, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

(b) For any subsequent offense, 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 shall be further punished by a fine of not less than $2,000 but not more than $5,000.

2. The death of the person who received the procedure, unless a greater penalty is provided by statute, 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 shall be further punished by a fine of not less than $2,000 but not more than $5,000. A sentence imposed pursuant to this subsection may not be suspended nor may probation be granted.

Sec. 6. *A person who performs a surgical procedure on another person without a license which results in:*

1. No substantial bodily harm to the person who received the procedure:

(a) For a first offense, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

(b) For a second or subsequent offense, 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 shall be further punished by a fine of not less than $2,000 but not more than $5,000.

2. Substantial bodily harm other than death to the person who received the procedure 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 shall be further punished by a fine of not less than $2,000 but not more than $5,000.

3. The death of the person who received the procedure, unless a greater penalty is provided by statute, 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 shall be further punished by a fine of not less than $2,000 but not more than

$5,000. A sentence imposed pursuant to this subsection may not be suspended nor may probation be granted.

Sec. 7. NRS 630.400 is hereby amended to read as follows:

630.400 A person who:

1. Presents to the Board as his or her own the diploma, license or credentials of another;

2. Gives either false or forged evidence of any kind to the Board;

3. Practices medicine, perfusion or respiratory care under a false or assumed name or falsely personates another licensee;

4. Except as otherwise provided by a specific statute, practices medicine, perfusion or respiratory care without being licensed under this chapter;

5. Holds himself or herself out as a perfusionist or uses any other term indicating or implying that he or she is a perfusionist without being licensed by the Board;

6. Holds himself or herself out as a physician assistant or uses any other term indicating or implying that he or she is a physician assistant without being licensed by the Board; or

7. Holds himself or herself out as a practitioner of respiratory care or uses any other term indicating or implying that he or she is a practitioner of respiratory care without being licensed by the Board,

➥ is guilty of a category D felony and shall be punished as provided in NRS 193.130 ~~[.]~~ ***, unless a greater penalty is provided pursuant to section 5 or 6 of this act.***

Sec. 8. 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 under a false or assumed name; or

4. Except as otherwise provided in NRS 629.091, ***or unless a greater penalty is provided pursuant to section 5 or 6 of this act,*** practices homeopathic medicine without being licensed or certified under this chapter,

➥ is guilty of a category D felony and shall be punished as provided in NRS 193.130.

Sec. 9. 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 without a 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 ~~[.]~~ ***, unless a greater penalty is provided pursuant to section 5 or 6 of this act.***

Sec. 9.5. **NRS 631.215 is hereby amended to read as follows:**

631.215 1. Any person shall be deemed to be practicing dentistry who:

(a) Uses words or any letters or title in connection with his or her name which in any way represents the person as engaged in the practice of dentistry, or any branch thereof;

(b) Advertises or permits to be advertised by any medium that the person can or will attempt to perform dental operations of any kind;

(c) ~~[~~Diagnoses,~~]~~ ***Evaluates or diagnoses,*** professes to ***evaluate or*** diagnose or treats or professes to treat ***, surgically or nonsurgically,*** any of the diseases ***, disorders, conditions*** or lesions of the oral cavity, ~~[~~teeth, gingiva or the supporting structures thereof;~~]~~ ***maxillofacial area or the adjacent and associated structures and their impact on the human body.***

(d) Extracts teeth;

(e) Corrects malpositions of the teeth or jaws;

(f) Takes impressions of the teeth, mouth or gums, unless the person is authorized by the regulations of the Board to engage in such activities without being a licensed dentist;

(g) Examines a person for, or supplies artificial teeth as substitutes for natural teeth;

(h) Places in the mouth and adjusts or alters artificial teeth;

(i) Does any practice included in the clinical dental curricula of accredited dental colleges or a residency program for those colleges;

(j) Administers or prescribes such remedies, medicinal or otherwise, as are needed in the treatment of dental or oral diseases;

(k) Uses X-ray radiation or laser radiation for dental treatment or dental diagnostic purposes, unless the person is authorized by the regulations of the Board to engage in such activities without being a licensed dentist;

(l) Determines:

(1) Whether a particular treatment is necessary or advisable; or

(2) Which particular treatment is necessary or advisable; or

(m) Dispenses tooth whitening agents or undertakes to whiten or bleach teeth by any means or method, unless the person is:

(1) Dispensing or using a product that may be purchased over the counter for a person's own use; or

(2) Authorized by the regulations of the Board to engage in such activities without being a licensed dentist.

2. Nothing in this section:

(a) Prevents a dental assistant, dental hygienist or qualified technician from making radiograms or X-ray exposures or using X-ray radiation or laser radiation for dental treatment or dental diagnostic purposes upon the direction of a licensed dentist.

(b) Prohibits the performance of mechanical work, on inanimate objects only, by any person employed in or operating a dental laboratory upon the written work authorization of a licensed dentist.

(c) Prevents students from performing dental procedures that are part of the curricula of an accredited dental school or college or an accredited school of dental hygiene or an accredited school of dental assisting.

(d) Prevents a licensed dentist or dental hygienist from another state or country from appearing as a clinician for demonstrating certain methods of technical procedures before a dental society or organization, convention or dental college or an accredited school of dental hygiene or an accredited school of dental assisting.

(e) Prohibits the manufacturing of artificial teeth upon receipt of a written authorization from a licensed dentist if the manufacturing does not require direct contact with the patient.

(f) Prohibits the following entities from owning or operating a dental office or clinic if the entity complies with the provisions of NRS 631.3452:

(1) A nonprofit corporation organized pursuant to the provisions of chapter 82 of NRS to provide dental services to rural areas and medically underserved populations of migrant or homeless persons or persons in rural communities pursuant to the provisions of 42 U.S.C. § 254b or 254c.

(2) A federally-qualified health center as defined in 42 U.S.C. § 1396d(l)(2)(B) operating in compliance with other applicable state and federal law.

(3) A nonprofit charitable corporation as described in section 501(c)(3) of the Internal Revenue Code and determined by the Board to be providing dental services by volunteer licensed dentists at no charge or at a substantially reduced charge to populations with limited access to dental care.

(g) Prevents a person who is actively licensed as a dentist in another jurisdiction from treating a patient if:

(1) The patient has previously been treated by the dentist in the jurisdiction in which the dentist is licensed;

(2) The dentist treats the patient only during a course of continuing education involving live patients which:

(I) Is conducted at an institute or organization with a permanent facility registered with the Board for the sole purpose of providing postgraduate continuing education in dentistry; and

(II) Meets all applicable requirements for approval as a course of continuing education; and

(3) The dentist treats the patient only under the supervision of a person licensed pursuant to NRS 631.2715.

(h) Prohibits a person from providing goods or services for the support of the business of a dental practice, office or clinic owned or operated by a licensed dentist or any entity not prohibited from owning or operating a dental practice, office or clinic if the person does not:

(1) Provide such goods or services in exchange for payments based on a percentage or share of revenues or profits of the dental practice, office or clinic; or

(2) Exercise any authority or control over the clinical practice of dentistry.

3. The Board shall adopt regulations identifying activities that constitute the exercise of authority or control over the clinical practice of dentistry, including, without limitation, activities which:

(a) Exert authority or control over the clinical judgment of a licensed dentist; or

(b) Relieve a licensed dentist of responsibility for the clinical aspects of the dental practice.

➥ Such regulations must not prohibit or regulate aspects of the business relationship, other than the clinical practice of dentistry, between a licensed dentist or professional entity organized pursuant to the provisions of chapter 89 of NRS and the person or entity providing goods or services for the support of the business of a dental practice, office or clinic owned or operated by the licensed dentist or professional entity.

Sec. 10. NRS 631.400 is hereby amended to read as follows:

631.400 1. A person who engages in the illegal practice of dentistry in this State is guilty of a category D felony and shall be punished as provided in NRS 193.130 ~~[.]~~ ***, unless a greater penalty is provided pursuant to section 5 or 6 of this act.***

2. ~~[A]~~ ***Unless a greater penalty is provided pursuant to section 5 or 6 of this act, a*** person who practices or offers to practice dental hygiene in this State without a license, or who, having a license, practices dental hygiene in a manner or place not permitted by the provisions of this chapter:

(a) If it is his or her first or second offense, is guilty of a gross misdemeanor.

(b) If it is his or her third or subsequent offense, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

3. Unless a greater penalty is provided by specific statute, a person who is licensed to practice dentistry who practices dentistry in a manner or place not permitted by the provisions of this chapter:

(a) If it is his or her first or second offense, is guilty of a gross misdemeanor.

(b) If it is his or her third or subsequent offense, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

4. The Board may assign a person described in subsection 1, 2 or 3 specific duties as a condition of renewing a license.

5. If a person has engaged or is about to engage in any acts or practices which constitute or will constitute an offense against this chapter, the district

court of any county, on application of the Board, may issue an injunction or other appropriate order restraining the conduct. Proceedings under this subsection are governed by Rule 65 of the Nevada Rules of Civil Procedure, except that no bond or undertaking is required in any action commenced by the Board.

Sec. 11. NRS 632.315 is hereby amended to read as follows:

632.315 1. For the purposes of safeguarding life and health and maintaining high professional standards among nurses in this State, any person who practices or offers to practice nursing in this State shall submit evidence that he or she is qualified to practice and must be licensed as provided in this chapter.

2. Any person who:

(a) Practices or offers to practice nursing in this State or uses any title, abbreviation, sign, card or device to indicate that he or she is practicing nursing in this State unless that person has been licensed pursuant to the provisions of this chapter; or

(b) Does not hold a valid and subsisting license to practice nursing issued pursuant to the provisions of this chapter who practices or offers to practice in this State as a registered nurse, licensed practical nurse, graduate nurse, trained nurse, certified nurse or under any other title or designation suggesting that the person possesses qualifications and skill in the field of nursing,

➥ is guilty of a misdemeanor ~~[.]~~ ***, unless a greater penalty is provided pursuant to section 5 or 6 of this act.***

3. The Executive Director of the Board may, on behalf of the Board, issue an order to cease and desist to any person who practices or offers to practice nursing without a license issued pursuant to the provisions of this chapter.

4. The Executive Director of the Board shall forward to the appropriate law enforcement agency any information submitted to the Board concerning a person who practices or offers to practice nursing without a license issued pursuant to the provisions of this chapter.

Sec. 12. NRS 633.741 is hereby amended to read as follows:

633.741 A person who:

1. Except as otherwise provided in NRS 629.091, practices:

(a) Osteopathic medicine without a valid license to practice osteopathic medicine under this chapter;

(b) As a physician assistant without a valid license under this chapter; or

(c) Beyond the limitations ordered upon his or her practice by the Board or the court;

2. Presents as his or her own the diploma, license or credentials of another;

3. Gives either false or forged evidence of any kind to the Board or any of its members in connection with an application for a license;

4. Files for record the license issued to another, falsely claiming himself or herself to be the person named in the license, or falsely claiming himself or herself to be the person entitled to the license;

5. Practices osteopathic medicine or practices as a physician assistant under a false or assumed name or falsely personates another licensee of a like or different name;

6. Holds himself or herself out as a physician assistant or who uses any other term indicating or implying that he or she is a physician assistant, unless the person has been licensed by the Board as provided in this chapter; or

7. Supervises a person as a physician assistant before such person is licensed as provided in this chapter,

➥ is guilty of a category D felony and shall be punished as provided in NRS 193.130 ~~[.]~~ ***, unless a greater penalty is provided pursuant to section 5 or 6 of this act.***

Sec. 13. NRS 634.227 is hereby amended to read as follows:

634.227 1. A person who:

(a) Presents to the Board as his or her own the diploma, license or credentials of another;

(b) Gives false or forged evidence of any kind to the Board; or

(c) Practices chiropractic under a false or assumed name or falsely personates another licensee,

➥ is guilty of a misdemeanor.

2. Except as otherwise provided in NRS 634.105 and 634.1375, a person who does not hold a license issued pursuant to this chapter and:

(a) Practices chiropractic in this State;

(b) Holds himself or herself out as a chiropractor;

(c) Uses any combination, variation or abbreviation of the terms "chiropractor," "chiropractic" or "chiropractic physician" as a professional or commercial representation; or

(d) Uses any means which directly or indirectly conveys to another person the impression that he or she is qualified or licensed to practice chiropractic,

➥ is guilty of a category D felony and shall be punished as provided in NRS 193.130 ~~[.]~~ ***, unless a greater penalty is provided pursuant to section 5 or 6 of this act.***

Sec. 14. NRS 634A.230 is hereby amended to read as follows:

634A.230 Any person who represents himself or herself as a practitioner of Oriental medicine, or any branch thereof, or who engages in the practice of Oriental medicine, or any branch thereof, in this State without holding a

valid license issued by the Board is guilty of a gross misdemeanor ~~[.]~~ ***, unless a greater penalty is provided pursuant to section 5 or 6 of this act.***

Sec. 15. NRS 635.167 is hereby amended to read as follows:

635.167 Any person who:

1. Presents to the Board as his or her own the diploma, license or credentials of another;

2. Gives either false or forged evidence of any kind to the Board;

3. Practices podiatry under a false or assumed name or falsely personates another licensee;

4. Except as otherwise provided by specific statute, practices podiatry without being licensed under this chapter; or

5. Uses the title "D.P.M.," "Podiatrist," "Podiatric Physician," "Podiatric Physician-Surgeon" or "Physician-Surgeon D.P.M." when not licensed by the Board pursuant to this chapter, unless otherwise authorized by a specific statute,

➥ is guilty of a gross misdemeanor ~~[.]~~ ***, unless a greater penalty is provided pursuant to section 5 or 6 of this act.***

Sec. 16. NRS 636.410 is hereby amended to read as follows:

636.410 A violation of this chapter shall constitute a gross misdemeanor and shall be punishable as such ~~[.]~~ ***, unless a greater penalty is provided pursuant to section 5 or 6 of this act.***

Sec. 17. NRS 637.200 is hereby amended to read as follows:

637.200 The following acts constitute misdemeanors ~~[.]~~ ***, unless a greater penalty is provided pursuant to section 5 or 6 of this act:***

1. The insertion of a false or misleading statement in any advertising in connection with the business of ophthalmic dispensing.

2. Making use of any advertising statement of a character tending to indicate to the public the superiority of a particular system or type of eyesight examination or treatment.

3. Furnishing or advertising the furnishing of the services of a refractionist, optometrist, physician or surgeon.

4. Changing the prescription of a lens without an order from a person licensed to issue such a prescription.

5. Filling a prescription for a contact lens in violation of the expiration date or number of refills specified by the prescription.

6. Violating any provision of this chapter.

Sec. 18. NRS 639.285 is hereby amended to read as follows:

639.285 Any person not licensed by the Board, who sells, displays or offers for sale any drug, device or poison, the sale of which is restricted to prescription only or by a registered pharmacist or under his or her direct and immediate supervision, is guilty of a misdemeanor ~~[.]~~ ***, unless a greater penalty is provided pursuant to section 5 or 6 of this act.***

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 213.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 690.

AN ACT relating to trapping; requiring the registration of each trap, snare or similar device used in the taking of wild mammals; ~~[authorizing the removal or disturbance of a trap, snare or similar device under certain circumstances;]~~ **providing that any information in the possession of the Department of Wildlife concerning the registration of a trap, snare or similar device is confidential;** requiring the Board of Wildlife Commissioners to adopt regulations prescribing the frequency of required visits for a trap, snare or similar device; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that any person who intentionally steals, takes and carries away personal goods or property of another person with a value of less than $650 or who knowingly buys, receives, possesses or withholds such property is guilty of a misdemeanor. (NRS 205.240, 205.275) **Section 1.6** of this bill provides that a person who intentionally steals, takes and carries away traps, snares or similar devices with an aggregate value of less than $650 or who knowingly buys, receives, possesses or withholds stolen traps, snares or similar devices with an aggregate value of less than $650 is guilty of a gross misdemeanor.

Existing law requires a person who takes fur-bearing mammals by any legal method or unprotected mammals by trapping to obtain a trapping license. (NRS 503.454) Existing law also provides that each trap, snare or similar device used in the taking of wild mammals may bear a number registered with the Department of Wildlife or may be permanently marked with the name and address of the owner or trapper using it. If a trap is registered, the registration is permanent and the registrant must pay a one-time fee of $10 at the time the first trap, snare or similar device is registered. (NRS 503.452) **Section 3** of this bill amends those provisions by: (1) requiring each trap, snare or similar device used in the taking of wild mammals to be registered with the Department **;** ~~[of Wildlife;]~~ and (2) requiring each registered trap, snare or similar device to bear a number **which is** assigned by the Department ~~[.]~~ **and is affixed to the trap, snare or**

similar device in the manner specified by regulations adopted by the Board of Wildlife Commissioners.

Under existing law, ~~[it is]~~ **every person who takes fur-bearing mammals by any legal method is required to obtain a trapping license. Existing law also makes it** unlawful to move or disturb a lawfully-set trap. (NRS 503.454) **Section 4** of this bill ~~[removes this prohibition for a trap, snare, or similar device that creates immediate and obvious risk or injury or death to persons, pets and service animals.]~~ **: (1) requires every person who takes fur-bearing mammals by trap, snare or similar device to obtain a trapping license; and (2) clarifies that the prohibition against moving or disturbing a lawfully-set trap also includes any lawfully-set snare or similar device.**

Existing law requires each person who sets or places a trap, snare or similar device to visit those devices at least once every 96 hours and requires the removal of trapped mammals from the devices. (NRS 503.570) **Section 5** of this bill requires the ~~[Board of Wildlife Commissioners]~~ **Commission** to adopt regulations prescribing the frequency at which a person who sets or places a trap, snare or similar device is required to visit the trap, snare or similar device, which must be at least once every 96 hours.

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

Section 1. Chapter 501 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.3 and 1.6 of this act.

Sec. 1.3. ***"Trap" means a device that is designed, built or made to close upon or hold fast any portion of an animal.***

Sec. 1.6. ***1. Any person who intentionally steals, takes and carries away one or more traps, snares or similar devices owned by another person with an aggregate value of less than $650 is guilty of a gross misdemeanor.***

2. Any person who buys, receives, possesses or withholds one or more traps, snares or similar devices owned by another person with an aggregate value of less than $650:

(a) Knowing that the traps, snares or similar devices are stolen property; or

(b) Under such circumstances as should have caused a reasonable person to know that the traps, snares or similar devices are stolen property,

➥ is guilty of a gross misdemeanor.

Sec. 2. NRS 501.001 is hereby amended to read as follows:

501.001 As used in this title, unless the context otherwise requires, the words and terms defined in NRS 501.003 to 501.097, inclusive, ***and section 1.3 of this act*** have the meanings ascribed to them in those sections.

Sec. 3. NRS 503.452 is hereby amended to read as follows:

503.452 ***1.*** Each trap, snare or similar device used in the taking of wild mammals ~~[may]~~ ***must be registered with the Department before it is used. Each registered trap, snare or similar device must*** bear a number ~~[registered with]~~ ***which is assigned by*** the Department ~~***[,]***~~ ~~[or be permanently marked with the name and address of the owner or trapper using it. If a trap is registered, the]~~ ***and is affixed to or marked on the trap, snare or similar device in the manner specified by regulations adopted by the Commission. The*** registration ***of a trap, snare or similar device*** is ~~[permanent.]~~ ***valid until the trap, snare or similar device is sold or ownership of the trap, snare or similar device is otherwise transferred.***

2. A registration fee of $10 for each registrant is payable only once ~~[,]~~ ***by each person who registers a trap, snare or similar device. The fee must be paid*** at the time the first trap, snare or similar device is registered.

3. ~~*[A trap, snare or similar device sold or for which ownership is otherwise transferred on or after July 31, 2013, must not bear the registration number of the seller or transferor unless the trap, snare or similar device was permanently marked with the registration number of the person before that date.*~~

~~*4.]*~~ ***It is unlawful :***

(a) For a person to whom a trap, snare or similar device is registered to allow another person to possess or use the trap, snare or similar device without providing to that person written authorization to possess or use the trap, snare or similar device.

(b) For a person to possess or use a trap, snare or similar device registered to another person without obtaining the written authorization ~~*[from the person to whom the trap, snare or similar device is registered.*~~

~~*5.]*~~ ***required pursuant to paragraph (a). If a person obtains written authorization to possess or use a trap, snare or similar device pursuant to paragraph (a), the person shall ensure that the written authorization, together with his or her trapping license, is in his or her possession during any period in which he or she uses the trap, snare or similar device to take fur-bearing mammals.***

4. A person to whom a trap, snare or similar device is registered pursuant to this section shall report any theft of the trap, snare or similar device to the Department as soon as it is practical to do so after the person discovers the theft.

~~***[6.]***~~ ***5. Any information in the possession of the Department concerning the registration of a trap, snare or similar device is confidential and the Department shall not disclose that information unless required to do so by law or court order.***

Sec. 4. NRS 503.454 is hereby amended to read as follows:

503.454 1. Every person who takes fur-bearing mammals by ~~[any legal method]~~ ***trap, snare or similar device*** or unprotected mammals by trapping or sells raw furs for profit shall procure a trapping license.

2. It is unlawful to remove or disturb the trap ***, snare or similar device*** of any holder of a trapping license while the trap ***, snare or similar device*** is being legally used by the holder on public land or on land where the holder has permission to trap . ~~*[unless the trap, snare or similar device creates an immediate and obvious risk of injury or death to any person, pet or service animal.*~~

~~*3. As used in this section, "service animal" has the meaning ascribed to it in NRS 426.097.]*~~

Sec. 5. NRS 503.570 is hereby amended to read as follows:

503.570 1. A person taking or causing to be taken wild mammals by means of traps, snares or ~~[any other]~~ ***similar*** devices which do not, or are not designed to, cause immediate death to the mammals, shall, if the traps, snares or ***similar*** devices are placed or set to take mammals, visit or cause to be visited ~~[at least once each 96 hours]~~ each trap, snare or ~~[other]~~ ***similar*** device ***at a frequency specified in regulations adopted by the Commission pursuant to subsection 3*** during all of the time the trap, snare or ***similar*** device is placed, set or used to take wild mammals, and remove therefrom any mammals caught therein.

2. The provisions of subsection 1 do not apply to employees of the State Department of Agriculture or the United States Department of Agriculture when acting in their official capacities.

3. The Commission shall adopt regulations setting forth the frequency at which a person who takes or causes to be taken wild mammals by means of traps, snares or similar devices which do not, or are not designed to, cause immediate death to the mammals must visit a trap, snare or similar device. The regulations must require the person to visit a trap, snare or similar device at least once each 96 hours. In adopting the regulations, the Commission shall consider requiring a trap, snare or similar device placed in close proximity to a populated or heavily used area by persons to be visited more frequently than a trap, snare or similar device which is not placed in close proximity to such an area.

Sec. 5.5. NRS 205.240 is hereby amended to read as follows:

205.240 1. Except as otherwise provided in NRS 205.220, 205.226, 205.228 and 475.105, ***and section 1.6 of this act,*** a person commits petit larceny if the person:

(a) Intentionally steals, takes and carries away, leads away or drives away:

(1) Personal goods or property, with a value of less than $650, owned by another person;

(2) Bedding, furniture or other property, with a value of less than $650, which the person, as a lodger, is to use in or with his or her lodging and which is owned by another person; or

(3) Real property, with a value of less than $650, that the person has converted into personal property by severing it from real property owned by another person.

(b) Intentionally steals, takes and carries away, leads away, drives away or entices away one or more domesticated animals or domesticated birds, with an aggregate value of less than $650, owned by another person.

2. Unless a greater penalty is provided pursuant to NRS 205.267, a person who commits petit larceny is guilty of a misdemeanor. In addition to any other penalty, the court shall order the person to pay restitution.

Sec. 5.6. NRS 205.275 is hereby amended to read as follows:

205.275 1. ~~[A]~~ ***Except as otherwise provided in section 1.6 of this act, a*** person commits an offense involving stolen property if the person, for his or her own gain or to prevent the owner from again possessing the owner's property, buys, receives, possesses or withholds property:

(a) Knowing that it is stolen property; or

(b) Under such circumstances as should have caused a reasonable person to know that it is stolen property.

2. A person who commits an offense involving stolen property in violation of subsection 1:

(a) If the value of the property is less than $650, is guilty of a misdemeanor;

(b) If the value of the property is $650 or more but less than $3,500, is guilty of a category C felony and shall be punished as provided in NRS 193.130; or

(c) If the value of the property is $3,500 or more or if the property is a firearm, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and by a fine of not more than $10,000.

3. In addition to any other penalty, the court shall order the person to pay restitution.

4. A person may be prosecuted and convicted pursuant to this section whether or not the principal is or has been prosecuted or convicted.

5. Possession by any person of three or more items of the same or a similar class or type of personal property on which a permanently affixed manufacturer's serial number or manufacturer's identification number has been removed, altered or defaced, is prima facie evidence that the person has violated this section.

6. For the purposes of this section, the value of the property involved shall be deemed to be the highest value attributable to the property by any reasonable standard.

7. As used in this section, "stolen property" means property that has been taken from its owner by larceny, robbery, burglary, embezzlement, theft or any other offense that is a crime against property, whether or not the person who committed the taking is or has been prosecuted or convicted for the offense.

Sec. 6. 1. This section, sections 1 to 2, inclusive, 4, 5.5 and 5.6 of this act become effective upon passage and approval.

2. Sections 3 and 5 of this act become effective upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act and on July 31, 2013, for all other purposes.

Assemblyman Daly moved the adoption of the amendment.

Remarks by Assemblyman Daly.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 236.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 721.

AN ACT relating to governmental administration; requiring a state agency to make available on an Internet website maintained by the state agency certain forms of the state agency in a format which allows the form to be completed, downloaded and saved electronically and submitted securely to the state agency via the Internet; authorizing a state agency to apply for a waiver from such a requirement; requiring the Interim Finance Committee to grant such a waiver in certain circumstances; authorizing a state agency to provide a copy of certain records to any other state agency upon request; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 3 of this bill requires each state agency, as soon as reasonably practicable, but not later than June 30, 2015, to make available on an Internet website maintained by the state agency an electronic version of each administrative form of the state agency in a format which allows the form to be completed, downloaded and saved electronically and submitted securely to the state agency via the Internet. **Section 3** further authorizes a state agency to: (1) utilize, in a manner determined appropriate by the state agency, any program, software or technology to comply with that

requirement; (2) collaborate with other state agencies to comply with that requirement; and (3) comply with that requirement in phases or separate portions over time. **Section 3** also authorizes a state agency to apply to the Interim Finance Committee for a waiver of that requirement and requires the Committee to grant the waiver if the Committee determines that extenuating circumstances exist or that the cost to comply with the requirement is unreasonable and would place an undue burden on the operations of the state agency. **Section 4** of this bill authorizes a state agency, upon receiving a written request from any other state agency, to provide the requesting state agency with a copy of any record maintained by the state agency other than a record which is declared by law to be confidential**_.** ~~[or which the state agency determines must be kept confidential.]~~

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

Section 1. Chapter 237 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. ***As used in sections 2, 3 and 4 of this act, the term "state agency" means every public agency, bureau, board, commission, department or division of the Executive Department of State Government.***

Sec. 3. ***1. Except as otherwise provided in subsection 3, a state agency shall, as soon as reasonably practicable, but not later than June 30, 2015, make available on an Internet website maintained by the state agency an electronic version of each administrative form of the state agency which is used by any person to submit information to the state agency. The electronic version of each administrative form must be in a format that allows a person to complete or prepare the form electronically, download and save an electronic copy of the form to a computer and submit the form to the state agency securely via the Internet.***

2. A state agency may, in the discretion of the state agency:

(a) Utilize, in the manner that the state agency determines is appropriate, any program, software or technology that the state agency determines is appropriate for the purposes of complying with the requirements of subsection 1;

(b) Collaborate with another state agency to carry out the provisions of subsection 1, including, without limitation, for the purpose of sharing technology; and

(c) Comply with the provisions of subsection 1 in phases or separate portions over time, if the state agency determines that such an approach would be useful in fully complying with the provisions of subsection 1 by June 30, 2015.

3. A state agency may apply to the Interim Finance Committee for a waiver of the requirements of subsection 1. The Committee shall grant such a waiver to a state agency if the Committee determines that extenuating circumstances exist or that the cost to comply with subsection 1 is unreasonable and would place an undue burden on the operations of the state agency.

Sec. 4. ***A state agency may, upon receiving a written request from any other state agency, provide to the requesting state agency a copy of any record maintained by the state agency other than a record which is declared by law to be confidential . [or which the state agency determines must be kept confidential.] For the purposes of [providing a copy of a record pursuant to this subsection,] this section, if a [state agency determines that a] record is declared by law to be confidential in part and not confidential in part, the state agency may provide to the requesting state agency a copy of that portion of the record which is [determined] not [to be] confidential.***

Sec. 5. This act becomes effective upon passage and approval.

Assemblywoman Benitez-Thompson moved the adoption of the amendment.

Remarks by Assemblywoman Benitez-Thompson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 414.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 663.

AN ACT relating to juveniles; prohibiting a minor from transmitting or distributing certain images of bullying committed against another minor under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill prohibits a minor from knowingly and willfully using an electronic communication device, such as a cell phone, to transmit or distribute, or otherwise knowingly and willfully transmitting or distributing, an image of bullying committed against another minor for the purpose of encouraging, furthering or promoting bullying ~~[or]~~ **and** harming the minor. A minor who violates this provision is considered: (1) for a first violation, a child in need of supervision for the purposes of the laws governing juvenile justice; and (2) for a second or subsequent violation, to have committed a delinquent act.

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

Section 1. Chapter 200 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A minor shall not knowingly and willfully use an electronic communication device to transmit or distribute, or otherwise knowingly and willfully transmit or distribute, an image of bullying committed against a minor to another person with the intent to encourage, further or promote bullying ~~[or]~~ and to cause harm to the minor.

2. A minor who violates subsection 1:

(a) For the first violation, is a child in need of supervision, as that term is used in title 5 of NRS, and is not a delinquent child; and

(b) For the second or a subsequent violation, commits a delinquent act, and the court may order the detention of the minor in the same manner as if the minor had committed an act that would have been a misdemeanor if committed by an adult.

3. For the purposes of this section, to determine whether a person who is depicted in an image of bullying is a minor, the court may:

(a) Inspect the person in question;

(b) View the image;

(c) Consider the opinion of a witness to the image regarding the person's age;

(d) Consider the opinion of a medical expert who viewed the image; or

(e) Use any other method authorized by the rules of evidence at common law.

4. As used in this section:

(a) "Bullying" ~~[has the meaning ascribed to it in NRS 388.122.]~~ means a willful act which is written, verbal or physical, or a course of conduct on the part of one or more persons which is not otherwise authorized by law and which exposes a person one time or repeatedly and over time to one or more negative actions which is highly offensive to a reasonable person and:

(1) Is intended to cause or actually causes the person to suffer harm or serious emotional distress;

(2) Poses a threat of immediate harm or actually inflicts harm to another person or to the property of another person;

(3) Places the person in reasonable fear of harm or serious emotional distress; or

(4) Creates an environment which is hostile to a pupil by interfering with the education of the pupil.

(b) "Electronic communication device" means any electronic device that is capable of transmitting or distributing an image of bullying, including, without limitation, a cellular telephone, personal digital assistant, computer, computer network and computer system.

(c) "Image of bullying" means any visual depiction, including, without limitation, any photograph or video, of a minor bullying another minor.

(d) "Minor" means a person who is under 18 years of age.

Sec. 2. NRS 62B.320 is hereby amended to read as follows:

62B.320 1. Except as otherwise provided in this title, the juvenile court has exclusive original jurisdiction in proceedings concerning any child living or found within the county who is alleged or adjudicated to be in need of supervision because the child:

(a) Is subject to compulsory school attendance and is a habitual truant from school;

(b) Habitually disobeys the reasonable and lawful demands of the parent or guardian of the child and is unmanageable;

(c) Deserts, abandons or runs away from the home or usual place of abode of the child and is in need of care or rehabilitation; ~~[or]~~

(d) Uses an electronic communication device to transmit or distribute a sexual image of himself or herself to another person or to possess a sexual image in violation of NRS 200.737 ~~[.]~~ ***; or***

(e) Transmits or distributes an image of bullying committed against a minor in violation of section 1 of this act.

2. A child who is subject to the jurisdiction of the juvenile court pursuant to this section must not be considered a delinquent child.

3. As used in this section:

(a) ***"Bullying"*** ~~***[has the meaning ascribed to it in NRS 388.122.]***~~ ***means a willful act which is written, verbal or physical, or a course of conduct on the part of one or more persons which is not otherwise authorized by law and which exposes a person one time or repeatedly and over time to one or more negative actions which is highly offensive to a reasonable person and:***

(1) Is intended to cause or actually causes the person to suffer harm or serious emotional distress;

(2) Poses a threat of immediate harm or actually inflicts harm to another person or to the property of another person;

(3) Places the person in reasonable fear of harm or serious emotional distress; or

(4) Creates an environment which is hostile to a pupil by interfering with the education of the pupil.

(b) "Electronic communication device" has the meaning ascribed to it in NRS 200.737.

~~[(b)]~~ ***(c)*** "Sexual image" has the meaning ascribed to it in NRS 200.737.

Sec. 3. (Deleted by amendment.)

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 421.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 686.

AN ACT relating to juries; requiring a court to excuse a juror for cause under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a juror may be challenged for cause on certain grounds by either party to a jury trial and that any such challenge must be tried by the court. (NRS 16.050, 16.060, 175.036) **Section 1** of this bill revises the provisions establishing the grounds on which challenges for cause may be taken and includes, as an additional ground for such a challenge, the existence of a state of mind in the juror that the juror is biased for or against any party to the proceeding. ~~[Section]~~ **Sections 2 and 3.5** of this bill ~~[requires]~~ **require** a court ~~[in a civil action]~~ to excuse any juror the court determines is more likely than not to be biased.

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

Section 1. NRS 16.050 is hereby amended to read as follows:

16.050 1. Challenges for cause may be taken on one or more of the following grounds:

(a) A want of any of the qualifications prescribed by statute to render a person competent as a juror.

(b) Consanguinity or affinity within the third degree to either party.

(c) Standing in the relation of debtor and creditor, guardian and ward, master and servant, employer and clerk, or principal and agent, to either party, being a member of the family of either party or a partner, or united in business with either party, or being security on any bond or obligation for either party.

(d) Having served as a juror or been a witness on a previous trial between the same parties for the same cause of action or being then a witness therein.

(e) ~~[~~Interest~~]~~ ***Any ~~[financial]~~ interest*** on the part of the juror ***, including a financial interest,*** in the event of the action, or in the main question involved

in the action, except the interest of the juror as a member or citizen of a municipal corporation.

(f) Having formed or expressed ~~[an unqualified]~~ ***[any]*** ***a substantial*** opinion or belief as to the merits of the action, or the main question involved therein, but the reading of ~~[newspaper]~~ ***media*** accounts of the subject matter before the court ~~[shall]~~ ***does*** not disqualify a juror either for bias or opinion.

(g) The existence of a state of mind in the juror evincing ~~[enmity against or]~~ bias ~~[to either party.]~~ ***[that the juror is biased]*** ***for or against any party to the proceeding.***

2. A challenge for cause for standing in the relation of debtor and creditor when the party to an action is a public utility as defined in NRS 704.020 may be allowed only where the circumstances as determined by the court so warrant.

Sec. 2. NRS 16.060 is hereby amended to read as follows:

16.060 Challenges for cause ~~[shall]~~ ***must*** be tried by the court ***.*** ~~***[and may be held in chambers.]***~~ The juror challenged and any other person may be examined as a witness on the trial of the challenge. ~~***[In civil actions, the]***~~ ***The court shall excuse any juror who the court determines is more likely than not to be biased for or against any party to the proceeding.***

Sec. 3. (Deleted by amendment.)

Sec. 3.5. **NRS 175.036 is hereby amended to read as follows:**

175.036 1. Either side may challenge an individual juror for disqualification or for any cause or favor which would prevent the juror from adjudicating the facts fairly.

2. Challenges for cause ~~[shall]~~ ***must*** be tried by the court. The juror challenged and any other person may be examined as a witness on the trial of the challenge. ***The court shall excuse any juror who the court determines is more likely than not to be biased for or against any party to the proceeding.***

Sec. 4. This act expires by limitation on June 30, 2015.

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 436.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 788.

SUMMARY— ~~[Creates the Nevada State Parks and Cultural Resources Endowment Fund.]~~ **Establishes certain provisions relating to cultural resources of the State of Nevada.** (BDR 19-1154)

AN ACT relating to **cultural** resources; creating the Nevada State Parks and Cultural Resources Endowment Fund; **designating the Picon Punch as the official state drink;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[This bill]~~ **Section 1.5 of this bill** creates the Nevada State Parks and Cultural Resources Endowment Fund, the income from which is only to be used for the purposes of enhancing state parks and preserving the cultural resources of this State.

Section 1.7 of this bill designates the traditional Basque drink known as the Picon Punch as the official state drink of the State of Nevada.

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

Section 1. Chapter 235 of NRS is hereby amended by adding thereto ~~[a new section to read as follows:]~~ **the provisions set forth as sections 1.5 and 1.7 of this act.**

Sec. 1.5. 1. The Nevada State Parks and Cultural Resources Endowment Fund is hereby created as a trust fund in the State Treasury.

2. The State Treasurer shall deposit in the Fund any money the State Treasurer receives from any person who wishes to contribute to the Fund.

3. The Fund must be administered by a committee consisting of:

(a) The Administrator of the Division of State Parks of the State Department of Conservation and Natural Resources;

(b) The Administrator of the Office of Historic Preservation of the State Department of Conservation and Natural Resources; and

(c) Three members appointed by the Governor ~~[.]~~ ***with a view toward balancing gender and ethnicity.***

4. Insofar as practicable, the appointed members of the committee must reflect the geographical diversity of this State, and at least one of those members must have experience in the field of financial management or trust management. After the initial terms, each such member serves a term of 4 years. A member may be reappointed.

5. The committee shall, at its first meeting and biennially thereafter, elect a chair from among the appointed members of the committee. The committee shall meet at such times and places as are specified by a call of the chair.

6. The Fund must only be used for the purposes of the enhancement of state parks and the preservation of the cultural resources of this State. Any interest earned on money in the Fund must be credited to the Fund. The money which represents the principal of the Fund must not be spent, and

only the interest earned on the principal may be used to carry out the provisions of this section.

~~[5.]~~ 7. As used in this section, "cultural resources" has the meaning ascribed to it in subsection 3 of NRS 383.011.

Sec. 1.7. The traditional Basque drink known as the Picon Punch is hereby designated as the official state drink of the State of Nevada.

Sec. 1.9. **As soon as practicable after the effective date of this act, the Governor shall appoint to the committee created by section 1.5 of this act the appointed members of that committee. The members appointed initially to the committee pursuant to this section shall determine by lot whether they are designated to serve a term of 2, 3 or 4 years, respectively.**

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

Assemblywoman Benitez-Thompson moved the adoption of the amendment.

Remarks by Assemblywoman Benitez-Thompson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 440.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 617.

AN ACT relating to the City of Henderson; **providing for the creation and duties of a Charter Committee;** revising provisions relating to changing the boundaries of the City's wards based on changes in population; amending provisions relating to filling certain vacancies; amending provisions relating to Executive Officers; revising certain provisions relating to the Civil Service System; making various other changes to the Charter; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill amends various provisions of the Charter of the City of Henderson.

Section 1 of this bill **provides for the creation, membership and duties of a Charter Committee to make recommendations to the City Council regarding amendments to the Charter.**

Section 1.5 of this bill revises provisions relating to when the boundaries of the City's wards must be changed.

Existing law authorizes the City Council to fill a vacancy on the City Council or in the office of Mayor or Municipal Judge by appointment within 30 days after the occurrence of the vacancy. (Henderson City Charter §

1.070) **Section 2** of this bill requires the City Council to fill a vacancy by: (1) appointment within 60 days after the occurrence of the vacancy; or (2) by calling a special election to be held not later than 90 days after the occurrence of the vacancy.

Existing law requires the appointment of certain officers by the City Manager to be ratified by the City Council. (Henderson City Charter § 1.090) **Section 3** of this bill eliminates the Director of Public Works and the Director of Finance from the ratification requirement but requires the appointments of the Assistant City Manager and the Chief Financial Officer to be ratified by the City Council.

Section 4 of this bill requires that Executive Officers other than the City Attorney and the City Clerk perform such duties as are designated by the City Manager.

Section 5 of this bill authorizes the City Council to direct the City Attorney to apply for a subpoena commanding the attendance of certain persons before the City Council or production of documents or data. **Section 5** also authorizes a Municipal Judge, rather than the City Clerk, to issue such a subpoena.

Section 6 of this bill revises the procedure for the City Clerk to keep a record of the City's ordinances.

Section 7 of this bill revises the powers of the City Council to regulate and control animals.

Section 8 of this bill amends the procedures relating to the sale, lease or exchange of real property owned by the City to eliminate: (1) certain requirements for applying or offering to purchase, lease or exchange real property; and (2) the requirement that the City Council obtain an appraisal of real property before selling or exchanging real property or entering into a lease for a term of 3 years or longer.

Section 9 of this bill provides that the City Manager is the Chief Executive Officer of the City.

Existing law provides that the City Council may remove the City Manager for cause. (Henderson City Charter § 3.030) **Section 10** of this bill provides that the City Council may remove the City Manager for cause in accordance with the terms of the employment agreement between the City and the City Manager.

Section 11 of this bill requires the City Clerk to keep all records and historical papers belonging to the City.

Existing law requires the City Attorney to perform such duties as may be set by the City Council. (Henderson City Charter § 3.060) **Section 12** of this bill requires the City Attorney to: (1) advise the City Council and all offices, departments and divisions of the City in all matters with respect to the City; (2) determine whether the City should initiate any judicial or administrative

proceeding; and (3) perform such other duties as are designated by the City Council or prescribed by ordinance.

Section 13 of this bill clarifies that all Executive Officers are required to reside within the City during the term of their employment.

Section 14 of this bill clarifies that any City employee may collect or recover fines, forfeitures and other money except taxes. **Section 14** also authorizes the City Manager and the City Attorney, in addition to the City Council, to collect all money, including taxes, due and unpaid to the City through proper legal action.

Section 15 of this bill provides that the City Council must not give orders to any subordinate of the City Attorney or City Clerk.

Section 16 of this bill provides that if the City Manager, City Attorney or City Clerk is adjudged guilty of nonfeasance, misfeasance or malfeasance in office, the City Council may terminate that officer pursuant to the terms of his or her employment agreement.

Section 17 of this bill eliminates obsolete provisions relating to the qualifications of a Municipal Judge.

Section 18 of this bill provides that all fines and forfeitures for the violations of ordinances must be paid to the Chief Financial Officer, rather than the City's Treasury.

Sections 19 and 21 of this bill provide, respectively, that a candidate who is declared elected to office after a primary or general municipal election must enter into the discharge of his or her duties at the second regular meeting of the City Council held in the month of June immediately following the general election.

Section 20 of this bill eliminates obsolete language relating to the timing of the general municipal election.

Section 22 of this bill authorizes the City Council, on behalf of the City, to acquire, improve, equip, operate and maintain, convert to or authorize recreation projects.

Existing law requires, with limited exceptions, the City Council to levy a tax not exceeding 3 percent upon the assessed value of all real and personal property within the City. (Henderson City Charter § 8.010) **Section 23** of this bill removes the 3 percent cap on such taxes **[.]** **and requires the City Council to levy such taxes at a rate allowable under applicable provisions of the Nevada Revised Statutes.**

Section 24 of this bill amends the classifications of employees of the City to whom the System of Civil Service applies. **Section 26** of this bill provides that such changes apply to existing employees and officers who are employed by the City before, on or after October 1, 2013.

Section 25 of this bill repeals provisions relating to the City Clerk's performance bond, the limitation on the City incurring indebtedness for an

amount exceeding the revenue of the year in which the debt is incurred, the transfer of money to the City Treasury, the deposit of surplus taxes and the City's Sinking Fund.

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

Section 1. **The Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, at page 402, is hereby amended by adding thereto new sections to be designated as sections 1.120, 1.130 and 1.140, respectively, immediately following section 1.110, to read as follows:**

Sec. 1.120 Charter Committee: Appointment; qualifications; compensation; terms; vacancies.

1. The Charter Committee must be appointed as follows:

(a) The Mayor shall appoint two members;

(b) The Mayor pro tempore shall appoint two members;

(c) The remaining members of the City Council shall each appoint one member;

(d) The members of the Senate delegation representing the residents of the City and belonging to the majority party of the Senate shall appoint two members;

(e) The members of the Senate delegation representing the residents of the City and belonging to the minority party of the Senate shall appoint one member;

(f) The members of the Assembly delegation representing the residents of the City and belonging to the majority party of the Assembly shall appoint two members; and

(g) The members of the Assembly delegation representing the residents of the City and belonging to the minority party of the Assembly shall appoint one member.

2. Each member of the Charter Committee:

(a) Must be a registered voter of the City;

(b) Must reside in the City during his or her term of office; and

(c) Serves without compensation.

3. The term of office of a member of the Charter Committee is concurrent with the term of the person or persons, as applicable, by whom the member was appointed. If the term of office of any person making an appointment ends by resignation or otherwise, the term of office of a member of the Charter Committee appointed by that person ends on the day that the person resigns or otherwise leaves office.

4. If a vacancy occurs on the Charter Committee, the vacancy must be filled in the same manner as the original appointment for the remainder of the unexpired term.

Sec. 1.130 Charter Committee: Officers; meetings; duties. The Charter Committee shall:

1. Elect a Chair and Vice Chair from among its members, who each serve for a term of 2 years;

2. Meet at least once every 2 years before the beginning of each regular session of the Legislature and when requested by the City Council or the Chair of the Committee; and

3. Appear before the City Council on a date to be set after the final biennial meeting of the Charter Committee is conducted pursuant to subsection 2 and before the beginning of the next regular session of the Legislature to advise the City Council with regard to the recommendations of the Charter Committee concerning necessary amendments to this Charter.

Sec. 1.140 Charter Committee: Removal of member.

1. Any member of the Charter Committee may be removed by a majority of the remaining members of the Charter Committee for cause, including, without limitation:

(a) Failure or refusal to perform the duties of office;

(b) Absence from three consecutive regular meetings; or

(c) Ceasing to meet any qualification for appointment to the Charter Committee.

2. Any vacancy resulting from the removal of a member pursuant to this section must be filled pursuant to subsection 4 of section 1.120.

~~[Section 1.]~~ ***Sec. 1.5.*** Section 1.040 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 596, Statutes of Nevada 1995, at page 2205, is hereby amended to read as follows:

Sec. 1.040 Wards: Creation; boundaries.

1. The City must be divided into four wards, which must be as nearly equal in population as can be conveniently provided, and the territory comprising each ward must be contiguous.

2. The boundaries of wards must be established and changed by ordinance. Except as provided in subsection 3, the boundaries of wards must be changed whenever the population as determined by the ~~[last preceding national decennial census conducted by the Bureau of the Census of the United States Department of Commerce]~~ ***City's demographer*** and as revised figures are provided by the Planning Department of the City, in any ward exceeds the population in any other ward by more than 5 percent.

3. The boundaries of wards must not be changed, except to accommodate an annexation of territory to the City, during any year in which a general election is held.

Sec. 2. Section 1.070 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 515, Statutes of Nevada 1997, at page 2450, is hereby amended to read as follows:

Sec. 1.070 Elective offices: Vacancies. ~~[Except as otherwise provided in NRS 268.325:]~~

1. A vacancy in the City Council or in the office of Mayor or Municipal Judge must be filled ***for the remainder of the unexpired term*** by ~~[a]~~ ***:***

(a) A majority vote of the members of the City Council, or the remaining members in the case of a vacancy in the City Council, within ~~[30]~~ ***60*** days after the occurrence of the vacancy ~~[. The appointee must have]~~ ***appointing a person who has*** the same qualifications as are required of the elective official ~~[.~~

~~2. No such appointment extends beyond the first regular meeting of the City Council after the canvass of returns of the election in which the vacancy is to be filled.]~~ ***; or***

(b) A special election called by resolution of the City Council. The resolution must call for the special election to be held not later than 90 days after the vacancy occurs. Every candidate at the special election must have the same qualifications as are required of the elected official.

2. If a special election is held pursuant to paragraph (b) of subsection 1:

(a) The City Council shall meet to canvass the election returns and declare the result pursuant to section 5.100; and

(b) The person elected to fill the remainder of an unexpired term shall enter upon the discharge of his or her respective duties at the first meeting of the City Council held after the canvass of returns is made.

Sec. 3. Section 1.090 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as amended by chapter 596, Statutes of Nevada 1995, at page 2206, is hereby amended to read as follows:

Sec. 1.090 ~~[Appointive offices.]~~ ***Executive Officers.***

1. The City Council of the City shall appoint the following ~~[officers:]~~ ***Executive Officers:***

(a) City Manager.

(b) City Attorney.

(c) City Clerk.

2. The City Council may establish such other ~~[appointive officers]~~ ***Executive Officers*** as it may deem necessary for the operation of the City. Appointment of such ~~[officers]~~ ***Executive Officers*** must be made by the City Manager ***.*** ~~[.]~~

3. The appointments of the following Executive Officers are subject to ratification of the City Council ***:*** ~~[. Such officers must include:]~~

(a) Chief of Police.

(b) ~~[Director of Public Works.]~~ ***Assistant City Manager.***

(c) Fire Chief.

(d) ~~[Director of Finance.~~

~~(e) Such other officers as may be necessary.]~~ ***Chief Financial Officer.***

Sec. 4. Section 1.100 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, at page 404, is hereby amended to read as follows:

Sec. 1.100 ~~[Appointive officers:]~~ ***Executive Officers:*** Miscellaneous provisions.

1. All ~~[appointive officers]~~ ***Executive Officers other than the City Attorney and City Clerk*** shall perform such duties as may be designated by the City Manager ***.*** ~~[and such other duties as may be directed by the City Council.~~

~~2. The City Council may require from all other officers and employees of the City constituted or appointed under this Charter, except Council Members, sufficient security for the faithful and honest performance of their respective duties.~~

~~3. All appointive officers]~~

2. All Executive Officers of the City shall receive such salary as may be designated by the City Council.

Sec. 5. Section 2.030 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, at page 405, is hereby amended to read as follows:

Sec. 2.030 City Council: Discipline of members, other persons, subpoena power.

1. The City Council may:

(a) Provide for the punishment of any member for disorderly conduct committed in its presence.

(b) Order the attendance of witnesses and the production of all ~~[papers]~~ ***documents and data*** relating to any business before the City Council.

2. If any person ordered to appear before the City Council ***or to produce documents or data*** fails to obey such order:

(a) The City Council or any member thereof may ***direct the City Attorney to*** apply to the Municipal Court for a subpoena commanding the attendance of the person before the City Council ~~[.]~~ ***or production of the documents or data to the City Council.***

(b) ~~[Such Clerk]~~ ***A Municipal Judge*** may issue the subpoena, and any peace officer may serve it.

(c) If the person upon whom the subpoena is served fails to obey it, the ***Municipal*** Court may issue an order to show cause why such person should not be held in contempt of ***the Municipal*** Court and upon hearing of the matter may adjudge such person guilty of contempt and punish him or her accordingly.

Sec. 6. Section 2.100 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 596, Statutes of Nevada 1995, at page 2208, is hereby amended to read as follows:

Sec. 2.100 Ordinances: Enactment procedure; emergency ordinances.

1. All proposed ordinances when first proposed must be read to the City Council by title and referred to a committee for consideration, after which an adequate number of copies of the proposed ordinance must be filed with the City Clerk for public distribution. Except as otherwise provided in subsection 3, notice of the filing must be published once in a newspaper qualified pursuant to the provisions of chapter 238 of NRS, and published in the City at least 10 days before the adoption of the ordinance. The City Council shall adopt or reject the ordinance or an amendment thereto, within 30 days after the date of publication.

2. At the next regular meeting or special meeting of the City Council following the proposal of an ordinance and its reference to committee, the committee shall report the ordinance back to the City Council. Thereafter, it must be read by title only, and thereupon the proposed ordinance must be finally voted upon or action thereon postponed.

3. In cases of emergency or where the ordinance is of a kind specified in section 7.040, by unanimous consent of the City Council, final action may be taken immediately or at a special meeting called for that purpose, and no notice of the filing of the copies of the proposed ordinance with the City Clerk need be published.

4. All ordinances must be signed by the Mayor, attested by the City Clerk and published at least once by title, together with the names of the Council Members voting for or against passage, in a newspaper qualified pursuant to the provisions of chapter 238 of NRS and published in the City, before the ordinance becomes effective. The City Council may, by majority vote, order the publication of the ordinance in full in lieu of publication by title only.

5. The City Clerk shall ***keep a*** record ***of*** all ordinances ~~[in a book kept for that purpose,]~~ together with the affidavits of publication **.** ~~[by the publisher.]~~

Sec. 7. Section 2.250 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as amended by chapter 596, Statutes of Nevada 1995, at page 2210, is hereby amended to read as follows:

Sec. 2.250 Powers of City Council: Animals **.** ~~[and poultry.]~~ The City Council may regulate and control animals ~~[and poultry]~~ in the City and may construct facilities for this purpose.

Sec. 8. Section 2.320 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 48, Statutes of Nevada 1997, at page 89, is hereby amended to read as follows:

Sec. 2.320 Sale, lease, exchange of real property owned by the City: Procedure; disposition of proceeds.

1. Subject to the provisions of this section ~~[,]~~ ***and any applicable provisions of chapter 268 of NRS,*** the City may sell, lease or exchange real property in Clark County, Nevada, acquired by the City pursuant to federal law from the United States of America.

2. ~~[Except as otherwise provided in subsection 3:~~

~~(a)]~~ The City may sell, lease or exchange real property only by resolution. Following the adoption of a resolution to sell, lease or exchange, the City Council shall cause a notice of its intention to sell, lease or exchange the real property to be published once in a newspaper qualified pursuant to the provisions of chapter 238 of NRS and published in the City. The notice must be published at least 30 days before the date set by the City Council for the sale, lease or exchange, and must state:

~~[(1)]~~ ***(a)*** The date, time and place of the proposed sale, lease or exchange.

~~[(2)]~~ ***(b)*** The place where and the time within which applications and deposits may be made by prospective purchasers or lessees.

~~[(3)]~~ ***(c)*** Such other information as the City Council desires.

~~[(b) Applications or offers to purchase, lease or exchange pursuant to the notice required in paragraph (a) must be in writing, must not be accepted by the City Council for consideration before the date of publication of the notice and must be accompanied by a deposit of not less than 1 percent of the total offer to purchase. If a lease, sale or exchange is not consummated because:~~

~~(1) The City refuses or is unable to consummate the lease, sale or exchange, the deposit must be refunded.~~

~~(2) The person who made the application or offer to lease, buy or exchange refuses or is unable to consummate the lease, sale or exchange, the City shall retain an amount of the deposit that does not exceed 5 percent of the total offer to purchase.~~

~~3. The City Council may waive the requirements of subsection 2 for any lease of residential property that is for a term of 1 year or less.~~

~~4. The City Council shall not make a lease for a term of 3 years or longer or enter into a contract for the sale or exchange of real property until after the property has been appraised by one disinterested appraiser employed by the City Council. Except as otherwise provided in subsections 7 and 8, it must be the policy of the City Council to require that all such sales, leases or exchanges be made at or above the current appraised value as determined by the appraiser unless the City Council, in a public hearing held before the adoption of the resolution to sell, lease or exchange the property, determines by affirmative vote of not fewer than two thirds of the entire City Council based upon specified findings of fact that a lesser value would be in the best interest of the public. For the purposes of this subsection, an appraisal is not considered current if it is more than 3 years old.~~

~~5.~~ ***3.*** It must be the policy of the City Council to sell, lease and exchange real property in a manner that will result in the maximum benefit accruing to the City from the sales, leases and exchanges. The City Council may attach any condition to the sale, lease or exchange as appears to the City Council to be in the best interests of the City.

~~[6.]~~ ***4.*** The City Council may sell unimproved real property owned by the City on a time payment basis. The down payment must be in an amount determined by the City Council, and the interest rate must be in an amount determined by the City Council, but must not be less than 6 percent per annum on the declining balance.

~~[7. Notwithstanding the provisions of subsection 4, the]~~

5. The City Council may dispose of any real property belonging to the City to the United States of America, the State of Nevada, Clark County, any other political subdivision of the State, or any quasi-public or nonprofit entity for a nominal consideration whenever the public interest requires such a disposition. In any such case, the consideration paid must equal the cost of the acquisition to the City.

~~[8.]~~ ***6.*** The City Council may sell, lease or exchange real property for less than its appraised value to any person who maintains or intends to maintain a business within the boundaries of the City which is eligible pursuant to NRS 374.357 for an abatement from the sales and use taxes imposed pursuant to chapter 374 of NRS.

~~[9.]~~ ***7.*** Proceeds from all sales and exchanges of real property owned by the City, after deduction of the cost of the real property, ***legal fees,*** reasonable costs of publication, title insurance, escrow and normal costs of sale, must be placed in the Land Fund previously created by the City in the City Treasury and hereby continued. Except as otherwise

provided in subsection ~~[10.]~~ ***8,*** money in the Land Fund may be expended only for:

(a) Acquisition of assets of a long-term character which are intended to continue to be held or used, such as land, buildings, machinery, furniture, computer software and other equipment.

(b) Capital improvements of improvements thereon.

(c) Expenses incurred in the preparation of a long-term comprehensive master planning study and any expenses incurred in the master planning of the City.

(d) All costs, including salaries, for administration of the Land Fund, and the land within the City.

(e) Expenses incurred in making major improvements and repairs to the water, sewer and street systems as differentiated from normal maintenance costs.

(f) Legal fees relating to the purchase, sale, lease or maintenance of the real property.

➥ Money received from leases of real property owned by the City must be placed in the Land Fund if the term of lease is 20 years or longer, whether the 20 years is for an initial term of lease or for an initial term and an option for renewal. ~~[Money received by the City from all other leases and interest on time payment sales of real property owned by the City must be apportioned in the ratio of 20 percent to current operational expenses of the City, 20 percent to the Land Fund, and 60 percent divided between the Land Fund and current operational expenses as determined by the Council.~~

~~10.]~~ ***8.*** If available, money in the Land Fund may be borrowed by the City **.** ~~[pursuant to the provisions of NRS 354.430 to 354.460, inclusive.]~~

Sec. 9. Section 3.020 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as amended by chapter 596, Statutes of Nevada 1995, at page 2212, is hereby amended to read as follows:

Sec. 3.020 City Manager: Duties.

1. The City Manager ***is the Chief Executive Officer of the City and*** shall perform such administrative and executive duties as the City Council may designate. His or her duties and salary must be set by the City Council.

2. The City Manager may appoint such clerical and administrative assistants ~~***[employees]***~~ as he or she may deem necessary, subject to the approval of the City Council.

3. The Mayor or a Council Member may not be appointed as City Manager during the term for which he or she was elected or within 1 year after the expiration of his or her term.

Sec. 10. Section 3.030 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, at page 413, is hereby amended to read as follows:

Sec. 3.030 City Manager: Removal. The City Council may remove the City Manager for cause ~~[.]~~ ***in accordance with the terms of the City Manager's employment agreement.***

Sec. 11. Section 3.040 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 596, Statutes of Nevada 1995, at page 2212, is hereby amended to read as follows:

Sec. 3.040 City Clerk: Duties. The City Clerk shall:

1. Keep the corporate seal and all books ***, records*** and ***historical*** papers belonging to the City.

2. Attend all meetings of the City Council and keep an accurate journal of its proceedings, including a record of all ordinances, bylaws and resolutions passed or adopted by it. After approval at each meeting of the City Council, the City Clerk shall attest the journal after it has been signed by the Mayor.

3. Enter upon the journal the result of the vote of the City Council upon the passage of all ordinances and resolutions.

4. Perform such other duties as may be required by the City Council.

Sec. 12. Section 3.060 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as amended by chapter 596, Statutes of Nevada 1995, at page 2213, is hereby amended to read as follows:

Sec. 3.060 City Attorney: Qualifications; duties.

1. The City Attorney must be a duly licensed member of the State Bar of Nevada.

2. The City Attorney is the ***Chief*** Legal Officer of the City and shall ~~[perform]~~ ***:***

(a) Advise the City Council and all of the offices, departments and divisions of the City in all matters with respect to the affairs of the City;

(b) Determine whether the City should initiate any judicial or administrative proceeding; and

(c) Perform such ***other*** duties as may be ~~[set]~~ ***designated*** by the City Council ~~[.]~~ ***or prescribed by ordinance.***

Sec. 13. Section 3.110 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as amended by chapter 596, Statutes of Nevada 1995, at page 2213, is hereby amended to read as follows:

Sec. 3.110 ~~[City officers:]~~ ***Executive Officers:*** Residence. All ~~[city officers]~~ ***Executive Officers*** must reside within the City during the term of their employment unless the City Council waives this requirement because of hardship or other extenuating circumstances.

Sec. 14. Section 3.130 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as amended by chapter 596, Statutes of Nevada 1995, at page 2213, is hereby amended to read as follows:

Sec. 3.130 ~~[City officers:]~~ Collection and disposition of money.

1. All fines, forfeitures or other money except taxes collected or recovered by any ~~[officer]~~ ***employee of the City*** or ***other*** person pursuant to the provisions of this Charter or of any valid ordinance of the City must be paid by the ~~[officer]~~ ***employee*** or person collecting or receiving them to the ~~[Finance Director,]~~ ***Chief Financial Officer,*** who shall dispose of them in accordance with the ordinances, regulations and procedures established by the City Council.

2. The City Council ***, City Manager or City Attorney*** may by proper legal action collect all money, including taxes, which are due and unpaid to the City or any office thereof, and the City Council may pay from the General Fund all fees and expenses necessarily incurred by it in connection with the collection of such money.

Sec. 15. Section 3.140 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, at page 414, is hereby amended to read as follows:

Sec. 3.140 Interference by City Council.

1. No Council Member or the Mayor may direct or request the appointment of any person to, or his or her removal from, office by the City Manager or by any of his or her subordinates, or ***, except as otherwise provided in section 1.090,*** in any manner take part in the appointment or removal of ~~[officers]~~ ***Executive Officers*** and employees ~~[in the administrative service of the City.]~~ ***unless the removal is authorized pursuant to section 3.150.***

2. Except for the purpose of inquiry, the Council and its members shall deal with ~~[the administrative service]~~ ***employees*** solely through the City Manager, ~~[and neither]~~ ***City Attorney or City Clerk, as applicable, or their designees. Neither*** the Council nor any member thereof ~~[shall]~~ ***may*** give orders to any subordinate of the City Manager, ***City Attorney or City Clerk,*** either publicly or privately.

~~[2. Any Council Member or the Mayor violating the provisions of this section, or voting for a resolution or ordinance in violation of this section, is guilty of a misdemeanor, and upon conviction thereof shall cease to be a Council Member or the Mayor.]~~

Sec. 16. Section 3.150 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, at page 415, is hereby amended to read as follows:

Sec. 3.150 Removal of ~~[officers.]~~ ***certain Executive Officers.*** If ~~[any officer]~~ ***the City Manager, City Attorney or City Clerk*** is adjudged

guilty of nonfeasance, misfeasance or malfeasance in office, the City Council may ~~[declare the office vacant and]~~ ***terminate the City Manager, City Attorney or City Clerk, as applicable, pursuant to the terms of his or her employment agreement, if there is an employment agreement between the City and the City Manager, City Attorney or City Clerk, as applicable. The City Council may*** fill the vacancy so caused ~~[,]~~ as provided by law.

Sec. 17. Section 4.020 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 209, Statutes of Nevada 2001, at page 971, is hereby amended to read as follows:

Sec. 4.020 Municipal Court: Qualifications of Municipal Judge; salary.

1. Each Municipal Judge must have been a resident of the territory which is established by the boundaries of the City for the 12 months immediately preceding the last day for filing a declaration of candidacy for the office.

2. Each Municipal Judge shall devote his or her full time to the duties of his or her office and must be a duly licensed member, in good standing, of the State Bar of Nevada **.** ~~[, except that the requirement to be a duly licensed member, in good standing, of the State Bar of Nevada does not apply to any Municipal Judge who is an incumbent when this section becomes effective as long as he or she continues to serve as such in uninterrupted terms.]~~

3. The salary of each Municipal Judge must be fixed by the City Council and be uniform for all departments of the Municipal Court. The salary may be increased during the terms for which the Judges are elected or appointed.

Sec. 18. Section 4.030 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as amended by chapter 596, Statutes of Nevada 1995, at page 2214, is hereby amended to read as follows:

Sec. 4.030 Disposition of fines. All fines and forfeitures for the violation of ordinances must be paid ~~[into the Treasury of the City.]~~ ***to the Chief Financial Officer.***

Sec. 19. Section 5.010 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 218, Statutes of Nevada 2011, at page 956, is hereby amended to read as follows:

Sec. 5.010 Primary municipal election.

1. Except as otherwise provided in section 5.020, a primary municipal election must be held on the Tuesday after the first Monday in April of each odd-numbered year, at which time there must be nominated candidates for offices to be voted for at the next general municipal election.

2. A candidate for any office to be voted for at any primary municipal election must file a declaration of candidacy as provided by the election laws of this State.

3. All candidates for elective office must be voted upon by the registered voters of the City at large.

4. If in the primary municipal election no candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, the names of the two candidates receiving the highest number of votes must be placed on the ballot for the general municipal election. If in the primary municipal election, regardless of the number of candidates for an office, one candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, he or she must be declared elected and no general municipal election need be held for that office. ***Such candidate shall enter upon his or her respective duties at the second regular meeting of the City Council held in June of the year of the general municipal election.***

Sec. 20. Section 5.020 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 218, Statutes of Nevada 2011, at page 957, is hereby amended to read as follows:

Sec. 5.020 General municipal election.

1. Except as otherwise provided in subsection 2:

(a) A general municipal election must be held in the City on the first Tuesday after the first Monday in June of each odd-numbered year **,** ~~**[**and on the same day every 2 years thereafter,**]**~~ at which time the registered voters of the City shall elect city officers to fill the available elective positions.

(b) All candidates for the office of Mayor, Council Member and Municipal Judge must be voted upon by the registered voters of the City at large. The term of office for members of the City Council and the Mayor is 4 years. Except as otherwise provided in subsection 3 of section 4.015, the term of office for a Municipal Judge is 6 years.

(c) On the Tuesday after the first Monday in June 2001, and every 6 years thereafter, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Municipal Judge for Department 1 who will hold office until his or her successor has been elected and qualified.

(d) On the Tuesday after the first Monday in June 2003 and every 6 years thereafter, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Municipal Judge for Department 2 who will hold office until his or her successor has been elected and qualified.

(e) On the Tuesday after the first Monday in June 2005, and every 6 years thereafter, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Municipal Judge for Department 3 who will hold office until his or her successor has been elected and qualified.

2. The City Council may by ordinance provide for a primary municipal election and general municipal election on the dates set forth for primary elections and general elections pursuant to the provisions of chapter 293 of NRS.

3. If the City Council adopts an ordinance pursuant to subsection 2, the dates set forth in NRS 293.12755, in subsections 2 to 5, inclusive, of NRS 293.165 and in NRS 293.175, 293.177, 293.345 and 293.368 apply for the purposes of conducting the primary municipal elections and general municipal elections.

4. If the City Council adopts an ordinance pursuant to subsection 2, the ordinance must not affect the term of office of any elected official of the City serving in office on the effective date of the ordinance. The next succeeding term for that office may be shortened but may not be lengthened as a result of the ordinance.

Sec. 21. Section 5.100 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 596, Statutes of Nevada 1995, at page 2216, is hereby amended to read as follows:

Sec. 5.100 Election returns; canvass; certificates of election; entry of officers upon duties; tie vote procedure.

1. The election returns from any special, primary or general municipal election must be filed with the City Clerk, who shall immediately place the returns in a safe or vault, and no person may handle, inspect or in any manner interfere with the returns until canvassed by the City Council.

2. The City Council shall meet at any time within 10 days after any election and canvass the returns and declare the result. The election returns must then be sealed and kept by the City Clerk for 6 months. No person may have access to the returns except on order of a court of competent jurisdiction or by order of the City Council.

3. The City Clerk, under his or her hand and official seal, shall issue to each person elected a certificate of election. ~~[The]~~ ***Except as otherwise provided in section 1.070, the*** officers so elected shall qualify and enter upon the discharge of their respective duties at the ~~[first]~~ ***second*** regular meeting of the City Council ~~[next succeeding that in which the canvass of returns was made.]~~ ***held in June of the year of the general municipal election.***

4. If any election results in a tie, the City Council shall summon the candidates who received the tie vote and determine the tie by lot. The City Clerk shall then issue to the winner a certificate of election.

Sec. 22. Section 6.010 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 416, Statutes of Nevada 2001, at page 2099, is hereby amended to read as follows:

Sec. 6.010 Local improvement law. Except as otherwise provided in subsection 2 of section 2.280 and section 2.285, the City Council, on behalf of the City and in its name, without any election, may from time to time acquire, improve, equip, operate and maintain, convert to or authorize:

1. Curb and gutter projects;
2. Drainage projects;
3. Off-street parking projects;
4. Overpass projects;
5. Park ***or recreation*** projects;
6. Sanitary sewer projects;
7. Security walls;
8. Sidewalk projects;
9. Storm sewer projects;
10. Street projects;
11. Telephone projects;
12. Transportation projects;
13. Underground and aboveground electric and communication facilities;
14. Underpass projects;
15. Water projects;
16. Upon petition by a person or business authorized to provide the service, such other utility projects as are deemed necessary by the Council; and
17. Any combination thereof.

Sec. 23. Section 8.010 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, at page 420, is hereby amended to read as follows:

Sec. 8.010 Municipal taxes.

1. The City Council shall annually, at the time prescribed by law for levying taxes for State and County purposes, levy a tax ~~[not exceeding 3 percent]~~ ***~~[at the appropriate]~~ at a rate allowable under applicable provisions of the Nevada Revised Statutes*** upon the assessed value of all real and personal property within the City except as provided in the Local Government Securities Law and the Consolidated Local Improvements Law, as amended from time to time. The taxes so levied

shall be collected at the same time and in the same manner and by the same officers, exercising the same functions, as prescribed in the laws of the State of Nevada for collection of State and County taxes. The revenue laws of the State shall, in every respect not inconsistent with the provisions of this Charter, be applicable to the levying, assessing and collecting of the municipal taxes.

2. In the matter of equalization of assessments, the rights of the City and the inhabitants thereof shall be protected in the same manner and to the same extent by the action of the County Board of Equalization as are the State and County.

3. All forms and blanks used in levying, assessing and collecting the revenues of the State and counties shall, with such alterations or additions as may be necessary, be used in levying, assessing and collecting the revenues of the City. The City Council shall enact all such ordinances as it may deem necessary and not inconsistent with this Charter and the laws of the State for the prompt, convenient and economical collecting of the revenue.

Sec. 24. Section 9.010 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 108, Statutes of Nevada 2003, at page 604, is hereby amended to read as follows:

Sec. 9.010 ***System of*** Civil Service.

1. There is hereby created a System of Civil Service, applicable to and governing the employment of all employees of the City except ***Executive Officers,*** department ***directors, senior department directors, division*** heads, ~~[~~the City Clerk, the City Attorney,~~]~~ assistant city attorneys, ~~[~~the City Manager, assistant city managers,~~]~~ ***any other attorney employed by the Office of the City Attorney,*** assistants to the City Manager, ~~[~~the Intergovernmental Relations Director,~~]~~ ***the Municipal Court Administrator,*** any elected officer ***,*** ~~[~~and~~]~~ any employee that reports directly to an elected officer ~~[.]~~ ***, any probationary employee, any temporary employee*** ~~[, any employee to whom the provisions of a collective bargaining agreement entered into pursuant to chapter 288 of NRS apply]~~ ***and any other employee excluded from the System by ordinance.***

2. The System of Civil Service must be administered by a Civil Service Board composed of five persons appointed by the City Council.

3. The Board shall prepare regulations governing the System of Civil Service to be adopted by the City Council. The regulations must provide for:

(a) Examination of potential employees.

(b) Procedures for recruitment and placement.

(c) Classification of positions.

(d) Procedures for promotion, disciplinary actions and removal of employees.

(e) Such other matters as the Board may deem necessary.

4. Copies of the regulations governing the System of Civil Service must be distributed to all employees of the City.

5. An employee of the City who is included in the System of Civil Service and accepts a position that is excluded from the System pursuant to subsection 1 does not retain any rights or privileges within the System.

Sec. 25. Sections 3.050, 7.030, 8.030, 8.040 and 8.050 of the Charter of the City of Henderson are hereby repealed.

Sec. 26. The provisions of section 9.010 of the Charter of the City of Henderson, as amended by section 24 of this act, apply to every person who is an:

1. Employee of the City of Henderson;
2. Appointive officer; or
3. Executive Officer,

➥ before, on or after October 1, 2013.

LEADLINES OF REPEALED SECTIONS

Sec. 3.050 City Clerk's performance bond.

Sec. 7.030 Limitations on incurring indebtedness; contracts.

Sec. 8.030 Taxes paid to County Treasurer; transfers of money to City Treasury.

Sec. 8.040 Surplus taxes; bond redemption.

Sec. 8.050 Sinking Fund.

Assemblywoman Benitez-Thompson moved the adoption of the amendment.

Remarks by Assemblywoman Benitez-Thompson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 450.

Bill read second time.

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

Amendment No. 776.

AN ACT relating to public health; revising the qualifications for certain district health officers; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the appointment of a State Health Officer by the Director of the Department of Health and Human Services and establishes

the qualifications for that position. (NRS 439.090, 439.100) Existing law further creates a health district in a county whose population is 700,000 or more. Such a health district has a health department consisting of a district health officer and a district board of health. (NRS 439.362) Existing law requires the district board of health in such a county to appoint a district health officer for the health district and establishes the qualifications for the district health officer. (NRS 439.368) This bill revises the qualifications of the district health officer.

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

Section 1. NRS 439.368 is hereby amended to read as follows:

439.368 1. The district board of health shall appoint a district health officer for the health district who shall have full authority as a county health officer in the health district.

2. The district health officer must:

(a) Be licensed to practice medicine or osteopathic medicine in this State ~~[; and]~~ ***or be eligible for such a license and obtain such a license within 12 months after being appointed as district health officer;***

(b) Have at least ~~[the following additional education and experience:~~

~~(1) A master's degree in public health, health care administration, public administration, business administration or a related field; and~~

~~(2) Ten]~~ ***5*** years of management experience ~~[in an administrative position]~~ in a local, state or national public health department, program, organization or agency ***; and***

(c) Have:

(1) At least a master's degree in public health, health care administration, public administration, business administration or a related field;

(2) Work experience which is deemed to be equivalent to a degree described in subparagraph (1), which may include, without limitation, relevant work experience with a national organization which conducts research on issues concerning public health; or

(3) Obtained certification from or be eligible to be certified by the American Board of Preventive Medicine, ~~[its]~~ the American Osteopathic Board of Preventive Medicine, a successor organization or, if there is no successor organization, by a similar organization designated by the district board of health.

3. The district health officer is entitled to receive a salary fixed by the district board of health and serves at the pleasure of the board.

4. Any clinical program of a district board of health which requires medical assessment must be carried out under the direction of a physician.

Sec. 2. Notwithstanding the amendatory provisions of section 1 of this act, any person who, on July 1, 2013, is serving as the district health officer in a county whose population is 700,000 or more and who is otherwise qualified to serve as the district health officer on that date may continue to serve in that capacity until his or her successor is appointed by the district board of health.

Sec. 3. 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, re-engrossed and to third reading.

Senate Joint Resolution No. 9.

Resolution read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 691.

SENATE JOINT RESOLUTION—Urging the Director of the Bureau of Land Management to expedite the process for approving special recreation permits for certain uses of federal public lands in Nevada.

WHEREAS, Outdoor recreation in Nevada generates $14.9 billion in consumer spending annually, creates 148,000 jobs and generates $4.8 billion in wages and salaries and $1 billion in state and local tax revenue; and

WHEREAS, Nevada has an abundance of federal public lands suitable for outdoor recreation that are managed by the Bureau of Land Management of the United States Department of the Interior; and

WHEREAS, Operators of outdoor recreation-related businesses are required to apply to the Bureau of Land Management for special recreation permits for commercial and competitive uses of those public lands; and

WHEREAS, Federal public lands in Nevada should be managed in a manner that preserves the environment; and

WHEREAS, The Bureau of Land Management has adopted regulations, 43 C.F.R. Part 2930, Subpart 2932, which set forth the procedure for applying for a special recreation permit; and

WHEREAS, The processing of special recreation permits by the Bureau of Land Management is often slow; and

WHEREAS, The slow processing of special recreation permits by the Bureau of Land Management deters outdoor recreation-related businesses from operating effectively and profitably; and

WHEREAS, Expedited processing of special recreation permits by the Bureau of Land Management would serve to create additional jobs for

Nevadans and generate additional state and local tax revenue; now, therefore, be it

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That the Nevada Legislature hereby urges:

1. The Director of the Bureau of Land Management to expedite the process of approving special recreation permits for commercial and competitive uses of federal public lands in Nevada **[;] for nonmotorized events;**

2. The Director of the Bureau of Land Management to amend the provisions of 43 C.F.R. Part 2930, Subpart 2932, to further expedite the process of approving **those** special recreation permits; and

3. The Nevada Congressional Delegation to use its best efforts to encourage the Director of the Bureau of Land Management to expedite the process of approving **those** special recreation permits **[**~~for commercial and competitive uses of federal public land in Nevada~~**]** and to make any necessary amendments to the provisions of 43 C.F.R. Part 2930, Subpart 2932; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to the Secretary of the Interior, the Director of the Bureau of Land Management and each member of the Nevada Congressional Delegation; and be it further

RESOLVED, That this resolution becomes effective upon passage.

Assemblyman Daly moved the adoption of the amendment.

Remarks by Assemblyman Daly.

Amendment adopted.

Resolution ordered reprinted, engrossed and to third reading.

GENERAL FILE AND THIRD READING

Senate Joint Resolution No. 14.

Resolution read third time.

Remarks by Assemblymen Grady and Bobzien.

ASSEMBLYMAN GRADY:

Senate Joint Resolution No. 14 expresses the Nevada Legislature's support for the Lyon County Economic Development and Conservation Act, H.R. 696, which was introduced in the 113th Congress on February 14, 2013. The resolution urges the passage of the act and requires the transmission of this resolution to the Vice President of the United States, the Speaker of the House of Representatives, and each member of Nevada's Congressional Delegation.

The Lyon County Economic Development and Conservation Act directs the Secretary of the Interior to convey land to the city of Yerington which will allow the city to partner with Nevada Copper to develop roughly 12,500 acres of land surrounding Nevada Copper's Pumpkin Hollow project. As set forth in H.R. 696, the 48,000 acres known as the Wavoka Wilderness is a cultural and natural resource worthy of protection. If approved, the act would allow the city of Yerington to purchase, at fair market value, approximately 10,400 acres of BLM-administered federal lands.

As you know, Lyon County still has one of the highest unemployment and foreclosure rates in the nation. The citizens in and around Mason Valley and Yerington support this project. Congressman Horsford and Congressman Amodei have been instrumental in getting this act in the House, and Senator Ford has been very helpful in getting the resolution through our own Senate.

ASSEMBLYMAN BOBZIEN:

I rise in support of S.J.R. 14. I just wanted to join my colleague from Yerington in support of this bill and in support of the federal efforts. I think it is a great example of commonsense federal lands legislation. In addition to the jobs that we will hopefully see from the mining operation, very important is the Wovoka Wilderness, which is a special place named after an important Paiute spiritual leader in Nevada's history and viewable from a favorite stretch of river of mine that I named one of my children after.

Roll call on Senate Joint Resolution No. 14:

YEAS—39.

NAYS—None.

EXCUSED—Hogan, Pierce, Woodbury—3.

Senate Joint Resolution No. 14 having received a constitutional majority, Madam Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Senate Bill No. 185.

Bill read third time.

The following amendment was proposed by Assemblywoman Carlton:

Amendment No. 791.

AN ACT relating to the Nevada System of Higher Education; increasing the total principal amount of bonds and other securities that may be issued by the Board of Regents of the University of Nevada to finance certain projects at the University of Nevada, Reno; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Board of Regents of the University of Nevada to issue bonds and other securities to finance certain projects at the University of Nevada, Reno, in a total principal amount not exceeding $348,360,000. This bill increases the authorized amount of such bonds to $427,715,000.

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

Section 1. Section 5 of chapter 501, Statutes of Nevada 1991, as last amended by chapter 179, Statutes of Nevada 2011, at page 817, is hereby amended to read as follows:

Sec. 5. 1. The board, on behalf and in the name of the university, is authorized by this act, as supplemented by the provisions of the University Securities Law:

(a) To finance the project by the issuance of bonds and other securities of the university in a total principal amount not exceeding ~~[~~$348,360,000~~]~~ ***$427,715,000*** for ***the construction of*** facilities at the University of Nevada, Reno, and in a total principal amount not exceeding $422,155,000 for facilities at the University of Nevada, Las Vegas, $35,000,000 of which may be used for the construction, other acquisition and improvement of a dental school and other structures and clinics associated with the dental school;

(b) To issue such bonds and other securities in connection with the project in one series or more at any time or from time to time on or before January 1, 2029, as the board may determine, and consisting of special obligations of the university payable from the net pledged revenues authorized by this act and possibly subsequently other net pledged revenues, secured by a pledge thereof and a lien thereon, subject to existing contractual limitations, and subject to the limitation in paragraph (a);

(c) To employ legal, fiscal and other expert services and to defray the costs thereof with any money available therefor, including, proceeds of securities authorized by this act; and

(d) To exercise the incidental powers provided in the University Securities Law in connection with the powers authorized by this act, except as otherwise expressly provided in this act.

2. If the board determines to sell the bonds authorized by subsection 1 at a discount from their face amount, the principal amount of bonds which the board is authorized to issue provided in subsection 1 is increased by an amount equal to the discount at which the bonds are sold.

3. This act does not limit the board in funding, refunding or reissuing any securities of the university or the board at any time as provided in the University Securities Law.

Sec. 2. This act becomes effective on July 1, 2013.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 262.

Bill read third time.

The following amendment was proposed by Assemblyman Carrillo:

Amendment No. 784.

AN ACT relating to motor vehicles; requiring that certain devices be installed in vehicles that are designed to display certain advertisements while

moving over the highways of this State; ~~[limiting the display of such advertisements to taxicabs;]~~ providing certain requirements concerning the equipment used to display such advertisements; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill prohibits a person from operating a motor vehicle to which is attached a dynamic display device, commonly known as a mobile billboard, on which the images or other content change periodically, upon the highways of this State, unless the motor vehicle is ~~[a taxicab and is also]~~ equipped with a display management system that is programmed to allow the image or content that is displayed to be changed only when the motor vehicle is: (1) not moving; or (2) in a location where the image or content may be changed without causing undue distraction to the operators of other vehicles. This bill also provides that such a dynamic display device may not ~~[: (1) consist of more than three monitors, screens or viewers; (2)]~~ project or otherwise show moving images, moving information or other moving content . ~~[; and (3) include a monitor, screen or viewer that exceeds 7 1/2 square feet in total area.]~~ A violation of this prohibition is punishable as a misdemeanor. (NRS 484A.900) This bill does not require a display management system if a dynamic display device is operated for purposes other than advertisement.

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

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

1. Except as otherwise provided in subsection 2, a person shall not operate upon the highways of this State any motor vehicle that is equipped with a dynamic display unless:

(a) The motor vehicle is ~~[~~:

~~***(1) A taxicab for which a currently valid certificate of public convenience and necessity has been issued pursuant to chapter 706 of NRS; and***~~

~~***(2) Equipped]~~ equipped with a display management system which is configured to prevent the image or content displayed on the dynamic display from changing when the motor vehicle is:***

~~[(I)]~~ (1) Moving;

~~[(II)]~~ (2) In a turnout; or

~~[(III)]~~ (3) In any other location where changing the image or content displayed on the dynamic display may cause undue distraction to the operators of other vehicles; and

(b) The dynamic display does not ~~[~~:

~~***(1) Consist of more than three monitors, screens or viewers;***~~

~~*(2) Project]*~~ *project or otherwise show moving images, moving information or other moving content . ~~[; or~~*

~~*(3) Include a monitor, screen or viewer that exceeds 7 1/2 square feet in total area.]~~*

2. This section does not prohibit the use of a dynamic display that is operated without a display management system if the dynamic display is being used exclusively for purposes other than advertisement, including, without limitation:

(a) For purposes that are personal and noncommercial in nature;

(b) For purposes of traffic control;

(c) For purposes of law enforcement or emergency response;

(d) As a warning device for a utility or utility vehicle, as described in NRS 484D.465; or

(e) To display the name, route number or destination of a bus or other vehicle of mass transit.

3. As used in this section:

(a) "Display management system" means equipment or software that is designed to operate a dynamic display, including, without limitation, periodically changing the image, information or content being shown on the dynamic display.

(b) "Dynamic display" means equipment which is attached to a motor vehicle and which consists of at least one monitor, screen or viewer that, without limitation:

(1) Is designed to display various images, information or other content, including, without limitation, advertisements, which change periodically;

(2) Is intended to be visible to the drivers of other vehicles on the highway and to persons who are near the highway; and

(3) May be visible to the operator of the motor vehicle.

Assemblyman Carrillo moved the adoption of the amendment.

Remarks by Assemblyman Carrillo.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 7.

Bill read third time.

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

Amendment No. 621.

AN ACT relating to gaming; revising provisions relating to the Gaming Policy Committee; **making appropriations;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Gaming Policy Committee and provides for the composition and duties of the Committee. (NRS 463.021) ~~[~~This~~]~~ **Section 1 of this** bill: (1) adds to the Committee a representative of academia who possesses knowledge of matters related to gaming; (2) authorizes the Governor, as Chair of the Committee, to appoint an advisory committee on gaming education; and (3) specifies the duties of the advisory committee.

Sections 2 and 3 of this bill make appropriations to the State Gaming Control Board and the Nevada Gaming Commission for various travel, staffing and operating costs.

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

Section 1. NRS 463.021 is hereby amended to read as follows:

463.021 1. The Gaming Policy Committee, consisting of the Governor as Chair and ~~[~~10~~]~~ ***11*** members, is hereby created.

2. The Committee must be composed of:

(a) One member of the Commission, designated by the Chair of the Commission;

(b) One member of the Board, designated by the Chair of the Board;

(c) One member of the Senate appointed by the Legislative Commission;

(d) One member of the Assembly appointed by the Legislative Commission;

(e) One enrolled member of a Nevada Indian tribe appointed by the Inter-Tribal Council of Nevada, Inc.; and

(f) ~~[~~Five~~]~~ ***Six*** members appointed by the Governor for terms of 2 years as follows:

(1) Two representatives of the general public;

(2) Two representatives of nonrestricted gaming licensees; ~~[~~and~~]~~

(3) One representative of restricted gaming licensees ~~[~~.~~]~~ ***; and***

(4) One representative of academia who possesses knowledge of matters related to gaming.

3. Members who are appointed by the Governor serve at the pleasure of the Governor.

4. Members who are Legislators serve terms beginning when the Legislature convenes and continuing until the next regular session of the Legislature is convened.

5. Except as otherwise provided in subsection 6, the Governor may call meetings of the Gaming Policy Committee for the exclusive purpose of discussing matters of gaming policy. The recommendations concerning gaming policy made by the Committee pursuant to this subsection are

advisory and not binding on the Board or the Commission in the performance of their duties and functions.

6. An appeal filed pursuant to NRS 463.3088 may be considered only by a Review Panel of the Committee. The Review Panel must consist of the members of the Committee who are identified in paragraphs (a), (b) and (e) of subsection 2 and subparagraph (1) of paragraph (f) of subsection 2.

7. The Governor, as Chair of the Committee, may appoint an advisory committee on gaming education. An advisory committee appointed pursuant to this subsection must:

(a) Contain not more than five members who serve at the pleasure of the Governor; and

(b) Be chaired by the person selected as chair by the Governor.

8. An advisory committee created pursuant to subsection 7 shall:

(a) Review and evaluate all gaming-related educational entities in this State, including, without limitation, the Culinary Academy of Las Vegas, the Institute for the Study of Gambling and Commercial Gaming of the University of Nevada, Reno, and the UNLV International Gaming Institute of the William F. Harrah College of Hotel Administration of the University of Nevada, Las Vegas, to determine how to align such entities with the needs of the gaming industry;

(b) Study and analyze the workforce and technology needs of the gaming industry to determine how the gaming-related educational entities may satisfy those needs;

(c) Study the potential for leveraging gaming-related competencies and technologies developed by gaming-related educational entities into other industries; and

(d) Report any findings and recommendations to the Committee.

Sec. 2. **1. There is hereby appropriated from the State General Fund to the State Gaming Control Board the following sums for travel and operating costs:**

For the Fiscal Year 2013-2014 ..... **$15,208**

For the Fiscal Year 2014-2015 ..... **$15,208**

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the State Gaming Control Board 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 19, 2014, and September 18, 2015, respectively, by either the State Gaming Control Board 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 19, 2014, and September 18, 2015, respectively.

Sec. 3. **1. There is hereby appropriated from the State General Fund to the Nevada Gaming Commission the following sums for staffing and operating costs:**

For the Fiscal Year 2013-2014 ..... **$54,673**

For the Fiscal Year 2014-2015 ..... **$55,083**

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the Nevada Gaming Commission 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 19, 2014, and September 18, 2015, respectively, by either the Nevada Gaming Commission 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 19, 2014, and September 18, 2015, respectively.

Sec. 4. **1. This section and sections 2 and 3 of this act become effective on July 1, 2013.**

2. Section 1 of this act becomes effective on October 1, 2013.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 311.

Bill read third time.

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

Amendment No. 595.

AN ACT relating to victims of crime; creating the Contingency Account for Victims of Human Trafficking in the State General Fund; authorizing the ~~[Interim Finance Committee]~~ **Director of the Department of Health and Human Services** to allocate money from the Account to nonprofit corporations and agencies and political subdivisions of this State for the purposes of establishing or providing programs and services to victims of human trafficking; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits holding a person in involuntary servitude, assuming ownership over a person, the purchase or sale of a person, trafficking in persons, pandering and living from the earnings of a prostitute.

(NRS 200.463, 200.464, 200.465, 200.467, 200.468, 201.310-201.340) **Section 4** of this bill defines a victim of any of those crimes as a "victim of human trafficking."

Section 5 of this bill creates the Contingency Account for Victims of Human Trafficking in the State General Fund to be administered by the ~~[Interim Finance Committee.]~~ **Director of the Department of Health and Human Services.** **Section 5** also requires that funds in the Contingency Account be expended only for establishing or providing programs or services to victims of human trafficking. **Section 5** authorizes the ~~[Interim Finance Committee]~~ **Director** to **apply for and** accept gifts, grants and donations ~~[from]~~ **or** any **other** source **of money** for deposit into the Contingency Account. Finally, **section 5** provides that money remaining in the Contingency Account at the end of each fiscal year does not revert to the State General Fund and is required to be carried over into the next fiscal year.

Section 6 of this bill authorizes a nonprofit ~~[agency]~~ **organization** or an agency or political subdivision of this State to apply for an allocation of money from the Contingency Account. **Section 6** ~~[authorizes the Interim Finance Committee to approve the application and make the allocation if, after reviewing the application, the Interim Finance Committee determines that the money is needed to establish or provide programs or services to victims of human trafficking.]~~ **requires the Grants Management Advisory Committee within the Department of Health and Human Services to review such applications and make recommendations to the Director of the Department concerning allocations of money from the Contingency Account to applicants. Section 6 authorizes the Director to make allocations of money from the Contingency Account and place such conditions on the acceptance of an allocation as the Director determines are necessary, including, without limitation, requiring the submission of periodic reports concerning the use of an allocation by the recipient.** **Section 6** **also** requires that the recipient of an allocation of money from the Contingency Account use the money to establish or provide programs or services to victims of human trafficking. ~~[Section 6 also authorizes the Interim Finance Committee to require a recipient of an allocation of money from the Contingency Account to submit a report to the Interim Finance Committee regarding the use of the money at such times as the Interim Finance Committee deems appropriate.~~

~~Section 5 of this bill authorizes the Interim Finance Committee to perform its duties with respect to the Contingency Account during a regular or special session of the Legislature in addition to any period when the Legislature is not in regular or special session.]~~

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

Section 1. Chapter 217 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 6, 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. ***"Contingency Account" means the Contingency Account for Victims of Human Trafficking created by section 5 of this act.***

Sec. 4. ***"Victim of human trafficking" means a person who is a victim of:***

1. Involuntary servitude as set forth in NRS 200.463 or 200.464.

2. A violation of any provision of NRS 200.465.

3. Trafficking in persons in violation of any provision of NRS 200.467 or 200.468.

4. Pandering in violation of any provision of NRS 201.300, 201.310, 201.330 or 201.340.

5. A violation of NRS 201.320.

Sec. 5. ***1. The Contingency Account for Victims of Human Trafficking is hereby created in the State General Fund.***

2. The ~~[Interim Finance Committee]~~ Director of the Department of Health and Human Services shall administer the Contingency Account. The money in the Contingency Account must be expended only for the purpose of establishing or providing programs or services to victims of human trafficking ~~[.]~~ and is hereby authorized for expenditure as a continuing appropriation for this purpose.

3. The ~~[Interim Finance Committee]~~ Director may apply for and accept gifts, grants and donations or other sources of money for deposit in the Contingency Account.

4. The interest and income earned on the money in the Contingency Account, after deducting any applicable charges, must be credited to the Contingency Account.

5. Any money remaining in the Contingency Account at the end of a fiscal year does not revert to the State General Fund , and the balance in the Contingency Account must be carried forward ~~[.]~~ to the next fiscal year.

Sec. 6. ***1. A nonprofit organization or any agency or political subdivision of this State may apply to the ~~[Interim Finance Committee]~~ Director of the Department of Health and Human Services for an allocation of money from the Contingency Account.***

2. ~~[Upon receipt of an application for an allocation from the Contingency Account, the Interim Finance Committee shall review the application and determine whether the approval of the application is needed to establish or provide programs or services to victims of human trafficking. If the Interim Finance Committee determines that approving the application is needed to establish or provide programs or services to victims of human trafficking, the Interim Finance Committee may approve the application and make an allocation]~~ The Grants Management Advisory Committee created by NRS 232.383 shall review applications received by the Director pursuant to subsection 1 and make recommendations to the Director concerning allocations of money from the Contingency Account to ~~[the applicant.]~~ applicants.

3. ~~[If a nonprofit organization or an agency or political subdivision of this State receives]~~ The Director may make allocations of money from the Contingency Account to applicants and may place such conditions on the acceptance of such an allocation as the Director determines are necessary, including, without limitation, requiring the recipient of an allocation to submit periodic reports concerning the recipient's use of the allocation.

4. The recipient of an allocation of money from the Contingency Account ~~[,]~~ may use the money ~~[must be used]~~ only for the purposes of establishing or providing programs or services to victims of human trafficking.

~~[4. The Interim Finance Committee may require a recipient of an allocation of money from the Contingency Account to submit to the Interim Finance Committee, at such times as the Interim Finance Committee deems appropriate, a report concerning the use of any money allocated from the Contingency Account.]~~

Sec. 7. ~~[~~NRS 218E.405 is hereby amended to read as follows:

~~218E.405 1. Except as otherwise provided in subsection 2, the Interim Finance Committee may exercise the powers conferred upon it by law only when the Legislature is not in a regular or special session.~~

~~2. During a regular or special session, the Interim Finance Committee may also perform the duties imposed on it by subsection 5 of NRS 284.115, NRS 284.1729, 285.070, subsection 2 of NRS 321.335, NRS 322.007, subsection 2 of NRS 323.020, NRS 323.050, subsection 1 of NRS 323.100, subsection 3 of NRS 341.126, NRS 341.142, paragraph (f) of subsection 1 of NRS 341.145, NRS 353.220, 353.224, 353.2705 to 353.2771, inclusive, 353.288, 353.335, 353C.226, paragraph (b) of subsection 4 of NRS 407.0762, NRS 428.375, 439.4905, 439.620, 439.630, 445B.830 and 538.650~~ ***[.] and sections 5 and 6 of this act.*** ~~In performing those duties, the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means may meet separately and transmit the results~~

~~of their respective votes to the Chair of the Interim Finance Committee to determine the action of the Interim Finance Committee as a whole.~~

~~3. The Chair of the Interim Finance Committee may appoint a subcommittee consisting of six members of the Committee to review and make recommendations to the Committee on matters of the State Public Works Division of the Department of Administration that require prior approval of the Interim Finance Committee pursuant to subsection 3 of NRS 341.126, NRS 341.142 and paragraph (f) of subsection 1 of NRS 341.145. If the Chair appoints such a subcommittee:~~

~~(a) The Chair shall designate one of the members of the subcommittee to serve as the chair of the subcommittee;~~

~~(b) The subcommittee shall meet throughout the year at the times and places specified by the call of the chair of the subcommittee; and~~

~~(c) The Director or the Director's designee shall act as the nonvoting recording secretary of the subcommittee.~~**] (Deleted by amendment.)**

Sec. 8. This act becomes effective on July 1, 2013.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 1.

Bill read third time.

Remarks by Assemblywoman Dondero Loop.

ASSEMBLYWOMAN DONDERO LOOP :

Assembly Bill 1 requires the Director of the Department of Health and Human Services to include in the State Plan for Medicaid coverage of certain costs of emergency care, including dialysis, to stabilize patients with kidney failure.

Roll call on Assembly Bill No. 1:

YEAS—39.

NAYS—None.

EXCUSED—Hogan, Pierce, Woodbury—3.

Assembly Bill No. 1 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 31.

Bill read third time.

Remarks by Assemblyman Daly.

ASSEMBLYMAN DALY:

Assembly Bill 31 requires the head of each agency, bureau, board, commission, department, division, or any other unit of the Executive Department of State Government, except the Nevada

System of Higher Education, to designate one or more employees of the agency to act as records official for the agency.

The measure requires the Administrator of the State Library and Archives, in cooperation with the Attorney General, to prescribe by regulation the form to be used to request a public record from an agency, the form to be used by the agency to respond to a public record request, and the procedures that a records official must follow when complying with a public record request. These forms and procedures must be available on the agency's website.

Finally, the measure compiles a list of existing statutory exceptions to the Nevada Public Records Act within one section of the *Nevada Revised Statutes*.

Roll call on Assembly Bill No. 31:

YEAS—39.

NAYS—None.

EXCUSED—Hogan, Pierce, Woodbury—3.

Assembly Bill No. 31 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 139.

Bill read third time.

Remarks by Assemblyman Daly.

ASSEMBLYMAN DALY:

Assembly Bill 139 makes various changes to the state business portal.

Roll call on Assembly Bill No. 139:

YEAS—32.

NAYS—Ellison, Fiore, Hickey, Livermore, Oscarson, Stewart, Wheeler—7.

EXCUSED—Hogan, Pierce, Woodbury—3.

Assembly Bill No. 139 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 151.

Bill read third time.

Remarks by Assemblymen Bustamante Adams and Daly.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

Assembly Bill 151 requires the Nevada Department of Transportation to establish goals for the participation of disadvantaged business enterprises and local emerging small businesses in certain contracts for transportation projects. Included are contracts for the construction, reconstruction, improvement, or maintenance of highways estimated to cost $250,000 or more that do not receive federal funding and contracts for architectural, engineering, and planning services. The participation goals must be consistent with the goals required for similar projects that receive federal funding, and they must be based on the information about the market for which the goals are set.

ASSEMBLYMAN DALY:

I have one question for my colleague from Assembly District 42. I wanted to make sure that as we bring this over, it will be the same as the federal requirements—that these are goals and

not quotas. I would just like to make sure that that is the way it is understood and going to be administered.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

Thank you for the question from my colleague in the north. Yes, in the testimony, I did verify, in Transportation and also in front of Ways and Means and in the floor statement that it is goals and not quotas.

Roll call on Assembly Bill No. 151:

YEAS—35.

NAYS—Ellison, Fiore, Oscarson, Wheeler—4.

EXCUSED—Hogan, Pierce, Woodbury—3.

Assembly Bill No. 151 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 4.

Bill read third time.

Remarks by Assemblywoman Dondero Loop.

ASSEMBLYWOMAN DONDERO LOOP:

Senate Bill 4 allows various public employees or volunteers for a public agency who come in contact with human blood or bodily fluids in the course of their official duties to request that a person or decedent who may have exposed them to a communicable disease be tested. The bill requires a court to determine that the employee or volunteer would require medical intervention if there is a positive test result before issuing an order for a test.

Roll call on Senate Bill No. 4:

YEAS—39.

NAYS—None.

EXCUSED—Hogan, Pierce, Woodbury—3.

Senate Bill No. 4 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 31.

Bill read third time.

Remarks by Assemblyman Thompson.

ASSEMBLYMAN THOMPSON:

Senate Bill 31 authorizes a director of juvenile services, chief juvenile probation officer, or the Chief of the Youth Parole Bureau to share appropriate juvenile justice information, upon request, for purposes of ensuring the safety, permanent placement, rehabilitation, educational success, and well-being of a child. Information may be shared with the child's attorney, the district attorney, a court-appointed special advocate, and other specified persons. This measure provides that the information released is confidential.

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

Assembly in recess at 2:30 p.m.

ASSEMBLY IN SESSION

At 2:32 p.m.
Madam Speaker presiding.
Quorum present.

Roll call on Senate Bill No. 31:
YEAS—39.
NAYS—None.
EXCUSED—Hogan, Pierce, Woodbury—3.

Senate Bill No. 31 having received a two-thirds majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 55.

Bill read third time.

Remarks by Assemblywomen Swank and Benitez-Thompson, and Madam Speaker.

ASSEMBLYWOMAN SWANK:

Senate Bill 55 reorganizes 19 separate plans and other items that may be included in a master plan under current statute into eight different elements that a plan may include. The elements are as follows: conservation, historic preservation, housing, land use, public facilities and services, recreation and open space, safety, and transportation.

In counties whose population is 100,000 or more but less than 700,000, if the governing body of a city or county adopts only a portion of a master plan, then shall include a conservation plan of the conservation element, a housing element, and a population plan of the public facilities and services element.

Madam Speaker requested the privilege of the Chair for the purpose of making the following remarks:

I just have a question. Based on the population, this sounds as if Washoe only wants to adopt this certain piece of it. I don't understand who wants to change the master plan.

ASSEMBLYWOMAN SWANK:

It does not change the master plan. It just reorganizes the master plan. So it used to be 19 separate plans, and they took these different pieces and grouped them under these eight pieces that are for 700,000 or more. So then that also conflated Washoe County's plan into just three separate elements because they have a reduced number of elements that their master plan adheres to.

Madam Speaker requested the privilege of the Chair for the purpose of making the following remarks:

So why would the City of Las Vegas bring a master plan that only benefits Washoe?

ASSEMBLYWOMAN SWANK:

Actually, it does not just benefit Washoe. It also benefits the City of Las Vegas by making it easier to adhere to this plan by not having 19 separate elements, just these 8, but they are all still required.

Madam Speaker requested the privilege of the Chair for the purpose of making the following remarks:

Okay, I just wanted to be clear that they are still going to be adopting master plans because that is what our constituents rely on. I see one, but also now allows the counties—which Washoe is the only one based on the population cap—that we still have some basics for constituents.

ASSEMBLYWOMAN BENITEZ-THOMPSON:

Just to add to the record, what it does is the language is delegated out into "must" for counties over 700,000 to signify the elements that they absolutely have to be able to report in their master plan, which is status quo. For counties 100,000 to 700,000, which currently just impacts Washoe, it does not change the elements they have to report on. It is the same amount of elements they had to report on before, just in a different structure.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bill No. 55 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 73.

Bill read third time.

Remarks by Assemblywoman Swank.

ASSEMBLYWOMAN SWANK:

Senate Bill 73 removes the provision that a report of an act of cruelty against an animal is confidential. The measure instead provides, except for the purposes of a criminal investigation or prosecution, that the willful release of any data or information concerning the identity of a person who made the report constitutes a misdemeanor.

Roll call on Senate Bill No. 73:

YEAS—39.

NAYS—None.

EXCUSED—Hogan, Pierce, Woodbury—3.

Senate Bill No. 73 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 78.

Bill read third time.

Remarks by Assemblywoman Cohen.

ASSEMBLYWOMAN COHEN:

Senate Bill 78 makes numerous changes related to guardianships. The bill provides that a court may require a guardian to complete any available training concerning guardianships. In addition, the measure requires a bank to accept a copy of a court order appointing a guardian and letters of guardianship as proof of guardianship and allow the guardian access to the appropriate account or assets of the ward.

Roll call on Senate Bill No. 78:

YEAS—39.

NAYS—None.

EXCUSED—Hogan, Pierce, Woodbury—3.

Senate Bill No. 78 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 100.

Bill read third time.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

Senate Bill 100 revises the terms referring to three types of trained and certified emergency medical technicians for consistency with the terms used in the *National Emergency Medical Services Education Standards* released by the National Highway Traffic Safety Administration in 2009. The measure replaces the term "intermediate emergency medical technician" with "advanced emergency medical technician" and replaces the term "advanced emergency medical technician" with "paramedic." In addition, the measure requires the certification training for these technicians to follow the curriculum or educational standards prepared by the United States Department of Transportation.

Roll call on Senate Bill No. 100:

YEAS—39.

NAYS—None.

EXCUSED—Hogan, Pierce, Woodbury—3.

Senate Bill No. 100 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 101.

Bill read third time.

Remarks by Assemblywoman Cohen.

ASSEMBLYWOMAN COHEN:

Senate Bill 101 expands the supervision of a department of alternative sentencing to include a "supervised releasee" who is a person charged with or convicted of a misdemeanor, gross misdemeanor, or felony and who has been released from custody before trial or sentencing, subject to the conditions imposed by the court. The measure also revises the qualifications of the chief of a department of alternative sentencing to include experience in pretrial or presentence release.

Roll call on Senate Bill No. 101:

YEAS—39.

NAYS—None.

EXCUSED—Hogan, Pierce, Woodbury—3.

Senate Bill No. 101 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 106.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Senate Bill 106 authorizes a juvenile court to enter a civil judgment against the child, parent, or guardian for the amount due when the court has ordered an administrative assessment, fee, restitution, or other payment and the amount is delinquent. However, the bill does not authorize entry of a civil judgment against a child who is under the age of 18 or who is outside the jurisdiction of the juvenile court.

Regardless of whether juvenile jurisdiction or probation is terminated, Senate Bill 106 grants the juvenile court continuing jurisdiction over any civil judgment entered and it sets forth provisions on the collection and enforcement of the judgment.

Senate Bill 106 also authorizes a juvenile court to establish a restitution contribution fund and to require a monetary contribution to the fund in an agreement for informal supervision.

Similar to the provisions related to juvenile courts, this measure also authorizes an adult court to enter a civil judgment for a delinquent fine, administrative assessment, fee, or restitution in favor of the state or local entity responsible for collecting. The bill specifies that money from collection fees may be used to hire necessary collection personnel, improve court operations with a self-help center, or provide security for a regional justice center.

Roll call on Senate Bill No. 106:

YEAS—39.

NAYS—None.

EXCUSED—Hogan, Pierce, Woodbury—3.

Senate Bill No. 106 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 133.

Bill read third time.

Remarks by Assemblyman Ellison.

ASSEMBLYMAN ELLISON:

Senate Bill 133 allows a county to participate, in an advisory capacity, in the development and implementation of a monitoring, management, and mitigation plan if the State Engineer requires such a [3M] Plan as a condition of appropriating water for a beneficial use. The State Engineer must consider any comment, analysis, or other information submitted by the participating county before approving any [3M] plan but is not required to include such comments and analyses in the plan. Finally, Senate Bill 133 specifies that a determination of the State Engineer regarding whether or not to include or follow such comments or analyses in the [3M] Plan shall not be considered a decision that is subject to judicial review.

Roll call on Senate Bill No. 133:

YEAS—39.

NAYS—None.

EXCUSED—Hogan, Pierce, Woodbury—3.

Senate Bill No. 133 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 134.

Bill read third time.

Remarks by Assemblyman Wheeler.

ASSEMBLYMAN WHEELER:

Senate Bill 134 authorizes a person to apply for a temporary permit to appropriate groundwater for watering livestock when the point of diversion is within a county or a contiguous county that is under a drought declaration. Any associated well must be plugged and sealed upon expiration of the temporary permit. A temporary permit issued for these purposes must not exceed one year in duration.

The bill also requires the Nevada Department of Wildlife, if it constructs or causes to be constructed a fence, to ensure that the fence is constructed and maintained in such a manner as to prevent livestock from being trapped in the fence. Finally, S.B. 134 requires each guzzler for use by wildlife to include a posted notice providing contact information that may be used to notify the person or agency that placed the guzzler if it is in disrepair.

Roll call on Senate Bill No. 134:

YEAS—39.

NAYS—None.

EXCUSED—Hogan, Pierce, Woodbury—3.

Senate Bill No. 134 having received a two-thirds majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 143.

Bill read third time.

Remarks by Assemblyman Healey.

ASSEMBLYMAN HEALEY:

Senate Bill 143 directs the Department of Motor Vehicles to add at least one question to the written driver's license examination concerning the Nevada law prohibiting the use of cell phones or other handheld devices while driving.

Roll call on Senate Bill No. 143:

YEAS—37.

NAYS—Fiore, Neal—2.

EXCUSED—Hogan, Pierce, Woodbury—3.

Senate Bill No. 143 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 167.

Bill read third time.

Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:

Senate Bill 167 establishes provisions for a hospital to be designated and recognized as a STEMI [ST-Elevation Myocardial Infarction] receiving center by the Health Division of the Department of Health and Human Services. The measure provides that a licensed hospital which is not designated as a STEMI receiving center may not advertise that the hospital is a STEMI

receiving center. However, the bill does not prohibit any hospital from providing care to a victim of a heart attack, even if the hospital does not receive such a designation.

Roll call on Senate Bill No. 167:
YEAS—39.
NAYS—None.
EXCUSED—Hogan, Pierce, Woodbury—3.
Senate Bill No. 167 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 170.
Bill read third time.
Remarks by Assemblyman Sprinkle.

ASSEMBLYMAN SPRINKLE:
Senate Bill 170 authorizes a body shop, under certain circumstances, to impose a charge for storage of a motor vehicle that is in the possession of the body shop for repairs. Any such storage charge must not exceed an amount that is one and one-half times the average prevailing rate for storage charged by body shops in the same geographic area. In cases of nonconsensual tows, a body shop must make a reasonable attempt to contact the vehicle's owner and notify the owner of the vehicle's location and charges imposed for storage. A body shop must report its vehicle storage rates to the Department of Motor Vehicles via an online survey.

Roll call on Senate Bill No. 170:
YEAS—39.
NAYS—None.
EXCUSED—Hogan, Pierce, Woodbury—3.
Senate Bill No. 170 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

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

Assembly in recess at 2:55 p.m.

ASSEMBLY IN SESSION

At 3:27 p.m.
Madam Speaker presiding.
Quorum present.

Senate Bill No. 176.
Bill read third time.
Remarks by Assemblywoman Fiore.

ASSEMBLYWOMAN FIORE:
Senate Bill 176 requires an agency that provides child welfare services to determine whether a report concerning the possible abuse or neglect of a child, which the agency has determined

warrants an investigation, is substantiated or unsubstantiated. The bill deletes the requirement that a child welfare agency remove all references in its records to an investigation if the agency determines the investigation was not warranted. The measure further removes spanking or paddling as an example of corporal punishment that is a reasonable exercise of discipline by a parent or guardian.

The agency is required to provide written notice to the person who has allegedly caused the abuse or neglect that it intends to place the person's name in the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child and that the person has a right to request an administrative appeal.

The bill sets forth the process for the appeal and specifies certain items that must be included in an investigation report. The bill also clarifies that abuse reported to the Central Registry must have occurred after the child was born.

Roll call on Senate Bill No. 176:

YEAS—38.

NAYS—None.

EXCUSED—Hogan, Horne, Pierce, Woodbury—4.

Senate Bill No. 176 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 178.

Bill read third time.

Remarks by Assemblyman Thompson.

ASSEMBLYMAN THOMPSON:

Senate Bill 178 authorizes the Nevada Silver Haired Legislative Forum to request for each regular session one legislative measure relating to matters within the scope of the Forum.

Roll call on Senate Bill No. 178:

YEAS—38.

NAYS—None.

EXCUSED—Hogan, Horne, Pierce, Woodbury—4.

Senate Bill No. 178 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 180.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Senate Bill 180 provides that if a court finds that an employee has been injured as the result of certain unlawful employment practices, it must award to the employee, in addition to any other legal or equitable relief, damages, lost wages and benefits, and costs and attorney's fees to the extent consistent with Title VII of the Civil Rights Act.

There was a lot of testimony in your Commerce and Labor Committee about the benefits of Senate Bill 180. This bill, if enacted into law, will protect workers who have been discriminated against based on their sexual orientation, their gender identity, and state employees who have been the victims of age discrimination. Currently, remedies like this are not available. There is also a benefit to the rural counties because those victims of discrimination now would have to go

to federal court, either in Las Vegas or in Reno. Now these kinds of actions could be brought before state court in any of the counties in the state. I urge passage.

Roll call on Senate Bill No. 180:

YEAS—24.

NAYS—Paul Anderson, Duncan, Ellison, Fiore, Grady, Hambrick, Hansen, Hardy, Hickey, Kirner, Livermore, Oscarson, Stewart, Wheeler—14.

EXCUSED—Hogan, Horne, Pierce, Woodbury—4.

Senate Bill No. 180 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 181.

Bill read third time.

Remarks by Assemblywoman Cohen.

ASSEMBLYWOMAN COHEN:

Senate Bill 181 expands the availability of special group fishing permits to include nonprofit organizations that will use such permits for the benefit of adults with disabilities. The bill allows the Director of the Nevada Department of Wildlife to expedite an application for and the approval of a special permit if it is determined that special circumstances exist. The bill removes restrictions that special fishing permits may authorize no more than 15 people to fish and that the Department may not issue more than two permits per year to the same organization.

Roll call on Senate Bill No. 181:

YEAS—38.

NAYS—None.

EXCUSED—Hogan, Horne, Pierce, Woodbury—4.

Senate Bill No. 181 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 206.

Bill read third time.

Remarks by Assemblywoman Spiegel.

ASSEMBLYWOMAN SPIEGEL:

Senate Bill 206 establishes a cottage food operation as an entity that manufactures or prepares certain food items for sale; meets certain requirements relating to the preparation, labeling, and sale of those food items; and registers with the health authority. The measure prohibits a local government from adopting any ordinance or other regulation that prohibits a person from preparing food in a cottage food operation within the person's private home. Finally, the measure adds a cottage food operation to the list of entities that are excluded from the definition of a "food establishment."

Roll call on Senate Bill No. 206:

YEAS—38.

NAYS—None.

EXCUSED—Hogan, Horne, Pierce, Woodbury—4.

Senate Bill No. 206 having received a two-thirds majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 217.

Bill read third time.

Remarks by Assemblymen Swank and Hardy.

ASSEMBLYWOMAN SWANK:

Senate Bill 217 provides that if the probable cost of a road or bridge construction project does not exceed $100,000, a county with a population less than 100,000 may advertise for bids and let contracts pursuant to existing statute or may perform its own work with county employees or day labor and using county equipment. If the probable cost of the work exceeds $100,000, such a county is required to advertise for bids and let contracts pursuant to local government purchasing or public works statutes, except that in a county whose population is less than 45,000, the board of county highway commissioners may instead determine to perform the work with its own resources if the estimated cost of the project is between $100,000 and $250,000.

ASSEMBLYMAN HARDY:

The proponents of the bill had actually stated that they would have it on the record that we understand that, for those counties that want to continue to blade their roads or do maintenance factor-type projects, there would be no interference at that point—only for those type of projects that are needed for construction contracting licenses.

Roll call on Senate Bill No. 217:

YEAS—27.

NAYS—Daly, Duncan, Ellison, Fiore, Grady, Hansen, Kirner, Livermore, Oscarson, Stewart, Wheeler—11.

EXCUSED—Hogan, Horne, Pierce, Woodbury—4.

Senate Bill No. 217 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

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

Assembly in recess at 3:38 p.m.

ASSEMBLY IN SESSION

At 3:40 p.m.

Madam Speaker presiding.

Quorum present.

Senate Bill No. 233.

Bill read third time.

Remarks by Assemblywoman Dondero Loop.

ASSEMBLYWOMAN DONDERO LOOP:

Senate Bill 233 repeals certain sections of *Nevada Revised Statutes* that direct the governing bodies of certain counties and cities to establish a minimum distance between residential establishments which include half-way houses for recovering alcohol and drug abusers and residential facilities for groups. In addition, the measure repeals the establishment of a registry of group homes and various related provisions.

Roll call on Senate Bill No. 233:

YEAS—38.

NAYS—None.

EXCUSED—Hogan, Horne, Pierce, Woodbury—4.

Senate Bill No. 233 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 243.

Bill read third time.

Remarks by Assemblymen Hansen, Hickey, Aizley, and Sprinkle.

ASSEMBLYMAN HANSEN:

Senate Bill 243 establishes the state DNA Database, which is administered by the Forensic Science Division of the Washoe County Sheriff's Office. The measure provides that the Forensic Science Division shall act as a liaison between the Federal Bureau of Investigation and other state agencies of criminal justice relating to Nevada's participation in the FBI's DNA Indexing System, CODIS.

Senate Bill 243 provides the procedures for submitting a biological specimen to a forensic laboratory for genetic marker analysis when a person is arrested for a felony. If a court or magistrate determines that probable cause did not exist for the person's arrest, the biological specimen must be destroyed within five business days. The measure also provides that if a person is arrested for a felony and is not convicted, the person may make a written request to the Central Repository for Nevada Records of Criminal History to destroy the biological specimen and the DNA profile and purge the DNA record from the forensic laboratory, the state DNA Database, and CODIS.

The bill provides that any costs incurred relating to obtaining or destroying a biological specimen or purging a DNA profile or record are a charge against the county in which the person was arrested and must be paid from the county fund for genetic marker testing. The measure imposes an additional $3 administrative assessment on a person convicted of a misdemeanor, gross misdemeanor, or felony to help pay for the costs of obtaining specimens and conducting the analysis.

Finally, Senate Bill 243 establishes the Subcommittee to Review Arrestee DNA of the Advisory Commission on the Administration of Justice. The Subcommittee will consider issues relating to DNA of arrested persons and submit a report and recommendations to the Commission.

ASSEMBLYMAN HICKEY:

I rise in support of Senate Bill 243. Probably no bill this session has created a more healthy dialogue between law enforcement proponents and civil libertarians, but I would like us to

appreciate what went into this bill. A large working group studied the issues surrounding this bill during the interim to learn all the technical and procedural aspects. The intent of the bill is to simply protect public safety and justice, to solve crimes, and importantly, exonerate innocent people in the process. A detailed study conducted by the University of Virginia concluded that a DNA database most definitely reduces crime rates. Finally, this type of legislation is supported unprecedentedly by 50 states' Attorneys General. Members of this body, I think this is one bill where you could really apply the term "see the forest for the trees." This bill saves lives, protects innocent people who can be exonerated, and I think it is the right thing to do. We in Nevada especially have reason to know why.

ASSEMBLYMAN AIZLEY:

I rise in opposition to Senate Bill 243. Taking one's DNA upon arrest strikes me as an unreasonable search and seizure and somewhat close to a violation of the Fourth Amendment to our Bill of Rights. The current case, *Maryland v. King*, is before the U.S. Supreme Court now, with the decision expected by the end of June. Taking DNA upon conviction or with the permission of the person arrested would be acceptable. Nevada should spend more time on actual criminals and should focus on the current backlog of recent crimes. The Las Vegas crime lab recently testified that they are 65,000 DNA kits behind. As it is, I will not support the bill.

ASSEMBLYMAN SPRINKLE:

I rise in support of Senate Bill 243. I think it is really timely that I first point out that similar law exists in 28 other states, including Ohio, which just used this law to assist in the arrest of Ariel Castro. Some of the things that I have heard, as I have spoken with many people in regard to this bill and the concerns that they had is that this is constitutional for an arrestee's name and a mug shot to be posted in the newspaper and online, and yet when you look at the DNA evidence, there is no absolute way for somebody to simply be able to designate who that DNA came from. DNA has over 3 billion markers. These samples would only be between 13 and 18 markers, enough for an identification and gender ID only. Another reason why that is so important is because when we are talking about racial bias and profiling, just as much focus needs to be placed on proving someone is innocent with their DNA samples, and that could help do just that. With these markers, there is absolutely no way to determine race from the sample taken. In the end, this legislation is about protecting our society from those who would choose to do harm over and over again.

We have been identifying criminals using fingerprints for many years, and statistics show that using those fingerprints has been a system fraught with errors. The chances of making an error in identification using DNA is over 1 in a billion. Why would we not want to remove more violent criminals from our streets and protect those who have been wrongly accused of committing a crime? I ask this body to please support Senate Bill 243.

Roll call on Senate Bill No. 243:

YEAS—29.

NAYS—Aizley, Carrillo, Cohen, Fiore, Neal, Ohrenschall, Oscarson, Spiegel, Swank—9.

EXCUSED—Hogan, Horne, Pierce, Woodbury—4.

Senate Bill No. 243 having received a two-thirds majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Frierson moved that Assembly Bill No. 499; Senate Bills Nos. 60, 80, 155, 162, 198, 237, 258, 267, 276, 284, 285, 286, 287, 288, 304, 305, 309, 310, 315, 317, 318, 325, 335, 338, 342, 343, 344, 345, 347, 350,

351, 356, 365, 371, 382, 388, 392, 393, 402, 404, 409, 419, 420, 432, 433, 434, 437, 438, 441, 443, 448, 449, 453, 457, 458, 459, 460, 476, 488, 489, 496, 497, 503, 505, 506, 507, 509; Senate Joint Resolutions Nos. 1, 12, 13; Senate Joint Resolution No. 15 of the 76th Session, be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 36, 94, 208, 235, 252, 266, 493, 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*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Frierson moved that Senate Bills Nos. 36, 94, 208, 235, 252, 266, and 493, just reported out of committee, be placed on the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 36.

Bill read second time.

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

Amendment No. 649.

AN ACT relating to employment; establishing provisions for the collection of money owed to the Employment Security Division of the Department of Employment, Training and Rehabilitation; ~~[establishing a waiting period of 1 week as an additional condition of eligibility for unemployment compensation benefits;]~~ revising provisions concerning unemployment compensation fraud; providing for the transfer of an employer's liabilities to the Division upon the transfer of the employer's trade or business; prohibiting the relief of an employer's record for experience rating of charges for benefits under certain circumstances; assigning liability for the payment of money owed to the Division upon the transfer of certain assets; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation is authorized to bring actions in district court for the repayment of fraudulently obtained benefits or to recover amounts owed to the Division by persons who commit unemployment insurance fraud. (NRS 612.365, 612.445) **Sections**

12-19 and 21 of this bill establish an additional method for the collection of such money. This method is modeled after the method used by the Division of Welfare and Supportive Services of the Department of Health and Human Services to enforce a court order that requires a person to make payments for the support of a child. (NRS 31A.025-31A.190) **Section 12** provides that if the Administrator obtains a judgment against a person who has fraudulently obtained benefits or committed unemployment compensation fraud, the Administrator may, in addition to any other manner of executing the judgment provided by law, require each employer of the person to withhold income from the person's wages and pay it to the Division. **Sections 13-19** establish provisions for: (1) notifying a person whose income is to be withheld; (2) issuing a notice to withhold income to a person's employer; (3) establishing an employer's duties with respect to the withholding of income; (4) providing penalties for an employer's violation of those duties; and (5) providing an employer with immunity from any civil action for any conduct taken in compliance with a notice to withhold income. **Section 23** of this bill revises existing law concerning unemployment insurance fraud by: (1) providing that, in general, the Administrator may issue an initial determination finding that a person has committed such fraud at any time within 4 years after the first day of the benefit year in which the person committed the fraud; and (2) revising other provisions concerning the period during which the person is disqualified from receiving further benefits and the amount of the penalties that may be imposed.

~~**[** Existing law provides that an unemployed person is not eligible to receive benefits unless the Administrator finds that the person satisfies certain conditions. (NRS 612.375) **Section 22** of this bill adds an additional condition for such eligibility: the person must have been unemployed and otherwise eligible for benefits for a waiting period of 1 week within the person's current benefit year, during which no benefits were paid. All but 12 states currently include such a waiting period in their unemployment compensation laws.**]**~~

Under existing law, an employer's contribution rate is based on the employer's experience rating, which reflects the amount of unemployment compensation benefits that are paid to former employees and charged to the employer's record for experience rating. Existing law also provides for the transfer of some or all of an employer's record for experience rating when the employer transfers its trade or business to another employer. (NRS 612.550) **Section 24** of this bill provides that if the transferring employer is liable to the Division for unpaid contributions, interest or forfeits, a percentage of that liability must also be transferred to the other employer. The percentage of liability transferred must be the same as the percentage of the experience record transferred.

Under existing law, an employer who receives notice that a former employee has filed a claim for benefits is required to provide the Division with all relevant facts which may affect the claimant's rights to benefits within 11 days after the Division mails the notice of the claim. (NRS 612.475) The amounts of any benefits paid to that claimant are charged to the employer's record for experience rating unless circumstances exist which entitle the record to be relieved of such charges. (NRS 612.551) **Section 25** of this bill provides that an employer's record for experience rating is not entitled to be relieved of charges for the amount of any benefits erroneously paid to a claimant if the employer failed to submit timely all the information as required. This change is required to comply with federal law. (Trade Adjustment Assistance Extension Act of 2011, Pub. L. No. 112-40, § 252, 125 Stat. 402, 421-22)

Under existing law, an employer who, outside the usual course of business, sells certain assets and quits business is required to pay to the Division the amount of all contributions, interest or forfeits accrued and unpaid on account of wages paid by the employer up to the date of the sale. If the seller fails to do so within 10 days after the sale, the purchaser of the assets becomes personally liable for the payment of those amounts. (NRS 612.695) **Section 26** of this bill extends those provisions to apply in cases of the transfer of the assets of a business by means other than a sale.

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

Section 1. Chapter 612 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 19, inclusive, of this act.

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. ***If the Administrator obtains a judgment against a person for:***

1. The repayment of benefits obtained due to the person's fraud, misrepresentation or willful nondisclosure pursuant to NRS 612.365; or

2. The recovery of amounts owed to the Division for committing unemployment insurance fraud in violation of NRS 612.445,

↪ the Administrator may, in addition to any other manner of executing the judgment provided by law, require each employer of the person to withhold income from the person's wages and pay it over to the Division in accordance with the provisions of sections 12 to 19, inclusive of this act.

Sec. 13. *The Administrator shall provide to a person who is subject to the withholding of income pursuant to section 12 of this act a notice sent by first-class mail to the person's last known address:*

1. That his or her income is being withheld;

2. That a notice to withhold income applies to any current or subsequent employer;

3. That a notice to withhold income has been mailed to his or her employer;

4. Of the information provided to his or her employer pursuant to section 14 of this act;

5. That he or she may contest the withholding; and

6. Of the grounds and procedures for contesting the withholding.

Sec. 14. *1. The Administrator shall mail, by first-class mail, a notice to withhold income pursuant to section 12 of this act to each employer of the person who is subject to the withholding.*

2. If an employer does not begin to withhold income from the person in accordance with section 15 of this act after receiving the notice to withhold income that was mailed pursuant to subsection 1, the Administrator shall, by certified mail, return receipt requested, mail to the employer another notice to withhold income.

3. A notice to withhold income pursuant to section 12 of this act may be issued electronically and must:

(a) Contain the social security number of the person;

(b) Specify the total amount to be withheld from the income of the person, including any interest, penalties or assessments accrued pursuant to the provisions of this chapter;

(c) Describe the limitation for withholding income prescribed in NRS 31.295;

(d) Describe the prohibition against terminating the employment of a person because of withholding and the penalties for wrongfully refusing to withhold in accordance with the notice to withhold income; and

(e) Explain the duties of an employer upon the receipt of the notice to withhold income.

Sec. 15. *An employer who receives a notice to withhold income pursuant to section 12 of this act shall:*

1. Withhold the amount stated in the notice from the income due to the person beginning with the first pay period that occurs within 14 days after the date the notice was mailed to the employer and continuing until:

(a) The Administrator notifies the employer to discontinue the withholding; or

(b) The full amount required to be paid to the Administrator has been paid, as indicated by a written statement to the employer from the Administrator;

2. Calculate the amount of income to be withheld from a person's wages during each pay period in accordance with the provisions of NRS 31.295 and subject to the limitation on withholding prescribed in that section. For the purposes of this subsection, a withholding of income shall be deemed a garnishment of earnings.

3. Deliver the money withheld to the Administrator within 7 days after the date of each payment of the regularly scheduled payroll of the employer; and

4. Notify the Administrator when the person subject to withholding terminates his or her employment and provide the last known address of the person and the name of any new employer of the person, if known.

Sec. 16. *1. A notice to withhold income pursuant to section 12 of this act is binding upon any employer of the person to whom it is mailed. To reimburse the employer for his or her costs in making the withholding, the employer may deduct $3 from the amount paid to the person each time the employer makes a withholding.*

2. Except as otherwise provided in subsection 3, if an employer receives notices to withhold income pursuant to section 12 of this act for more than one employee, the employer may consolidate the amounts of money that are payable to the Administrator and pay those amounts with one check, but the employer shall attach to each check a statement identifying by name and social security number each person for whom payment is made and the amount transmitted for that person.

3. If the provisions of NRS 353.1467 apply, the employer shall make payment to the Administrator by any method of electronic transfer of money allowed by the Administrator. If an employer makes such payment by electronic transfer of money, the employer shall transmit separately the name and appropriate identification number, if any, of each person for whom payment is made and the amount transmitted for that person.

4. As used in this section, "electronic transfer of money" has the meaning ascribed to it in NRS 353.1467.

Sec. 17. *1. It is unlawful for an employer to use the withholding of income to collect an obligation to pay money to the Administrator as a basis for refusing to hire a potential employee, discharging an employee or taking disciplinary action against an employee. Any employer who violates this section shall hire or reinstate any such employee with no loss of pay or benefits, is liable for any amounts not withheld and shall be fined $1,000.*

If an employee prevails in an action based on this section, the employer is liable, in an amount not less than $2,500, for payment of the employee's costs and attorney's fees incurred in that action.

2. If an employer wrongfully refuses to withhold income as required pursuant to sections 12 to 19, inclusive, of this act or knowingly misrepresents the income of an employee, the employer shall pay the amount the employer refused to withhold to the Administrator and may be ordered to pay punitive damages to the Administrator in an amount not to exceed $1,000 for each pay period the employer failed to withhold income as required or knowingly misrepresented the income of the employee.

Sec. 18. ***1. If an employer wrongfully refuses to withhold income as required pursuant to sections 12 to 19, inclusive, of this act, after receiving a notice to withhold income that was sent by certified mail pursuant to section 14 of this act, or knowingly misrepresents the income of an employee, the Administrator may apply for and the court may issue an order directing the employer to appear and show cause why he or she should not be subject to the penalties prescribed in subsection 2 of section 17 of this act.***

2. At the hearing on the order to show cause, the court, upon a finding that the employer wrongfully refused to withhold income as required or knowingly misrepresented an employee's income:

(a) May order the employer to comply with the requirements of sections 12 to 19, inclusive, of this act;

(b) May order the employer to provide accurate information concerning the employee's income;

(c) May fine the employer pursuant to subsection 2 of section 17 of this act; and

(d) Shall require the employer to pay the amount the employer failed or refused to withhold from the employee's income.

Sec. 19. ***1. An employer who complies with a notice to withhold income pursuant to section 12 of this act that is regular on its face may not be held liable in any civil action for any conduct taken in compliance with the notice.***

2. Compliance by an employer with a notice to withhold income pursuant to section 12 of this act is a discharge of the employer's liability to the person as to that portion of the income affected.

3. If a court issues an order to stay a withholding of income, the Administrator may not be held liable in any civil action to the person who is the subject of the withholding of income for any money withheld before the stay becomes effective.

Sec. 20. NRS 612.350 is hereby amended to read as follows:

612.350 1. ~~[Each]~~ ***An*** eligible person who is unemployed ***and otherwise entitled to receive benefits*** in any week must be paid for that week a benefit in an amount equal to the person's weekly benefit amount, less 75 percent of the remuneration payable to him or her for that week.

2. The benefit, if not a multiple of $1, must be computed to the next lower multiple of $1.

Sec. 21. NRS 612.365 is hereby amended to read as follows:

612.365 1. Any person who is overpaid any amount as benefits under this chapter is liable for the amount overpaid unless:

(a) The overpayment was not due to fraud, misrepresentation or willful nondisclosure on the part of the recipient; and

(b) The overpayment was received without fault on the part of the recipient, and its recovery would be against equity and good conscience, as determined by the Administrator.

2. The amount of the overpayment must be assessed to the liable person, and the person must be notified of the basis of the assessment. The notice must specify the amount for which the person is liable. In the absence of fraud, misrepresentation or willful nondisclosure, notice of the assessment must be mailed or personally served not later than 1 year after the close of the benefit year in which the overpayment was made.

3. At any time within 5 years after the notice of overpayment, the Administrator may recover the amount of the overpayment by using the same methods of collection provided in NRS 612.625 to 612.645, inclusive, 612.685 and 612.686 for the collection of past due contributions or by deducting the amount of the overpayment from any benefits payable to the liable person under this chapter. ***If the overpayment is due to fraud, misrepresentation or willful nondisclosure, the Administrator may recover any amounts due in accordance with the provisions of sections 12 to 19, inclusive, of this act.***

4. The Administrator may waive recovery or adjustment of all or part of the amount of any such overpayment which the Administrator finds to be uncollectible or the recovery or adjustment of which the Administrator finds to be administratively impracticable.

5. To the extent allowed pursuant to federal law, the Administrator may assess any administrative fee prescribed by an applicable agency of the United States regarding the recovery of such overpayments.

6. Any person against whom liability is determined under this section may appeal therefrom within 11 days after the date the notice provided for in this section was mailed to, or served upon, the person. An appeal must be made and conducted in the manner provided in this chapter for the appeals

from determinations of benefit status. The 11-day period provided for in this subsection may be extended for good cause shown.

Sec. 22. ~~[NRS 612.375 is hereby amended to read as follows:~~

~~612.375 1. Except as otherwise provided in subsection 2 of NRS 612.3774, an unemployed person is eligible to receive benefits with respect to any week only if the Administrator finds that:~~

~~(a) The person has registered for work at, and thereafter has continued to report at, an office of the Division in such a manner as the Administrator prescribes, except that the Administrator may by regulation waive or alter either or both of the requirements of this paragraph for persons attached to regular jobs and in other types of cases or situations with respect to which the Administrator finds that compliance with those requirements would be oppressive or inconsistent with the purposes of this chapter.~~

~~(b) The person has made a claim for benefits in accordance with the provisions of NRS 612.450 and 612.455.~~

~~(c) The person is able to work, and is available for work, but no claimant may be considered ineligible with respect to any week of unemployment for failure to comply with the provisions of this paragraph if the failure is because of an illness or disability which occurs during an uninterrupted period of unemployment with respect to which benefits are claimed and no work has been offered the claimant which would have been suitable before the beginning of the illness and disability. No otherwise eligible person may be denied benefits for any week in which the person is engaged in training approved pursuant to 19 U.S.C. § 2296 or by the Administrator by reason of any provisions of this chapter relating to availability for work or failure to apply for, or a refusal to accept, suitable work.~~

~~(d) The person has within his or her base period been paid wages from employers:~~

~~(1) Equal to or exceeding 1 1/2 times the person's total wages for employment by employers during the quarter of the person's base period in which the person's total wages were highest; or~~

~~(2) In each of at least three of the four quarters in the person's base period.~~

~~***(e) The person has been unemployed and otherwise eligible for benefits for a waiting period of 1 week, within the person's current benefit year, during which no benefits were paid. For the purposes of this paragraph, a person is unemployed in any week during which the amount of any wages earned by the person is less than the person's weekly benefit amount.~~

~~***[If a person fails to qualify for a weekly benefit amount of one twenty-fifth of the person's high quarter wages but can qualify for a weekly benefit amount of $1 less than one twenty-fifth of his or her high quarter wages, the person's weekly benefit amount must be $1 less than one twenty-fifth of his~~

~~or her high quarter wages.~~] ~~No person may receive benefits in a benefit year unless, after the beginning of the next preceding benefit year during which the person received benefits, he or she performed service, whether or not in "employment" as defined in this chapter and earned remuneration for that service in an amount equal to not less than 3 times his or her basic weekly benefit amount as determined for the next preceding benefit year.~~

~~2. In addition to fulfilling the requirements set forth in subsection 1, an unemployed person who has been determined to be likely to exhaust his or her regular benefits and to need services to assist in his or her reemployment, pursuant to the system of profiling established by the Administrator pursuant to 42 U.S.C. § 503, is eligible to receive benefits with respect to any week only if the person participates in those services to assist in his or her reemployment, unless the Administrator determines that:~~

~~(a) The unemployed person has completed his or her participation in those services; or~~

~~(b) There is a justifiable cause for the person's failure to participate in those services.~~

~~3. For any week in which a claimant receives any pension or other payment for retirement, including a governmental or private pension, annuity or other, similar periodic payment, except as otherwise provided in subsection 4, the amount payable to the claimant under a plan maintained by a base period employer or an employer whose account is chargeable with benefit payments must:~~

~~(a) Not be reduced by the amount of the pension or other payment if the claimant made any contribution to the pension or retirement plan; or~~

~~(b) Be reduced by the entire proportionate weekly amount of the pension or other payment if the employer contributed the entire amount to the pension or retirement plan.~~

~~4. The amount of the weekly benefit payable to a claimant must not be reduced by the pension offset in subsection 3 if the services performed by the claimant during the base period, or the compensation the claimant received for those services, from that employer did not affect the claimant's eligibility for, or increase the amount of, the pension or other payment, except for a pension paid pursuant to the Social Security Act or Railroad Retirement Act of 1974, or the corresponding provisions of prior law, which is not eligible for the exclusion provided in this subsection and is subject to the offset provisions of subsection 3.~~

~~5. As used in this section, "regular benefits" has the meaning ascribed to it in NRS 612.377.~~] **(Deleted by amendment.)**

Sec. 23. NRS 612.445 is hereby amended to read as follows:

612.445 1. A person shall not make a false statement or representation, knowing it to be false, or knowingly fail to disclose a material fact in order to

obtain or increase any benefit or other payment under this chapter, including, without limitation, by failing to properly report earnings or by filing a claim for benefits using the social security number, name or other personal identifying information of another person. A person who violates the provisions of this subsection commits unemployment insurance fraud.

2. When the Administrator finds that a person has committed unemployment insurance fraud pursuant to subsection 1, the person shall repay to the Administrator for deposit in the Fund a sum equal to all of the benefits received by or paid to the person for each week with respect to which the false statement or representation was made or to which the person failed to disclose a material fact in addition to any interest, penalties and costs related to that sum. ***Except as otherwise provided in subsection 3 of NRS 612.480, the Administrator may make an initial determination finding that a person has committed unemployment insurance fraud pursuant to subsection 1 at any time within 4 years after the first day of the benefit year in which the person committed the unemployment insurance fraud.***

3. Except as otherwise provided in this subsection and subsection 8, the person is disqualified from receiving unemployment compensation benefits under this chapter:

(a) For a period beginning with the ~~[first week claimed in violation of]~~ ***week in which the Administrator issues a finding that the person has committed unemployment insurance fraud pursuant to*** subsection 1 and ending not more than 52 consecutive weeks after the week in which it is determined that a claim was filed in violation of subsection 1; or

(b) Until the sum described in subsection 2, in addition to any interest, penalties or costs related to that sum, is repaid to the Administrator,

➥ whichever is longer. The Administrator shall fix the period of disqualification according to the circumstances in each case.

4. It is a violation of subsection 1 for a person to file a claim, or to cause or allow a claim to be filed on his or her behalf, if:

(a) The person is incarcerated in the state prison or any county or city jail or detention facility or other correctional facility in this State; and

(b) The claim does not expressly disclose his or her incarceration.

5. A person who obtains benefits of $650 or more in violation of subsection 1 shall be punished in the same manner as theft pursuant to subsection 3 or 4 of NRS 205.0835.

6. In addition to the repayment of benefits required pursuant to subsection 2, ~~[if the amount of benefits which must be repaid is greater than $1,000,]~~ the Administrator ~~[may]~~ ***:***

(a) Shall impose a penalty equal to 15 percent of the total amount of benefits received by the person in violation of subsection 1. Money recovered by the Administrator pursuant to this paragraph must be

deposited in the Unemployment Trust Fund in accordance with the provisions of NRS 612.590.

(b) May impose a penalty equal to not more than:

~~[~~(a)~~]~~ ***(1)*** If the amount of such benefits is greater than ***$25 but not greater than $1,000, 5 percent;***

(2) If the amount of such benefits is greater than $1,000 but not greater than $2,500, ~~[~~25~~]~~ ***10*** percent; or

~~[~~(b)~~]~~ ***(3)*** If the amount of such benefits is greater than $2,500, ~~[~~50~~]~~ ***35*** percent,

➥ of the total amount of benefits received by the person in violation of subsection 1 or any other provision of this chapter. ***Money recovered by the Administrator pursuant to this paragraph must be deposited in the Employment Security Fund in accordance with the provisions of NRS 612.615.***

7. Except as otherwise provided in subsection 8, a person may not pay benefits as required pursuant to subsection 2 by using benefits which would otherwise be due and payable to the person if he or she was not disqualified.

8. The Administrator may waive the period of disqualification prescribed in subsection 3 for good cause shown or if the person adheres to a repayment schedule authorized by the Administrator that is designed to fully repay benefits received from an improper claim, in addition to any related interest, penalties and costs, within 18 months. If the Administrator waives the period of disqualification pursuant to this subsection, the person may repay benefits as required pursuant to subsection 2 by using any benefits which are due and payable to the person, except that benefits which are due and payable to the person may not be used to repay any related interest, penalties and costs.

9. The Administrator may recover any money required to be paid pursuant to this section in accordance with the provisions of NRS 612.365 and may collect interest on any such money in accordance with the provisions of NRS 612.620.

Sec. 23.5. NRS 612.475 is hereby amended to read as follows:

612.475 1. The last employing unit of any unemployed claimant and the next to last employing unit of an unemployed claimant who has not earned remuneration with his or her last covered employer equal to or exceeding his or her weekly benefit amount in each of 16 weeks must be notified of any new claim or additional claim filed by the unemployed claimant following his or her separation.

2. The notice of the filing of a claim must contain the claimant's name and social security number, the reason for separation from the employing unit affected as given by the claimant, the date of separation and such other information as is deemed proper.

3. Upon receipt of a notice of the filing of a claim, the employing unit shall, within 11 days after the date of the mailing of the notice, submit to the Division all ***known*** relevant facts which may affect the claimant's rights to benefits.

4. Any employing unit that receives a notice of the filing of a claim may protest payment of benefits to the unemployed claimant if the protest is filed within 11 days after the notice is filed.

5. Any employing unit which has filed a protest in accordance with the provisions of this section must be notified in writing of the determination arrived at by the Administrator or the Administrator's Deputy, and the notice must contain a statement setting forth the right of appeal.

6. As used in this section:

(a) "Additional claim" means a claim filed during the benefit year when a break of 1 week or more has occurred in the series of claims with intervening employment.

(b) "New claim" means an application for a determination of eligibility and benefits, benefit amount and duration of benefits which certifies to the beginning date of a first period of unemployment in a benefit year or the continuance of a period of unemployment into a new benefit year.

Sec. 24. NRS 612.550 is hereby amended to read as follows:

612.550 1. As used in this section:

(a) "Average actual duration" means the number of weeks obtained by dividing the number of weeks of benefits paid for weeks of total unemployment in a consecutive 12-month period by the number of first payments made in the same 12-month period.

(b) "Average annual payroll" for each calendar year means the annual average of total wages paid by an employer subject to contributions for the 3 consecutive calendar years immediately preceding the computation date. The average annual payroll for employers first qualifying as eligible employers must be computed on the total amount of wages paid, subject to contributions, for not less than 10 consecutive quarters and not more than 12 consecutive quarters ending on December 31, immediately preceding the computation date.

(c) "Beneficiary" means a person who has received a first payment.

(d) "Computation date" for each calendar year means June 30 of the preceding calendar year.

(e) "Covered worker" means a person who has worked in employment subject to this chapter.

(f) "First payment" means the first weekly unemployment insurance benefit paid to a person in the person's benefit year.

(g) "Reserve balance" means the excess, if any, of total contributions paid by each employer over total benefit charges to that employer's experience rating record.

(h) "Reserve ratio" means the percentage ratio that the reserve balance bears to the average annual payroll.

(i) "Total contributions paid" means the total amount of contributions, due on wages paid on or before the computation date, paid by an employer not later than the last day of the second month immediately following the computation date.

(j) "Unemployment risk ratio" means the ratio obtained by dividing the number of first payments issued in any consecutive 12-month period by the average monthly number of covered workers in employment as shown on the records of the Division for the same 12-month period.

2. The Administrator shall, as of the computation date for each calendar year, classify employers in accordance with their actual payrolls, contributions and benefit experience, and shall determine for each employer the rate of contribution which applies to that employer for each calendar year in order to reflect his or her experience and classification. The contribution rate of an employer may not be reduced below 2.95 percent, unless there have been 12 consecutive calendar quarters immediately preceding the computation date throughout which the employer has been subject to this chapter and his or her account as an employer could have been charged with benefit payments, except that an employer who has not been subject to the law for a sufficient period to meet this requirement may qualify for a rate less than 2.95 percent if his or her account has been chargeable throughout a lesser period not less than the 10-consecutive-calendar-quarter period ending on the computation date.

3. Any employer who qualifies under paragraph (b) of subsection 9 and receives the experience record of a predecessor employer must be assigned the contribution rate of the predecessor.

4. Benefits paid to a person up to and including the computation date must be charged against the records, for experience rating, of the person's base-period employers in the same percentage relationship that wages reported by individual employers represent to total wages reported by all base period employers, except that:

(a) If one of the base period employers has paid 75 percent or more of the wages paid to the person during the person's base period, and except as otherwise provided in NRS 612.551, the benefits, less a proportion equal to the proportion of wages paid during the base period by employers who make reimbursement in lieu of contributions, must be charged to the records for experience rating of that employer. The proportion of benefits paid which is equal to the part of the wages of the claimant for the base period paid by an

employer who makes reimbursement must be charged to the record of that employer.

(b) No benefits paid to a multistate claimant based upon entitlement to benefits in more than one state may be charged to the experience rating record of any employer when no benefits would have been payable except pursuant to NRS 612.295.

(c) Except for employers who have been given the right to make reimbursement in lieu of contributions, extended benefits paid to a person must not be charged against the accounts of the person's base-period employers.

5. The Administrator shall, as of the computation date for each calendar year, compute the reserve ratio for each eligible employer and shall classify those employers on the basis of their individual reserve ratios. The contribution rate assigned to each eligible employer for the calendar year must be determined by the range within which the employer's reserve ratio falls. The Administrator shall, by regulation, prescribe the contribution rate schedule to apply for each calendar year by designating the ranges of reserve ratios to which must be assigned the various contribution rates provided in subsection 6. The lowest contribution rate must be assigned to the designated range of highest reserve ratios and each succeeding higher contribution rate must be assigned to each succeeding designated range of lower reserve ratios, except that, within the limits possible, the differences between reserve ratio ranges must be uniform.

6. Each employer eligible for a contribution rate based upon experience and classified in accordance with this section must be assigned a contribution rate by the Administrator for each calendar year according to the following classes:

Class 1	0.25 percent
Class 2	0.55 percent
Class 3	0.85 percent
Class 4	1.15 percent
Class 5	1.45 percent
Class 6	1.75 percent
Class 7	2.05 percent
Class 8	2.35 percent
Class 9	2.65 percent
Class 10	2.95 percent
Class 11	3.25 percent
Class 12	3.55 percent
Class 13	3.85 percent
Class 14	4.15 percent

Class 15 .....4.45 percent
Class 16 .....4.75 percent
Class 17 .....5.05 percent
Class 18 .....5.40 percent

7. On September 30 of each year, the Administrator shall determine:

(a) The highest of the unemployment risk ratios experienced in the 109 consecutive 12-month periods in the 10 years ending on March 31;

(b) The potential annual number of beneficiaries found by multiplying the highest unemployment risk ratio by the average monthly number of covered workers in employment as shown on the records of the Division for the 12 months ending on March 31;

(c) The potential annual number of weeks of benefits payable found by multiplying the potential number of beneficiaries by the highest average actual duration experienced in the 109 consecutive 12-month periods in the 10 years ending on September 30; and

(d) The potential maximum annual benefits payable found by multiplying the potential annual number of weeks of benefits payable by the average payment made to beneficiaries for weeks of total unemployment in the 12 months ending on September 30.

8. The Administrator shall issue an individual statement, itemizing benefits charged during the 12-month period ending on the computation date, total benefit charges, total contributions paid, reserve balance and the rate of contributions to apply for that calendar year, for each employer whose account is in active status on the records of the Division on January 1 of each year and whose account is chargeable with benefit payments on the computation date of that year.

9. If an employer transfers its trade or business, or a portion thereof, to another employer:

(a) And there is substantially common ownership, management or control of the employers, the experience record attributable to the transferred trade or business must be transferred to the employer to whom the trade or business is transferred. The rates of both employers must be recalculated, and the recalculated rates become effective on the date of the transfer of the trade or business. If the Administrator determines, following the transfer of the experience record pursuant to this paragraph, that the sole or primary purpose of the transfer of the trade or business was to obtain a reduced liability for contributions, the Administrator shall combine the experience rating records of the employers involved into a single account and assign a single rate to the account.

(b) And there is no substantially common ownership, management or control of the employers, the experience record of an employer may be

transferred to a successor employer as of the effective date of the change of ownership if:

(1) The successor employer acquires the entire or a severable and distinct portion of the business, or substantially all of the assets, of the employer;

(2) The successor employer notifies the Division of the acquisition in writing within 90 days after the date of the acquisition;

(3) The employer and successor employer submit a joint application to the Administrator requesting the transfer; and

(4) The joint application is approved by the Administrator.

➥ The joint application must be submitted within 1 year after the date of issuance by the Division of official notice of eligibility to transfer.

(c) Except as otherwise provided in paragraph (a), a transfer of the experience record must not be completed if the Administrator determines that the acquisition was effected solely or primarily to obtain a more favorable contribution rate.

(d) Any liability to the Division for unpaid contributions, interest or forfeit attributable to the transferred trade or business must be transferred to the successor employer. The percentage of liability transferred must be the same as the percentage of the experience record transferred.

10. Whenever an employer has paid no wages in employment for 8 consecutive calendar quarters following the last calendar quarter in which the employer paid wages for employment, the Administrator shall terminate the employer's experience rating account, and the account must not thereafter be used in any rate computation.

11. The Administrator may adopt reasonable accounting methods to account for those employers which are in a category for providing reimbursement in lieu of contributions.

Sec. 25. NRS 612.551 is hereby amended to read as follows:

612.551 1. Except as otherwise provided in subsections 2 ***, 3*** and ~~[3,]~~ ***7,*** if the Division determines that a claimant has earned 75 percent or more of his or her wages during his or her base period from one employer, it shall notify the employer of its determination and advise him or her that he or she has a right to protest the charging of benefits to his or her account pursuant to subsection 4 of NRS 612.550.

2. Benefits paid pursuant to an elected base period in accordance with NRS 612.344 must not be charged against the record for experience rating of the employer.

3. ~~[If]~~ ***Except as otherwise provided in subsection 7, if*** a claimant leaves his or her last or next to last employer to take other employment and leaves or is discharged by the latter employer, benefits paid to the claimant must not be charged against the record for experience rating of the former employer.

4. If the employer provides evidence within 10 working days after the notice required by subsection 1 was mailed which satisfies the Administrator that the claimant:

(a) Left his or her employment voluntarily without good cause or was discharged for misconduct connected with the employment; or

(b) Was the spouse of an active member of the Armed Forces of the United States and left his or her employment because the spouse was transferred to a different location,

➥ the Administrator shall order that the benefits not be charged against the record for experience rating of the employer.

5. The employer may appeal from the ruling of the Administrator relating to the cause of the termination of the employment of the claimant in the same manner as appeals may be taken from determinations relating to claims for benefits.

6. A determination made pursuant to this section does not constitute a basis for disqualifying a claimant to receive benefits.

7. If an employer who is given notice of a claim for benefits pursuant to subsection 1 fails to submit timely to the Division all known relevant facts which may affect the claimant's rights to benefits as required by NRS 612.475, the employer's record for experience rating is not entitled to be relieved of the amount of any benefits paid to the claimant as a result of such failure that were charged against the employer's record pursuant to NRS 612.550 or 612.553.

Sec. 26. NRS 612.615 is hereby amended to read as follows:

612.615 1. There is hereby created the Employment Security Fund as a special revenue fund.

2. ~~[All]~~ ***Except as otherwise provided in paragraph (a) of subsection 6 of NRS 612.445, all*** interest and forfeits collected under NRS 612.618 to 612.675, inclusive, and 612.740 ***and sections 12 to 19, inclusive, of this act*** must be paid into the Fund.

3. All money which is deposited or paid into the Fund is hereby appropriated and made available to the Administrator or for any other purpose authorized by the Legislature. The money may not be expended or made available for expenditure in any manner which would permit its substitution for, or a corresponding reduction in, federal payments which would, in the absence of this money, be available to finance expenditures for the administration of the employment security laws of the State of Nevada.

4. This section does not prevent this money from being used as a revolving fund to cover expenditures, necessary and proper under the law, for which federal payments have been duly requested but not yet received, subject to the repayment to the Fund of such expenditures when received.

5. ~~[The]~~ ***Except as otherwise provided in this section,*** money in this Fund available to the Administrator must be used by the Administrator for the payment of costs of:

(a) Administration which are found not to have been properly and validly chargeable against federal grants received for or in the Unemployment Compensation Administration Fund; or

(b) Any program or the implementation of procedures deemed necessary by the Administrator to ensure the proper payment of benefits and collection of contributions and reimbursements pursuant to this chapter or for any other purpose authorized by the Legislature.

6. ***The Administrator may use money deposited in this Fund from a penalty imposed pursuant to paragraph (b) of subsection 6 of NRS 612.445 for any purpose that furthers the integrity of the system of unemployment compensation established pursuant to this chapter.***

7. Any balances in this Fund do not lapse at any time, but are continuously available to the Administrator for expenditure consistent with this chapter.

~~[7.]~~ ***8.*** Money in this Fund must not be commingled with other state money, but must be maintained in a separate account on the books of the depositary.

Sec. 27. NRS 612.655 is hereby amended to read as follows:

612.655 1. Where a payment of contributions, forfeit or interest has been erroneously collected, an employer may, not later than 3 years after the date on which such payments became due, make application for an adjustment thereof in connection with subsequent contributions, forfeit or interest payments or for a refund. All such adjustments or refunds will be made without interest. An adjustment or refund will not be made in any case with respect to contributions on wages which have been included in the determination of an eligible claim for benefits, unless it is shown to the satisfaction of the Administrator that such determination was due entirely to the fault or mistake of the Division.

2. Refunds of interest and forfeit collected under NRS 612.618 to 612.675, inclusive, and 612.740 ***and sections 12 to 19, inclusive, of this act*** and paid into the Employment Security Fund established by NRS 612.615 must be made only from the Employment Security Fund.

Sec. 28. NRS 612.695 is hereby amended to read as follows:

612.695 1. Any employer who, outside the usual course of the employer's business, sells ***or transfers*** substantially all or any one of the classes of assets enumerated in subsection 1 of NRS 612.690 and quits business, shall within 10 days after the sale ***or transfer*** file such reports as the Administrator may prescribe and pay the contributions, interest or forfeits

required by this chapter with respect to wages for employment to the date of the sale ~~[.]~~ ***or transfer.***

2. ***In the case of a sale:***

(a) The purchaser shall withhold sufficient of the purchase money to cover the amount of all contributions ***, interest*** and forfeits due and unpaid until such time as the seller produces a receipt from the Administrator showing that the contributions ***, interest*** and forfeits have been paid or a certificate showing that no contributions ***, interest*** or forfeits are due.

~~[3.]~~ ***(b)*** If the seller fails, within the 10-day period, to produce the receipt or certificate, the purchaser shall pay the sum so withheld to the Administrator upon demand.

~~[4.]~~ ***(c)*** If the purchaser fails to withhold purchase money as provided in ~~[subsection 2]~~ ***paragraph (a)*** and the contributions, interest and forfeits are not paid within the 10 days specified in this section, the purchaser is personally liable for the payment of the contributions ***, interest*** and forfeits accrued and unpaid on account of the operation of the business by the former owner.

3. In the case of a transfer other than a sale, if the contributions, interest and forfeits are not paid within the 10 days specified in this section, the transferee is personally liable for the payment of the contributions, interest and forfeits accrued and unpaid on account of the operation of the business by the former owner.

Sec. 29. (Deleted by amendment.)

Sec. 30. The provisions of NRS 612.551, as amended by section 25 of this act, do not apply to a claim for benefits paid before October 21, 2013.

Sec. 31. (Deleted by amendment.)

Sec. 32. ~~[1.]~~ This ~~[section and sections 1, 12 to 19, inclusive, 21 to 28, inclusive, and 30 of this act become]~~ **act becomes** effective upon passage and approval.

~~[2. Sections 2 to 11, inclusive, and 20 of this act become effective:~~

~~(a) Upon passage and approval for the purposes of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of those sections; and~~

~~(b) For all other purposes, on the first day of the quarter after the date on which the Secretary of Labor approves the program of shared work unemployment compensation established pursuant to section 5 of this act as a short time compensation program.~~

~~3. Sections 29 and 31 of this act become effective:~~

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

~~(b) For all other purposes, if and only if the amendatory provisions of section 4 of chapter 476, Statutes of Nevada 2011, at page 2891, or substantially similar provisions, are in effect on the first day of the quarter after the date on which the Secretary of Labor approves the program of shared work unemployment compensation established pursuant to section 5 of this act as a short time compensation program.~~

~~4. Section 29 of this act expires by limitation on the date on which the amendatory provisions of section 4 of chapter 476, Statutes of Nevada 2011, at page 2891, or substantially similar provisions, expire.]~~

Assemblyman Bobzien moved the adoption of the amendment.

Remarks by Assemblyman Bobzien.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 94.

Bill read second time.

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

Amendment No. 644.

AN ACT relating to financial services; authorizing ~~[a high-interest loan service]~~ **certain licensees** to charge a late fee on a loan in default under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes certain limitations on the amounts that a check-cashing service, deferred deposit loan service, high-interest loan service or title loan service may charge after a customer defaults on a loan. (NRS 604A.485) This bill authorizes ~~[a high-interest loan service]~~ **certain licensees** to charge not more than ~~[$25,]~~ **$15,** payable on a one-time basis, ~~[on]~~ **for** any ~~[loan]~~ **installment payment** that remains unpaid 10 days or more after the date of default.

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

Section 1. Chapter 604A of NRS is hereby amended by adding thereto a new section to read as follows:

In addition to the amounts authorized to be collected pursuant to NRS 604A.485, a ~~[high-interest loan service]~~ licensee who makes a high-interest loan in accordance with the provisions of subsection 2 of NRS 604A.480 may charge a fee of not more than ~~[$25,]~~ $15, payable on a one-time basis, ~~[on]~~ for any ~~[loan]~~ installment payment that remains unpaid 10 days or more after the date of default.

Sec. 2. NRS 604A.407 is hereby amended to read as follows:

604A.407 1. Except as otherwise provided in this section, for the purposes of determining whether a loan is a high-interest loan, when determining whether a lender is charging an annual percentage rate of more than 40 percent, calculations must be made in accordance with the Truth in Lending Act and Regulation Z, except that every charge or fee, regardless of the name given to the charge or fee, payable directly or indirectly by the customer and imposed directly or indirectly by the lender must be included in calculating the annual percentage rate, including, without limitation:

(a) Interest;

(b) Application fees, regardless of whether such fees are charged to all applicants or credit is actually extended;

(c) Fees charged for participation in a credit plan, whether assessed on an annual, periodic or nonperiodic basis; and

(d) Prepaid finance charges.

2. The following charges and fees must be excluded from the calculation of the annual percentage rate pursuant to subsection 1:

(a) Any fees allowed pursuant to NRS 604A.490 or 675.365 for a check not paid upon presentment or an electronic transfer of money that fails;

(b) Interest accrued after default pursuant to paragraph (c) of subsection 1 of NRS 604A.485;

(c) Charges for an unanticipated late payment, exceeding a credit limit, or a delinquency, default or similar occurrence; ~~[and]~~

(d) Any premiums or identifiable charges for insurance permitted pursuant to NRS 675.300 ~~[.]~~ ***; and***

(e) The fee allowed pursuant to section 1 of this act.

3. Calculation of the annual percentage rate in the manner specified in this section is limited only to the determination of whether a loan is a high-interest loan and must not be used in compliance with the disclosure requirements of paragraph (g) of subsection 2 of NRS 604A.410 or any other provisions of this chapter requiring disclosure of an annual percentage rate in the making of a loan.

Sec. 3. NRS 604A.485 is hereby amended to read as follows:

604A.485 1. If a customer defaults on a loan or on any extension or repayment plan relating to the loan, whichever is later, the licensee may collect only the following amounts from the customer, less all payments made before and after default:

(a) The unpaid principal amount of the loan.

(b) The unpaid interest, if any, accrued before the default at the annual percentage rate set forth in the disclosure statement required by the Truth in Lending Act and Regulation Z that is provided to the customer. If there is an extension, in writing and signed by the customer, relating to the loan, the

licensee may charge and collect interest pursuant to this paragraph for a period not to exceed 60 days after the expiration of the initial loan period, unless otherwise allowed by NRS 604A.480.

(c) The interest accrued after the expiration of the initial loan period or after any extension or repayment plan that is allowed pursuant to this chapter, whichever is later, at an annual percentage rate not to exceed the prime rate at the largest bank in Nevada, as ascertained by the Commissioner, on January 1 or July 1, as the case may be, immediately preceding the expiration of the initial loan period, plus 10 percent. The licensee may charge and collect interest pursuant to this paragraph for a period not to exceed 90 days. After that period, the licensee shall not charge or collect any interest on the loan.

(d) Any fees allowed pursuant to NRS 604A.490 for a check that is not paid upon presentment or an electronic transfer of money that fails because the account of the customer contains insufficient funds or has been closed.

➥ The sum of all amounts collected pursuant to paragraphs (b), (c) and (d) must not exceed the principal amount of the loan.

2. Except for the interest and fees permitted pursuant to subsection 1 and any other charges expressly permitted pursuant to NRS 604A.430, 604A.445 and 604A.475, ***and section 1 of this act,*** the licensee shall not charge any other amount to a customer, including, without limitation, any amount or charge payable directly or indirectly by the customer and imposed directly or indirectly by the licensee as an incident to or as a condition of the extension of the period for the payment of the loan or the extension of credit. Such prohibited amounts include, without limitation:

(a) Any interest, other than the interest charged pursuant to subsection 1, regardless of the name given to the interest; or

(b) Any origination fees, set-up fees, collection fees, transaction fees, negotiation fees, handling fees, processing fees, late fees, default fees or any other fees, regardless of the name given to the fee.

Assemblyman Bobzien moved the adoption of the amendment.

Remarks by Assemblyman Bobzien.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 208.

Bill read second time.

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

Amendment No. 726.

AN ACT relating to police officers; revising the definition of "police officer" to include court bailiffs and deputy marshals in district courts and

justice courts ~~[and chiefs and assistant alternative sentencing officers of departments of alternative sentencing]~~ primarily for purposes of certain provisions relating to occupational diseases; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines "police officer" to include various law enforcement officers in this State for purposes of certain provisions relating to the Nevada Occupational Diseases Act. (NRS 617.135) This bill expands the definition of "police officer" to include **_** ~~[: (1)]~~ court bailiffs and deputy marshals in district courts and justice courts **_** ~~[, and (2) chiefs and assistant alternative sentencing officers of departments of alternative sentencing.]~~ Furthermore, because various other provisions of NRS reference "police officer" as that term is defined in the Act, this bill makes applicable to court bailiffs and deputy marshals in district courts and justice courts ~~[and to chiefs and alternative sentencing officers of departments of alternative sentencing]~~ certain provisions concerning: (1) industrial insurance coverage; (2) exemption from service as grand or trial jurors; (3) compensation for police officers with temporary disabilities; and (4) certain programs of group insurance or other medical or hospital service for the surviving spouse or any child of police officers and firefighters. (NRS 6.020, 281.153, 287.021, 287.0477, chapters 616A-616D of NRS)

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

Section 1. NRS 617.135 is hereby amended to read as follows:

617.135 "Police officer" includes:

1. A sheriff, deputy sheriff, officer of a metropolitan police department or city police officer;

2. A chief, inspector, supervisor, commercial officer or trooper of the Nevada Highway Patrol Division of the Department of Public Safety;

3. A chief, investigator or agent of the Investigation Division of the Department of Public Safety;

4. A chief, supervisor, investigator or training officer of the Training Division of the Department of Public Safety;

5. A chief or investigator of an office of the Department of Public Safety that conducts internal investigations of employees of the Department of Public Safety or investigates other issues relating to the professional responsibility of those employees;

6. A chief or investigator of the Department of Public Safety whose duties include, without limitation:

(a) The execution, administration or enforcement of the provisions of chapter 179A of NRS; and

(b) The provision of technology support services to the Director and the divisions of the Department of Public Safety;

7. An officer or investigator of the Section for the Control of Emissions From Vehicles and the Enforcement of Matters Related to the Use of Special Fuel of the Department of Motor Vehicles;

8. An investigator of the Division of Compliance Enforcement of the Department of Motor Vehicles;

9. A member of the police department of the Nevada System of Higher Education;

10. A:

(a) Uniformed employee of; or

(b) Forensic specialist employed by,

➥ the Department of Corrections whose position requires regular and frequent contact with the offenders imprisoned and subjects the employee to recall in emergencies;

11. A parole and probation officer of the Division of Parole and Probation of the Department of Public Safety;

12. A forensic specialist or correctional officer employed by the Division of Mental Health and Developmental Services of the Department of Health and Human Services at facilities for mentally disordered offenders;

13. The State Fire Marshal and his or her assistant and deputies;

14. A game warden of the Department of Wildlife who has the powers of a peace officer pursuant to NRS 289.280; ~~[and]~~

15. A ranger or employee of the Division of State Parks of the State Department of Conservation and Natural Resources who has the powers of a peace officer pursuant to NRS 289.260 ~~[.]~~ ***; and***

16. A bailiff or a deputy marshal of the district court or justice court whose duties require him or her to carry a weapon and to make arrests . [; and

17. A chief or an assistant alternative sentencing officer of a department of alternative sentencing created pursuant to NRS 211A.080.]

Assemblyman Bobzien moved the adoption of the amendment.

Remarks by Assemblyman Bobzien.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 235.

Bill read second time.

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

Amendment No. 643.

AN ACT relating to scrap metal; authorizing a local law enforcement agency to establish or utilize an electronic reporting system to receive information relating to purchases of scrap metal; requiring, under certain circumstances, a scrap metal processor to submit electronically to a local law enforcement agency or certain third parties certain information relating to certain purchases of scrap metal; **requiring the Division of Industrial Relations of the Department of Business and Industry to adopt regulations relating to the confidentiality of reported information; revising provisions relating to certain records maintained by scrap metal processors;** providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides certain restrictions on the sale and purchase of scrap metal in this State and requires scrap metal processors to maintain certain records of purchases of scrap metal. (NRS 647.092-647.098) **Section 1.3** of this bill authorizes a local law enforcement agency to establish an electronic reporting system or utilize an existing electronic reporting system to receive certain information relating to scrap metal purchases within the jurisdiction of the law enforcement agency. **Section 1.3** requires that the system be electronically secure and accessible only to: (1) a scrap metal processor for the purpose of submitting certain information; (2) an officer of the local law enforcement agency; and (3) an authorized employee of any third party that the local law enforcement agency contracts with for the purpose of receiving and storing the information submitted by a scrap metal processor. If a local law enforcement agency establishes an electronic reporting system or utilizes an existing electronic reporting system, **section 1.3** requires a scrap metal processor to submit electronically to the local law enforcement agency or, if applicable, any third party that the local law enforcement agency has contracted with, certain information relating to each purchase of scrap metal from certain persons. **Section 1.3 further requires the Division of Industrial Relations of the Department of Business and Industry to adopt certain regulations providing for the confidential maintenance of reported information and the oversight of designated third parties that may contract with a law enforcement agency to receive and maintain such information.**

Section 2 of this bill ~~[specifies that the record of purchase maintained by a scrap metal processor must include a copy of the seller's valid: (1) personal identification card issued by the Department of Motor Vehicles; (2) driver's license issued by this State or another state or territory of the United States; (3) United States military identification card; or (4) consular identification card.]~~ **revises provisions relating to the acceptable forms of personal**

identification which a scrap metal processor may accept for the purpose of maintaining certain records relating to purchases of scrap metal.

Section 1.5 of this bill provides that a person is immune from any civil liability for any action taken with respect to carrying out the provisions of this bill, so long as such actions are taken in good faith and without malicious intent.

Section 1.7 of this bill requires a person in whose possession the information required to be submitted to a local law enforcement agency is held to keep the information confidential. **Section 1.7** also provides that a person who knowingly and willfully violates this requirement is guilty of a gross misdemeanor.

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

Section 1. Chapter 647 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.3, 1.5 and 1.7 of this act.

Sec. 1.3. ***1. A local law enforcement agency may establish an electronic reporting system or utilize an existing electronic reporting system to receive information relating to the purchase of scrap metal by a scrap metal processor that transacts business within the jurisdiction of the local law enforcement agency. An electronic reporting system established or utilized pursuant to this subsection must:***

(a) Be electronically secure and accessible only to:

(1) A scrap metal processor for the purpose of submitting the information required by subsection 2;

(2) An officer of the local law enforcement agency; and

(3) If applicable, an authorized employee of any designated third party.

(b) Provide for the electronic submission of information by a scrap metal processor.

2. If a local law enforcement agency establishes an electronic reporting system or utilizes an existing electronic reporting system pursuant to subsection 1, each scrap metal processor that transacts business within the jurisdiction of the local law enforcement agency shall, before 12 p.m. of each business day, submit electronically to the local law enforcement agency or, if applicable, a designated third party the following information regarding each purchase of scrap metal conducted on the preceding day from a person who sold the scrap metal in his or her individual capacity:

(a) The name of the seller;

(b) The date of the purchase;

(c) The name of the person or employee who conducted the transaction on behalf of the scrap metal processor;

(d) The name, street, house number and date of birth listed on the identification provided pursuant to paragraph (c) of subsection 1 of NRS 647.094 and a physical description of the seller, including the seller's gender, height, eye color and hair color;

(e) The license number and general description of any vehicle that delivered the scrap metal;

(f) The description of the scrap metal recorded pursuant to paragraph (h) of subsection 1 of NRS 647.094; and

(g) The amount, in weight, of scrap metal purchased.

3. If a scrap metal processor is required to submit information to a local law enforcement agency or, if applicable, a designated third party pursuant to subsection 2, the scrap metal processor shall display prominently at the point of purchase a public notice, in a form approved by the local law enforcement agency, describing the information that the scrap metal processor is required to submit electronically to the local law enforcement agency or, if applicable, the designated third party.

4. Nothing in this section shall be deemed to limit or otherwise abrogate any duty of a scrap metal processor to maintain a book or other permanent record of information pursuant to NRS 647.094.

5. If a local law enforcement agency establishes an electronic reporting system or utilizes an existing electronic reporting system to receive information pursuant to this section, the local law enforcement agency shall, on or before January 15 of each odd-numbered year, submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislature a report regarding the effect of the electronic reporting system on the incidence of crime which relates to the sale or purchase of scrap metal within the jurisdiction of the law enforcement agency.

6. The provisions of this section do not apply to the purchase of scrap metal from a business entity.

7. <u>The Division of Industrial Relations of the Department of Business and Industry shall, in consultation with representatives from the scrap metal industry, adopt regulations to ensure the confidentiality of information which is reported and maintained pursuant to this section, including, without limitation, regulations providing for:</u>

<u>(a) The confidentiality of consumer information;</u>

<u>(b) The confidentiality of proprietary information;</u>

<u>(c) Equity of input into contractual terms;</u>

<u>(d) Contractual terms relating to disclaimers, indemnification and the ownership of data by a designated third party;</u>

<u>(e) Oversight of a designated third party that handles, maintains or has access to such information, including, without limitation, the</u>

qualifications, equipment, procedures and background checks required of a designated third party;

(f) The manner in which reported information may be used, shared or disseminated; and

(g) The maintenance of reported information in relationship to other data maintained by a law enforcement agency.

8. As used in this section, "designated third party" means any person with whom a local law enforcement agency has entered into a contract for the purpose of receiving and storing any information required to be submitted electronically by a scrap metal processor pursuant to subsection 2.

Sec. 1.5. ***A person is immune from any civil liability for any action taken in good faith and without malicious intent in carrying out the provisions of NRS 647.094 or section 1.3 of this act.***

Sec. 1.7. ***1. Except as otherwise required pursuant to section 1.3 of this act, any information concerning the purchase of scrap metal, as described in NRS 647.094 and section 1.3 of this act, must be kept confidential by the person in whose possession such information is held.***

2. A person who knowingly and willfully violates subsection 1 is guilty of a gross misdemeanor.

Sec. 2. NRS 647.094 is hereby amended to read as follows:

647.094 1. Every scrap metal processor shall maintain in his or her place of business a book or other permanent record in which must be made, at the time of each purchase of scrap metal, a record of the purchase that contains:

(a) The date of the purchase.

(b) The name or other identification of the person or employee conducting the transaction on behalf of the scrap metal processor.

(c) A copy of the seller's valid ~~[~~personal~~]~~ ***:***

(1) Personal identification card ~~[~~or valid driver's~~]~~ ***issued by this State*** ~~***[;]***~~ ***or any other state or territory of the United States;***

(2) Driver's license issued by ~~[~~a~~]~~ ***this State or any other*** state ~~[~~or a copy of the seller's valid~~]~~ ***or territory of the United States;***

(3) United States military identification card ~~[.]~~ ***; or***

(4) ~~***[Consular]***~~ ***Any form of identification*** ~~***[card as defined in]***~~ ***which may serve as an acceptable form of identification pursuant to NRS 237.200.***

(d) The name, street, house number and date of birth listed on the identification provided pursuant to paragraph (c) and a physical description of the seller, including the seller's gender, height, eye color and hair color.

(e) A photograph, video record or digital record of the seller.

(f) The fingerprint of the right index finger of the seller. If the seller's right index finger is not available, the scrap metal processor must obtain the fingerprint of one of the seller's remaining fingers and thumbs.

(g) The license number and general description of the vehicle delivering the scrap metal that is being purchased.

(h) A description of the scrap metal that is being purchased which is consistent with the standards published and commonly applied in the scrap metal industry.

(i) The price paid by the scrap metal processor for the scrap metal.

2. All records kept pursuant to subsection 1 must be legibly written in the English language, if applicable.

3. A scrap metal processor shall document each purchase of scrap metal with a photograph or video recording which must be retained on-site for not less than 60 days after the date of the purchase.

4. All scrap metal purchased by the scrap metal processor and the records created in accordance with subsection 1, including, but not limited to, any photographs or video recordings, must at all times during ordinary hours of business be open to the inspection of a prosecuting attorney or any peace officer.

Assemblyman Bobzien moved the adoption of the amendment.

Remarks by Assemblyman Bobzien.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 252.

Bill read second time.

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

Amendment No. 648.

AN ACT relating to renewable energy; revising provisions which specify the renewable energy systems which qualify as portfolio energy systems; revising provisions relating to the implementation of energy efficiency measures by a provider of electric service for the purpose of complying with the renewable portfolio standard; revising provisions relating to the carrying forward to subsequent calendar years of the excess kilowatt-hours of electricity that a provider generates or acquires from portfolio energy systems; requiring the Public Utilities Commission of Nevada to open an investigatory docket to study, examine and review the process for the sale of portfolio energy credits; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill revises provisions relating to the portfolio standard for providers of electric service, which requires that each year each provider of electric service in this State must generate or acquire from renewable energy systems or save as a result of energy efficiency measures a certain percentage of the electricity sold by the provider to its retail customers in this State.

In 2005, the 22nd Special Session of the Legislature revised the portfolio standard to authorize a provider to meet a portion of the portfolio standard through savings achieved from energy efficiency measures. (Sections 26-29 of chapter 2, Statutes of Nevada 2005, 22nd Special Session, pp. 82-84) **Section 6** of this bill revises the portfolio standard to limit the use of savings achieved from energy efficiency measures by a provider to satisfy the portfolio standard.

Section 4 of this bill revises the definition of "portfolio energy system or efficiency measure" to provide that a renewable energy system or energy efficiency measure qualifies as a portfolio energy system if: (1) the renewable energy system was placed into operation before July 1, 1997, and a provider used electricity generated or acquired from the system to satisfy the portfolio standard before July 1, 2009; (2) the renewable energy system was placed into operation on or after July 1, 1997; or (3) the energy efficiency measure was installed on or before December 31, 2019.

Existing law provides that, for the purpose of satisfying the portfolio standard, a provider shall be deemed to have generated or acquired 2.4 kilowatt-hours of electricity from certain solar photovoltaic systems for each 1 kilowatt-hour actually generated or acquired. (NRS 704.7822) **Section 9** of this bill revises the applicability of this provision to systems that were placed into operation **on or** before ~~[July 1, 2014.]~~ **December 31, 2015.**

Existing law requires the Public Utilities Commission of Nevada to authorize a provider to carry forward into future years any excess kilowatt-hours of electricity the provider generates or acquires from portfolio energy systems if the provider exceeds the portfolio standard for any calendar year. (NRS 704.7828) **Section 11** of this bill authorizes a provider that carries forward excess kilowatt-hours of electricity in an amount that is more than 10 percent but less than 25 percent of the amount necessary to satisfy the provider's portfolio standard for the subsequent calendar year to sell the excess kilowatt-hours of electricity the provider generates or acquires from portfolio energy systems. **Section 11** requires a provider to make reasonable efforts to sell any credits which are in excess of 25 percent of the amount of portfolio energy credits necessary to comply with its portfolio standard for the subsequent calendar year.

Section 14 of this bill requires the Commission to open an investigatory docket to study, examine and review the process for the sale of portfolio

energy credits and to submit a written report on the results of the investigatory docket and any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmittal 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. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. NRS 704.7804 is hereby amended to read as follows:

704.7804 "Portfolio energy system or efficiency measure" means:

1. Any renewable energy system ~~[; or~~

~~2. Any energy efficiency measure.]~~ ***:***

(a) Placed into operation before July 1, 1997, if a provider of electric service used electricity generated or acquired from the renewable energy system to satisfy its portfolio standard before July 1, 2009; or

(b) Placed into operation on or after July 1, 1997; or

2. Any energy efficiency measure installed on or before December 31, 2019.

Sec. 5. (Deleted by amendment.)

Sec. 6. NRS 704.7821 is hereby amended to read as follows:

704.7821 1. For each provider of electric service, the Commission shall establish a portfolio standard. The portfolio standard must require each provider to generate, acquire or save electricity from portfolio energy systems or efficiency measures in an amount that is:

(a) For calendar years 2005 and 2006, not less than 6 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

(b) For calendar years 2007 and 2008, not less than 9 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

(c) For calendar years 2009 and 2010, not less than 12 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

(d) For calendar years 2011 and 2012, not less than 15 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

(e) For calendar years 2013 and 2014, not less than 18 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

(f) For calendar years 2015 through 2019, inclusive, not less than 20 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

(g) For calendar years 2020 through 2024, inclusive, not less than 22 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

(h) For calendar year 2025 and for each calendar year thereafter, not less than 25 percent of the total amount of electricity sold by the provider to its retail customers in this State during that calendar year.

2. In addition to the requirements set forth in subsection 1, the portfolio standard for each provider must require that:

(a) Of the total amount of electricity that the provider is required to generate, acquire or save from portfolio energy systems or efficiency measures during each calendar year, not less than:

(1) For calendar years 2009 through 2015, inclusive, 5 percent of that amount must be generated or acquired from solar renewable energy systems.

(2) For calendar year 2016 and for each calendar year thereafter, 6 percent of that amount must be generated or acquired from solar renewable energy systems.

(b) Of the total amount of electricity that the provider is required to generate, acquire or save from portfolio energy systems or efficiency measures ~~[during]~~ ***:***

(1) During calendar years 2013 and 2014, not more than 25 percent of that amount may be based on energy efficiency measures;

(2) During each calendar year ~~[,]~~ ***2015 to 2019, inclusive,*** not more than ~~[25]~~ ***20*** percent of that amount may be based on energy efficiency measures ~~[.]~~ ***;***

(3) During each calendar year 2020 to 2024, inclusive, not more than 10 percent of that amount may be based on energy efficiency measures; and

(4) For calendar year 2025 and each calendar year thereafter, no portion of that amount may be based on energy efficiency measures.

➥ If the provider intends to use energy efficiency measures to comply with its portfolio standard during any calendar year, of the total amount of electricity saved from energy efficiency measures for which the provider seeks to obtain portfolio energy credits pursuant to this paragraph, at least 50 percent of that amount must be saved from energy efficiency measures installed at service locations of residential customers of the provider, unless a different percentage is approved by the Commission.

(c) If the provider acquires or saves electricity from a portfolio energy system or efficiency measure pursuant to a renewable energy contract or energy efficiency contract with another party:

(1) The term of the contract must be not less than 10 years, unless the other party agrees to a contract with a shorter term; and

(2) The terms and conditions of the contract must be just and reasonable, as determined by the Commission. If the provider is a utility provider and the Commission approves the terms and conditions of the contract between the utility provider and the other party, the contract and its terms and conditions shall be deemed to be a prudent investment and the utility provider may recover all just and reasonable costs associated with the contract.

3. If, for the benefit of one or more retail customers in this State, the provider has paid for or directly reimbursed, in whole or in part, the costs of the acquisition or installation of a solar energy system which qualifies as a renewable energy system and which reduces the consumption of electricity, the total reduction in the consumption of electricity during each calendar year that results from the solar energy system shall be deemed to be electricity that the provider generated or acquired from a renewable energy system for the purposes of complying with its portfolio standard.

4. The Commission shall adopt regulations that establish a system of portfolio energy credits that may be used by a provider to comply with its portfolio standard.

5. Except as otherwise provided in subsection 6, each provider shall comply with its portfolio standard during each calendar year.

6. If, for any calendar year, a provider is unable to comply with its portfolio standard through the generation of electricity from its own renewable energy systems or, if applicable, through the use of portfolio energy credits, the provider shall take actions to acquire or save electricity pursuant to one or more renewable energy contracts or energy efficiency contracts. If the Commission determines that, for a calendar year, there is not or will not be a sufficient supply of electricity or a sufficient amount of energy savings made available to the provider pursuant to renewable energy contracts and energy efficiency contracts with just and reasonable terms and conditions, the Commission shall exempt the provider, for that calendar year, from the remaining requirements of its portfolio standard or from any appropriate portion thereof, as determined by the Commission.

7. The Commission shall adopt regulations that establish:

(a) Standards for the determination of just and reasonable terms and conditions for the renewable energy contracts and energy efficiency contracts that a provider must enter into to comply with its portfolio standard.

(b) Methods to classify the financial impact of each long-term renewable energy contract and energy efficiency contract as an additional imputed debt of a utility provider. The regulations must allow the utility provider to propose an amount to be added to the cost of the contract, at the time the

contract is approved by the Commission, equal to a compensating component in the capital structure of the utility provider. In evaluating any proposal made by a utility provider pursuant to this paragraph, the Commission shall consider the effect that the proposal will have on the rates paid by the retail customers of the utility provider.

8. Except as otherwise provided in NRS 704.78213, the provisions of this section do not apply to a provider of new electric resources as defined in NRS 704B.130.

9. As used in this section:

(a) "Energy efficiency contract" means a contract to attain energy savings from one or more energy efficiency measures owned, operated or controlled by other parties.

(b) "Renewable energy contract" means a contract to acquire electricity from one or more renewable energy systems owned, operated or controlled by other parties.

(c) "Terms and conditions" includes, without limitation, the price that a provider must pay to acquire electricity pursuant to a renewable energy contract or to attain energy savings pursuant to an energy efficiency contract.

Sec. 7. (Deleted by amendment.)

Sec. 8. NRS 704.78215 is hereby amended to read as follows:

704.78215 1. Except as otherwise provided in this section or by specific statute, a provider is entitled to one portfolio energy credit for each kilowatt-hour of electricity that the provider generates, acquires or saves from a portfolio energy system or efficiency measure.

2. The Commission may adopt regulations that give a provider more than one portfolio energy credit for each kilowatt-hour of electricity saved by the provider during its peak load period from energy efficiency measures.

3. ~~[For]~~ Except as otherwise provided in this subsection, for portfolio energy systems placed into operation on or after ~~[July 1, 2015,]~~ January 1, 2016, the amount of electricity generated or acquired from a portfolio energy system does not include the amount of any electricity used by the portfolio energy system for its basic operations that reduce the amount of renewable energy delivered to the transmission grid for distribution and sale to customers of the provider. The provisions of this subsection do not apply to a portfolio energy system placed into operation on or after January 1, 2016, if a provider entered into a contract for the purchase of electricity generated by the portfolio energy system on or before December 31, 2012.

Sec. 9. NRS 704.7822 is hereby amended to read as follows:

704.7822 For the purpose of complying with a portfolio standard established pursuant to NRS 704.7821 or 704.78213, a provider shall be deemed to have generated or acquired 2.4 kilowatt-hours of electricity from a

renewable energy system for each 1.0 kilowatt-hour of actual electricity generated or acquired from a solar photovoltaic system, if:

1. The system is installed on the premises of a retail customer; ~~[and]~~

2. ***The system was placed into operation on or before ~~[July 1, 2014;]~~ December 31, 2015; and***

3. On an annual basis, at least 50 percent of the electricity generated by the system is utilized by the retail customer on that premises.

Sec. 10. (Deleted by amendment.)

Sec. 11. NRS 704.7828 is hereby amended to read as follows:

704.7828 1. The Commission shall adopt regulations to carry out and enforce the provisions of NRS 704.7801 to 704.7828, inclusive. The regulations adopted by the Commission may include any enforcement mechanisms which are necessary and reasonable to ensure that each provider of electric service complies with its portfolio standard. Such enforcement mechanisms may include, without limitation, the imposition of administrative fines.

2. If a provider exceeds the portfolio standard for any calendar year ~~[, the]~~ ***:***

(a) The Commission shall authorize the provider to carry forward to subsequent calendar years for the purpose of complying with the portfolio standard for those subsequent calendar years any excess kilowatt-hours of electricity that the provider generates, acquires or saves from portfolio energy systems or efficiency measures ~~[.]~~ ***;***

(b) By more than 10 percent but less than 25 percent of the amount of portfolio energy credits necessary to comply with its portfolio standard for the subsequent calendar year, the provider may sell any portfolio energy credits which are in excess of 10 percent of the amount of portfolio energy credits necessary to comply with its portfolio standard for the subsequent calendar year; and

(c) By 25 percent or more of the amount of portfolio energy credits necessary to comply with its portfolio standard for the subsequent calendar year, the provider shall use reasonable efforts to sell any portfolio energy credits which are in excess of 25 percent of the amount of portfolio energy credits necessary to comply with its portfolio standard for the subsequent calendar year.

➥ Any money received by a provider from the sale of portfolio energy credits pursuant to paragraphs (b) and (c) must be credited against the provider's costs for purchased fuel and purchased power pursuant to NRS 704.187 in the same calendar year in which the money is received, less any verified administrative costs incurred by the provider to make the sale, including any costs incurred to qualify the portfolio energy credits for potential sale regardless of whether such sales are made.

3. If a provider does not comply with its portfolio standard for any calendar year and the Commission has not exempted the provider from the requirements of its portfolio standard pursuant to NRS 704.7821 or 704.78213, the Commission:

(a) Shall require the provider to carry forward to subsequent calendar years the amount of the deficiency in kilowatt-hours of electricity that the provider does not generate, acquire or save from portfolio energy systems or efficiency measures during a calendar year in violation of its portfolio standard; and

(b) May impose an administrative fine against the provider or take other administrative action against the provider, or do both.

4. ~~[The]~~ ***Except as otherwise provided in subsection 5, the*** Commission may impose an administrative fine against a provider based upon:

(a) Each kilowatt-hour of electricity that the provider does not generate, acquire or save from portfolio energy systems or efficiency measures during a calendar year in violation of its portfolio standard; or

(b) Any other reasonable formula adopted by the Commission.

5. ***If a provider sells any portfolio energy credits pursuant to paragraph (b) or (c) of subsection 2 in any calendar year in which the Commission determines that the provider did not comply with its portfolio standard, the Commission shall not make any adjustment to the provider's expenses or revenues and shall not impose on the provider any administrative fine authorized by this section for that calendar year if:***

(a) In the calendar year immediately preceding the calendar year in which the portfolio energy credits were sold, the amount of portfolio energy credits held by the provider and attributable to electricity generated, acquired or saved from portfolio energy systems or efficiency measures by the provider exceeded the amount of portfolio energy credits necessary to comply with the provider's portfolio standard by more than 10 percent;

(b) The price received for any portfolio energy credits sold by the provider was not lower than the most recent value of portfolio energy credits, net of any energy value if the price was for bundled energy and credits, as determined by reference to the last long-term renewable purchased power agreements approved by the Commission in the most recent proceeding that included such agreements; and

(c) The provider would have complied with the portfolio standard in the relevant year even after the sale of portfolio energy credits based on the load forecast of the provider at the time of the sale.

6. In the aggregate, the administrative fines imposed against a provider for all violations of its portfolio standard for a single calendar year must not exceed the amount which is necessary and reasonable to ensure that the

provider complies with its portfolio standard, as determined by the Commission.

~~[6.]~~ ***7.*** If the Commission imposes an administrative fine against a utility provider:

(a) The administrative fine is not a cost of service of the utility provider;

(b) The utility provider shall not include any portion of the administrative fine in any application for a rate adjustment or rate increase; and

(c) The Commission shall not allow the utility provider to recover any portion of the administrative fine from its retail customers.

~~[7.]~~ ***8.*** All administrative fines imposed and collected pursuant to this section must be deposited in the State General Fund.

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Sec. 14. 1. As soon as practicable after October 1, 2013, the Public Utilities Commission of Nevada shall open an investigatory docket to study, examine and review the process for the sale of portfolio energy credits, as defined in NRS 704.7803, to determine whether the process can be improved to:

(a) Better enable providers of electric service, as defined in NRS 704.7808, to engage in the sale of portfolio energy credits; and

(b) Provide the greatest economic benefit to customers of providers of electric service in this State.

2. The following parties may participate in the investigatory docket:

(a) Each provider of electric service operating in this State;

(b) The Regulatory Operations Staff of the Commission;

(c) The Consumer's Advocate and the Bureau of Consumer Protection in the Office of the Attorney General; and

(d) Any other interested parties.

3. The Commission shall, on or before January 31, 2015, submit a written report on the results of the investigatory docket and any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmittal to the 78th Session of the Nevada Legislature.

Assemblyman Bobzien moved the adoption of the amendment.

Remarks by Assemblyman Bobzien.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 266.

Bill read second time.

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

Amendment No. 645.

AN ACT relating to insurance; prohibiting certain policies of health insurance and health care plans from making monetary limits of coverage for certain orally administered chemotherapy less favorable to the insured than other forms of chemotherapy; limiting the total combined amount of any copayment, deductible or coinsurance for chemotherapy administered orally; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires certain public and private health care plans and policies of insurance to provide coverage for certain procedures, including colorectal cancer screenings, cytological screening tests and mammograms, in certain circumstances. (NRS 287.027, 287.04335, 689A.04042, 689A.0405, 689B.0367, 689B.0374, 695B.1907, 695B.1912, 695C.1731, 695C.1735, 695G.168) Existing law also requires employers to provide certain benefits to employees, including coverage for the procedures required to be covered by insurers, if the employer provides health benefits for its employees. (NRS 608.1555) **Sections 1, 3-5, 8 and 9** of this bill prohibit a health care plan and policy of insurance, other than the State Plan for Medicaid, that provides coverage for both chemotherapy administered intravenously or by injection and orally administered chemotherapy from making the monetary limits of coverage for orally administered chemotherapy different than other types of chemotherapy. **Sections 1, 3-5, 8 and 9** further prohibit such a health care plan or policy of insurance from meeting this requirement by decreasing the monetary limits for chemotherapy under the policy or plan. **Sections 1, 3-5, 8 and 9** also prohibit such a health care plan and policy of insurance from requiring a copayment, deductible or coinsurance amount for orally administered chemotherapy in a combined amount that is more than $100 per prescription.

The provisions of this bill apply prospectively to any policy of insurance or health care plan ~~[offered through the Silver State Health Insurance Exchange on or after January 1, 2015, and to any other policy of insurance or health care plan]~~ **that is delivered,** issued **for delivery** or renewed on or after January 1, ~~[2014.]~~ **2015.**

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

Section 1. Chapter 689A of NRS is hereby amended by adding thereto a new section to read as follows:

1. An insurer that offers or issues a policy of health insurance which provides coverage for the treatment of cancer through the use of chemotherapy shall not:

(a) Require a copayment, deductible or coinsurance amount for chemotherapy administered orally by means of a prescription drug in a combined amount that is more than $100 per prescription.

(b) Make the coverage subject to monetary limits that are less favorable for chemotherapy administered orally by means of a prescription drug than the monetary limits applicable to chemotherapy which is administered by injection or intravenously.

(c) Decrease the monetary limits applicable to chemotherapy administered orally by means of a prescription drug or to chemotherapy which is administered by injection or intravenously to meet the requirements of this section.

2. A policy subject to the provisions of this chapter which provides coverage for the treatment of cancer through the use of chemotherapy and that is delivered, issued for delivery or renewed on or after January 1, 2015, has the legal effect of providing that coverage subject to the requirements of this section, and any provision of the policy or renewal which is in conflict with this section is void . ~~[if the policy is :~~

~~(a) A qualified health plan, as defined in NRS 695I.080, that is offered to persons through the Silver State Health Insurance Exchange and delivered, issued for delivery or renewed on or after January 1, 2015; or~~

~~(b) For any other policy, delivered, issued for delivery or renewed on or after January 1, 2014.]~~

3. Nothing in this section shall be construed as requiring an insurer to provide coverage for the treatment of cancer through the use of chemotherapy administered by injection or intravenously or administered orally by means of a prescription drug.

Sec. 2. NRS 689A.330 is hereby amended to read as follows:

689A.330 If any policy is issued by a domestic insurer for delivery to a person residing in another state, and if the insurance commissioner or corresponding public officer of that other state has informed the Commissioner that the policy is not subject to approval or disapproval by that officer, the Commissioner may by ruling require that the policy meet the standards set forth in NRS 689A.030 to 689A.320, inclusive ~~[.]~~ ***, and section 1 of this act.***

Sec. 3. Chapter 689B of NRS is hereby amended by adding thereto a new section to read as follows:

1. An insurer that offers or issues a policy of group health insurance which provides coverage for the treatment of cancer through the use of chemotherapy shall not:

(a) Require a copayment, deductible or coinsurance amount for chemotherapy administered orally by means of a prescription drug in a combined amount that is more than $100 per prescription.

(b) Make the coverage subject to monetary limits that are less favorable for chemotherapy administered orally by means of a prescription drug than the monetary limits applicable to chemotherapy which is administered by injection or intravenously.

(c) Decrease the monetary limits applicable to chemotherapy administered orally by means of a prescription drug or to chemotherapy which is administered by injection or intravenously to meet the requirements of this section.

2. A policy subject to the provisions of this chapter which provides coverage for the treatment of cancer through the use of chemotherapy and that is delivered, issued for delivery or renewed on or after January 1, 2015, has the legal effect of providing that coverage subject to the requirements of this section, and any provision of the policy or renewal which is in conflict with this section is void.

3. Nothing in this section shall be construed as requiring an insurer to provide coverage for the treatment of cancer through the use of chemotherapy administered by injection or intravenously or administered orally by means of a prescription drug.

Sec. 4. Chapter 695B of NRS is hereby amended by adding thereto a new section to read as follows:

1. An insurer that offers or issues a contract for hospital or medical service which provides coverage for the treatment of cancer through the use of chemotherapy shall not:

(a) Require a copayment, deductible or coinsurance amount for chemotherapy administered orally by means of a prescription drug in a combined amount that is more than $100 per prescription.

(b) Make the coverage subject to monetary limits that are less favorable for chemotherapy administered orally by means of a prescription drug than the monetary limits applicable to chemotherapy which is administered by injection or intravenously.

(c) Decrease the monetary limits applicable to chemotherapy administered orally by means of a prescription drug or to chemotherapy which is administered by injection or intravenously to meet the requirements of this section.

2. A contract subject to the provisions of this chapter which provides coverage for the treatment of cancer through the use of chemotherapy and that is delivered, issued for delivery or renewed on or after January 1, 2015, has the legal effect of providing that coverage subject to the requirements of this section, and any provision of the contract or renewal which is in conflict with this section is void . ~~if the contract is:~~

~~*(a) A qualified health plan, as defined in NRS 695I.080, that is offered to persons through the Silver State Health Insurance Exchange and delivered, issued for delivery or renewed on or after January 1, 2015; or*~~

~~*(b) For any other contract, delivered, issued for delivery or renewed on or after January 1, 2014.]*~~

3. Nothing in this section shall be construed as requiring an insurer to provide coverage for the treatment of cancer through the use of chemotherapy administered by injection or intravenously or administered orally by means of a prescription drug.

Sec. 5. Chapter 695C of NRS is hereby amended by adding thereto a new section to read as follows:

1. A health maintenance organization that offers or issues a health care plan which provides coverage for the treatment of cancer through the use of chemotherapy shall not:

(a) Require a copayment, deductible or coinsurance amount for chemotherapy administered orally by means of a prescription drug in a combined amount that is more than $100 per prescription.

(b) Make the coverage subject to monetary limits that are less favorable for chemotherapy administered orally by means of a prescription drug than the monetary limits applicable to chemotherapy which is administered by injection or intravenously.

(c) Decrease the monetary limits applicable to such chemotherapy administered orally by means of a prescription drug or to chemotherapy which is administered by injection or intravenously to meet the requirements of this section.

2. Evidence of coverage subject to the provisions of this chapter which provides coverage for the treatment of cancer through the use of chemotherapy and that is delivered, issued for delivery or renewed on or after January 1, 2015, has the legal effect of providing that coverage subject to the requirements of this section, and any provision of the evidence of coverage or the renewal which is in conflict with this section is void . [if the evidence of coverage is:

~~*(a) A qualified health plan, as defined in NRS 695I.080, that is offered to persons through the Silver State Health Insurance Exchange and delivered, issued for delivery or renewed on or after January 1, 2015; or*~~

~~*(b) For any other evidence of coverage, delivered, issued for delivery or renewed on or after January 1, 2014.]*~~

3. Nothing in this section shall be construed as requiring a health maintenance organization to provide coverage for the treatment of cancer through the use of chemotherapy administered by injection or intravenously or administered orally by means of a prescription drug.

Sec. 6. 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, ***and section 5 of this act,*** 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. 7. 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, ***and section 5 of this act*** 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 that the health maintenance organization:

(1) Does not meet the requirements of subsection 2 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. 8. Chapter 695G of NRS is hereby amended by adding thereto a new section to read as follows:

1. A managed care organization that offers or issues a health care plan which provides coverage for the treatment of cancer through the use of chemotherapy shall not:

(a) Require a copayment, deductible or coinsurance amount for chemotherapy administered orally by means of a prescription drug in a combined amount that is more than $100 per prescription.

(b) Make the coverage subject to monetary limits that are less favorable for chemotherapy administered orally by means of a prescription drug than the monetary limits applicable to chemotherapy which is administered by injection or intravenously.

(c) Decrease the monetary limits applicable to chemotherapy administered orally by means of a prescription drug or to chemotherapy which is administered by injection or intravenously to meet the requirements of this section.

2. An evidence of coverage for a health care plan subject to the provisions of this chapter which provides coverage for the treatment of cancer through the use of chemotherapy and that is delivered, issued for delivery or renewed on or after January 1, 2015, has the legal effect of providing that coverage subject to the requirements of this section, and any provision of the evidence of coverage or the renewal which is in conflict with this section is void . [if the evidence of coverage is:

(a) A qualified health plan, as defined in NRS 695I.080, that is offered to persons through the Silver State Health Insurance Exchange and delivered, issued for delivery or renewed on or after January 1, 2015; or

(b) For any other evidence of coverage, delivered, issued for delivery or renewed on or after January 1, 2014.]

3. Nothing in this section shall be construed as requiring a managed care organization to provide coverage for the treatment of cancer through the use of chemotherapy administered by injection or intravenously or administered orally by means of a prescription drug.

Sec. 8.5. NRS 695G.090 is hereby amended to read as follows:

695G.090 1. Except as otherwise provided in subsection 3, the provisions of this chapter apply to each organization and insurer that operates as a managed care organization and may include, without limitation, an insurer that issues a policy of health insurance, an insurer that issues a policy

of individual or group health insurance, a carrier serving small employers, a fraternal benefit society, a hospital or medical service corporation and a health maintenance organization.

2. In addition to the provisions of this chapter, each managed care organization shall comply with:

(a) The provisions of chapter 686A of NRS, including all obligations and remedies set forth therein; and

(b) Any other applicable provision of this title.

3. The provisions of NRS 695G.164, 695G.1645, 695G.200 to 695G.230, inclusive, and 695G.430 ***and section 8 of this act,*** do not apply to a managed care organization that provides health care services 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 managed care organization from any provision of this chapter for services provided pursuant to any other contract.

Sec. 9. Chapter 287 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental entity of the State of Nevada that provides health insurance through a plan of self-insurance which provides coverage for the treatment of cancer through the use of chemotherapy shall not:

(a) Require a copayment, deductible or coinsurance amount for chemotherapy administered orally by means of a prescription drug in a combined amount that is more than $100 per prescription.

(b) Make the coverage subject to monetary limits that are less favorable for chemotherapy administered orally by means of a prescription drug than the monetary limits applicable to chemotherapy which is administered by injection or intravenously.

(c) Decrease the monetary limits applicable to such chemotherapy administered orally by means of a prescription drug or to chemotherapy which is administered by injection or intravenously to meet the requirements of this section.

2. A plan of self-insurance subject to the provisions of this chapter which provides coverage for the treatment of cancer through the use of chemotherapy and that is delivered, issued for delivery or renewed on or after January 1, 2015, has the legal effect of providing that coverage subject to the requirements of this section, and any provision of the plan or the renewal which is in conflict with this section is void . ~~[if the plan is:~~

~~*(a) A qualified health plan, as defined in NRS 695I.080, that is offered to persons through the Silver State Health Insurance Exchange and delivered, issued for delivery or renewed on or after January 1, 2015; or*~~

~~*(b) For any other plan, delivered, issued for delivery or renewed on or after January 1, 2014.]*~~

3. Nothing in this section shall be construed as requiring the governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental entity of the State of Nevada that provides health insurance through a plan of self-insurance to provide coverage for the treatment of cancer through the use of chemotherapy administered by injection or intravenously or administered orally by means of a prescription drug.

Sec. 9.5. NRS 287.015 is hereby amended to read as follows:

287.015 1. A local government employer and any employee organization that is recognized by the employer pursuant to chapter 288 of NRS may, by written agreement between themselves or with other local government employers and employee organizations, establish a trust fund to provide health and welfare benefits to active and retired employees of the participating employers and the dependents of those employees.

2. All contributions made to a trust fund established pursuant to this section must be held in trust and used:

(a) To provide, from principal or income, or both, for the benefit of the participating employees and their dependents, medical, hospital, dental, vision, death, disability or accident benefits, or any combination thereof, and any other benefit appropriate for an entity that qualifies as a voluntary employees' beneficiary association under Section 501(c)(9) of the Internal Revenue Code of 1986, 26 U.S.C. § 501(c)(9), as amended; and

(b) To pay any reasonable administrative expenses incident to the provision of these benefits and the administration of the trust.

3. The basis on which contributions are to be made to the trust must be specified in a collective bargaining agreement between each participating local government employer and employee organization or in a written participation agreement between the employer and employee organization, jointly, and the trust.

4. The trust must be administered by a board of trustees on which participating local government employers and employee organizations are equally represented. The agreement that establishes the trust must:

(a) Set forth the powers and duties of the board of trustees, which must not be inconsistent with the provisions of this section;

(b) Establish a procedure for resolving expeditiously any deadlock that arises among the members of the board of trustees; and

(c) Provide for an audit of the trust, at least annually, the results of which must be reported to each participating employer and employee organization.

5. The provisions of paragraphs (b) and (c) of subsection 2 of NRS 287.029 apply to a trust fund established pursuant to this section by the governing body of a school district.

6. ***The provisions of section 9 of this act do not apply to a trust fund established pursuant to this section before October 1, 2013.***

7. As used in this section:

(a) "Employee organization" has the meaning ascribed to it in NRS 288.040.

(b) "Local government employer" has the meaning ascribed to it in NRS 288.060.

Sec. 10. NRS 287.04335 is hereby amended to read as follows:

287.04335 If the Board provides health insurance through a plan of self-insurance, it shall comply with the provisions of NRS 689B.255, 695G.150, 695G.160, 695G.164, 695G.1645, 695G.170, 695G.171, 695G.173, 695G.177, 695G.200 to 695G.230, inclusive, 695G.241 to 695G.310, inclusive, and 695G.405, ***and section 8 of this act*** in the same manner as an insurer that is licensed pursuant to title 57 of NRS is required to comply with those provisions.

Sec. 11. 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.

Assemblyman Bobzien moved the adoption of the amendment.

Remarks by Assemblyman Bobzien.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 493.

Bill read second time.

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

Amendment No. 647.

AN ACT relating to real property; revising provisions governing loans secured by a lien on real property in which investors hold the beneficial interests; revising provisions governing the reconveyance of a deed of trust; **revising provisions relating to bona fide purchasers and encumbrancers of real property;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that if the beneficial interest in a mortgage loan belongs to more than one natural person, the holders of 51 percent or more of the outstanding principal balance may act on behalf of all the holders of the beneficial interests of record. (NRS 645B.340) **Section 2** of this bill revises

this provision to authorize the holders of 51 percent or more of the ownership interest in the real property previously securing the loan to act on behalf of all the holders of the ownership interests of record. **Section 2** also **: (1) requires that certain written notice of the proposed action be provided to each holder of a beneficial interest in the loan or an ownership interest in the real property; and (2)** specifies the manner in which the interests of the minority of persons who do not consent to a sale, transfer, encumbrance or lease of the real property are sold, transferred, encumbered or leased.

Existing law prohibits a mortgage broker from placing a private investor or arranging to place a private investor into a limited-liability, business trust or other business entity before a foreclosure of real property unless the mortgage broker complies with certain requirements. (NRS 645B.356) **Section 2.5** of this bill: (1) specifies that these requirements apply if private investors own real property because of a foreclosure sale or receipt of a deed in lieu of a foreclosure sale in full satisfaction of a loan; and (2) provides that a certain majority of the private investors may place the loan or the real property into a limited-liability company, business trust or other business entity on behalf of all the private investors. **Section 2.5** also specifies the manner in which the interests of the minority of private investors who do not consent to the placement are placed in the limited-liability company, business trust or other business entity.

Existing law establishes various procedures for the reconveyance of a deed of trust upon the payment, satisfaction or discharge of the obligation or debt secured by the deed of trust. (NRS 107.073, 107.077) **Section 3** of this bill establishes a procedure by which a trustor or the successor in interest of the trustor may cause the trustee to reconvey the deed of trust if: (1) the obligation or debt secured by the deed of trust has been paid in full or otherwise satisfied and the current beneficiary of the deed of trust cannot be located after a diligent search or refuses to execute and deliver to the trustee a proper request for reconveyance; or (2) a balance remains due on the obligation or debt secured by the deed of trust and the trustor or successor in interest of the trustor cannot locate the beneficiary of record after diligent search. Under **section 3**, the trustor or the successor in interest of the trustor must record a surety bond that meets certain requirements and a declaration signed under penalty of perjury which states certain information concerning the deed of trust. If the beneficiary of record does not object in writing to the execution and recording of a reconveyance within 30 days after the recording of the surety bond and declaration, the trustee must execute and record or cause to be recorded a reconveyance of the deed of trust and that reconveyance releases the lien of the deed of trust. **Section 3** also establishes a procedure by which the trustor or the successor in interest of the trustor

may substitute the current trustee for the purposes of executing and recording the reconveyance if the current trustee cannot be located after diligent search.

Existing law provides that a conveyance of any estate or interest in lands, and any charge upon lands, is void if it is made with the intent to defraud prior or subsequent purchasers of the same lands. (NRS 111.175) Under existing law, such a conveyance or charge is not deemed fraudulent in favor of certain subsequent purchasers, unless the subsequent purchaser was privy to the fraud intended. (NRS 111.180) Section 3.5 of this bill: (1) defines the circumstances under which a purchaser of an estate or interest in real property is a bona fide purchaser of the property; and (2) provides that a conveyance of an estate or interest in real property, or a charge upon real property, is not deemed fraudulent in favor of a bona fide purchaser unless the subsequent purchaser had actual knowledge, constructive notice or reasonable cause to know of the intended fraud.

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

Section 1. (Deleted by amendment.)

Sec. 2. NRS 645B.340 is hereby amended to read as follows:

645B.340 1. Except as otherwise provided by law or by agreement between the parties and regardless of the date the interests were created, if the beneficial interest in a loan ***or the ownership interest in the real property previously securing the loan*** belongs to more than one ~~[natural]~~ person, the holders of ***the beneficial interest in a loan whose interests represent*** 51 percent or more of the outstanding principal balance ***of the loan or the holders of 51 percent or more of the ownership interest in the real property, as indicated on a trustee's deed upon sale recorded pursuant to subsection 9 of NRS 107.080, a deed recorded pursuant to subsection 5 of NRS 40.430*** ~~*[by a sheriff conducting a foreclosure sale]*~~ ***or a deed in lieu of foreclosure, and any subsequent deed selling, transferring or assigning an ownership interest,*** may act on behalf of all the holders of the beneficial interests ***or ownership interests*** of record on matters which require the action of the holders of the beneficial interests in the loan ~~[,]~~ ***or the ownership interests in the real property,*** including, without limitation:

(a) The designation of a mortgage broker or mortgage agent, servicing agent or any other person to act on behalf of all the holders of the beneficial interests ***or ownership interests*** of record;

(b) The foreclosure of the property for which the loan was made;

(c) The ***subsequent*** sale, ***transfer,*** encumbrance or lease of real property owned by the holders resulting from a foreclosure or the receipt of a deed in

lieu of a foreclosure in full satisfaction of a loan ~~[.]~~ ***, to a bona fide purchaser or encumbrancer for value;***

(d) The release of any obligation under a loan in return for an interest in equity in the real property or, if the loan was made to a person other than a natural person, an interest in equity of that entity; and

(e) The modification or restructuring of any term of the loan, deed of trust or other document relating to the loan, including, without limitation, changes to the maturity date, interest rate and the acceptance of payment of less than the full amount of the loan and any accrued interest in full satisfaction of the loan.

2. ***A person designated to act pursuant to subsection 1 on behalf of the holders of the beneficial interest in a loan or the ownership interest in real property shall, not later than 30 days before the date on which the holders will determine whether or not to act pursuant to subsection 1, send a written notice of the action to each holder of a beneficial interest or ownership interest at the holder's last known address, by a delivery service that provides proof of delivery or evidence that the notice was sent. The written notice must state:***

(a) The actions that will be taken on behalf of the holders who consent to an action pursuant to this section, if the holders of the beneficial interest in a loan whose interests represent 51 percent or more of the outstanding principal balance of the loan or the holders of 51 percent or more of the ownership interest in the real property act pursuant to subsection 1;

(b) The actions that will be taken on behalf of the holders who do not consent to an action pursuant to this section, if the holders of the beneficial interest in a loan whose interests represent 51 percent or more of the outstanding principal balance of the loan or the holders of 51 percent or more of the ownership interest in the real property act pursuant to subsection 1; and

(c) The amount of the costs or, if an amount is unknown, an estimate of the amount of the costs that will be allocated to, or due from, the holder and deducted from any proceeds owed to the holder.

3. If real property is sold, transferred, encumbered or leased pursuant to paragraph (c) of subsection 1, any beneficial interest in the loan or ownership interest in the real property of a holder who does not consent to the sale, transfer, encumbrance or lease, including, without limitation, any interest of a tenant in common who does not consent to the sale, transfer, encumbrance or lease, must be sold, transferred, encumbered or leased by a reference to this section and by the signatures on the necessary documents of the holders consenting to the sale, transfer, encumbrance or lease of the real property. The holders consenting to the sale, transfer, encumbrance or lease of the real property shall designate a representative

to sign any necessary documents on behalf of the holders who do not consent to the sale, transfer, encumbrance or lease and, if the representative maintains written evidence of the consent of the number of holders described in subsection 1, the representative is not liable for any action taken pursuant to this subsection.

[3.] ***4.*** Any action which is taken pursuant to subsection 1 must be in writing.

[3.] ***[4.]*** ***5.*** The provisions of this section do not apply to a transaction involving two investors with equal interests.

Sec. 2.5. NRS 645B.356 is hereby amended to read as follows:

645B.356 1. A mortgage broker shall not place or arrange to place a private investor into a limited-liability company, business trust or other entity before ***or after*** foreclosure of the real property securing the loan ***, or receipt of a deed in lieu of foreclosure in full satisfaction of a loan secured by the real property,*** unless the mortgage broker:

(a) Provides a copy of the organizational documents of the limited-liability company, business trust or other entity to each investor not later than 5 days before the [investor transfers his or her] ***transfer of the*** interest in the loan [; and] ***or the interest in the real property;***

(b) ***Obtains the written authorization of a sufficient number of the investors to act on behalf of all the investors pursuant to NRS 645B.340; and***

(c) Obtains the written authorization of each investor [who wishes to] ***consenting to the*** transfer ***of*** his or her interest in the loan ***or in the real property*** to the limited-liability company, business trust or other entity.

2. ***If a private investor is placed into a limited-liability company, business trust or other entity pursuant to subsection 1, any beneficial interest in a loan or ownership interest in real property of the private investor who does not consent to the placement, including, without limitation, any interest of a tenant in common who does not consent to the placement, must be placed in the limited-liability company, business trust or other entity by a reference to this section and by the signatures on the necessary documents of the investors consenting to the placement. The investors who consent to an action pursuant to subsection 1 shall designate a representative to sign any necessary documents on behalf of the investors who do not consent to the action, and if the representative maintains written evidence of the consent of the number of investors described in paragraph (b) of subsection 1, the representative is not liable for any action taken pursuant to this subsection.***

3. The documents provided to each investor pursuant to paragraph (a) of subsection 1 must clearly and concisely state any fees which will be paid to the mortgage broker by the limited-liability company, business trust or other

entity, and the sections of the documents that state fees must be initialed by the investor ~~[.~~

~~3.]~~ ***and any representative designated pursuant to subsection 2.***

4. A mortgage broker or mortgage agent shall not act as the attorney-in-fact or the agent of a private investor for the signing or dating of the written authorization.

~~[4.]~~ ***5.*** Any term of a contract or other agreement that attempts to alter or waive the requirements of this section is void.

Sec. 3. Chapter 107 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Whenever the debt or obligation secured by a deed of trust has been paid in full or otherwise satisfied and the current beneficiary of record cannot be located after diligent search as described in subsection 9 or refuses to execute and deliver a proper request to reconvey the estate in real property conveyed to the trustee by the grantor, as required by NRS 107.077, or whenever a balance, including, without limitation, principal and interest, remains due on the debt secured by the deed of trust and the trustor or the trustor's successor in interest cannot locate after diligent search the current beneficiary of record, the trustor or the trustor's successor in interest may record or cause to be recorded a surety bond that meets the requirements of subsection 2 and a declaration that meets the requirements of subsection 3.

2. The surety bond recorded pursuant to subsection 1 must:

(a) Be acceptable to the trustee;

(b) Be issued by a surety authorized to issue surety bonds in this State in an amount equal to the greater of:

(1) Two times the amount of the original obligation or debt secured by the deed of trust plus any principal amounts, including, without limitation, advances, indicated in a recorded amendment thereto; or

(2) One-and-a-half times the total amount computed pursuant to subparagraph (1) plus any accrued interest on that amount;

(c) Be conditioned on payment of any amount which the beneficiary recovers in an action to enforce the obligation or recover the debt secured by the deed of trust, plus costs and reasonable attorney's fees;

(d) Be made payable to the trustee who executes a reconveyance pursuant to subsection 4 and the beneficiary or the beneficiary's successor in interest; and

(e) Contain a statement of:

(1) The recording date and instrument number or book and page number of the recorded deed of trust;

(2) The names of the original trustor and beneficiary;

(3) The amount shown as the original principal amount secured by the deed of trust; and

(4) The recording information and new principal amount shown in any recorded amendment to the deed of trust.

3. The declaration recorded pursuant to subsection 1 must:

(a) Be signed under penalty of perjury by the trustor or the trustor's successor in interest;

(b) State that it is recorded pursuant to this section;

(c) State the name of the original trustor;

(d) State the name of the beneficiary;

(e) State the name and address of the person making the declaration;

(f) Except as otherwise provided in subsection 8, contain a statement of the following, whichever is applicable:

(1) That the obligation or debt secured by the deed of trust has been paid in full or otherwise satisfied and the current beneficiary of record cannot be located after diligent search or refuses to execute and deliver a proper request to reconvey the estate in real property conveyed to the trustee by the grantor, as required by NRS 107.077; or

(2) That a balance, including, without limitation, principal and interest, remains due on the debt secured by the deed of trust and the trustor or the trustor's successor in interest cannot locate after diligent search the current beneficiary of record;

(g) Contain a statement that the declarant has mailed by certified mail, return receipt requested, to the last known address of the person to whom payments under the deed of trust were made and to the last beneficiary of record at the address indicated for such beneficiary on the instrument creating, assigning or conveying the deed of trust, a notice of the recording of the surety bond and declaration pursuant to this section, of the name and address of the trustee, of the beneficiary's right to record a written objection to the reconveyance of the deed of trust pursuant to this section and of the requirement to notify the trustee in writing of any such objection; and

(h) Contain the date of the mailing of any notice pursuant to this section and the name and address of each person to whom such a notice was mailed.

4. Not earlier than 30 days after the recording of the surety bond and declaration pursuant to subsections 1, 2 and 3, delivery to the trustee of the fees charged by the trustee for the preparation, execution or recordation of a reconveyance pursuant to subsection 7 of NRS 107.077, plus costs incurred by the trustee, and a demand for reconveyance under NRS 107.077, the trustee shall execute and record or cause to be recorded a reconveyance of the deed of trust pursuant to NRS 107.077, unless the

trustee has received a written objection to the reconveyance of the deed of trust from the beneficiary of record within 30 days after the recording of the surety bond and declaration pursuant to subsections 1, 2 and 3. The recording of a reconveyance pursuant to this subsection has the same effect as a reconveyance of the deed of trust pursuant to NRS 107.077 and releases the lien of the deed of trust. A trustee is not liable to any person for the execution and recording of a reconveyance pursuant to this section if the trustee acted in reliance upon the substantial compliance with this section by the trustor or the trustor's successor in interest. The sole remedy for a person damaged by the reconveyance of a deed of trust pursuant to this section is an action for damages against the trustor or the person making the declaration described in subsection 3 or an action against the surety bond.

5. Upon the recording of a reconveyance of the deed of trust pursuant to subsection 4, interest no longer accrues on any balance remaining due under the obligation or debt secured by the deed of trust to the extent that the balance due has been stated in the declaration described in subsection 3. Notwithstanding any provision of chapter 120A of NRS, any amount of the balance remaining due under the obligation or debt secured by the deed of trust, including, without limitation, principal and interest, which is remitted to the issuer of the surety bond described in subsection 2 in connection with the issuance of that surety bond must, if unclaimed within 3 years after remittance, be property that is presumed abandoned for the purposes of chapter 120A of NRS. From the date on which the amount is paid or delivered to the Administrator of Unclaimed Property pursuant to NRS 120A.570, the issuer of the surety bond is relieved of any liability to pay to the beneficiary or his or her heirs or successors in interest the amount paid or delivered to the Administrator.

6. Any failure to comply with the provisions of this section does not affect the rights of a bona fide purchaser or encumbrancer for value.

7. This section shall not be deemed to create an exclusive procedure for the reconveyance of a deed of trust and the issuance of surety bonds and declarations to release the lien of a deed of trust, and shall not affect any other procedures, whether or not such procedures are set forth in statute, for the reconveyance of a deed of trust and the issuance of surety bonds and declaration to release the lien of a deed of trust.

8. For the purposes of this section, the trustor or the trustor's successor in interest may substitute the current trustee of record without conferring any duties upon that trustee other than duties which are incidental to the execution of a reconveyance pursuant to this section, if:

(a) The debt or obligation secured by a deed of trust has been paid in full or otherwise satisfied;

(b) The current trustee of record and the current beneficiary of record cannot be located after diligent search as described in subsection 9;

(c) The declaration filed pursuant to subsection 3:

(1) In addition to the information required to be stated in the declaration pursuant to subsection 3, states that the current trustee of record and the current beneficiary of record cannot be located after diligent search; and

(2) In lieu of the statement required by paragraph (f) of subsection 3, contains a statement that the obligation or debt secured by the deed of trust has been paid in full or otherwise satisfied and the current beneficiary of record cannot be located after diligent search or refuses to execute and deliver a proper request to reconvey the estate in real property conveyed to the trustee by the grantor, as required by NRS 107.077;

(d) The substitute trustee is a title insurer that agrees to accept the substitution, except that this paragraph does not impose a duty on a title insurer to accept the substitution; and

(e) The surety bond required by this section is for a period of not less than 5 years.

9. For the purposes of subsection 1, a diligent search has been conducted if:

(a) A notice stating the intent to record a surety bond and declaration pursuant to this section, the name and address of the trustee, the beneficiary's right to record a written objection to the reconveyance of the deed of trust pursuant to this section and the requirement to notify the trustee in writing of any such objection, has been mailed by certified mail, return receipt requested, to the last known address of the person to whom payments under the deed of trust were made and to the last beneficiary of record at the address indicated for such beneficiary on the instrument creating, assigning or conveying the deed of trust.

(b) A search has been conducted of the telephone directory in the city where the beneficiary of record or trustee of record, whichever is applicable, maintained its last known address or place of business.

(c) If the beneficiary of record or the beneficiary's successor in interest, or the trustee of record or the trustee's successor in interest, whichever is applicable, is a business entity, a search has been conducted of the records of the Secretary of State and the records of the agency or officer of the state of organization of the beneficiary, trustee or successor, if known.

(d) If the beneficiary of record or trustee of record is a state or national bank or state or federal savings and loan association, an inquiry concerning the location of the beneficiary or trustee has been made to the regulator of the bank or savings and loan association.

10. As used in this section:

(a) "Surety" means a corporation authorized to transact surety business in this State pursuant to NRS 679A.030 that:

(1) Is included in the United States Department of the Treasury's Listing of Approved Sureties; and

(2) Issues a surety bond pursuant to this section that does not exceed the underwriting limitations established for that surety by the United States Department of the Treasury.

(b) "Surety bond" means a bond issued by a surety for the reconveyance of a deed of trust pursuant to this section.

Sec. 3.5. **NRS 111.180 is hereby amended to read as follows:**

111.180 ***1. Any purchaser who purchases an estate or interest in any real property in good faith and for valuable consideration and who does not have actual knowledge, constructive notice of, or reasonable cause to know that there exists a defect in, or adverse rights, title or interest to, the real property is a bona fide purchaser.***

2. No ~~[such]~~ conveyance ~~[,]~~ ***of an estate or interest in real property,*** or charge ~~[,]~~ ***upon real property,*** shall be deemed fraudulent in favor of a ~~[subsequent]~~ ***bona fide*** purchaser ~~[who shall have legal notice thereof at the time of the purchase by the subsequent purchaser,]~~ unless it ~~[shall appear]~~ ***appears*** that the ~~[grantee]~~ ***subsequent purchaser*** in such conveyance, or person to be benefited by such charge, ~~[was privy to]~~ ***had actual knowledge, constructive notice or reasonable cause to know of*** the fraud intended.

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.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Fiore, the privilege of the floor of the Assembly Chamber for this day was extended to Chris Edwards.

On request of Assemblyman Livermore, the privilege of the floor of the Assembly Chamber for this day was extended to Callen Aten and Camryn Aten.

Assemblyman Frierson moved that the Assembly adjourn until Tuesday, May 21, 2013, at 12:30 p.m., and that it do so in memory of the victims and families affected by the tornados that occurred in Oklahoma.

Motion carried.

Assembly adjourned at 4:40 p.m.

Approved: MARILYN K. KIRKPATRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly