

**THE ONE HUNDRED AND FIFTEENTH DAY**

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CARSON CITY (Wednesday), May 29, 2013

Assembly called to order at 12:37 p.m.

Madam Speaker presiding.

Roll called.

All present except Assemblywoman Pierce, who was excused.

Prayer by the Chaplain, Pastor Bruce Henderson.

Lord,

As we are here these last few days with so much to do and so little time to do it, I am moved to utter a great theological word: WOW!

Father, may this all not be so overwhelming. Please equip us with peace, wisdom, compassion, and competence. We give all of this to You, for we cannot do it alone.

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 Education, to which were referred Senate Bills Nos. 164, 467, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELLIOT T. ANDERSON, *Chair*

*Madam Speaker:*

Your Committee on Government Affairs, to which was referred Senate Bill No. 142, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

TERESA BENITEZ-THOMPSON, *Chair*

*Madam Speaker:*

Your Committee on Natural Resources, Agriculture, and Mining, to which were referred Senate Bills Nos. 83, 464, 465, 490, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

SKIP DALY, *Chair*

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 28, 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. 91, 146, 422, 481, 482; Senate Bills Nos. 485, 515.

Also, it is my pleasure to inform your esteemed body that the Senate on this day passed, as amended, Senate Bills Nos. 56, 165, 390, 481.

Also, it is my pleasure to inform your esteemed body that the Senate on this day concurred in the Assembly Amendment No. 620 to Senate Bill No. 55; Assembly Amendment No. 666 to Senate Bill No. 99; Assembly Amendment No. 746 to Senate Bill No. 107; Assembly Amendment No. 730 to Senate Bill No. 177; Assembly Amendment No. 880 to Senate Bill No. 237; Assembly Amendment No. 834 to Senate Bill No. 269; Assembly Amendment No. 662 to Senate Bill No. 278.

Also, it is my pleasure to inform your esteemed body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 779 to Senate Bill No. 49; Assembly Amendment No. 777 to Senate Bill No. 280; Assembly Amendment No. 722 to Senate Bill No. 364; Assembly Amendment No. 749 to Senate Bill No. 389; Assembly Amendment No. 776 to Senate Bill No. 450.

SHERRY L. RODRIGUEZ

*Assistant Secretary of the Senate*

## MOTIONS, RESOLUTIONS AND NOTICES

## NOTICE OF WAIVER

A Waiver requested by Speaker Kirkpatrick.

For: A New BDR No. 31-1226:

Revises provisions governing the financial administration of local governments.

To Waive:

Subsection 1 of Joint Standing Rule No. 14 (2 BDRs from Assemblymen and 4 BDRs from Senators requested by 8th day).

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

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

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

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

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

Has been granted effective: May 10, 2013.

SENATOR MOISES DENIS  
*Senate Majority Leader*

ASSEMBLYWOMAN MARILYN K. KIRKPATRICK  
*Speaker of the Assembly*

## INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 502—AN ACT relating to education; authorizing an expenditure by the Board of Regents of the University of Nevada from the Estate Tax Account in the Endowment Fund of the Nevada System of Higher Education for the design and construction of buildings on the principal

campus of the Nevada State College; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblywoman Kirkpatrick:

Assembly Bill No. 503—AN ACT relating to local financial administration; revising temporarily provisions governing the use by a local government of money in an enterprise fund; requiring the Committee on Local Government Finance to adopt certain regulations; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 56.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 165.

Assemblywoman Bustamante Adams moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 390.

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

Motion carried.

Senate Bill No. 481.

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

Motion carried

Senate Bill No. 485.

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

Motion carried.

Senate Bill No. 515.

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

Motion carried.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that Senate Bills Nos. 83, 142, 164, 464, 465, 467, and 490, just reported out of committee, be placed on the Second Reading File.

Motion carried.

## SECOND READING AND AMENDMENT

Senate Bill No. 83.

Bill read second time and ordered to third reading.

Senate Bill No. 142.

Bill read second time and ordered to third reading.

Senate Bill No. 164.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 899.

AN ACT relating to education; ~~[requiring]~~ **revising provisions relating to the reporting of incidents of bullying, cyber-bullying, harassment and intimidation by** the State Board of Education and the board of trustees of each school district ~~[.]~~ in their respective annual reports of accountability ~~;~~ ~~[.]~~ ~~to provide information about the number of reported instances of bullying, cyber-bullying, harassment or intimidation;~~ requiring each public school to disseminate information annually on bullying; revising the definition of “bullying”; revising provisions governing training in the prevention, identification and reporting of bullying and similar conduct; requiring training for administrators in preventing and responding to violence and suicide associated with bullying; requiring notice to the parent or guardian of any pupil allegedly involved in a reported incident of bullying or similar conduct; ~~[requiring that certain annual reports submitted to the Attorney General also be provided to the Governor and the Legislature;]~~ and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law provides for a safe and respectful learning environment in public schools and prohibits bullying, cyber-bullying, harassment or intimidation. (NRS 388.121-388.139) ~~[Existing law requires that any instance of bullying, cyber-bullying, harassment or intimidation involving a school employee or pupil be reported to and investigated by the school’s principal or his or her designee. (NRS 388.1351) If such an investigation confirms that a violation has occurred, existing law provides for the imposition of discipline and requires that statistical information about incidents resulting in the suspension or expulsion of a pupil be included in~~

~~the annual reports of accountability prepared by the State Board of Education and the board of trustees of each school district. (NRS 385.3469, 385.347, 388.1351) Sections 1 and 2 of this bill require that the annual reports of accountability include information about all reported instances of bullying, cyber-bullying, harassment or intimidation, regardless of whether they result in the suspension or expulsion of a pupil.] Existing law also requires the board of trustees of each school district to review and compile reports for submission to the Department of Education relating to the number of reported violations of provisions relating to bullying, cyber-bullying, harassment and intimidation occurring at the public schools within the school district and any actions taken by the public schools to reduce the number of those violations. (NRS 388.1353) In addition, existing law requires the Superintendent of Public Instruction to compile each report submitted by each school district and submit the written compilation to the Attorney General. (NRS 388.1355) Section 11.5 of this bill eliminates these reporting requirements, and sections 1 and 2 of this bill require the contents of those reports to be included within the annual reports of accountability prepared by the State Board of Education and the board of trustees of each school district. (NRS 385.3469, 385.347)~~

**Section 3** of this bill requires each public school to disseminate information on bullying and the facilitation of positive relations among pupils during the annual “Week of Respect” proclaimed by the Governor.

**Section 4.5** of this bill revises the definition of bullying to include: (1) only repeated acts or conduct; and (2) acts or conduct that exploit an imbalance in power.

**Sections 5-7** of this bill revise various provisions governing the training of all administrators, principals, teachers and other school employees on the subject of bullying, cyber-bullying, harassment and intimidation. Existing law requires the Department of Education to prescribe a policy for such training. (NRS 388.133) **Section 5** requires the policy to encompass members of the boards of trustees of school districts and provide for training in methods to prevent, identify and report incidents of bullying and similar conduct. Existing law also requires the board of trustees of each school district to adopt the training policy prescribed by the Department and provide the appropriate training to employees of the district. (NRS 388.134) **Section 6** requires the members of the board of trustees to receive this training and requires that newly elected trustees and new employees of the school district receive the training within 180 days after the beginning of their term of office or their employment, as applicable. Existing law requires the Department to recommend certain programs of training in this area for members of the boards of trustees of school districts and school employees. (NRS 388.1342) **Section 7** requires the Department to establish these programs and a program

to train administrators in the prevention of and response to violence and suicide associated with bullying and similar conduct. **Section 7** also requires each administrator to complete this training: (1) within 90 days after becoming an administrator; (2) at least once during any school year in which the training is revised or updated; and (3) at least once every 3 years otherwise.

**Section 8** of this bill provides that a principal, or his or her designee, who receives a report of bullying, cyber-bullying, harassment or intimidation must give notice of the report to the parent or legal guardian of each pupil involved in the incident that is the subject of the report.

~~[ Existing law requires the principal of each public school to report to the board of trustees of the school district concerning the number of reports of bullying and similar conduct received during the preceding semester. The reports of each principal are compiled by the board of trustees and submitted to the Department. The Superintendent of Public Instruction, in turn, compiles the reports received from the various school districts and annually submits the compilation to the Attorney General. (NRS 388.1353, 388.1355) Section 9 of this bill clarifies that a reported violation must be included in the principal's report to the board of trustees, regardless of the outcome of the investigation into the incident. Section 10 of this bill requires that the Superintendent's compilation also be submitted to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the Legislature, or to the Legislative Committee on Education if the Legislature is not in regular session.]~~

Existing law provides immunity from liability for a pupil, school employee or volunteer who reports an incident of bullying, cyber-bullying, harassment or intimidation unless he or she acts with malice, intentional misconduct, gross negligence, or intentional or knowing violation of the law. (NRS 388.137) Where such a malicious, intentional or grossly negligent report is made, **section 11** of this bill authorizes disciplinary action against the pupil or other person making the report.

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

**Section 1.** NRS 385.3469 is hereby amended to read as follows:

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

(a) Information on the achievement of all pupils based upon the results of the examinations administered pursuant to NRS 389.015 and 389.550, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

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

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

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

(3) Pupils with disabilities;

(4) Pupils who are limited English proficient; and

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

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

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

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

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

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

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

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

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

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

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

(k) The total number of persons employed by each school district in this State, including without limitation, each charter school in the district. Each such person must be reported as either an administrator, a teacher or other staff and must not be reported in more than one category. In addition to the total number of persons employed by each school district in each category, the report must include the number of employees in each of the three categories expressed as a percentage of the total number of persons employed by the school district. As used in this paragraph:

(1) “Administrator” means a person who spends at least 50 percent of his or her work year supervising other staff or licensed personnel, or both, and who is not classified by the board of trustees of a school district as a professional-technical employee.

(2) “Other staff” means all persons who are not reported as administrators or teachers, including, without limitation:

(I) School counselors, school nurses and other employees who spend at least 50 percent of their work year providing emotional support, noninstructional guidance or medical support to pupils;

(II) Noninstructional support staff, including, without limitation, janitors, school police officers and maintenance staff; and

(III) Persons classified by the board of trustees of a school district as professional-technical employees, including, without limitation, technical employees and employees on the professional-technical pay scale.

(3) “Teacher” means a person licensed pursuant to chapter 391 of NRS who is classified by the board of trustees of a school district:

(I) As a teacher and who spends at least 50 percent of his or her work year providing instruction or discipline to pupils; or

(II) As instructional support staff, who does not hold a supervisory position and who spends not more than 50 percent of his or her work year providing instruction to pupils. Such instructional support staff includes, without limitation, librarians and persons who provide instructional support.

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

(1) The percentage of teachers who are:

(I) Providing instruction pursuant to NRS 391.125;



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

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

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

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

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

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

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

(5) For each elementary school:

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

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

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

(n) The total statewide expenditure per pupil. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the State Board shall use that statewide

program in complying with this paragraph. If a statewide program is not available, the State Board shall use the Department's own financial analysis program in complying with this paragraph.

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

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

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

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

(3) Withdraw from school to attend another school.

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

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

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

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

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

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

(w) The transiency rate of pupils, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole. For the purposes of this paragraph, a pupil is not a transient if the pupil is transferred to a different school within the school district as a

result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

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

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

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

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

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

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

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

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

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

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

(2) An adult diploma.

(3) An adjusted diploma.

(4) A certificate of attendance.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) **For each school district, including, without limitation, each charter school in the district, and for this State as a whole:**

**(1) The number of reported violations of NRS 388.135 [reported for each school district, including, without limitation, each charter school in the district, and for the State as a whole.**

~~**(ii) occurring at a school or otherwise involving a pupil enrolled at a school, regardless of the outcome of the investigation conducted pursuant to NRS 388.1351;**~~

~~**(2) The number of incidents resulting in suspension or expulsion for bullying, cyber-bullying, harassment or intimidation [, reported for each school district, including, without limitation, each charter school in the district, and for the State as a whole.]; and**~~

~~**(3) Any actions taken to reduce the number of incidents of bullying, cyber-bullying, harassment and intimidation, including, without limitation, training that was offered or other policies, practices and programs that were implemented.**~~

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

3. The annual report of accountability must:

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

(b) Be prepared in a concise manner; and

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

4. On or before October 15 of each year, the State Board shall:

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

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

(1) Governor;

(2) Committee;

(3) Bureau;

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

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

(6) Governing body of each charter school.

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

6. As used in this section:

(a) "Bullying" has the meaning ascribed to it in NRS 388.122.

(b) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123.

(c) “Harassment” has the meaning ascribed to it in NRS 388.125.

(d) “Highly qualified” has the meaning ascribed to it in 20 U.S.C. § 7801(23).

(e) “Intimidation” has the meaning ascribed to it in NRS 388.129.

(f) “Paraprofessional” has the meaning ascribed to it in NRS 391.008.

**Sec. 2.** NRS 385.347 is hereby amended to read as follows:

385.347 1. The board of trustees of each school district in this State, in cooperation with associations recognized by the State Board as representing licensed educational personnel in the district, shall adopt a program providing for the accountability of the school district to the residents of the district and to the State Board for the quality of the schools and the educational achievement of the pupils in the district, including, without limitation, pupils enrolled in charter schools sponsored by the school district. The board of trustees of each school district shall report the information required by subsection 2 for each charter school sponsored by the school district. The information for charter schools must be reported separately.

2. The board of trustees of each school district shall, on or before September 30 of each year, prepare an annual report of accountability concerning:

(a) The educational goals and objectives of the school district.

(b) Pupil achievement for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The board of trustees of the district shall base its report on the results of the examinations administered pursuant to NRS 389.015 and 389.550 and shall compare the results of those examinations for the current school year with those of previous school years. The report must include, for each school in the district, including, without limitation, each charter school sponsored by the district, and each grade in which the examinations were administered:

(1) The number of pupils who took the examinations.

(2) A record of attendance for the period in which the examinations were administered, including an explanation of any difference in the number of pupils who took the examinations and the number of pupils who are enrolled in the school.

(3) Except as otherwise provided in this paragraph, pupil achievement, reported separately by gender and reported separately for the following groups of pupils:

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

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

(III) Pupils with disabilities;

(IV) Pupils who are limited English proficient; and

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

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

(5) The percentage of pupils who were not tested.

(6) Except as otherwise provided in this paragraph, the percentage of pupils who were not tested, reported separately by gender and reported separately for the groups identified in subparagraph (3).

(7) The most recent 3-year trend in pupil achievement in each subject area tested and each grade level tested pursuant to NRS 389.015 and 389.550, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available.

(8) Information that compares the results of pupils in the school district, including, without limitation, pupils enrolled in charter schools sponsored by the district, with the results of pupils throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(9) For each school in the district, including, without limitation, each charter school sponsored by the district, information that compares the results of pupils in the school with the results of pupils throughout the school district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(10) Information on whether each school in the district, including, without limitation, each charter school sponsored by the district, has made progress based upon the model adopted by the Department pursuant to NRS 385.3595.

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

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

(d) The total number of persons employed for each elementary school, middle school or junior high school, and high school in the district,

including, without limitation, each charter school sponsored by the district. Each such person must be reported as either an administrator, a teacher or other staff and must not be reported in more than one category. In addition to the total number of persons employed by each school in each category, the report must include the number of employees in each of the three categories for each school expressed as a percentage of the total number of persons employed by the school. As used in this paragraph:

(1) “Administrator” means a person who spends at least 50 percent of his or her work year supervising other staff or licensed personnel, or both, and who is not classified by the board of trustees of the school district as a professional-technical employee.

(2) “Other staff” means all persons who are not reported as administrators or teachers, including, without limitation:

(I) School counselors, school nurses and other employees who spend at least 50 percent of their work year providing emotional support, noninstructional guidance or medical support to pupils;

(II) Noninstructional support staff, including, without limitation, janitors, school police officers and maintenance staff; and

(III) Persons classified by the board of trustees of the school district as professional-technical employees, including, without limitation, technical employees and employees on the professional-technical pay scale.

(3) “Teacher” means a person licensed pursuant to chapter 391 of NRS who is classified by the board of trustees of the school district:

(I) As a teacher and who spends at least 50 percent of his or her work year providing instruction or discipline to pupils; or

(II) As instructional support staff, who does not hold a supervisory position and who spends not more than 50 percent of his or her work year providing instruction to pupils. Such instructional support staff includes, without limitation, librarians and persons who provide instructional support.

(e) The total number of persons employed by the school district, including without limitation, each charter school sponsored by the district. Each such person must be reported as either an administrator, a teacher or other staff and must not be reported in more than one category. In addition to the total number of persons employed by the school district in each category, the report must include the number of employees in each of the three categories expressed as a percentage of the total number of persons employed by the school district. As used in this paragraph, “administrator,” “other staff” and “teacher” have the meanings ascribed to them in paragraph (d).

(f) Information on the professional qualifications of teachers employed by each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The information must include, without limitation:



(1) The percentage of teachers who are:

(I) Providing instruction pursuant to NRS 391.125;

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

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

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

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

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

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

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

(5) For each elementary school:

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

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

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

(h) The curriculum used by the school district, including:

- (1) Any special programs for pupils at an individual school; and
- (2) The curriculum used by each charter school sponsored by the district.

(i) Records of the attendance and truancy of pupils in all grades, including, without limitation:

(1) The average daily attendance of pupils, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(2) For each elementary school, middle school and junior high school in the district, including, without limitation, each charter school sponsored by the district that provides instruction to pupils enrolled in a grade level other than high school, information that compares the attendance of the pupils enrolled in the school with the attendance of pupils throughout the district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(j) The annual rate of pupils who drop out of school in grade 8 and a separate reporting of the annual rate of pupils who drop out of school in grades 9 to 12, inclusive, for each such grade, for each school in the district and for the district as a whole. The reporting for pupils in grades 9 to 12, inclusive, excludes pupils who:

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

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

(3) Withdraw from school to attend another school.

(k) Records of attendance of teachers who provide instruction, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(l) Efforts made by the school district and by each school in the district, including, without limitation, each charter school sponsored by the district, to increase:

(1) Communication with the parents of pupils enrolled in the district;

(2) The participation of parents in the educational process and activities relating to the school district and each school, including, without limitation, the existence of parent organizations and school advisory committees; and

(3) The involvement of parents and the engagement of families of pupils enrolled in the district in the education of their children.

(m) Records of incidents involving weapons or violence for each school in the district, including, without limitation, each charter school sponsored by the district.

(n) Records of incidents involving the use or possession of alcoholic beverages or controlled substances for each school in the district, including, without limitation, each charter school sponsored by the district.

(o) Records of the suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467.

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

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

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

(s) Each source of funding for the school district.

(t) A compilation of the programs of remedial study that are purchased in whole or in part with money received from this State, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The compilation must include:

(1) The amount and sources of money received for programs of remedial study for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

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

(u) For each high school in the district, including, without limitation, each charter school sponsored by the district, the percentage of pupils who graduated from that high school or charter school in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university, state college or community college within the Nevada System of Higher Education.

(v) The technological facilities and equipment available at each school, including, without limitation, each charter school sponsored by the district, and the district's plan to incorporate educational technology at each school.

(w) For each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, the number and percentage of pupils who received:

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

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

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

(2) An adult diploma.

(3) An adjusted diploma.

(4) A certificate of attendance.

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

(y) The number of habitual truants who are reported to a school police officer or law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144 and the number of habitual truants who are referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144, for each school in the district and for the district as a whole.

(z) The amount and sources of money received for the training and professional development of teachers and other educational personnel for each school in the district and for the district as a whole, including, without limitation, each charter school sponsored by the district.

(aa) Whether the school district has made adequate yearly progress. If the school district has been designated as demonstrating need for improvement pursuant to NRS 385.377, the report must include a statement indicating the number of consecutive years the school district has carried that designation.

(bb) Information on whether each public school in the district, including, without limitation, each charter school sponsored by the district, has made adequate yearly progress, including, without limitation:

(1) The number and percentage of schools in the district, if any, that have been designated as needing improvement pursuant to NRS 385.3623; and

(2) The name of each school, if any, in the district that has been designated as needing improvement pursuant to NRS 385.3623 and the number of consecutive years that the school has carried that designation.

(cc) Information on the paraprofessionals employed by each public school in the district, including, without limitation, each charter school sponsored by the district. The information must include:

(1) The number of paraprofessionals employed at the school; and

(2) The number and percentage of all paraprofessionals who do not satisfy the qualifications set forth in 20 U.S.C. § 6319(c). The reporting requirements of this subparagraph apply to paraprofessionals who are

employed in positions supported with Title I money and to paraprofessionals who are not employed in positions supported with Title I money.

(dd) For each high school in the district, including, without limitation, each charter school sponsored by the district that operates as a high school, information that provides a comparison of the rate of graduation of pupils enrolled in the high school with the rate of graduation of pupils throughout the district and throughout this State. The information required by this paragraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(ee) An identification of the appropriations made by the Legislature that are available to the school district or the schools within the district and programs approved by the Legislature to improve the academic achievement of pupils.

(ff) For each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, information on pupils enrolled in career and technical education, including, without limitation:

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

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

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

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

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

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

(gg) For each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district:

(1) The number of reported violations of NRS 388.135 ~~for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.~~

~~(hh)~~ occurring at a school or otherwise involving a pupil enrolled at a school, regardless of the outcome of the investigation conducted pursuant to NRS 388.1351;

(2) The number of incidents resulting in suspension or expulsion for bullying, cyber-bullying, harassment or intimidation ~~for each school in the~~

~~district and the district as a whole, including, without limitation, each charter school sponsored by the district.~~; and

**(3) Any actions taken to reduce the number of incidents of bullying, cyber-bullying, harassment and intimidation, including, without limitation, training that was offered or other policies, practices and programs that were implemented.**

(hh) ~~[(ii)]~~ Such other information as is directed by the Superintendent of Public Instruction.

3. The State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school shall, on or before September 30 of each year, prepare an annual report of accountability of the charter schools sponsored by the State Public Charter School Authority or institution, as applicable, concerning the accountability information prescribed by the Department pursuant to this section. The Department, in consultation with the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school, shall prescribe by regulation the information that must be prepared by the State Public Charter School Authority and institution, as applicable, which must include, without limitation, the information contained in paragraphs (a) to (hh) ~~[(ii)]~~ inclusive, of subsection 2, as applicable to charter schools. The Department shall provide for public dissemination of the annual report of accountability prepared pursuant to this section in the manner set forth in 20 U.S.C. § 6311(h)(2)(E) by posting a copy of the report on the Internet website maintained by the Department.

4. The records of attendance maintained by a school for purposes of paragraph (k) of subsection 2 or maintained by a charter school for purposes of the reporting required pursuant to subsection 3 must include the number of teachers who are in attendance at school and the number of teachers who are absent from school. A teacher shall be deemed in attendance if the teacher is excused from being present in the classroom by the school in which the teacher is employed for one of the following reasons:

(a) Acquisition of knowledge or skills relating to the professional development of the teacher; or

(b) Assignment of the teacher to perform duties for cocurricular or extracurricular activities of pupils.

5. The annual report of accountability prepared pursuant to subsection 2 or 3, as applicable, must:

(a) Comply with 20 U.S.C. § 6311(h)(2) and the regulations adopted pursuant thereto; and

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

6. The Superintendent of Public Instruction shall:

(a) Prescribe forms for the reports required pursuant to subsections 2 and 3 and provide the forms to the respective school districts, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school.

(b) Provide statistical information and technical assistance to the school districts, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school to ensure that the reports provide comparable information with respect to each school in each district, each charter school and among the districts and charter schools throughout this State.

(c) Consult with a representative of the:

- (1) Nevada State Education Association;
- (2) Nevada Association of School Boards;
- (3) Nevada Association of School Administrators;
- (4) Nevada Parent Teacher Association;
- (5) Budget Division of the Department of Administration;
- (6) Legislative Counsel Bureau; and
- (7) Charter School Association of Nevada,

➡ concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

7. The Superintendent of Public Instruction may consult with representatives of parent groups other than the Nevada Parent Teacher Association concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

8. On or before September 30 of each year:

(a) The board of trustees of each school district shall submit to each advisory board to review school attendance created in the county pursuant to NRS 392.126 the information required in paragraph (i) of subsection 2.

(b) The State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school shall submit to each advisory board to review school attendance created in a county pursuant to NRS 392.126 the information regarding the records of the attendance and truancy of pupils enrolled in the charter school located in that county, if any, in accordance with the regulations prescribed by the Department pursuant to subsection 3.

9. On or before September 30 of each year:

(a) The board of trustees of each school district, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school shall provide written notice that the report required pursuant to subsection 2 or 3, as applicable, is

available on the Internet website maintained by the school district, State Public Charter School Authority or institution, if any, or otherwise provide written notice of the availability of the report. The written notice must be provided to the:

- (1) Governor;
- (2) State Board;
- (3) Department;
- (4) Committee; and
- (5) Bureau.

(b) The board of trustees of each school district, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school shall provide for public dissemination of the annual report of accountability prepared pursuant to subsection 2 or 3, as applicable, in the manner set forth in 20 U.S.C. § 6311(h)(2)(E) by posting a copy of the report on the Internet website maintained by the school district, the State Public Charter School Authority or the institution, if any. If a school district does not maintain a website, the district shall otherwise provide for public dissemination of the annual report by providing a copy of the report to the schools in the school district, including, without limitation, each charter school sponsored by the district, the residents of the district, and the parents and guardians of pupils enrolled in schools in the district, including, without limitation, each charter school sponsored by the district. If the State Public Charter School Authority or the institution does not maintain a website, the State Public Charter School Authority or the institution, as applicable, shall otherwise provide for public dissemination of the annual report by providing a copy of the report to each charter school it sponsors and the parents and guardians of pupils enrolled in each charter school it sponsors.

10. Upon the request of the Governor, an entity described in paragraph (a) of subsection 9 or a member of the general public, the board of trustees of a school district, the State Public Charter School Authority or a college or university within the Nevada System of Higher Education that sponsors a charter school, as applicable, shall provide a portion or portions of the report required pursuant to subsection 2 or 3, as applicable.

11. As used in this section:

- (a) “Bullying” has the meaning ascribed to it in NRS 388.122.
- (b) “Cyber-bullying” has the meaning ascribed to it in NRS 388.123.
- (c) “Harassment” has the meaning ascribed to it in NRS 388.125.
- (d) “Highly qualified” has the meaning ascribed to it in 20 U.S.C. § 7801(23).
- (e) “Intimidation” has the meaning ascribed to it in NRS 388.129.
- (f) “Paraprofessional” has the meaning ascribed to it in NRS 391.008.



**Sec. 3.** Chapter 388 of NRS is hereby amended by adding thereto a new section to read as follows:

*The board of trustees of each school district and the governing body of each charter school shall determine the most effective manner for the delivery of information to the pupils of each public school during the “Week of Respect” proclaimed by the Governor each year pursuant to NRS 236.073. The information delivered during the “Week of Respect” must focus on:*

- 1. Methods to prevent, identify and report incidents of bullying, cyber-bullying, harassment and intimidation;*
- 2. Methods to improve the school environment in a manner that will facilitate positive human relations among pupils; and*
- 3. Methods to facilitate positive human relations among pupils by eliminating the use of bullying, cyber-bullying, harassment and intimidation.*

**Sec. 4.** NRS 388.121 is hereby amended to read as follows:

388.121 As used in NRS 388.121 to 388.139, inclusive, **and section 3 of this act**, unless the context otherwise requires, the words and terms defined in NRS 388.122 to 388.129, inclusive, have the meanings ascribed to them in those sections.

**Sec. 4.5.** NRS 388.122 is hereby amended to read as follows:

388.122 “Bullying” 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 authorized by law and which exposes a person ~~for 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. ***Exploits an imbalance in power between the person engaging in the act or conduct and the person who is the subject of the act or conduct;***
3. Places the person in reasonable fear of harm or serious emotional distress; or
- ~~{3-}~~ 4. Creates an environment which is hostile to a pupil by interfering with the education of the pupil.

**Sec. 5.** NRS 388.133 is hereby amended to read as follows:

388.133 1. The Department shall, in consultation with the boards of trustees of school districts, educational personnel, local associations and organizations of parents whose children are enrolled in public schools throughout this State, and individual parents and legal guardians whose children are enrolled in public schools throughout this State, prescribe by regulation a policy for all school districts and public schools to provide a safe

and respectful learning environment that is free of bullying, cyber-bullying, harassment and intimidation.

2. The policy must include, without limitation:

(a) Requirements and methods for reporting violations of NRS 388.135; and

(b) A policy for use by school districts to train ***members of the board of trustees and all*** administrators, principals, teachers and all other personnel employed by the board of trustees of a school district. The policy must include, without limitation:

(1) Training in the appropriate methods to facilitate positive human relations among pupils ~~[without]~~ ***by eliminating*** the use of bullying, cyber-bullying, harassment and intimidation so that pupils may realize their full academic and personal potential;

(2) ***Training in methods to prevent, identify and report incidents of bullying, cyber-bullying, harassment and intimidation in public schools;***

(3) Methods to improve the school environment in a manner that will facilitate positive human relations among pupils; and

~~[(3)]~~ (4) Methods to teach skills to pupils so that the pupils are able to replace inappropriate behavior with positive behavior.

**Sec. 6.** NRS 388.134 is hereby amended to read as follows:

388.134 The board of trustees of each school district shall:

1. Adopt the policy prescribed pursuant to NRS 388.133 and the policy prescribed pursuant to subsection 2 of NRS 389.520. The board of trustees may adopt an expanded policy for one or both of the policies if each expanded policy complies with the policy prescribed pursuant to NRS 388.133 or pursuant to subsection 2 of NRS 389.520, as applicable.

2. Provide for the appropriate training of ***members of the board of trustees and*** all administrators, principals, teachers and all other personnel employed by the board of trustees in accordance with the policies prescribed pursuant to NRS 388.133 and pursuant to subsection 2 of NRS 389.520. ***For members of the board of trustees who have not previously been elected or appointed to the board of trustees or for employees of the school district who have not previously been employed by the district, the training required by this subsection must be provided within 180 days after the member begins his or her term of office or after the employee begins his or her employment, as applicable.***

3. Post the policies adopted pursuant to subsection 1 on the Internet website maintained by the school district.

4. Ensure that the parents and legal guardians of pupils enrolled in the school district have sufficient information concerning the availability of the policies, including, without limitation, information that describes how to access the policies on the Internet website maintained by the school district.

Upon the request of a parent or legal guardian, the school district shall provide the parent or legal guardian with a written copy of the policies.

5. Review the policies adopted pursuant to subsection 1 on an annual basis and update the policies if necessary. If the board of trustees of a school district updates the policies, the board of trustees must submit a copy of the updated policies to the Department within 30 days after the update.

**Sec. 7.** NRS 388.1342 is hereby amended to read as follows:

388.1342 1. The Department, in consultation with persons who possess knowledge and expertise in bullying, cyber-bullying, harassment and intimidation in public schools, shall:

(a) Establish a program of training on methods to prevent, identify and report incidents of bullying, cyber-bullying, harassment and intimidation in public schools for members of the State Board.

(b) ~~Recommend~~ **Establish** a program of training on methods to prevent, identify and report incidents of bullying, cyber-bullying, harassment and intimidation in public schools for members of the boards of trustees of school districts.

(c) ~~Recommend~~ **Establish** a program of training for school district **and charter school** personnel to assist those persons with carrying out their powers and duties pursuant to NRS 388.121 to 388.139, inclusive ~~[-]~~, **and section 3 of this act.**

(d) **Establish a program of training for administrators in the prevention of violence and suicide associated with bullying, cyber-bullying, harassment and intimidation in public schools and appropriate methods to respond to incidents of violence or suicide.**

2. Each member of the State Board shall, within 1 year after the member is elected or appointed to the State Board, complete the program of training on bullying, cyber-bullying, harassment and intimidation in public schools established pursuant to paragraph (a) of subsection 1 and undergo the training at least one additional time while the person is a member of the State Board.

3. ~~Each~~ **Except as otherwise provided in NRS 388.134, each** member of a board of trustees of a school district ~~may~~ **shall, within 1 year after the member is elected or appointed to the board of trustees,** complete the program of training on bullying, cyber-bullying, harassment and intimidation in public schools ~~recommended~~ **established** pursuant to paragraph (b) of subsection 1 and ~~may~~ undergo the training at least one additional time while the person is a member of the board of trustees.

4. Each **administrator of a public school shall complete the program of training established pursuant to paragraph (d) of subsection 1:**

(a) **Within 90 days after becoming an administrator;**

*(b) Except as otherwise provided in paragraph (c), at least once every 3 years thereafter; and*

*(c) At least once during any school year within which the program of training is revised or updated.*

5. *Each* program of training established ~~and recommended~~ pursuant to subsection 1 must, to the extent money is available, be made available on the Internet website maintained by the Department or through another provider on the Internet.

~~{5-}~~ 6. The board of trustees of a school district may allow school district personnel to attend the program ~~recommended~~ *established* pursuant to paragraph (c) *or (d)* of subsection 1 during regular school hours.

~~{6-}~~ 7. The Department shall review each program of training established ~~and recommended~~ pursuant to subsection 1 on an annual basis to ensure that the program contains current information. ~~[concerning the prevention of bullying, cyber bullying, harassment and intimidation.]~~

**Sec. 8.** NRS 388.1351 is hereby amended to read as follows:

388.1351 1. A teacher or other staff member who witnesses a violation of NRS 388.135 or receives information that a violation of NRS 388.135 has occurred shall verbally report the violation to the principal or his or her designee on the day on which the teacher or other staff member witnessed the violation or received information regarding the occurrence of a violation.

2. The principal or his or her designee shall initiate an investigation not later than 1 day after receiving notice of the violation pursuant to subsection 1. *The principal or the designee shall provide written notice of a reported violation of NRS 388.135 to the parent or legal guardian of each pupil involved in the reported violation. The notice must include, without limitation, a statement that the principal or the designee will be conducting an investigation into the reported violation and that the parent or legal guardian may discuss with the principal or the designee any counseling and intervention services that are available to the pupil.* The investigation must be completed within 10 days after the date on which the investigation is initiated and, if a violation is found to have occurred, include recommendations concerning the imposition of disciplinary action or other measures to be imposed as a result of the violation, in accordance with the policy governing disciplinary action adopted by the board of trustees of the school district.

3. The parent or legal guardian of a pupil involved in the reported violation of NRS 388.135 may appeal a disciplinary decision of the principal or his or her designee, made against the pupil as a result of the violation, in accordance with the policy governing disciplinary action adopted by the board of trustees of the school district.

Sec. 9. ~~[NRS 388.1353 is hereby amended to read as follows:~~

~~388.1353 1. On or before January 1 and June 30 of each year, the principal of each public school shall submit to the board of trustees of the school district a report on the *number of* violations of NRS 388.135 [which are] reported during the previous school semester [.] , *regardless of the outcome of the investigation conducted pursuant to NRS 388.1351*. The report must include, without limitation:~~

~~—(a) The number of violations of NRS 388.135 occurring at the school or otherwise involving a pupil enrolled at the school which are reported during that period; and~~

~~—(b) Any actions taken at the school to reduce the number of incidents of bullying, cyber bullying, harassment and intimidation, including, without limitation, training that was offered or other policies, practices and programs that were implemented.~~

~~2. The board of trustees of each school district shall review and compile the reports submitted pursuant to subsection 1 and, on or before August 1, submit a compilation of the reports to the Department.] (Deleted by amendment.)~~

Sec. 10. ~~[NRS 388.1355 is hereby amended to read as follows:~~

~~388.1355 The Superintendent of Public Instruction shall:~~

~~1. Compile the reports submitted pursuant to NRS 388.1353 and prepare a written report of the compilation.~~

~~2. On or before October 1 of each year, submit the written compilation to the:~~

~~(a) Governor;~~

~~(b) Attorney General [.] ; and~~

~~(c) Director of the Legislative Counsel Bureau for transmittal to the Legislature, or to the Legislative Committee on Education created pursuant to NRS 218E.605 when the Legislature is not in regular session.] (Deleted by amendment.)~~

Sec. 11. NRS 388.137 is hereby amended to read as follows:

388.137 1. No cause of action may be brought against a pupil or an employee or volunteer of a school who reports a violation of NRS 388.135 unless the person who made the report acted with malice, intentional misconduct, gross negligence, or intentional or knowing violation of the law.

2. *If a principal determines that a report of a violation of NRS 388.135 is false and that the person who made the report acted with malice, intentional misconduct, gross negligence, or intentional or knowing violation of the law, the principal may recommend the imposition of disciplinary action or other measures against the person in accordance with the policy governing disciplinary action adopted by the board of trustees of the school district.*

*Sec. 11.5. NRS 388.1353 and 388.1355 are hereby repealed.*

*Sec. 12. This act becomes effective on July 1, 2013.*

**TEXT OF REPEALED SECTIONS**

**388.1353 Principal required to submit report of violations for each semester to school district; review and compilation of reports by school district; submission of compilation to Department.**

**1. On or before January 1 and June 30 of each year, the principal of each public school shall submit to the board of trustees of the school district a report on the violations of NRS 388.135 which are reported during the previous school semester. The report must include, without limitation:**

**(a) The number of violations of NRS 388.135 occurring at the school or otherwise involving a pupil enrolled at the school which are reported during that period; and**

**(b) Any actions taken at the school to reduce the number of incidents of bullying, cyber-bullying, harassment and intimidation, including, without limitation, training that was offered or other policies, practices and programs that were implemented.**

**2. The board of trustees of each school district shall review and compile the reports submitted pursuant to subsection 1 and, on or before August 1, submit a compilation of the reports to the Department.**

**388.1355 Compilation of reports by Superintendent of Public Instruction; submission of written compilation to Attorney General. The Superintendent of Public Instruction shall:**

**1. Compile the reports submitted pursuant to NRS 388.1353 and prepare a written report of the compilation.**

**2. On or before October 1 of each year, submit the written compilation to the Attorney General.**

Assemblyman Elliot Anderson moved the adoption of the amendment.

Remarks by Assemblyman Elliot Anderson.

Amendment adopted.

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

Senate Bill No. 464.

Bill read second time and ordered to third reading.

Senate Bill No. 465.

Bill read second time and ordered to third reading.

Senate Bill No. 467.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 900.

AN ACT relating to education; ~~requiring the Superintendent of Public Instruction to establish the Education Advisory Council and prescribing the membership and duties of the Advisory Council;~~ removing the requirement for certain approval of expenditures from the Education Gift Fund; revising provisions governing the qualifications for the Office of Superintendent of Public Instruction and other authorized business pursuits by the Superintendent; revising provisions relating to the payment of the expenses of holding certain conferences; revising provisions relating to deputies within the Department of Education; transferring certain duties from the Superintendent and his or her deputies to the Department of Education; revising provisions governing the Account for Programs for Innovation and the Prevention of Remediation; abolishing the Commission on Educational Excellence; revising the date by which school districts and charter schools are required to submit annual budgetary reports; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

~~[ Sections 2-4 of this bill require the Superintendent of Public Instruction to establish the Education Advisory Council to advise the Superintendent of Public Instruction and prescribe the membership and duties of the Advisory Council.]~~

**Section 6** of this bill removes the requirement that any expenditure from the Education Gift Fund be approved by the Legislature or the Interim Finance Committee.

**Section 8** of this bill revises the qualifications for the Office of the Superintendent of Public Instruction to remove the requirement that the Superintendent hold a master's degree in the field of education or school administration.

**Section 9** of this bill transfers the authority to approve the pursuit by the Superintendent of Public Instruction of any other business or occupation or holding any other office of profit from the State Board of Education to the Governor, who appoints the Superintendent.

**Section 10** of this bill removes the requirement under existing law that the expenses of holding teachers' and administrators' conferences be paid from the State Distributive School Account in the State General Fund, not to exceed \$8,400 in any biennium.

Existing law authorizes the Superintendent of Public Instruction to appoint a Deputy Superintendent of Instructional, Research and Evaluative Services and a Deputy Superintendent for Administrative and Fiscal Services and prescribes the qualifications and duties of each of those Deputies. (NRS 385.290-385.320) **Sections 14 and 67** of this bill remove these designated deputies, and instead **section 14** authorizes the Superintendent of

Public Instruction to appoint such deputy superintendents as the execution of the Superintendent's duties may require. **Sections 11-13, 15 and 16** of this bill transfer certain duties of the Superintendent of Public Instruction and his or her deputies to the Department of Education.

Existing law creates the Commission on Educational Excellence and authorizes the Commission to make allocations from the Account for Programs for Innovation and the Prevention of Remediation to public schools and consortiums of public schools whose applications are approved by the Commission for programs to improve pupil achievement or innovative programs, or both. (NRS 385.3781-385.379) **Section 67** abolishes the Commission, and **section 18.5** of this bill revises the purpose for which the money in the Account may be used to allow its use only for public schools and public education, as authorized by the Legislature.

**Sections 21 and 22** of this bill impose an earlier deadline by which the board of trustees of each school district and the governing body of each charter school, respectively, are required to submit an annual report of their budgets to the Superintendent of Public Instruction and other specified recipients.

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

**Section 1.** ~~{Chapter 385 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.}~~ (Deleted by amendment.)

**Sec. 2.** ~~{As used in sections 2, 3 and 4 of this act, unless the context otherwise requires, "Education Advisory Council" means the Education Advisory Council established pursuant to section 3 of this act.}~~ (Deleted by amendment.)

**Sec. 3.** ~~{1. The Superintendent of Public Instruction shall establish an Education Advisory Council. The Education Advisory Council is composed of the following voting members:~~

~~—(a) One member appointed by the Superintendent from among the members of the Advisory Council on Parental Involvement and Family Engagement established pursuant to NRS 385.610;~~

~~—(b) The Chair of the Teachers and Leaders Council of Nevada created by NRS 391.455;~~

~~—(c) The Chair of the State Public Charter School Authority;~~

~~—(d) One member appointed by the Superintendent who is an administrator or teacher in a public school or a representative of public libraries or the Nevada System of Higher Education and who possesses knowledge of and experience in the use of educational technology in public schools;~~



~~—(e) One member appointed by the Superintendent who is an administrator or teacher in a public school who possesses knowledge of and experience in the education of pupils with disabilities; and~~

~~—(f) One member appointed by the Superintendent who is an administrator or teacher in a Title I school, as that term is defined in NRS 385.3467.~~

~~—2. In addition to the voting members described in subsection 1, the Superintendent of Public Instruction may appoint as nonvoting members of the Education Advisory Council any persons who the Superintendent determines have an interest in the success of pupils who are culturally, ethnically and linguistically diverse.~~

~~—3. The Education Advisory Council shall elect a Chair and Vice Chair from among its members. The Chair and Vice Chair each serve a term of 1 year.~~

~~—4. The Education Advisory Council shall meet at least once each calendar quarter and at the call of the Superintendent of Public Instruction.~~

~~—5. A majority of the voting members of the Education Advisory Council constitutes a quorum for the transaction of all business of the Education Advisory Council.~~

~~—6. The Department shall provide:~~

~~—(a) Administrative support to the Education Advisory Council; and~~

~~—(b) All information that is necessary for the Education Advisory Council to carry out its duties.~~

~~—7. Each member of the Education Advisory Council is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally for each day or portion of a day during which the member attends a meeting of the Education Advisory Council or is otherwise engaged in the business of the Education Advisory Council. The per diem allowance and travel expenses for the members of the Education Advisory Council must be paid by the Department.} (Deleted by amendment.)~~

~~Sec. 4. {1. The Education Advisory Council shall advise the Superintendent of Public Instruction on such matters as the Superintendent may require. The Superintendent of Public Instruction is responsible for ensuring that the duties and responsibilities of the Education Advisory Council are carried out by the Education Advisory Council successfully.~~

~~—2. On or before December 31 of each year, the Superintendent of Public Instruction shall submit a written report to the State Board describing the activities of the Education Advisory Council.} (Deleted by amendment.)~~

**Sec. 5.** (Deleted by amendment.)

**Sec. 6.** NRS 385.095 is hereby amended to read as follows:

385.095 Except as otherwise provided in NRS 385.091:

1. All gifts of money which the State Board is authorized to accept must be deposited in a special revenue fund in the State Treasury designated as the Education Gift Fund.

2. The money available in the Education Gift Fund must be used only for the purpose specified by the donor, within the scope of the State Board's powers and duties. ~~[, and no expenditure may be made until approved by the Legislature in an authorized expenditure act or by the Interim Finance Committee if the Legislature is not in session.]~~

3. If all or part of the money accepted by the State Board from a donor is not expended before the end of any fiscal year, the remaining balance of the amount donated must remain in the Education Gift Fund until needed for the purpose specified by the donor.

**Sec. 7.** (Deleted by amendment.)

**Sec. 8.** NRS 385.160 is hereby amended to read as follows:

385.160 To be eligible to the Office of Superintendent of Public Instruction, a person shall:

1. Have attained the age of 21 years at the time of his or her appointment; *and*

2. ~~Hold a master's degree in the field of education or school administration; and~~

~~—3.]~~ Possess the knowledge and ability to carry out the duties required by this title and all other statutes and regulations governing K-12 public education.

**Sec. 9.** NRS 385.170 is hereby amended to read as follows:

385.170 The Superintendent shall not pursue any other business or occupation or hold any other office of profit without the approval of the ~~State Board of Education.~~ **Governor.**

**Sec. 10.** NRS 385.190 is hereby amended to read as follows:

385.190 1. The Superintendent of Public Instruction or a staff member designated by the Superintendent shall:

(a) Convene teachers' conferences in the various sections of the State in such places and at such times as he or she deems advisable.

(b) Engage such conference lecturers and leaders as he or she deems advisable.

(c) Preside over and regulate the programs of all teachers' conferences.

2. No teachers' conference may continue more than 5 days.

3. The Superintendent of Public Instruction or the designated staff member shall convene, in such places and at such times as he or she may designate, conferences of school administrators.

~~{4. The expenses of holding teachers' and administrators' conferences must be paid from the State Distributive School Account in the State General Fund, but the amount must not exceed \$8,400 in any one biennium. The State Controller shall draw his or her warrants for such expenses upon the order of the Superintendent of Public Instruction.}~~

**Sec. 11.** NRS 385.210 is hereby amended to read as follows:

385.210 1. The ~~{Superintendent of Public Instruction}~~ **Department** shall prescribe a convenient form of school register for the purpose of securing accurate returns from the teachers of public schools.

2. The ~~{Superintendent}~~ **Department** shall prepare ~~{pamphlet}~~ copies of the codified statutes relating to schools and shall transmit a copy to each school, school trustee and other school officer in this State. If the State Board adopts regulations to carry out these codified statutes or if additions or amendments are made to these codified statutes, the ~~{Superintendent}~~ **Department** shall have the regulations, additions or amendments printed and transmitted immediately thereafter. Each ~~{pamphlet}~~ **copy** must be marked "State property—to be turned over to your successor in office." Each school shall maintain a copy ~~{of the pamphlet}~~ with any regulations, additions or amendments in the school library.

3. In addition to the requirements set forth in subsection 2, the ~~{Superintendent}~~ **Department** shall, to the extent practicable and not later than July 1 of each year, provide to the board of trustees of each school district and to the governing body of each charter school a memorandum that includes:

(a) A description of each statute newly enacted by the Legislature which affects the public schools in this State and the pupils who are enrolled in the public schools in this State. The memorandum may compile all the statutes into one document.

(b) A description of each bill, or portion of a bill, newly enacted by the Legislature that appropriates or authorizes money for public schools or for employees of a school district or charter school, or both, or otherwise affects the money that is available for public schools or for employees of school districts or charter schools, or both, including, without limitation, each line item in a budget for such an appropriation or authorization. The memorandum may compile all bills, or portions of bills, as applicable, into one document.

(c) If a statute or bill described in the memorandum requires the State Board or the Department to take action to carry out the statute or bill, a brief plan for carrying out that statute or bill.

(d) The date on which each statute and bill described in the memorandum becomes effective and the date by which it must be carried into effect by a

school district or public school, including, without limitation, a charter school.

4. If a statute or bill described in subsection 3 is enacted during a special session of the Legislature that concludes after July 1, the ~~{Superintendent}~~ **Department** shall prepare an addendum to the memorandum that includes the information required by this section for each such statute or bill. The addendum must be provided to the board of trustees of each school district and the governing body of each charter school not later than 30 days after the special session concludes.

5. The ~~{Superintendent}~~ **Department** shall, if directed by the State Board, prepare and publish a bulletin as the official publication of the Department.

**Sec. 12.** NRS 385.230 is hereby amended to read as follows:

385.230 1. The ~~{Superintendent of Public Instruction}~~ **Department** shall, in conjunction with the State Board, prepare an annual report of the state of public education in this State. The report must include, without limitation:

(a) An analysis of each annual report of accountability prepared by the State Board pursuant to NRS 385.3469;

(b) An update on the status of K-12 public education in this State;

(c) A description of the most recent vision and mission statements of the State Board and the Department, including, without limitation, the progress made by the State Board and Department in achieving those visions and missions;

(d) A description of the goals and benchmarks for improving the academic achievement of pupils which are included in the plan to improve the achievement of pupils required by NRS 385.34691;

(e) An analysis of the progress the public schools have made in the previous year toward achieving the goals and benchmarks for improving the academic achievement of pupils;

(f) An analysis of whether the standards and examinations adopted by the State Board adequately prepare pupils for success in postsecondary educational institutions and in career and workforce readiness;

(g) An analysis of the extent to which school districts and charter schools recruit and retain effective teachers and principals;

(h) An analysis of the ability of the automated system of accountability information for Nevada established pursuant to NRS 386.650 to link the achievement of pupils to the performance of the individual teachers assigned to those pupils and to the principals of the schools in which the pupils are enrolled;

(i) An analysis of the extent to which the lowest performing public schools have improved the academic achievement of pupils enrolled in those schools;

(j) A summary of the innovative educational programs implemented by public schools which have demonstrated the ability to improve the academic achievement of pupils, including, without limitation:

- (1) Pupils who are economically disadvantaged, as defined by the State Board;
  - (2) Pupils from major racial and ethnic groups, as defined by the State Board;
  - (3) Pupils with disabilities;
  - (4) Pupils who are limited English proficient; and
  - (5) Pupils who are migratory children, as defined by the State Board;
- and

(k) A description of any plan of corrective action requested by the Superintendent of Public Instruction from the board of trustees of a school district or the governing body of a charter school and the status of that plan.

2. In odd-numbered years, the Superintendent of Public Instruction shall present the report *prepared pursuant to subsection 1* in person to the Governor and each standing committee of the Legislature with primary jurisdiction over matters relating to K-12 public education at the beginning of each regular session of the Legislature.

3. In even-numbered years, the Superintendent of Public Instruction shall, on or before January 31, submit a written copy of the report *prepared pursuant to subsection 1* to the Governor and to the Legislative Committee on Education.

**Sec. 13.** NRS 385.240 is hereby amended to read as follows:

385.240 1. The ~~{Superintendent of Public Instruction}~~ **Department** shall approve or disapprove lists of books for use in public school libraries except for the libraries of charter schools. Such lists must not include books containing or including any story in prose or poetry the tendency of which would be to influence the minds of children in the formation of ideals not in harmony with truth and morality or the American way of life, or not in harmony with the Constitution and laws of the United States or of the State of Nevada.

2. Actions of the ~~{Superintendent}~~ **Department** with respect to lists of books are subject to review and approval or disapproval by the State Board.

**Sec. 14.** NRS 385.290 is hereby amended to read as follows:

385.290 ~~{1-}~~ The Superintendent of Public Instruction may appoint ~~{a Deputy Superintendent of Instructional, Research and Evaluative Services who:~~

~~—(a) Holds a master's degree in school administration or a related subject from an accredited college or university.~~

~~—(b) Has a minimum of 3 years of administrative experience which includes:~~

~~—(1) Supervision and evaluation of staff;~~  
~~—(2) Development and administration of budgets; and~~  
~~—(3) Development of curriculum.~~  
~~—2. The Deputy Superintendent of Instructional, Research and Evaluative Services]~~ *such deputy superintendents as the execution of the Superintendent's duties may require. A deputy superintendent* may perform any duty required of the Superintendent of Public Instruction during the absence of the Superintendent and shall do such work as the Superintendent may direct under the laws of the State.

**Sec. 15.** NRS 385.310 is hereby amended to read as follows:

385.310 The ~~{Deputy Superintendent for Administrative and Fiscal Services, under the direction of the Superintendent of Public Instruction,}~~ **Department** shall:

1. Determine the apportionment of all state school money to schools of the State as prescribed by law.

2. Develop for public schools of the State a uniform system of budgeting and accounting. The system must provide for the separate reporting of expenditures for each:

- (a) School district; and
- (b) School within a school district.

↪ Upon approval of the State Board, the system is mandatory for all public schools in this State and must be enforced as provided in subsection 2 of NRS 385.315.

3. Carry on a continuing study of school finance in the State, particularly the method by which schools are financed on the state level, and make such recommendations to the Superintendent of Public Instruction for submission to the State Board as ~~he or she~~ **the Department** deems advisable.

4. Recommend to the Superintendent of Public Instruction for submission to the State Board such changes in budgetary and financial procedures as the studies may show to be advisable.

5. Perform such other statistical and financial duties pertaining to the administration and finances of the schools of the State as may be required by the Superintendent of Public Instruction.

6. Prepare for the Superintendent of Public Instruction the biennial budgets of the Department for consideration by the State Board and submission to the Governor.

**Sec. 16.** NRS 385.315 is hereby amended to read as follows:

385.315 ~~[In addition to any other duties, the Deputy Superintendent for Administrative and Fiscal Services, under the direction of the Superintendent of Public Instruction,]~~ **The Department** shall:

1. Investigate any claim against any school fund or an account established under NRS 354.603, 386.570 or 392A.083, as applicable,

whenever a written protest against the drawing of a warrant, check or order in payment of the claim is filed with the county auditor, the sponsor of the charter school or the Department. If, upon investigation, the ~~{Deputy Superintendent}~~ **Department** finds that any such claim is unearned, illegal or unreasonably excessive, the ~~{Deputy Superintendent}~~ **Department** shall notify the county auditor and the clerk of the board of trustees, the governing body of the charter school or the governing body of the university school for profoundly gifted pupils who drew or authorized the order for the claim, stating the reasons in writing why the order is unearned, illegal or excessive. If so notified, the county auditor shall not draw his or her warrant in payment of the claim nor shall the board of trustees, governing body of the charter school or governing body of the university school for profoundly gifted pupils draw a check or order in payment of the claim from an account established under NRS 354.603, 386.570 or 392A.083, as applicable. If the ~~{Deputy Superintendent}~~ **Department** finds that any protested claim is legal and actually due the claimant, the ~~{Deputy Superintendent}~~ **Department** shall authorize the county auditor, the board of trustees, the governing body of the charter school or the governing body of the university school for profoundly gifted pupils, as applicable, to draw his or her warrant or its check or order on an account established under NRS 354.603, 386.570 or 392A.083, as applicable, for the claim, and the county auditor, the board of trustees or the appropriate governing body shall immediately draw his or her warrant or its check or order in payment of the claim.

2. Inspect the record books and accounts of boards of trustees, governing bodies of charter schools and governing bodies of university schools for profoundly gifted pupils and enforce the uniform method of keeping the financial records and accounts of school districts, charter schools and university schools for profoundly gifted pupils.

3. Inspect the school fund accounts of the county auditors of the several counties and report the condition of the funds of any school district to the board of trustees thereof.

4. Inspect the accounts established by:

(a) The boards of trustees under NRS 354.603 and report the condition of the accounts to the respective boards of county commissioners and county treasurers.

(b) The governing bodies of charter schools under NRS 386.570 and report the condition of the accounts to the respective sponsors of the charter schools and governing bodies of the charter schools.

(c) The governing bodies of university schools for profoundly gifted pupils under NRS 392A.083 and report the condition of the accounts to the Board of Regents of the University of Nevada and the respective governing bodies of the university schools.

**Sec. 17.** NRS 385.320 is hereby amended to read as follows:

385.320 ~~[(The Deputy Superintendent of Instructional, Research and Evaluative Services and the Deputy Superintendent for Administrative and Fiscal Services:~~

~~1.—Are]~~ *Each deputy superintendent appointed by the Superintendent of Public Instruction pursuant to NRS 385.290:*

1. *Is* in the unclassified service of the State.

2. Except as otherwise provided in NRS 284.143, shall each devote his or her entire time and attention to the business of his or her office and shall not pursue any other business or occupation or hold any other office of profit.

**Sec. 18.** (Deleted by amendment.)

**Sec. 18.5.** NRS 385.379 is hereby amended to read as follows:

385.379 1. The Account for Programs for Innovation and the Prevention of Remediation is hereby created in the State General Fund, to be administered by the Superintendent of Public Instruction. The Superintendent of Public Instruction may accept gifts and grants of money from any source for deposit in the Account. Any money from gifts and grants may be expended in accordance with the terms and conditions of the gift or grant, or in accordance with subsection 2 . ~~[or 3.]~~ The interest and income earned on the sum of:

(a) The money in the Account; and

(b) Unexpended appropriations made to the Account from the State General Fund,

↪ must be credited to the Account. Any money remaining in the Account at the end of a fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.

2. ~~[Except as otherwise provided in NRS 385.3784 and subsection 3, the]~~ **The** money in the Account may only be used for ~~[(the allocation of money to]~~ public schools and ~~[consortiums of public schools whose applications are approved by the Commission pursuant to NRS 385.3785.~~

~~—3.— Upon the request of the Commission:~~

~~—(a) Not more than \$50,000 in the Account may be used each biennium to pay:~~

~~—(1) The expenses incurred by members of the Commission to travel to the public schools and consortiums of public schools that received allocations of money from the Account; and~~

~~—(2) The costs incurred by the Commission to hold meetings or conferences for representatives of public schools and consortiums of schools that received allocations of money from the Account to discuss or display, or both, programs, practices and strategies that have proven effective in improving the academic achievement and proficiency of pupils.~~



~~—(b) Not more than \$450,000 in the Account may be used each biennium to pay for an evaluation of the programs for which money was allocated from the Account. If the Commission uses money in the Account for such an evaluation, the Commission shall ensure that:~~

~~—(1) A request for proposals is issued and a qualified, independent consultant is selected to conduct the evaluation;~~

~~—(2) Upon selection of the consultant, the Commission receives approval of the consultant and the plan for the evaluation from the Committee;~~

~~—(3) The evaluation is designed to determine the effectiveness of the programs for which money was allocated from the Account in improving the achievement of pupils;~~

~~—(4) The evaluation includes an identification of the programs for which money was allocated from the Account that did not improve the achievement of pupils as described in the approved application for the grant;~~

~~—(5) The evaluation includes an identification of the public schools and consortiums of public schools that did not implement the programs for which money was allocated from the Account as described in the approved application for the grant; and~~

~~—(6) The evaluation includes a compilation and review of each evaluation required to be submitted by public schools and consortiums of public schools pursuant to NRS 385.3787.] *public education, as authorized by the Legislature.*~~

**Sec. 19.** NRS 385.389 is hereby amended to read as follows:

385.389 1. The Department shall adopt programs of remedial study for each subject tested on the examinations administered pursuant to NRS 389.015 and 389.550, including, without limitation, programs that are designed for pupils who are limited English proficient. The programs adopted for pupils who are limited English proficient must be designed to:

(a) Improve the academic achievement of those pupils; or

(b) Assist those pupils with attaining proficiency in the English language.

➡ In adopting these programs of remedial study, the Department shall consider the recommendations submitted by the Committee pursuant to NRS 218E.615 and programs of remedial study that have proven to be successful in improving the academic achievement of pupils.

2. If a school fails to make adequate yearly progress based upon the results of the examinations administered pursuant to NRS 389.015 or 389.550, the school shall adopt a program of remedial study that has been adopted by the Department pursuant to subsection 1 . ~~[for a program, practice or strategy recommended by the Commission on Educational Excellence pursuant to NRS 385.3785, or any combination thereof, as applicable.]~~

3. A school district that includes a school described in subsection 2 shall ensure that each of the pupils enrolled in the school who failed to

demonstrate at least adequate achievement on the examinations administered pursuant to NRS 389.015 or 389.550, as applicable, completes remedial study that is determined to be appropriate for the pupil.

**Sec. 20.** (Deleted by amendment.)

**Sec. 21.** NRS 386.600 is hereby amended to read as follows:

386.600 1. On or before November ~~15~~ **1** of each year, the governing body of each charter school shall submit to the sponsor of the charter school, the Superintendent of Public Instruction and the Director of the Legislative Counsel Bureau for transmission to the Majority Leader of the Senate and the Speaker of the Assembly a report that includes:

(a) A written description of the progress of the charter school in achieving the mission and goals of the charter school set forth in its application.

(b) For each fund maintained by the charter school, including, without limitation, the general fund of the charter school and any special revenue fund which receives state money, the total number and salaries of licensed and nonlicensed persons whose salaries are paid from the fund and who are employed by the governing body in full-time positions or in part-time positions added together to represent full-time positions. Information must be provided for the current school year based upon the final budget of the charter school, including any amendments and augmentations thereto, and for the preceding school year. An employee must be categorized as filling an instructional, administrative, instructional support or other position.

(c) The actual expenditures of the charter school in the fiscal year immediately preceding the report.

(d) The proposed expenditures of the charter school for the current fiscal year.

(e) The salary schedule for licensed employees and nonlicensed teachers in the current school year and a statement of whether salary negotiations for the current school year have been completed. If salary negotiations have not been completed at the time the salary schedule is submitted, the governing body shall submit a supplemental report to the Superintendent of Public Instruction upon completion of negotiations.

(f) The number of employees eligible for health insurance within the charter school for the current and preceding fiscal years and the amount paid for health insurance for each such employee during those years.

(g) The rates for fringe benefits, excluding health insurance, paid by the charter school for its licensed employees in the preceding and current fiscal years.

(h) The amount paid for extra duties, supervision of extracurricular activities and supplemental pay and the number of employees receiving that pay in the preceding and current fiscal years.

2. On or before November 25 of each year, the Superintendent of Public Instruction shall submit to the Department of Administration and the Fiscal Analysis Division of the Legislative Counsel Bureau, in a format approved by the Director of the Department of Administration, a compilation of the reports made by each governing body pursuant to subsection 1.

3. The Superintendent of Public Instruction shall, in the compilation required by subsection 2, reconcile the revenues and expenditures of the charter schools with the apportionment received by those schools from the State Distributive School Account for the preceding year.

**Sec. 22.** NRS 387.303 is hereby amended to read as follows:

387.303 1. Not later than November ~~10~~ **1** of each year, the board of trustees of each school district shall submit to the Superintendent of Public Instruction and the Department of Taxation a report which includes the following information:

(a) For each fund within the school district, including, without limitation, the school district's general fund and any special revenue fund which receives state money, the total number and salaries of licensed and nonlicensed persons whose salaries are paid from the fund and who are employed by the school district in full-time positions or in part-time positions added together to represent full-time positions. Information must be provided for the current school year based upon the school district's final budget, including any amendments and augmentations thereto, and for the preceding school year. An employee must be categorized as filling an instructional, administrative, instructional support or other position.

(b) The school district's actual expenditures in the fiscal year immediately preceding the report.

(c) The school district's proposed expenditures for the current fiscal year.

(d) The schedule of salaries for licensed employees in the current school year and a statement of whether the negotiations regarding salaries for the current school year have been completed. If the negotiations have not been completed at the time the schedule of salaries is submitted, the board of trustees shall submit a supplemental report to the Superintendent of Public Instruction upon completion of negotiations or the determination of an arbitrator concerning the negotiations that includes the schedule of salaries agreed to or required by the arbitrator.

(e) The number of employees who received an increase in salary pursuant to subsection 2, 3 or 4 of NRS 391.160 for the current and preceding fiscal years. If the board of trustees is required to pay an increase in salary retroactively pursuant to subsection 2 of NRS 391.160, the board of trustees shall submit a supplemental report to the Superintendent of Public Instruction not later than February 15 of the year in which the retroactive payment was

made that includes the number of teachers to whom an increase in salary was paid retroactively.

(f) The number of employees eligible for health insurance within the school district for the current and preceding fiscal years and the amount paid for health insurance for each such employee during those years.

(g) The rates for fringe benefits, excluding health insurance, paid by the school district for its licensed employees in the preceding and current fiscal years.

(h) The amount paid for extra duties, supervision of extracurricular activities and supplemental pay and the number of employees receiving that pay in the preceding and current fiscal years.

(i) The expenditures from the account created pursuant to subsection 4 of NRS 179.1187. The report must indicate the total amount received by the district in the preceding fiscal year and the specific amount spent on books and computer hardware and software for each grade level in the district.

2. On or before November 25 of each year, the Superintendent of Public Instruction shall submit to the Department of Administration and the Fiscal Analysis Division of the Legislative Counsel Bureau, in a format approved by the Director of the Department of Administration, a compilation of the reports made by each school district pursuant to subsection 1.

3. In preparing the agency biennial budget request for the State Distributive School Account for submission to the Department of Administration, the Superintendent of Public Instruction:

(a) Shall compile the information from the most recent compilation of reports submitted pursuant to subsection 2;

(b) May increase the line items of expenditures or revenues based on merit salary increases and cost of living adjustments or inflation, as deemed credible and reliable based upon published indexes and research relevant to the specific line item of expenditure or revenue;

(c) May adjust expenditures and revenues pursuant to paragraph (b) for any year remaining before the biennium for which the budget is being prepared and for the 2 years of the biennium covered by the biennial budget request to project the cost of expenditures or the receipt of revenues for the specific line items;

(d) May consider the cost of enhancements to existing programs or the projected cost of proposed new educational programs, regardless of whether those enhancements or new programs are included in the per pupil basic support guarantee for inclusion in the biennial budget request to the Department of Administration; and

(e) Shall obtain approval from the State Board for any inflationary increase, enhancement to an existing program or addition of a new program included in the agency biennial budget request.

4. The Superintendent of Public Instruction shall, in the compilation required by subsection 2, reconcile the revenues of the school districts with the apportionment received by those districts from the State Distributive School Account for the preceding year.

5. The request prepared pursuant to subsection 3 must:

(a) Be presented by the Superintendent of Public Instruction to such standing committees of the Legislature as requested by the standing committees for the purposes of developing educational programs and providing appropriations for those programs; and

(b) Provide for a direct comparison of appropriations to the proposed budget of the Governor submitted pursuant to subsection 4 of NRS 353.230.

**Sec. 23.** (Deleted by amendment.)

**Sec. 24.** (Deleted by amendment.)

**Sec. 25.** (Deleted by amendment.)

**Sec. 26.** (Deleted by amendment.)

**Sec. 27.** (Deleted by amendment.)

**Sec. 28.** (Deleted by amendment.)

**Sec. 29.** (Deleted by amendment.)

**Sec. 30.** (Deleted by amendment.)

**Sec. 31.** (Deleted by amendment.)

**Sec. 32.** (Deleted by amendment.)

**Sec. 33.** (Deleted by amendment.)

**Sec. 34.** (Deleted by amendment.)

**Sec. 35.** (Deleted by amendment.)

**Sec. 36.** (Deleted by amendment.)

**Sec. 37.** (Deleted by amendment.)

**Sec. 38.** (Deleted by amendment.)

**Sec. 39.** (Deleted by amendment.)

**Sec. 40.** (Deleted by amendment.)

**Sec. 41.** (Deleted by amendment.)

**Sec. 42.** (Deleted by amendment.)

**Sec. 43.** (Deleted by amendment.)

**Sec. 44.** (Deleted by amendment.)

**Sec. 45.** (Deleted by amendment.)

**Sec. 46.** (Deleted by amendment.)

**Sec. 47.** (Deleted by amendment.)

**Sec. 48.** (Deleted by amendment.)

**Sec. 49.** (Deleted by amendment.)

**Sec. 50.** (Deleted by amendment.)

**Sec. 51.** (Deleted by amendment.)

**Sec. 52.** (Deleted by amendment.)

**Sec. 53.** (Deleted by amendment.)

**Sec. 54.** (Deleted by amendment.)

**Sec. 55.** (Deleted by amendment.)

**Sec. 56.** (Deleted by amendment.)

**Sec. 57.** (Deleted by amendment.)

**Sec. 58.** (Deleted by amendment.)

**Sec. 59.** (Deleted by amendment.)

**Sec. 60.** (Deleted by amendment.)

**Sec. 61.** (Deleted by amendment.)

**Sec. 62.** (Deleted by amendment.)

**Sec. 63.** (Deleted by amendment.)

**Sec. 64.** (Deleted by amendment.)

**Sec. 65.** NRS 218E.615 is hereby amended to read as follows:

218E.615 1. The Committee may:

(a) Evaluate, review and comment upon issues related to education within this State, including, but not limited to:

(1) Programs to enhance accountability in education;

(2) Legislative measures regarding education;

(3) The progress made by this State, the school districts and the public schools in this State in satisfying the goals and objectives of the federal No Child Left Behind Act of 2001, 20 U.S.C. §§ 6301 et seq., and the annual measurable objectives established by the State Board of Education pursuant to NRS 385.361;

(4) Methods of financing public education;

(5) The condition of public education in the elementary and secondary schools;

(6) The program to reduce the ratio of pupils per class per licensed teacher prescribed in NRS 388.700, 388.710 and 388.720;

(7) The development of any programs to automate the receipt, storage and retrieval of the educational records of pupils; and

(8) Any other matters that, in the determination of the Committee, affect the education of pupils within this State.

(b) Conduct investigations and hold hearings in connection with its duties pursuant to this section.

(c) Request that the Legislative Counsel Bureau assist in the research, investigations, hearings and reviews of the Committee.

(d) Make recommendations to the Legislature concerning the manner in which public education may be improved.

2. The Committee shall:

(a) In addition to any standards prescribed by the Department of Education, prescribe standards for the review and evaluation of the reports of the State Board of Education, State Public Charter School Authority, school

districts and public schools pursuant to paragraph (a) of subsection 1 of NRS 385.359.

(b) For the purposes set forth in NRS 385.389, recommend to the Department of Education programs of remedial study for each subject tested on the examinations administered pursuant to NRS 389.015. In recommending these programs of remedial study, the Committee shall consider programs of remedial study that have proven to be successful in improving the academic achievement of pupils.

(c) Recommend to the Department of Education providers of supplemental educational services for inclusion on the list of approved providers prepared by the Department pursuant to NRS 385.384. In recommending providers, the Committee shall consider providers with a demonstrated record of effectiveness in improving the academic achievement of pupils.

~~[(d) For the purposes set forth in NRS 385.3785, recommend to the Commission on Educational Excellence created by NRS 385.3784 programs, practices and strategies that have proven effective in improving the academic achievement and proficiency of pupils.]~~

**Sec. 66.** (Deleted by amendment.)

**Sec. 67.** NRS 385.300, 385.3781, 385.3782, 385.3783, 385.37835, 385.3784, 385.3785, 385.3787 and 385.3789 are hereby repealed.

**Sec. 68.** (Deleted by amendment.)

**Sec. 69.** (Deleted by amendment.)

**Sec. 70.** 1. Any administrative regulations adopted by an officer, agency or other entity whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer, agency or other entity remain in force until amended by the officer, agency or other entity to which the responsibility for the adoption of regulations is transferred.

2. Any contracts or other agreements entered into by an officer, agency or other entity whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer, agency or other entity are binding upon the officer, agency or other entity to which the responsibility for the administration of the provisions of the contract or other agreement have been transferred. Such contracts and other agreements may be enforced by the officer, agency or other entity to which the responsibility for the enforcement of the provisions of the contract or other agreement have been transferred.

3. Any actions taken by an officer, agency or other entity whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer, agency or other entity remain in

effect as if taken by the officer, agency or other entity to which the responsibility for the enforcement of such actions was transferred.

**Sec. 71.** The Legislative Counsel shall, in preparing supplements, to the Nevada Administrative Code, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

**Sec. 72.** (Deleted by amendment.)

**Sec. 73.** **This act becomes effective upon passage and approval.**

#### LEADLINES OF REPEALED SECTIONS

**385.300 Deputy Superintendent for Administrative and Fiscal Services: Qualifications and appointment.**

**385.3781 Definitions.**

**385.3782 “Account” defined.**

**385.3783 “Commission” defined.**

**385.37835 Superintendent of Public Instruction required to ensure Commission carries out duties successfully.**

**385.3784 Commission: Creation; membership; terms; meetings; compensation of members; duty of Department to provide administrative support; involvement of the Legislative Counsel Bureau in activities of Commission.**

**385.3785 Commission: Establishment of program of educational excellence; allocations of money to public schools and consortiums of public schools; Department required to provide list of priorities of schools; review of certain information by Commission.**

**385.3787 Use of money by public schools and consortiums of public schools that receive allocations from Account; submission of evaluation of effectiveness.**

**385.3789 Submission of annual reports by Commission; biennial audit of programs by Legislative Auditor.**

Assemblyman Elliot Anderson moved the adoption of the amendment.

Remarks by Assemblyman Elliot Anderson.

Amendment adopted.

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

Senate Bill No. 490.

Bill read second time and ordered to third reading.

Assemblyman Horne moved that the Assembly recess until 3 p.m.

Motion carried.

Assembly in recess at 1:01 p.m.



## ASSEMBLY IN SESSION

At 3:26 p.m.

Madam Speaker presiding.

Quorum present.

## UNFINISHED BUSINESS

## CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 9.

The following Senate amendment was read:

Amendment No. 601.

AN ACT relating to the City of Reno; making various changes to the provisions of the Charter of the City of Reno relating to the Mayor, Assistant Mayor, City Council, City Manager and Civil Service Commission; providing for the creation and duties of a Charter Committee; authorizing the City Council to establish additional appointive positions for officers and employees of the City; repealing certain provisions relating to employment in the Civil Service System and authorizing the Civil Service Commission to provide for such matters by rule; 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 Reno. **Sections 1 and 2** of this bill adopt certain definitions and rules of construction applicable to the Charter as a whole. **Section 1.5** 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 6** of this bill expands the prohibition against holding other employment or another office, which is applicable to the Mayor or a Council Member. **Section 9** of this bill provides that certain provisions applicable to appointive officers also apply to appointive employees of the City. **Section 15** of this bill authorizes the Mayor and any Council Member to waive the payment of any part of the salary or benefits otherwise payable to him or her and establishes the requirements for such a waiver. **Section 27** of this bill prohibits the Mayor and Council Members from giving orders to any subordinate of the City Manager, or otherwise dealing directly with such a person.

The existing provisions of the Charter permit the City Council to establish additional departments in the Municipal Court and thereby increase the number of Municipal Judges. (Reno City Charter § 4.010) **Section 28** of this bill prohibits the Council from reducing the term of office of any Municipal Judge.

**Sections 31 and 32** of this bill revise provisions relating to the general city election to clarify that the election is to occur concurrently with the statewide general election. **Section 34** of this bill establishes a procedure for determining a tie vote in any city election.

Under existing law, various provisions governing the examination, appointment and transfer of employees in the Civil Service System are codified in the Charter. (Reno City Charter §§ 9.090, 9.190-9.250) **Section 47** of this bill repeals those provisions, and **section 43** of this bill provides that such matters are to be governed by the rules of the City's Civil Service Commission. **Section 44** of this bill expands the list of characteristics that may not affect appointment to or removal from a position in the Civil Service.

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

**Section 1.** The Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, at page 1962, is hereby amended by adding thereto new sections to be designated as sections 1.011, 1.012, 1.013, 1.014, 1.015, 1.016, 1.017, 1.018 and 1.019, respectively, immediately following section 1.010, to read as follows:

*Sec. 1.011 Definitions. As used in this Charter, unless the context otherwise requires, the words and terms defined in sections 1.012 to 1.018, inclusive, have the meanings ascribed to them in those sections.*

*Sec. 1.012 "Appointive employee" defined. "Appointive employee" means a person who is appointed to a position described in subsection 4 of section 1.090.*

*Sec. 1.013 "City" defined. "City" means the City of Reno in Washoe County, Nevada.*

~~[Sec. 1.013]~~ *Sec. 1.014 "City Council" or "Council" defined. "City Council" or "Council" means the governing body of the City.*

~~[Sec. 1.014]~~ *Sec. 1.015 "Civil Service" or "Civil Service System" defined. "Civil Service" or "Civil Service System" means the system created by section 9.020.*

~~[Sec. 1.015]~~ *Sec. 1.016 "Commission" defined. "Commission" means the Civil Service Commission created by section 9.030.*

*Sec. 1.017 "County" defined. "County" means Washoe County, Nevada.*

*Sec. 1.018 "State" defined. "State" means the State of Nevada.*

*Sec. 1.019 Construction of Charter.*

*1. Except where the context by clear implication otherwise requires, this Charter must be construed as follows:*

*(a) The titles or leadlines which are applied to the articles and sections of this Charter are inserted only as a matter of convenience and ease in reference and are not intended to limit the scope or intent of any provision of this Charter.*

*(b) Words in the singular number include the plural, and words in the plural include the singular number.*

*(c) Words in the masculine gender include the feminine, and words in the neuter gender refer to any gender.*

*2. This Charter being necessary to secure and preserve the public health, safety, prosperity, security, comfort, convenience, general welfare and property of the residents of the City, it is expressly declared that it is the intent of the Legislature that each of the provisions of this Charter be liberally construed to effect the purposes and objects for which this Charter is intended, and the specific mention of particular powers must not be construed as limiting in any way the general powers which are necessary to carry out the purposes and objects of this Charter.*

**Sec. 1.5.** The Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, at page 1962, is hereby amended by adding thereto new sections to be designated as sections 1.140, 1.150 and 1.160, respectively, immediately following section 1.130, to read as follows:

*Sec. 1.140 Charter Committee: Appointment; terms; qualifications; vacancies; compensation.*

*1. The Charter Committee must be appointed as follows:*

*(a) Each Council Member shall appoint one member;*

*(b) The Mayor shall appoint one member;*

*(c) 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;*

*(d) 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;*

*(e) 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*

*(f) 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) If appointed by a Council Member or the Mayor, serves during the term of the person by whom he or she was appointed;*

*(b) If appointed by members of the Senate delegation, serves a term of 4 years;*

*(c) If appointed by members of the Assembly delegation, serves a term of 2 years;*

*(d) Must be a registered voter in the City; and*

*(e) Must reside in the City during his or her term of office.*

*3. 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.*

*4. Members of the Charter Committee are entitled to receive compensation, in an amount set by ordinance of the City Council, for each full meeting of the Charter Committee they attend.*

*Sec. 1.150 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 Charter Committee;*

*3. Meet jointly with 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;*

*4. If the City Council elects to submit the Charter Committee's recommended amendments to the Legislature as one of the City's bill draft requests, assist the City Council in the timely preparation of such amendments for presentation to the Legislature on behalf of the City;*

*5. If the City Council elects not to submit the Charter Committee's recommended amendments to the Legislature as one of the City's bill draft requests, seek sponsorship of a legislative measure by a member of the Senate or Assembly delegation representing the residents of the City and assist such member in the timely preparation of such amendments for presentation to the Legislature; and*

*6. Perform all functions and do all things necessary to accomplish the purposes for which it is established, including, but not limited to, holding meetings and public hearings, and obtaining assistance from City officers.*

*Sec. 1.160 Charter Committee: Removal of member; grounds. Any member of the Charter Committee may be removed by a majority of the remaining members of the Charter Committee for cause,*

*including failure or refusal to perform the duties of the office, absence from three successive regular meetings or ceasing to meet any qualification for appointment to the Charter Committee.*

**Sec. 2.** Section 1.010 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, at page 1962, is hereby amended to read as follows:

Section 1.010 ~~[Preamble: Legislative intent.]~~ **Purpose; other laws.**

1. In order to provide for the orderly government of the City of Reno and the general welfare of its citizens the Legislature hereby establishes this Charter for the government of the City of Reno. ~~It is expressly declared as the intent of the Legislature that all provisions of this Charter be liberally construed to carry out the express purposes of the Charter and that the specific mention of particular powers shall not be construed as limiting in any way the general powers necessary to carry out the purposes of the Charter.]~~

2. Any powers expressly granted by this Charter are in addition to any powers granted to a city by the general law of this state. All provisions of Nevada Revised Statutes which are applicable generally to cities (not including, unless otherwise expressly mentioned in this Charter, chapter 265, 266 or 267 of NRS) which are not in conflict with the provisions of this Charter apply to the City of Reno.

**Sec. 3.** Section 1.020 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, at page 1962, is hereby amended to read as follows:

Sec. 1.020 Incorporation of City.

~~[1.]~~ All persons who are inhabitants of that portion of the State ~~[of Nevada]~~ embraced within the limits set forth in section 1.030 shall constitute a political and corporate body by the name of "City of Reno" and by that name they and their successors shall be known in law, have perpetual succession and may sue and be sued in all courts.

~~[2. Whenever used throughout this charter, "City" means the City of Reno.]~~

**Sec. 4.** Section 1.030 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as amended by chapter 482, Statutes of Nevada 1973, at page 714, is hereby amended to read as follows:

Sec. 1.030 Description of territory.

1. The territory embraced in the City is that certain land described in the official plat required by NRS 234.250 to be filed with the County Recorder and County Assessor , ~~[of Washoe County,]~~ as such plat is amended from time to time.

2. The territory described in paragraph (a) of subsection 2 of section 1 of article I of chapter 180, Statutes of Nevada 1949, lying within the

City ~~{of Reno}~~ is hereby detached from the City ~~{of Reno}~~ and is included within the boundaries of the City of Sparks.

**Sec. 5.** Section 1.070 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 515, Statutes of Nevada 1997, at page 2452, is hereby amended to read as follows:

Sec. 1.070 Elective offices: Vacancies. Except as otherwise provided in NRS 268.325:

1. Except as otherwise provided in this section, a vacancy in the City Council or in the office of City Attorney or Municipal Judge must be filled by a majority vote of the members of the City Council within 30 days after the occurrence of the vacancy. A person may be selected to fill a prospective vacancy in the City Council before the vacancy occurs. In ~~{such a case,}~~ **filling a prospective vacancy**, each member of the Council, except any member whose term of office expires before the occurrence of the vacancy, may participate in any action taken by the Council pursuant to this section. The appointee must have the same qualifications as are required of the elective official.

2. The appointee shall serve until the next general municipal election and until his or her successor is elected and qualified. Notwithstanding the provisions of section 5.010 of this Charter to the contrary, the office must be filled by election at the next general municipal election. If that election is other than the election specified in section 5.010 of this Charter for the filing of the office, the election is only for the balance of the unexpired term for that office.

3. If a vacancy occurs in an office of City Council, in lieu of appointment, the City Council may, by resolution, declare a special election to fill the vacancy. The special election must be conducted in accordance with the provisions of the resolution declaring the special election and section 5.030 of this Charter.

**Sec. 6.** Section 1.080 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 327, Statutes of Nevada 1999, at page 1366, is hereby amended to read as follows:

Sec. 1.080 Mayor and Council Members not to hold other office or employment.

1. The Mayor and Council Members shall not:

(a) Hold any other elective **or appointive** office, ~~{for employment with Washoe County or the City,}~~ except as provided by law or as a member of a board or commission **which is ancillary to the office of Mayor or Council Member and** for which no compensation is received.

(b) **Hold any other employment with the County, the City or any other political subdivision of the State which is governed or advised by a board or commission to which the Mayor or Council Member may be**

*appointed in the course of his or her duties as Mayor or Council Member.*

(c) Be appointed to any office or position created by or the compensation for which was increased or fixed by the City Council until 1 year after the expiration of the term for which ~~[such person]~~ *the Mayor or Council Member* was elected.

2. Any person who violates the provisions of subsection 1 shall automatically forfeit his or her office.

Sec. 7. (Deleted by amendment.)

**Sec. 7.5. Section 1.090 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 210, Statutes of Nevada 1997, at page 734, is hereby amended to read as follows:**

Sec. 1.090 Appointive officers, ~~[and]~~ **and appointive employees.**

1. The City Council shall provide for the appointment of a City Manager to perform the duties outlined in section 3.020. A vacancy in the office of City Manager must be filled within 6 months.

2. Applicants for the position of City Manager need not be residents of the City or State at the time of their appointment, except that applicants who are residents of the City and who have qualifications equal to those of nonresidents must be given preference in filling the position.

3. The City Council may establish such other appointive offices as it may deem necessary for the operation of the City by designating the position and the qualifications therefor by ordinance. Appointive offices are limited to the head of each department or division except:

(a) One immediate assistant for the Director of Public Works.

(b) ~~[Special technical staff members who report directly to the City Manager]~~

~~—(c)—~~ In the Fire Department and Police Department, no positions below the office of Chief.

~~[and]~~ **4. Special technical staff members who report directly to the City Manager serve as appointive employees.**

**5. Appointment of ~~[such]~~ officers and employees pursuant to subsections 3 and 4 must be made by the City Manager, and the appointment of the Chief of Police and the Fire Chief must be confirmed by the City Council.**

~~[and]~~ **6. A City Clerk must be appointed by the City Council.**

Sec. 8. Section 1.100 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 210, Statutes of Nevada 1997, at page 734, is hereby amended to read as follows:

Sec. 1.100 Appointive officers ~~{-}~~ *and appointive employees:* Miscellaneous provisions.

1. All appointive officers ~~{-}~~ *and appointive employees*, except the City Clerk and his or her deputy, shall perform such duties as ~~{may be}~~ *are* designated by the City Manager.

2. Any employee of the City holding a Civil Service rating under the City ~~{and}~~ who is appointed to any position provided for in section 1.090 does not lose his or her Civil Service rating while serving in that position.

3. ~~{All appointive officers are entitled to all employment benefits to which Civil Service employees are entitled.}~~

~~—4.}~~ The City Council may require from all other officers and employees of the City constituted or appointed under this Charter, except the Mayor and Council Members, sufficient security for the faithful and honest performance of their respective duties.

**Sec. 9.** Section 1.110 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, at page 1964, is hereby amended to read as follows:


Sec. 1.110 Appointive officers ~~{-}~~ *and appointive employees:* Duties; salary ~~{-}~~ *; benefits.*

1. All appointive officers *and appointive employees* of the City, *including those appointed by the City Council*, except ~~{the}~~ :

(a) *The City Manager ;*

(b) *The City Clerk and the chief deputy and the Manager of Record Systems appointed by the City Clerk pursuant to section 3.040;*

(c) *Assistants appointed by the City Attorney pursuant to section 3.060;* and ~~{the}~~

(d) *The members of the City Board of Health and the City Health Officer, if the City administers the operations of the Board of Health,*  shall perform ~~{such}~~ *their* duties under the direction of the City Manager ~~{, as may be}~~ *or as* designated by the City Council ~~{-}~~ *through the City Manager.*

2. All appointive officers *and appointive employees* of the City ~~{shall receive such salary as may be}~~ *are entitled to the salary* designated by the City Council ~~{-}~~ *through the adoption of a resolution establishing the salary ranges applicable to each office and position.*

3. *All appointive officers and appointive employees are entitled to the employment benefits established by the applicable law of the State and to such other benefits as the City Council provides by resolution.*

**Sec. 10.** (Deleted by amendment.)



**Sec. 11.** Section 2.030 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, at page 1965, 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 *the City Clerk or* any member for disorderly conduct committed in its presence.

(b) Order the attendance of witnesses and the production of all papers relating to any business before the City Council.

2. If any person ordered to appear before the City Council fails to obey such *an* order:

(a) The City Council or any member thereof may apply to the clerk of the district court for a subpoena commanding the attendance of the person before the City Council.

(b) ~~[Such Clerk]~~ *The clerk of the district court* 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 court may issue an order to show cause why ~~[such]~~ *the* person should not be held in contempt of court and upon *the* hearing of the matter may adjudge ~~[such]~~ *the* person guilty of contempt and punish him or her accordingly.

**Sec. 12.** Section 2.040 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 255, Statutes of Nevada 2001, at page 1131, is hereby amended to read as follows:

Sec. 2.040 Meetings: Quorum.

1. The City Council shall hold not less than two regular meetings each month. The times and dates of ~~[the]~~ *regular* meetings must be established by ~~[ordinance.]~~ *resolution.*

2. *Special meetings of the City Council may be held at the call of the Mayor.*

3. Except as otherwise provided in NRS 241.0355, a majority of all the members of the City Council constitutes a quorum to do business, but a lesser number may meet and recess from time to time, and compel the attendance of the absent members.

~~[3. Except as otherwise provided by law, all sessions and all proceedings of the City Council must be public.]~~

4. *The meetings of the City Council must be conducted in accordance with chapter 241 of NRS.*

**Sec. 13.** (Deleted by amendment.)

**Sec. 14.** Section 2.070 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as amended by chapter 553, Statutes of Nevada 1973, at page 878, is hereby amended to read as follows:

Sec. 2.070 Oaths and affirmations. The Mayor, ~~Assistant~~ **the Vice** Mayor while acting in the place of the Mayor, each Council Member and the City Clerk may administer oaths and affirmations relating to any business pertaining to the City, before the City Council or to be considered by the City Council.

**Sec. 15.** Section 2.080 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as amended by chapter 599, Statutes of Nevada 1993, at page 2499, is hereby amended to read as follows:

Sec. 2.080 Powers of City Council: Ordinances, resolutions and orders ~~and~~; ***waiver of salary and benefits.***

1. The City Council may make and pass all ordinances, resolutions and orders not repugnant to the Constitution of the United States or the ***Constitution of the*** State of Nevada, or to the provisions of Nevada Revised Statutes or of this Charter, necessary for the municipal government and the management of the affairs of the City, and for the execution of all the powers vested in the City.

2. When power is conferred upon the City Council to do and perform anything ~~and~~ and the manner of exercising such power is not specifically provided for, the City Council may provide by ordinance the manner and details necessary for the full exercise of such power.

3. The City Council may enforce ordinances by providing penalties not to exceed those established by the Legislature for misdemeanors.

4. The City Council shall have such powers, not in conflict with the express or implied provisions of this Charter, as are conferred generally by statute upon the governing bodies of cities organized under a special charter.

5. Except as otherwise provided in this subsection ~~and~~ ***and subsection 6,*** the City Council shall not pass any ordinance ***or resolution*** increasing or diminishing the salary of any elective officer during the term for which he or she is elected or appointed. The City Council may pass an ordinance increasing the salary of a Municipal Judge during the term for which he or she is elected or appointed.

***6. Except as otherwise prohibited or limited by statute or regulation or as otherwise provided in this subsection, the Mayor and any Council Member may waive the payment of any part of the salary and benefits otherwise payable to him or her during any budget year. Any such waiver must be in writing, does not extend beyond the current term of the Mayor or Council Member and may not be rescinded.***

**Sec. 16.** Section 2.090 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as amended by chapter 553, Statutes of Nevada 1973, at page 878, is hereby amended to read as follows:

Sec. 2.090 Ordinances: Passage by bill; amendments; subject matter; title requirements.

1. No ordinance may be passed except by bill and by a majority vote of the City Council. The style of all ordinances ~~[shall]~~ **must** be as follows: "The City Council of the City of Reno ~~[do]~~ **does** ordain:".

2. No ordinance ~~[shall]~~ **may** contain more than one *general* subject ~~[, which shall]~~ **matter and matters which pertain to or are necessarily connected with the general subject matter, and the general subject must** be briefly indicated in the title. Where the *general* subject of the ordinance is not so expressed in the title, the ordinance is void . ~~[as to the matter not expressed in the title.]~~

3. Any ordinance which amends an existing ordinance ~~[shall]~~ **must** set out in full the ordinance or sections thereof to be amended, and ~~[shall]~~ **must** indicate matter to be omitted by enclosing it in brackets and ~~[shall indicate]~~ **any** new matter by underscoring or by italics.

**Sec. 17.** Section 2.100 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 327, Statutes of Nevada 1999, at page 1366, is hereby amended to read as follows:

Sec. 2.100 Ordinances: Enactment procedure; emergency ordinances.

1. All proposed ordinances when first proposed must be ~~[referred to a committee for consideration,]~~ **read to the City Council by title**, 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 45 days after the date of publication.

2. At the next regular meeting or adjourned *regular* meeting of the City Council held at least 10 days after the date of publication, the ~~[committee shall report the ordinance back to the City Council. Thereafter, it]~~ **proposed ordinance must be returned to the City Council for consideration and possible adoption. At that meeting, the title of the proposed ordinance** must be read as first proposed or as amended, 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 7.030, by unanimous consent of the City Council,

final action may be taken immediately or at an emergency 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 by title, together with the names of the *members of the City 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 for at least one publication, 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 record all ordinances in a book kept for that purpose, together with the affidavits of publication by the publisher.

**Sec. 18.** Section 2.120 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 561, Statutes of Nevada 1977, at page 1393, is hereby amended to read as follows:

Sec. 2.120 Codification of ordinances; publication of Code.

1. The City Council may codify and publish a Code of its municipal ordinances in the form of a Municipal Code, which Code may, at the election of the City Council, have incorporated therein a copy of this Charter and such additional data as the City Council ~~[may prescribe]~~. ~~When such Code is published, two copies shall be filed with~~ **prescribes. Whenever the Code is published or revised, a copy must be provided to the Librarian at the County Public Library in Reno, the County Law Library and the Supreme Court Law Library. The requirements of this subsection are satisfied by the provision of a paper copy, an electronic copy or a copy of the Code in such other format as is requested by a library.**

2. The ordinances in the Code ~~[shall]~~ **must** be arranged in appropriate chapters, articles and sections, excluding the titles, enacting clauses, signature of the Mayor, attestations and other formal parts.

3. The codification ~~[shall]~~ **must** be adopted by an ordinance and ~~[shall]~~ **must** not contain any substantive changes, modifications or alterations of existing ordinances, and the only title necessary for the ordinance ~~[shall be,]~~ **is**, “An ordinance for codifying and compiling the general ordinances of the City of Reno.”

4. The codification may be amended or extended by ordinance.

**Sec. 19.** Section 2.140 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 216, Statutes of Nevada 2007, at page 726, is hereby amended to read as follows:

Sec. 2.140 General powers of City Council.

1. Except as otherwise provided in subsection 2 and section 2.150, the City Council may:

(a) Acquire, control, improve and dispose of any real or personal property for the use of the City, its residents and visitors.

(b) Except as otherwise provided in NRS 598D.150 and 640C.100, regulate and impose a license tax for revenue upon all businesses, trades and professions.

(c) Provide or grant franchises for public transportation and utilities.

(d) Appropriate money for advertising and publicity and for the support of a municipal band.

(e) Enact and enforce any police, fire, traffic, health, sanitary or other measure which does not conflict with the general laws of the State . ~~of Nevada.~~ An offense that is made a misdemeanor by the laws of the State ~~of Nevada~~ shall ~~also~~ be deemed *also* to be a misdemeanor against the City whenever the offense is committed within the City.

(f) Fix the rate to be paid for any utility service provided by the City as a public enterprise. Any charges due for services, facilities or commodities furnished by any utility owned by the City is a lien upon the property to which the service is rendered and is perfected by filing with the County Recorder a statement by the City Clerk of the amount due and unpaid and describing the property subject to the lien. Any such lien is:

(1) Coequal with the latest lien upon the property to secure the payment of general taxes.

(2) Not subject to extinguishment by the sale of any property on account of the nonpayment of general taxes.

(3) Prior and superior to all liens, claims, encumbrances and titles other than the liens of assessments and general taxes.

2. The City Council:

(a) Shall not sell telecommunication service to the general public.

(b) May purchase or construct facilities for providing telecommunication that intersect with public rights-of-way if the governing body:

(1) Conducts a study to evaluate the costs and benefits associated with purchasing or constructing the facilities; and

(2) Determines from the results of the study that the purchase or construction is in the interest of the general public.

3. Any information relating to the study conducted pursuant to subsection 2 must be maintained by the City Clerk and made available for public inspection during the business hours of the Office of the City Clerk.

4. Notwithstanding the provisions of paragraph (a) of subsection 2, an airport may sell telecommunication service to the general public.

5. As used in this section:

(a) “Telecommunication” has the meaning ascribed to it in NRS 704.025.

(b) “Telecommunication service” has the meaning ascribed to it in NRS 704.028.

**Sec. 20.** Section 3.010 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 210, Statutes of Nevada 1997, at page 735, is hereby amended to read as follows:

Sec. 3.010 Mayor: Duties; ~~Assistant~~ **Vice** Mayor.

1. The Mayor:

(a) Shall serve as a member of the City Council and preside over its meetings.

(b) Shall not have any administrative duties.

(c) Must be recognized as the head of the City Government for all ceremonial purposes.

(d) Shall determine the order of business at meetings pursuant to the rules of the City Council.

(e) Is entitled to vote and shall vote last on all roll call votes.

(f) Shall take all proper measures for the preservation of the public peace and order and for the suppression of riots and all forms of public disturbance, for which he or she is authorized to appoint extra police officers temporarily and without regard to Civil Service rules and regulations, and to call upon the **County** Sheriff ~~of Washoe County,~~ or, if that force is inadequate, to call upon the Governor for assistance.

(g) Shall perform such other duties, except administrative duties, as ~~may be~~ **are** prescribed by ordinance or by the provisions of Nevada Revised Statutes which apply to a mayor of a city organized pursuant to the provisions of a special charter.

2. At the first regular City Council meeting in November of each year ~~or whenever a vacancy occurs in the office of Vice Mayor,~~ the City Council shall elect one of the Council Members to be ~~Assistant~~ **Vice** Mayor. That person:

(a) Holds that office and title, without additional compensation, for a term of 1 year or until removed after a hearing for cause by a vote of six-sevenths of the City Council ~~or the office otherwise becomes vacant.~~

(b) Shall perform the duties of Mayor during the absence or disability of the Mayor.

(c) Shall act as Mayor if the office of Mayor becomes vacant until the vacancy is filled pursuant to section 1.070 of this Charter.

**Sec. 21.** Section 3.020 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 210, Statutes of Nevada 1997, at page 735, is hereby amended to read as follows:

Sec. 3.020 City Manager: Duties; compensation.

1. The City Manager is the Chief Executive and Administrative Officer of the City Government. He or she is responsible to the City Council for the proper administration of all affairs of the City. The duties and salary of the City Manager must be fixed by the City Council and he or she is entitled to be reimbursed for all expenses incurred in the performance of his or her duties.

2. The City Manager may appoint such clerical and administrative assistants as he or she ~~[may deem]~~ *deems* necessary.

3. ~~[He or she]~~ *The City Manager* may designate an acting City Manager to serve in his or her absence or, if he or she fails to do so, the City Council may appoint an acting City Manager.

4. No *member of the City* Council ~~[Member]~~ may be appointed as City Manager during the term for which he or she was elected, or for 1 year thereafter.

5. The City Manager shall appoint all officers and employees of the City and may remove any officer or employee of the City except as otherwise provided in this Charter. The City Manager may authorize the head of a department or office to appoint or remove his or her subordinates. The appointment of a Chief of Police or a Fire Chief by the City Manager does not take effect until it has been confirmed by a majority vote of the members of the City Council. If a person so nominated is not confirmed, the City Manager shall continue to submit nominations until a nominee is confirmed.

**Sec. 22.** (Deleted by amendment.)

**Sec. 23.** Section 3.040 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 210, Statutes of Nevada 1997, at page 737, is hereby amended to read as follows:

Sec. 3.040 City Clerk: Duties.

1. The City Clerk shall:

(a) Keep the corporate seal and all books and papers belonging to the City.

(b) 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.

(c) Sign all warrants *for payment* issued.

(d) Number and sign all **business** licenses issued by the City. All **business** licenses must be in a form devised by the City Clerk and approved by the City Council.

(e) Enter upon the journal the result of the vote of the City Council upon the passage of ordinances, or of any resolution appropriating money, abolishing licenses, or increasing or decreasing the rates of licenses.

(f) Be the official collector of all business license fees and penalties of the City, and all money making up the City revenues, except general taxes and special assessments, must be paid over to him or her.

2. The City Clerk has custody of all the official records of the City. He or she is responsible to the City Council for the proper discharge of his or her duties. The duties and salary of the City Clerk are fixed by the City Council, and he or she is entitled to be reimbursed for all expenses incurred in the performance of his or her duties.

3. The City Clerk may, with approval of the City Council, appoint one chief deputy and one Manager of Record Systems, who are not subject to the provisions of article IX of this Charter. The City Clerk may designate a member of his or her staff as acting City Clerk to:

(a) Administer oaths; and

(b) Perform all the duties of the City Clerk in his or her absence.

**Sec. 24.** Section 3.060 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 327, Statutes of Nevada 1999, at page 1369, is hereby amended to read as follows:

Sec. 3.060 City Attorney: Qualifications; duties; salary.

1. The City Attorney must be a duly licensed member of the State Bar of Nevada and a qualified elector within the City. Once elected, he or she shall hold office for a term of 4 years and until his or her successor is duly elected and qualified.

2. The City Attorney is the Legal Officer of the City and shall:

(a) Perform such duties as ~~may be~~ **are** designated by ordinance;

(b) Be present at all meetings of the City Council;

(c) Be counsel for the ~~Civil Service~~ Commission;

(d) Devote his or her full time to the duties of the office; and

(e) Not engage in the private practice of law.

3. The City Attorney is entitled to receive a salary as fixed by resolution of the City Council.

4. The City Attorney may appoint and remove such assistants as he or she ~~may require~~ **requires** in the discharge of the duties of his or her office. Such assistants must not be Civil Service employees. The Council may appropriate such an amount of money as it ~~may deem~~ **deems** proper to compensate such assistants. Such assistants who are



attorneys and are employed for more than 20 hours per week by the City Attorney shall not engage in the private practice of law.

**Sec. 25.** Section 3.080 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, at page 1975, is hereby amended to read as follows:

Sec. 3.080 County Assessor to be ex officio City Assessor; duties.

1. The County Assessor of ~~Washoe~~ **the** County shall be ex officio City Assessor of the City. The County Assessor shall perform such duties for the City without additional compensation.

2. Upon request of the ex officio City Assessor, the City Council may appoint and set the salary of a Deputy City Assessor to perform such duties relative to city assessments as may be deemed necessary.

**Sec. 26.** Section 3.090 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as amended by chapter 414, Statutes of Nevada 1975, at page 607, is hereby amended to read as follows:

Sec. 3.090 County Treasurer to be ex officio City Treasurer; duties.

1. The Treasurer of ~~Washoe~~ **the** County shall be ex officio City Treasurer and Tax Receiver of the City. The County Treasurer shall perform such duties for the City without additional compensation.

2. The City Treasurer shall, with the consent of the City Council, appoint the City Clerk or other city officer as Deputy City Treasurer to perform such duties as may be designated by the City Council.

3. The City shall compensate ~~Washoe~~ **the** County annually in an amount agreed upon by the City Council and the Board of County Commissioners of ~~Washoe~~ **the** County for the services rendered by the Treasurer of ~~Washoe~~ **the** County under this section.

**Sec. 27.** Section 3.140 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as amended by chapter 210, Statutes of Nevada 1997, at page 737, is hereby amended to read as follows:

Sec. 3.140 Interference **and direction** by City Council.

1. The Mayor or Council Members shall not dictate the appointment, suspension or removal of any City administrative officer or employee appointed by the City Manager or his or her subordinates. No person covered by the rules and regulations of the ~~Civil Service~~ Commission may be appointed, suspended or removed except as provided in those rules and regulations.

2. ***Any action directed by the City Council in a public meeting shall be deemed to be direction to the City Manager and not to any subordinate of the City Manager.*** The City Council or its members shall not ~~deal~~ :

(a) *Deal* directly with a City official or employee on a matter pertaining to City business , *except for the purpose of inquiry*, but shall deal through the City Manager ~~¶~~; or

(b) *Give any order, publicly or privately, to any subordinate of the City Manager.*

**Sec. 28.** Section 4.010 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 9, Statutes of Nevada 1993, at page 21, is hereby amended to read as follows:

Sec. 4.010 Municipal Court.

1. The Municipal Court must include one department and may include additional departments in the discretion of the City Council. If the City Council determines to create additional departments, it shall do so by resolution and may appoint additional Municipal Judges to serve until the next election.

2. *The City Council may not reduce the term of office of any appointed or elected Municipal Judge.*

**Sec. 29.** Section 4.020 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 327, Statutes of Nevada 1999, at page 1369, is hereby amended to read as follows:

Sec. 4.020 Municipal Court: Qualifications of Municipal Judge; salary.

1. A Municipal Judge must be:

- (a) An attorney licensed to practice law in the State . ~~{of Nevada.}~~
- (b) A qualified elector within the City.

2. A Municipal Judge shall not engage in the private practice of law.

3. The salary of a Municipal Judge must be:

- (a) Fixed by resolution of the City Council.
- (b) Uniform for all judges in the Municipal Court.

**Sec. 30.** Section 4.040 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 208, Statutes of Nevada 1985, at page 676, is hereby amended to read as follows:

Sec. 4.040 Procedure, additional judges. The practice and proceedings in the Court must conform as nearly as practicable to that of justices' courts in similar cases. Upon the written request of the City Manager an additional temporary Municipal Judge may be provided for so long as the City Council authorizes additional compensation for such a Judge. ~~[Whenever a person is sentenced to pay a fine, the Court may adjudge and enter upon the docket a supplemental order that the offender may, if he or she desires, work on the streets or public works of the City at the rate of \$25 for each day. The money so earned must be applied against the fine until it is satisfied.]~~

**Sec. 31.** Section 5.010 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 87, Statutes of Nevada 2001, at page 557, is hereby amended to read as follows:

Sec. 5.010 General elections.

1. ~~{On the Tuesday after the first Monday in November 1998, and at each successive interval of 4 years, there must be elected by the qualified voters of the City, at the general election, a Mayor, Council Members from the second and fourth wards, a Municipal Judge and a City Attorney, all of whom hold office for a term of 4 years and until their successors have been elected and qualified pursuant to subsection 3 or 4.~~

~~—2. On the Tuesday after the first Monday in November 2000, and at each successive interval of 4 years, there must be elected by the qualified voters of the City, at the general election, Council Members from the first, third and fifth wards, one Council Member at large and two Municipal Judges, all of whom hold office for a term of 4 years and until their successors have been elected and qualified pursuant to subsection 5 or 6.~~

~~—3.} On the {Tuesday after the first Monday} *date fixed by the election laws of the State for the statewide general election* in November 2002, and at each successive interval of 6 years, there must be elected by the qualified voters of the City, at the general election, a Municipal Judge, who holds office for a term of 6 years and until his or her successor has been elected and qualified.~~

~~{4.} 2. On the {Tuesday after the first Monday} *date fixed by the election laws of the State for the statewide general election* in November 2002, and at each successive interval of 4 years, there must be elected by the qualified voters of the City, at the general election, a Mayor, Council Members from the second and fourth wards, and a City Attorney, all of whom hold office for a term of 4 years and until their successors have been elected and qualified.~~

~~{5.} 3. On the {Tuesday after the first Monday} *date fixed by the election laws of the State for the statewide general election* in November 2004, and at each successive interval of 6 years, there must be elected by the qualified voters of the City, at the general election, ~~{three}~~ *one or more* Municipal Judges, *other than the Municipal Judge referred to in subsection 1*, all of whom hold office for a term of 6 years and until their successors have been elected and qualified.~~

~~{6.} 4. On the {Tuesday after the first Monday} *date fixed by the election laws of the State for the statewide general election* in November 2004, and at each successive interval of 4 years, there must be elected by the qualified voters of the City, at the general election,~~

Council Members from the first, third and fifth wards and one Council Member at large, all of whom hold office for a term of 4 years and until their successors have been elected and qualified.

**Sec. 32.** Section 5.020 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 376, Statutes of Nevada 2005, at page 1438, is hereby amended to read as follows:

Sec. 5.020 Primary elections; declaration of candidacy.

1. A candidate for any office to be voted for at an election must file a declaration of candidacy with the City Clerk. All filing fees collected by the City Clerk must be deposited to the credit of the General Fund of the City.

2. If for any general election, there are three or more candidates for any office to be filled at that election, a primary election for any such office must be held on the date fixed by the election laws of ~~this~~ **the** State for statewide elections, at which time there must be nominated candidates for the office to be voted for at the next general election. If for any general election there are two or fewer candidates for any office to be filled at that election, their names must not be placed on the ballot for the primary election but must be placed on the ballot for the general election. ***The general election must be held on the date fixed by the election laws of the State for the statewide general election.***

3. In the primary election:

(a) The names of the two candidates for Municipal Judge, City Attorney or a particular City Council seat, as the case may be, who receive the highest number of votes must be placed on the ballot for the general election.

(b) Candidates for Council Member who represent a specific ward must be voted upon only by the registered voters of that ward.

(c) Candidates for Mayor and Council Member at large must be voted upon by all registered voters of the City.

4. The Mayor and all Council Members must be voted upon by all registered voters of the City at the general election.

**Sec. 33.** Section 5.070 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 470, Statutes of Nevada 2005, at page 2304, is hereby amended to read as follows:

Sec. 5.070 Availability of lists of registered voters. If, for any purpose relating to an election or to candidates or issues involved in that election, any organization, group or person requests a list of registered voters of the City, the department, office or agency which has custody of the official register of voters shall, except as otherwise provided in NRS 293.5002 and 293.558, permit the organization, group or person to copy the voters' names and addresses from the official register of voters

or furnish such a list upon payment of the cost established by ~~[state]~~ *the* election ~~[law]~~ *laws of the State.*

**Sec. 34.** Section 5.100 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 9, Statutes of Nevada 1993, at page 24, 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 election must be filed with the City Clerk, who shall immediately place those returns in a safe or vault, and no person may handle, inspect or in any manner interfere with those returns until canvassed by the City Council.

2. The City Council and City Manager shall meet 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, and no person may have access thereto 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 declared to be elected a certificate of election. The officers elected shall qualify and enter upon the discharge of their respective duties at the first regular City Council meeting following their 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~~ *as provided in this subsection. The City Clerk shall provide and open in the presence of the candidates who received the tie vote an unused 52-card deck of playing cards, removing any jokers and blank cards. The City Clerk shall shuffle the cards thoroughly and present the shuffled deck to the City Manager, or to the person designated by the City Manager for this purpose. One of the candidates who received the tie vote shall then draw one card from the deck, and the City Clerk shall record the suit and number of the card. The card then must be returned to the deck, and the City Clerk shall shuffle the cards thoroughly and present the shuffled deck to the City Manager, or to the person designated by the City Manager for this purpose, and another of the candidates who received the tie vote shall draw one card from the deck. This process must be repeated until each of the candidates who received the tie vote has drawn one card from the deck and the result of each draw has been recorded. The candidate who draws the high card shall be deemed the winner of the election. For the purposes of this subsection, aces are high and twos are low. If the candidates draw cards of otherwise equal value, the card of the higher suit is the high card. Spades are highest, followed in descending order*

*by hearts, clubs and diamonds.* The *City* Clerk shall issue to the winner a certificate of election.

**Sec. 35.** Section 6.010 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 416, Statutes of Nevada 2001, at page 2106, is hereby amended to read as follows:

Sec. 6.010 Local improvement law. Except as otherwise provided in subsection 2 of section 2.140 and section 2.150, 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 projects;
6. Sanitary sewer projects;
7. Security walls;
8. Sidewalk projects;
9. Storm sewer projects;
10. Street projects;
11. Underground electric and communication facilities;
12. Underpass projects; ~~and~~
13. Water projects ~~[-]; and~~

**14. Any other projects authorized by the laws of the State, including, without limitation, chapter 271 of NRS.**

**Sec. 36.** Section 7.010 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, at page 1980, is hereby amended to read as follows:

Sec. 7.010 Debt limit.

1. The City shall not incur an indebtedness in excess of 15 percent of the total assessed valuation of the taxable property within the boundaries of the City ~~[-]~~, ***as shown on the tax list or assessment roll in effect as of the date of issuance of the municipal securities constituting the debt.***

2. In determining any debt limitation under this section, there shall not be counted as indebtedness:

(a) Warrants or other securities which are payable upon presentation or demand or within 1 year from the date thereof.

(b) Securities payable from special assessments against benefited property, whether issued pursuant to any general or special law and irrespective of whether such special assessment securities are payable from general ad valorem taxes.

(c) Securities issued pursuant to any general or special law the principal and interest of which are payable solely from revenues of the City derived from other than general ad valorem taxes.

**Sec. 37.** Section 7A.040 of the Charter of the City of Reno, being chapter 460, Statutes of Nevada 1979, at page 860, is hereby amended to read as follows:

Sec. 7A.040 “Engineer” defined. “Engineer” means the *Director of Public Works, the* City Engineer or *a* firm of engineers employed by the City in connection with any undertaking, any project or the exercise of any power authorized in this article.

**Sec. 38.** Section 8.010 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as amended by chapter 561, Statutes of Nevada 1977, at page 1397, 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 2 percent upon the assessed value of all real and personal property within the City except as otherwise provided in the Local Government Securities Law and the Consolidated Local Improvements Law, as amended from time to time. The taxes so levied ~~[shall]~~ **must** 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,]~~ **are**, 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 the equalization of assessments, the rights of the City and the inhabitants thereof ~~[shall]~~ **must** 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,]~~ **must**, with such alterations or additions as ~~[may be]~~ **are** 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]~~ **deems** necessary and not inconsistent with this Charter and the laws of the State for the prompt, convenient and economical collecting of the revenue.

**Sec. 39.** Section 9.010 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as amended by chapter 553, Statutes of Nevada 1973, at page 882, is hereby amended to read as follows:

Sec. 9.010 Civil Service: Objectives. The purpose of this article is to provide the City ~~of Reno~~ with an efficient workforce, with equity to all persons concerned. To attain this objective:

1. All appointments and promotions to positions in the Civil Service ~~shall~~ **must** be made on the sole basis of merit and fitness, without regard to non-job-related considerations.

2. Career and promotional opportunities ~~shall~~ **must** be readily available to employees.

3. A high level **of** performance ~~shall be~~ **is** required of employees to meet their obligations to the City administration, to the users of City services and to the taxpayers.

**Sec. 40.** Section 9.020 of the Charter of the City of Reno, being chapter 553, Statutes of Nevada 1973, as amended by chapter 561, Statutes of Nevada 1977, at page 1398, is hereby amended to read as follows:

Sec. 9.020 Civil Service and exempt positions.

1. A Civil Service System is created for the selection, appointment and promotion of all employees **of the City** except:

(a) A person **elected or** appointed to a position pursuant to this Charter.

(b) A person **who serves as a member of any board, commission, committee or other body created pursuant to the authority of the City.**

(c) A **person** employed by the City for less than 18 hours per week.

~~{(c)}~~ (d) A person for whose position half or more of the money is provided by a source other than the City.

~~{(d)}~~ (e) A person employed as a trainee for a period of time which is not more than that period prescribed for a probationary employee.

(f) **An employee of the Municipal Court who is hired directly by the Court.**

2. **The provisions of this article are not applicable to the selection, appointment, promotion, demotion, transfer, suspension, discipline or dismissal of any person described in subsection 1.**

3. Any employee whose position was within the provisions of the Civil Service System before ~~May 15, 1977,~~ **the effective date of this act** shall retain all rights and benefits to which he or she would otherwise be entitled under the **Civil Service** System.

**Sec. 41.** Section 9.040 of the Charter of the City of Reno, being chapter 553, Statutes of Nevada 1973, at page 885, is hereby amended to read as follows:

Sec. 9.040 Commission meetings. The Commission shall provide by rule for the holding of not less than one regular meeting per month, for special meetings as needed, for the election of one member as Chair, for the election of one member or appointment of a nonmember as



Secretary, for public announcement of the time and place of meetings, and for meetings to be open to the public except as provided for by Commission rule. *A special meeting of the Commission may be called by the Chair of the Commission.*

**Sec. 42.** Section 9.050 of the Charter of the City of Reno, being chapter 553, Statutes of Nevada 1973, as amended by chapter 599, Statutes of Nevada 1993, at page 2501, is hereby amended to read as follows:

Sec. 9.050 Authority of Commission. Except as otherwise provided in ~~subsection 3 of section 9.250 of this article,~~ *this Charter*, the Commission has authority over and is responsible for:

1. All phases of the selection, appointment and promotion of employees in the Civil Service;
2. The appeal rights of such employees in regard to dismissal, demotion, suspension and disciplinary actions; and
3. The transfer of employees,  
     ↪ together with all responsibilities assigned to the Commission by this article.

**Sec. 43.** Section 9.060 of the Charter of the City of Reno, being chapter 553, Statutes of Nevada 1973, at page 885, is hereby amended to read as follows:

Sec. 9.060 Rules.

1. ~~[The]~~ *Except as otherwise provided in this section, the* Commission shall adopt or amend rules for the Civil Service System, consistent with the provisions of this article. ~~[At]~~ *The Commission shall give or cause to be given at* least 10 days' notice of time and place of a ~~[hearing]~~ *public meeting of the Commission* on proposed rules ~~[shall be given]~~ by posting ~~[such]~~ *the* notice and a copy of each proposed rule on the bulletin board of each department and by giving ~~[three copies thereof]~~ *a copy of the notice and each proposed rule* to the *City Council, the* City Manager, each department head, and the president or secretary of each employee organization formally recognized by the City. *At the meeting, the Commission shall permit a representative of the City Council or the City Manager, or both, to comment on any proposed rule. Any amendment of the rule governing the number of qualified persons certified to the appointing authority on the Civil Service eligibility list is not effective until the amendment is approved by the City Council.*

2. *The rules adopted by the Commission must provide for the following matters relating to the Civil Service System:*

- (a) *The review and approval by the Commission of minimum qualifications set out in class specifications for positions.*
- (b) *Open and promotional recruitment of employees.*

(c) *The development and scoring of examinations of candidates for positions.*

(d) *The development, maintenance and certification of Civil Service eligibility lists, which must include criteria for the use of selective certification as applicable to a position.*

(e) *Procedures for emergency, temporary, provisional and such other types of appointments as the Commission deems desirable to facilitate the business of the City.*

(f) *The establishment of probationary periods, procedures for the confirmation of employees into the Civil Service System after completion of any applicable probationary period, and procedures for the dismissal of probationary employees, including, without limitation, the identification of circumstances in which a probationary employee, including, without limitation, a promoted employee, may not be dismissed by the head of a department without right of appeal.*

(g) *Procedures for the promotion of employees and any right of promoted employees to return to their previous positions.*

(h) *Procedures for the transfer and layoff of employees.*

(i) *Procedures for investigating and hearing appeals relating to the discipline or discharge of employees or alleged violations of the rules of the Commission.*

3. A copy of all rules adopted and all changes in them ~~[shall]~~ **must** be filed in the Office of the City Clerk. The Commission shall cause the rules and all changes in them to be ~~[printed and]~~ distributed as it ~~[shall deem necessary. Copies shall be]~~ **deems necessary, except that the Commission shall cause a copy to be made** available to all officers and employees of the City ~~[~~  
~~—2.]~~ **on the City's website or in such other format as the Commission determines is appropriate.**

4. The head of each department may adopt ~~[rules]~~ **procedures** for the governance of his or her department not inconsistent with this article or **the rules of the Commission** adopted thereunder.

5. *As used in this section, "selective certification" means the certification of a person for inclusion on a Civil Service eligibility list for a position based upon specialized knowledge, skills or abilities of the person, in addition to those required to meet the minimum qualifications for the position, that are required to perform the duties of the position successfully.*

**Sec. 44.** Section 9.160 of the Charter of the City of Reno, being chapter 553, Statutes of Nevada 1973, at page 886, is hereby amended to read as follows:

Sec. 9.160 Prohibited acts.

1. No ~~[appointments]~~ **appointment** to or removal from a position in the Civil Service ~~[shall]~~ **may** be affected in any manner by any ~~[individual's:]~~ **person's**:

(a) Race, color, national origin, **age, sex, marital status, sexual orientation, gender identity or expression, disability**, membership or nonmembership in an employee organization, ~~[or]~~ **religion**, religious beliefs or affiliations ~~[-~~

~~—(b) Sex, marital status, age, or physical or visual handicap except when the Commission has certified that such fact constitutes a reasonable occupational qualification or disqualification for employment.~~

~~—(c)] , or any other characteristic for which such action is prohibited by the law of the State or of the United States, except when based upon a bona fide occupational qualification or otherwise authorized by law.~~

(b) Political beliefs or affiliations except if that ~~[individual]~~ **person** advocates or is a member of any organization that advocates the overthrow of the government of the United States by other than lawful means.

2. ~~[No]~~ A person shall **not** practice any deception, fraud or unfair practice with respect to application, examination, employment or any other procedure authorized under this article or Commission rule, or in any information given to the Commission.

**Sec. 45.** Section 9.270 of the Charter of the City of Reno, being chapter 553, Statutes of Nevada 1973, as last amended by chapter 65, Statutes of Nevada 1981, at page 162, is hereby amended to read as follows:

Sec. 9.270 Appeals to the Commission.

1. An employee in the Civil Service who has been suspended for a period of more than 3 days or who is the subject of an action by the City Manager to demote or terminate him or her may appeal such action to the Commission by serving the Secretary of the Commission with a written notice of appeal within 10 days after such action. The Commission shall set the time for hearing the appeal not less than 5 nor more than 15 days after the date of service of the notice of appeal.

2. The Commission shall adopt a rule for hearing such appeals and making any investigations it deems appropriate. In all appeals to the Commission, the City Attorney shall represent the interest of the City.

3. In connection with any hearing or investigation contemplated by this article each member of the Commission may administer oaths, secure by subpoena the attendance of witnesses residing within 50 miles of the City ~~[of Reno]~~ and the production of books and papers relevant to the hearing or investigation, compel witnesses to answer and punish for

contempt in the same manner as provided by law for the governing of trials before justices of the peace for failure to answer or produce books and other evidence necessary for the hearing. All witnesses must be under oath. The accused has the right to be heard in person and by attorney in his or her own defense and is entitled to secure the attendance of witnesses at the expense of the City if within the reach of the Commission's subpoena and necessary for his or her defense. Upon a showing of necessity an accused may secure from the Commission an order requiring the taking of depositions of witnesses who are necessary to his or her defense and not within the reach of a subpoena. The Commission shall determine to what extent the expense of such depositions will be paid for by the City. Hearings on appeal must be reported and may be transcribed if a transcript is necessary for a deliberation of the Commission or for an appeal to the district court. The Commission shall render its decision within 7 days after the date of the hearing.

4. The action taken by the City Manager may be affirmed, modified or revoked by the Commission. If the Commission finds that the reason for which the action was taken is insufficient it must modify or revoke the action.

5. The Commission shall adopt a rule for the hearing and disposition of appeals concerning procedures or the content of examinations.

**Sec. 46.** Section 9.280 of the Charter of the City of Reno, being chapter 553, Statutes of Nevada 1973, as amended by chapter 97, Statutes of Nevada 1995, at page 115, is hereby amended to read as follows:

Sec. 9.280 Disciplinary authority of Commission; judicial review.

1. Verified charges may be filed with the Commission setting forth cause for disciplinary action against any Civil Service employee by any resident of the City. The Commission may conduct investigations and hold such hearings as it deems appropriate to determine the facts. If the Commission finds the charges true it may order the suspension, dismissal or discipline of the employee.

2. The Commission on its own initiative may conduct investigations and hearings with respect to violations of this article or rules of the Commission and impose such sanctions as it deems appropriate.

3. ~~[Any]~~ ***Within 180 days after service of the decision, any*** person who is aggrieved by a final decision of the Commission may petition ~~[for judicial review in the manner provided by chapter 233B of NRS.]~~ ***the district court in the County for relief in the form of a writ of certiorari, mandamus or prohibition where such relief is otherwise authorized by chapter 34 of NRS or other applicable law.***

**Sec. 47.** Section 7A.030 of the Charter of the City of Reno, being chapter 460, Statutes of Nevada 1979, at page 860, section 9.090 of the Charter of the City of Reno, being chapter 553, Statutes of Nevada 1973, at page 885, section 9.190 of the Charter of the City of Reno, being chapter 553, Statutes of Nevada 1973, at page 886, section 9.200 of the Charter of the City of Reno, being chapter 553, Statutes of Nevada 1973, at page 887, section 9.210 of the Charter of the City of Reno, being chapter 553, Statutes of Nevada 1973, at page 887, section 9.220 of the Charter of the City of Reno, being chapter 553, Statutes of Nevada 1973, at page 887, section 9.240 of the Charter of the City of Reno, being chapter 553, Statutes of Nevada 1973, at page 887, and section 9.250 of the Charter of the City of Reno, being chapter 553, Statutes of Nevada 1973, as amended by chapter 599, Statutes of Nevada 1993, at page 2502, are hereby repealed.

**Sec. 48.** The amendatory provisions of this act apply prospectively.

**Sec. 49.** This act becomes effective upon passage and approval.

#### LEADLINES OF REPEALED SECTIONS

**Sec. 7A.030 “County” defined.**

**Sec. 9.090 Transfer of employees.**

**Sec. 9.190 Examinations, general.**

**Sec. 9.200 Open and promotional examinations.**

**Sec. 9.210 Assembled and continuous examinations.**

**Sec. 9.220 Examination scores.**

**Sec. 9.240 Eligible lists.**

**Sec. 9.250 Appointments.**

Assemblywoman Benitez-Thompson moved that the Assembly concur in the Senate Amendment No. 601 to Assembly Bill No. 9.

Remarks by Assemblywoman Benitez-Thompson.

ASSEMBLYWOMAN BENITEZ-THOMPSON:

The amendment adds the definition of “Appointive employee” to the Reno City Charter to mean persons who are special, technical, staff members who report directly to the city manager.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 131.

The following Senate amendment was read:

Amendment No. 600.

AN ACT relating to the Virgin Valley Water District; requiring each member of the Board of the District to be elected; setting forth the terms of service of the members of the Board; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Under existing law, the Board of the Virgin Valley Water District consists of five members. Of the five members, one member is appointed by the Mayor of the City of Mesquite, one member is appointed by the governing body of the town of Bunkerville and three members are elected from the service area of the District. Of the three elected members, one of the members must reside in the geographical area of the District located south of the Virgin River. (Section 5 of chapter 100, Statutes of Nevada 1993, p. 163, as amended by chapter 266, Statutes of Nevada 1995, p. 444) **Section 1** of this bill requires that ~~all~~ the five members of the Board be ~~selected from~~ selected as follows: (1) two members who must reside in and be elected by a plurality of the qualified electors of the ~~service~~ geographical area of the District ~~[. Section 1 also requires that two of the five members be elected from]~~ located south of the Virgin River; and (2) three members who must reside in and be elected by a plurality of the qualified electors of the geographical area of the District located ~~south~~ north of the Virgin River ~~]. ~~and~~ Section 1 also provides that, after the initial terms, all five members of the Board serve 4-year terms. Section 3 of this bill: (1) provides that the term of each existing member of the Board expires on December 31, 2014; and (2) requires that those members elected to the Board at the 2014 general election select by lot three members of the Board to serve for an initial term of 4 years and two members of the Board to serve for an initial term of 2 years.~~

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

**Section 1.** Section 5 of the Virgin Valley Water District Act, being chapter 100, Statutes of Nevada 1993, as amended by chapter 266, Statutes of Nevada 1995, at page 444, is hereby amended to read as follows:

Sec. 5. 1. ~~[Except as otherwise provided in section 4 of this act, the]~~ The governing Board of the District consists of five members selected as follows:

~~—(a) One member appointed by the mayor of the City of Mesquite with the approval of the City Council of that city.~~

~~—(b) One member appointed by the governing body of the town of Bunkerville, who must reside in the geographical area of the District located south of the Virgin River. If the town of Bunkerville is annexed into the City of Mesquite, this member must be appointed pursuant to paragraph (a), subject to the residency requirement set forth in this paragraph.~~

~~—(c) Three members] [elected from the service area of the District,] [one] ~~[two of whom]~~~~

(a) Two members who must reside in *and be elected by a plurality of the qualified electors of* the geographical area of the District located south of the Virgin River.

(b) Three members who must reside in and be elected by a plurality of the qualified electors of the geographical area of the District located north of the Virgin River.

2. Except for members of the first Board, ~~and appointed members,~~ members of the Board must be elected at a general district election held in conjunction with the general election of Clark County in 1994 and with subsequent general elections of Clark County. ~~[The elected member who is required to reside in the geographical area of the District located south of the Virgin River and one other elected member, who must be chosen by lot,] The members~~ serve terms of 4 years. ~~[and the remaining elected member serves a term of 2 years. The appointed members serve terms of 2 years.]~~

**Sec. 2.** Section 7 of the Virgin Valley Water District Act, being chapter 100, Statutes of Nevada 1993, at page 164, is hereby amended to read as follows:

Sec. 7. 1. ~~[Except as otherwise provided in this section and sections 4 and 5 of this act, each member of the Board must:~~

~~—(a) Reside in the District for at least 6 months before [his or her appointment or] [the election at which the member is elected;~~

~~—(b) Be a qualified elector of the District;~~

~~—(c) [If the member is elected to office, be] *[Be elected by a plurality of the qualified electors of the District; and*~~

~~—(d) Take office upon qualification therefor as provided in subsection 3, or on the first Monday in January next following the member's election,] [or appointment,] [whichever is later, and leave office upon the first Monday in January next following the election] [or appointment] [of the member's successor in office.~~

~~2. If the Board establishes various election areas within the District, each] *Each* member [who is elected to] of the Board must:~~

(a) Reside in the *geographical area represented, or if the Board has established various election areas, the* election area represented, for at least 6 months before the election at which the member is elected;

(b) Be a qualified elector of the *geographical area represented or the* election area represented; *and*

(c) ~~[Be elected by a plurality of the qualified electors of the election area represented; and~~

~~—(d) Take office [in the manner prescribed in paragraph (d) of subsection 1.~~

~~3.] upon qualification therefor as provided in subsection 2, or on the first Monday in January next following the member's election, whichever is later, and leave office upon the first Monday in January next following the election of the member's successor in office.~~

2. Before taking office, each member of the Board must qualify by filing with the Clerk of Clark County:

(a) An oath of office taken and subscribed in the manner prescribed by the Clerk; and

(b) A corporate surety bond, at the expense of the District, in an amount determined by the Clerk, but no greater than \$10,000, which bond must guarantee the faithful performance of the duties of the member.

~~[4.]~~ 3. A vacancy in the office of a member ~~[who is elected to]~~ of the Board must be filled by appointment of the remaining members of the Board. The person so appointed must be a resident and elector of the ~~[District.]~~ geographical area represented, or if the Board has established various election areas, the election area represented, and, before taking office, qualify in the manner prescribed in subsection ~~[3.]~~ 2. The person shall serve the remainder of the term of the member whose absence required his or her appointment. If the Board fails, neglects or refuses to fill a vacancy within 30 days after a vacancy occurs, the Board of County Commissioners of Clark County shall fill the vacancy.

~~[5. A vacancy in the office of a member who is appointed to the Board must be filled by appointment of the governing body who made the previous appointment. The person so appointed must be a resident and elector of the District and, before taking office, qualify in the manner prescribed in subsection 3. The person shall serve the remainder of the term of the member whose absence required his or her appointment.]~~

**Sec. 2.5. Section 8 of the Virgin Valley Water District Act, being chapter 100, Statutes of Nevada 1993, as amended by chapter 485, Statutes of Nevada 2011, at page 3076, is hereby amended to read as follows:**

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



2. Each candidate for election to the Board must file a declaration of candidacy with the Registrar of Voters not earlier than the first Monday in March of the year in which the election is to be held and not later than 5 p.m. on the second Friday after the first Monday in March. Timely filing of such declaration is a prerequisite to election.

3. If the Board establishes various election areas within the District and there are two or more seats upon the Board to be filled at the same election, each of which represents the same election area, the two candidates therefor receiving the highest number of votes, respectively, are elected.

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

5. If no person files candidacy for election to a particular seat upon the Board, the seat must be filled in the manner provided in subsection ~~44~~ 3 of section 7 of this act for filling a vacancy.

**Sec. 3. 1.** Notwithstanding the provisions of the Virgin Valley Water District Act, the term of each member of the Board of the Virgin Valley Water District expires on December 31, 2014.

**2. As soon as practicable after all the members of the Board of the Virgin Valley Water District are elected and qualified pursuant to section 5 of the Virgin Valley Water District Act, as amended by section 1 of this act, the members of the Board shall, by lot, select:**

**(a) Three members of the Board to serve for terms of 4 years, including:**

**(1) Two members who reside in and are elected by a plurality of the qualified electors of the geographical area of the District located north of the Virgin River; and**

**(2) One member who resides in and is elected by a plurality of the qualified electors of the geographical area of the District located south of the Virgin River; and**

**(b) Two members of the Board to serve for terms of 2 years, including:**

**(1) One member who resides in and is elected by a plurality of the qualified electors of the geographical area of the District located north of the Virgin River; and**

**(2) One member who resides in and is elected by a plurality of the qualified electors of the geographical area of the District located south of the Virgin River.**

**Sec. 4.** This act becomes effective on January 1, 2014, for the purpose of filing a declaration of candidacy to serve as a member of the Board of the Virgin Valley Water District and on January 1, 2015, for all other purposes.

Assemblywoman Benitez-Thompson moved that the Assembly concur in the Senate Amendment No. 600 to Assembly Bill No. 131.

Remarks by Assemblywoman Benitez-Thompson.

ASSEMBLYWOMAN BENITEZ-THOMPSON:

This amendment revises the selection of the board members for the Virgin Valley Water District by providing that two members must reside in and be elected by voters in the area south of Virgin River and three members must reside in and be elected by the voters north of the Virgin River. This amendment also staggers the terms of the board members.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 283.

The following Senate amendment was read:

Amendment No. 866.

SUMMARY—Makes various changes to provisions governing ~~bidding for~~ public works. (BDR 28-658)

AN ACT relating to public works; extending the authority for the Department of Transportation to contract with a construction manager at risk for the construction, reconstruction, improvement and maintenance of highways ~~on and after July 1, 2013;~~ **through June 30, 2017**; amending certain requirements governing contractors involved in public works; amending certain requirements governing bidding for public works when a public body decides to contract with a construction manager at risk; **prospectively repealing provisions relating to construction managers at risk**; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

~~[ Existing law requires a person who serves as a contractor on a public work to be licensed. (NRS 338.010) Section 2 of this bill limits that requirement so that a person who performs work that does not otherwise require licensure is not required to be licensed to provide services on a public work. ]~~

Existing law requires certain prime contractors who submit bids for a public work to include with the bid a list that discloses the first tier subcontractors who will perform a certain portion of the work on the public work. (NRS 338.141) **Section 6** of this bill amends the provisions prescribing which subcontractors must be named on the list. **Section 6** also requires the prime contractor to include on the list: (1) a description of the labor or portion of the work that the prime contractor will perform; or (2) a statement that the prime contractor will perform all work other than that being performed by a subcontractor named on the list.

Existing law allows a public body to contract with a construction manager at risk, which is a construction manager who is required to construct a public work within a guaranteed maximum price, a fixed price or a fixed price plus

reimbursement for certain costs. (NRS 338.169, 338.1696) **Section 7.5 of this bill limits to two per year the number of public works for which each public body in a county whose population is less than 100,000 (currently counties other than Clark and Washoe Counties) may enter into contracts with a construction manager at risk.**

**Section 8 of this bill requires a request for proposals for a construction manager at risk to include a list of the selection criteria and the relative weight thereof that will be used to rank applicants for a construction manager at risk.**

**Existing law requires** a proposal for a construction manager at risk to include an explanation of the experience that the applicant has ~~as a construction manager at risk.~~ **with projects of similar size and scope. Section 8 specifies that the explanation may include an explanation of experience by any delivery method, regardless of whether that method was the use of a construction manager at risk, and including design-build, design-assist, negotiated work or value-engineered work. Section 8 also requires the public body or its authorized representative to make available to the public the name of each applicant who submits a proposal for a public work to be performed by a construction manager at risk.**

**Section 10** of this bill requires a construction manager at risk who has entered into a contract with a public body for services related to construction that are provided before actual construction begins to provide to the public body, before entering into a contract for construction of the public work, a list of the labor or portions of the work which are estimated by the construction manager at risk to exceed a certain percentage of the estimated cost of the public work.

Existing law requires a public body to appoint a panel of at least three persons, with at least two having experience in the construction industry, to rank proposals and interview the top applicants for a public work. (NRS 338.1693) **Section 9** of this bill limits such a panel to seven members and requires that a majority of the panel have experience in the construction industry. **Section 9** also authorizes the public body to appoint another panel, similarly comprised, to interview the top applicants.

**Section 11** of this bill provides that if a public work involves predominantly horizontal construction, a construction manager at risk who enters into a contract for the construction of the public work shall perform construction work equal in value to at least 25 percent of the estimated cost of construction himself or herself, or using his or her own employees. **Section 2** of this bill defines the term “horizontal construction.”

Sections 12 and 13 of this bill modify requirements governing the procedure that a construction manager at risk is required to use when selecting and contracting with subcontractors.

Under existing law, the Department of Transportation may award a contract for the construction, reconstruction, improvement and maintenance of a highway to a construction manager at risk on or before June 30, 2013. ~~[Section]~~ **Sections 5 and 5.3 of this bill ~~[authorizes]~~ authorize the Department ~~[of Transportation]~~ to contract with a construction manager at risk for the construction, reconstruction, improvement and maintenance of highways ~~[on and after July 1, 2013.] through June 30, 2017. Section 5 also specifies the circumstances under which the provisions of chapter 338 of NRS apply to such contracts.~~**

**Section 14.3 of this bill requires the Department to conduct a study on the benefits to this State of entering into contracts with construction managers at risk for the construction, reconstruction, improvement or maintenance of highways and to submit that report on or before January 31, 2017, for transmittal to the 79th Session of the Legislature. Section 14.5 of this bill requires each public body to submit annually, to the Legislature or the Legislative Commission, a report on each public work for which the public body enters into a contract with a construction manager at risk. The report must include a description of the public work, the name of the construction manager at risk and a report on the progress of the public work or, if the public work has been completed, an explanation of whether the public body is satisfied with the public work and with the contractual arrangement with the construction manager at risk.**

**Section 14.7 of this bill repeals all of the provisions relating to construction managers at risk effective July 1, 2017.**

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

**Section 1.** Chapter 338 of NRS is hereby amended by adding thereto a new section to read as follows:

*The Legislature hereby declares that the provisions of this section and NRS 338.169 to 338.16995, inclusive, relating to contracts involving construction managers at risk, are intended ~~for~~ :*

- 1. To promote public confidence and trust in the contracting and bidding procedures for public works established therein ~~[and, for]~~ ;**
- 2. For the benefit of the public, to promote the philosophy of obtaining the best possible value as compared to low-bid contracting ~~[.]~~ ; and**
- 3. To better equip public bodies to address public works that present unique and complex construction challenges.**

**Sec. 2.** NRS 338.010 is hereby amended to read as follows:

338.010 As used in this chapter:

1. “Authorized representative” means a person designated by a public body to be responsible for the development, solicitation, award or administration of contracts for public works pursuant to this chapter.

2. “Contract” means a written contract entered into between a contractor and a public body for the provision of labor, materials, equipment or supplies for a public work.

3. “Contractor” means:

(a) A person who is ~~is not~~

~~(1) Is licensed pursuant to the provisions of chapter 624 of NRS, or~~

~~(2) Performs such work that the person is not required to be licensed pursuant to the provisions of chapter 624 of NRS; or~~

(b) A design-build team.

4. “Day labor” means all cases where public bodies, their officers, agents or employees, hire, supervise and pay the wages thereof directly to a worker or workers employed by them on public works by the day and not under a contract in writing.

5. “Design-build contract” means a contract between a public body and a design-build team in which the design-build team agrees to design and construct a public work.

6. “Design-build team” means an entity that consists of:

(a) At least one person who is licensed as a general engineering contractor or a general building contractor pursuant to chapter 624 of NRS; and

(b) For a public work that consists of:

(1) A building and its site, at least one person who holds a certificate of registration to practice architecture pursuant to chapter 623 of NRS.

(2) Anything other than a building and its site, at least one person who holds a certificate of registration to practice architecture pursuant to chapter 623 of NRS or landscape architecture pursuant to chapter 623A of NRS or who is licensed as a professional engineer pursuant to chapter 625 of NRS.

7. “Design professional” means:

(a) A person who is licensed as a professional engineer pursuant to chapter 625 of NRS;

(b) A person who is licensed as a professional land surveyor pursuant to chapter 625 of NRS;

(c) A person who holds a certificate of registration to engage in the practice of architecture, interior design or residential design pursuant to chapter 623 of NRS;

(d) A person who holds a certificate of registration to engage in the practice of landscape architecture pursuant to chapter 623A of NRS; or

(e) A business entity that engages in the practice of professional engineering, land surveying, architecture or landscape architecture.

8. “Division” means the State Public Works Division of the Department of Administration.

9. “Eligible bidder” means a person who is:

(a) Found to be a responsible and responsive contractor by a local government or its authorized representative which requests bids for a public work in accordance with paragraph (b) of subsection 1 of NRS 338.1373; or

(b) Determined by a public body or its authorized representative which awarded a contract for a public work pursuant to NRS 338.1375 to 338.139, inclusive, to be qualified to bid on that contract pursuant to NRS 338.1379 or 338.1382.

10. “General contractor” means a person who is licensed to conduct business in one, or both, of the following branches of the contracting business:

(a) General engineering contracting, as described in subsection 2 of NRS 624.215.

(b) General building contracting, as described in subsection 3 of NRS 624.215.

11. “Governing body” means the board, council, commission or other body in which the general legislative and fiscal powers of a local government are vested.

12. ***“Horizontal construction” means the construction of any fixed work, including any irrigation, drainage, water supply, flood control, harbor, railroad, highway, tunnel, airport or airway, sewer, ~~for~~ sewage disposal ~~system,~~ plant or water treatment facility and any ancillary vertical components thereof, bridge, inland waterway, pipeline for the transmission of petroleum or any other liquid or gaseous substance, pier, and work incidental thereto. The term does not include vertical construction, the construction of any terminal or other building of an airport or airway, or the construction of any ~~sewage plant, pump, transfer station or~~ other building.***

13. “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, 538, 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 a person who has been designated by the governing body of a local government to serve as its authorized representative.

~~{13}~~ **14.** “Offense” means failing to:

- (a) Pay the prevailing wage required pursuant to this chapter;
- (b) Pay the contributions for unemployment compensation required pursuant to chapter 612 of NRS;
- (c) Provide and secure compensation for employees required pursuant to chapters 616A to 617, inclusive, of NRS; or
- (d) Comply with subsection 4 or 5 of NRS 338.070.

~~{14}~~ **15.** “Prime contractor” means a contractor who:

- (a) Contracts to construct an entire project;
- (b) Coordinates all work performed on the entire project;
- (c) Uses his or her own workforce to perform all or a part of the public work; and
- (d) Contracts for the services of any subcontractor or independent contractor or is responsible for payment to any contracted subcontractors or independent contractors.

➡ The term includes, without limitation, a general contractor or a specialty contractor who is authorized to bid on a project pursuant to NRS 338.139 or 338.148.

~~{15}~~ **16.** “Public body” means the State, county, city, town, school district or any public agency of this State or its political subdivisions sponsoring or financing a public work.

~~{16}~~ **17.** “Public work” means any project for the new construction, repair or reconstruction of:

- (a) A project financed in whole or in part from public money for:
  - (1) Public buildings;
  - (2) Jails and prisons;
  - (3) Public roads;
  - (4) Public highways;
  - (5) Public streets and alleys;
  - (6) Public utilities;
  - (7) Publicly owned water mains and sewers;
  - (8) Public parks and playgrounds;
  - (9) Public convention facilities which are financed at least in part with public money; and
  - (10) All other publicly owned works and property.
- (b) A building for the Nevada System of Higher Education of which 25 percent or more of the costs of the building as a whole are paid from money appropriated by this State or from federal money.

~~{17}~~ **18.** “Specialty contractor” means a person who is licensed to conduct business as described in subsection 4 of NRS 624.215.

~~{18-}~~ 19. “Stand-alone underground utility project” means an underground utility project that is not integrated into a larger project, including, without limitation:

(a) An underground sewer line or an underground pipeline for the conveyance of water, including facilities appurtenant thereto; and

(b) A project for the construction or installation of a storm drain, including facilities appurtenant thereto,

➤ that is not located at the site of a public work for the design and construction of which a public body is authorized to contract with a design-build team pursuant to subsection 2 of NRS 338.1711.

~~{19-}~~ 20. “Subcontract” means a written contract entered into between:

(a) A contractor and a subcontractor or supplier; or

(b) A subcontractor and another subcontractor or supplier,

➤ for the provision of labor, materials, equipment or supplies for a construction project.

~~{20-}~~ 21. “Subcontractor” means a person who:

(a) Is licensed pursuant to the provisions of chapter 624 of NRS or performs such work that the person is not required to be licensed pursuant to chapter 624 of NRS; and

(b) Contracts with a contractor, another subcontractor or a supplier to provide labor, materials or services for a construction project.

~~{21-}~~ 22. “Supplier” means a person who provides materials, equipment or supplies for a construction project.

23. *“Vertical construction” means the construction or remodeling of any building, structure or other improvement that is predominantly vertical, including, without limitation, a building, structure or improvement for the support, shelter and enclosure of persons, animals, chattels or movable property of any kind, and any improvement appurtenant thereto.*

~~{22-}~~ 24. “Wages” means:

(a) The basic hourly rate of pay; and

(b) The amount of pension, health and welfare, vacation and holiday pay, the cost of apprenticeship training or other similar programs or other bona fide fringe benefits which are a benefit to the worker.

~~{23-}~~ 25. “Worker” means a skilled mechanic, skilled worker, semiskilled mechanic, semiskilled worker or unskilled worker in the service of a contractor or subcontractor under any appointment or contract of hire or apprenticeship, express or implied, oral or written, whether lawfully or unlawfully employed. The term does not include a design professional.

**Sec. 2.3. NRS 338.010 is hereby amended to read as follows:**

338.010 As used in this chapter:



1. “Authorized representative” means a person designated by a public body to be responsible for the development, solicitation, award or administration of contracts for public works pursuant to this chapter.

2. “Contract” means a written contract entered into between a contractor and a public body for the provision of labor, materials, equipment or supplies for a public work.

3. “Contractor” means:

(a) A person who is licensed pursuant to the provisions of chapter 624 of NRS.

(b) A design-build team.

4. “Day labor” means all cases where public bodies, their officers, agents or employees, hire, supervise and pay the wages thereof directly to a worker or workers employed by them on public works by the day and not under a contract in writing.

5. “Design-build contract” means a contract between a public body and a design-build team in which the design-build team agrees to design and construct a public work.

6. “Design-build team” means an entity that consists of:

(a) At least one person who is licensed as a general engineering contractor or a general building contractor pursuant to chapter 624 of NRS; and

(b) For a public work that consists of:

(1) A building and its site, at least one person who holds a certificate of registration to practice architecture pursuant to chapter 623 of NRS.

(2) Anything other than a building and its site, at least one person who holds a certificate of registration to practice architecture pursuant to chapter 623 of NRS or landscape architecture pursuant to chapter 623A of NRS or who is licensed as a professional engineer pursuant to chapter 625 of NRS.

7. “Design professional” means:

(a) A person who is licensed as a professional engineer pursuant to chapter 625 of NRS;

(b) A person who is licensed as a professional land surveyor pursuant to chapter 625 of NRS;

(c) A person who holds a certificate of registration to engage in the practice of architecture, interior design or residential design pursuant to chapter 623 of NRS;

(d) A person who holds a certificate of registration to engage in the practice of landscape architecture pursuant to chapter 623A of NRS; or

(e) A business entity that engages in the practice of professional engineering, land surveying, architecture or landscape architecture.

8. “Division” means the State Public Works Division of the Department of Administration.

9. “Eligible bidder” means a person who is:

(a) Found to be a responsible and responsive contractor by a local government or its authorized representative which requests bids for a public work in accordance with paragraph (b) of subsection 1 of NRS 338.1373; or

(b) Determined by a public body or its authorized representative which awarded a contract for a public work pursuant to NRS 338.1375 to 338.139, inclusive, to be qualified to bid on that contract pursuant to NRS 338.1379 or 338.1382.

10. “General contractor” means a person who is licensed to conduct business in one, or both, of the following branches of the contracting business:

(a) General engineering contracting, as described in subsection 2 of NRS 624.215.

(b) General building contracting, as described in subsection 3 of NRS 624.215.

11. “Governing body” means the board, council, commission or other body in which the general legislative and fiscal powers of a local government are vested.

12. ~~“Horizontal construction” means the construction of any fixed work, including any irrigation, drainage, water supply, flood control, harbor, railroad, highway, tunnel, airport or airway, sewer, sewage disposal plant or water treatment facility and any ancillary vertical components thereof, bridge, inland waterway, pipeline for the transmission of petroleum or any other liquid or gaseous substance, pier, and work incidental thereto. The term does not include vertical construction, the construction of any terminal or other building of an airport or airway, or the construction of any other building.~~

~~13.]~~ “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, 538, 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 a person who has been designated by the governing body of a local government to serve as its authorized representative.

~~14.]~~ 13. “Offense” means failing to:

(a) Pay the prevailing wage required pursuant to this chapter;

(b) Pay the contributions for unemployment compensation required pursuant to chapter 612 of NRS;

(c) Provide and secure compensation for employees required pursuant to chapters 616A to 617, inclusive, of NRS; or

(d) Comply with subsection 4 or 5 of NRS 338.070.

~~14.5~~ **14.** “Prime contractor” means a contractor who:

- (a) Contracts to construct an entire project;
- (b) Coordinates all work performed on the entire project;
- (c) Uses his or her own workforce to perform all or a part of the public work; and

(d) Contracts for the services of any subcontractor or independent contractor or is responsible for payment to any contracted subcontractors or independent contractors.

↪ The term includes, without limitation, a general contractor or a specialty contractor who is authorized to bid on a project pursuant to NRS 338.139 or 338.148.

~~14.6~~ **15.** “Public body” means the State, county, city, town, school district or any public agency of this State or its political subdivisions sponsoring or financing a public work.

~~14.7~~ **16.** “Public work” means any project for the new construction, repair or reconstruction of:

- (a) A project financed in whole or in part from public money for:
  - (1) Public buildings;
  - (2) Jails and prisons;
  - (3) Public roads;
  - (4) Public highways;
  - (5) Public streets and alleys;
  - (6) Public utilities;
  - (7) Publicly owned water mains and sewers;
  - (8) Public parks and playgrounds;
  - (9) Public convention facilities which are financed at least in part with public money; and
- (10) All other publicly owned works and property.

(b) A building for the Nevada System of Higher Education of which 25 percent or more of the costs of the building as a whole are paid from money appropriated by this State or from federal money.

~~14.8~~ **17.** “Specialty contractor” means a person who is licensed to conduct business as described in subsection 4 of NRS 624.215.

~~14.9~~ **18.** “Stand-alone underground utility project” means an underground utility project that is not integrated into a larger project, including, without limitation:

(a) An underground sewer line or an underground pipeline for the conveyance of water, including facilities appurtenant thereto; and

(b) A project for the construction or installation of a storm drain, including facilities appurtenant thereto,

↪ that is not located at the site of a public work for the design and construction of which a public body is authorized to contract with a design-build team pursuant to subsection 2 of NRS 338.1711.

~~{20.}~~ **19.** “Subcontract” means a written contract entered into between:

- (a) A contractor and a subcontractor or supplier; or
- (b) A subcontractor and another subcontractor or supplier,

↪ for the provision of labor, materials, equipment or supplies for a construction project.

~~{21.}~~ **20.** “Subcontractor” means a person who:

(a) Is licensed pursuant to the provisions of chapter 624 of NRS or performs such work that the person is not required to be licensed pursuant to chapter 624 of NRS; and

(b) Contracts with a contractor, another subcontractor or a supplier to provide labor, materials or services for a construction project.

~~{22.}~~ **21.** “Supplier” means a person who provides materials, equipment or supplies for a construction project.

~~{23.} “Vertical construction” means the construction or remodeling of any building, structure or other improvement that is predominantly vertical, including, without limitation, a building, structure or improvement for the support, shelter and enclosure of persons, animals, chattels or movable property of any kind, and any improvement appurtenant thereto.~~

~~{24.}~~ **22.** “Wages” means:

- (a) The basic hourly rate of pay; and
- (b) The amount of pension, health and welfare, vacation and holiday pay, the cost of apprenticeship training or other similar programs or other bona fide fringe benefits which are a benefit to the worker.

~~{25.}~~ **23.** “Worker” means a skilled mechanic, skilled worker, semiskilled mechanic, semiskilled worker or unskilled worker in the service of a contractor or subcontractor under any appointment or contract of hire or apprenticeship, express or implied, oral or written, whether lawfully or unlawfully employed. The term does not include a design professional.

**Sec. 2.5. NRS 338.0117 is hereby amended to read as follows:**

338.0117 1. To qualify to receive a preference in bidding pursuant to subsection 2 of NRS 338.1389, subsection 2 of NRS 338.147, ~~subsection 3 of NRS 338.1693,~~ subsection 3 of NRS 338.1727 or subsection 2 of NRS 408.3886, a contractor, an applicant or a design-build team, respectively, must submit to the public body sponsoring or financing a public work a signed affidavit which certifies that, for the duration of the project:

(a) At least 50 percent of all workers employed on the public work, including, without limitation, any employees of the contractor, applicant or design-build team and of any subcontractor engaged on the public work, will

hold a valid driver's license or identification card issued by the Department of Motor Vehicles;

(b) All vehicles used primarily for the public work will be:

(1) Registered and partially apportioned to Nevada pursuant to the International Registration Plan, as adopted by the Department of Motor Vehicles pursuant to NRS 706.826; or

(2) Registered in this State;

(c) At least 50 percent of the design professionals working on the public work, including, without limitation, any employees of the contractor, applicant or design-build team and of any subcontractor engaged on the public work, will have a valid driver's license or identification card issued by the Department of Motor Vehicles;

(d) At least 25 percent of the suppliers of the materials used for the public work will be located in this State unless the public body requires the acquisition of materials or equipment that cannot be obtained from a supplier located in this State; and

(e) The contractor, applicant or design-build team and any subcontractor engaged on the public work will maintain and make available for inspection within this State his or her records concerning payroll relating to the public work.

2. Any contract for a public work awarded to a contractor, applicant or design-build team who submits the affidavit described in subsection 1 and who receives a preference in bidding described in subsection 1 must:

(a) Include a provision in the contract that substantially incorporates the requirements of paragraphs (a) to (e), inclusive, of subsection 1; and

(b) Provide that a failure to comply with any requirement of paragraphs (a) to (e), inclusive, of subsection 1 is a material breach of the contract and entitles the public body to liquidated damages only as provided in subsections 5 and 6.

3. A person or entity who believes that a contractor, applicant or design-build team has obtained a preference in bidding as described in subsection 1 but has failed to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 1 may file a written objection with the public body for which the contractor, applicant or design-build team is performing the public work. A written objection authorized pursuant to this subsection must set forth proof or substantiating evidence to support the belief of the person or entity that the contractor, applicant or design-build team has failed to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 1.

4. If a public body receives a written objection pursuant to subsection 3, the public body shall determine whether the objection is accompanied by the proof or substantiating evidence required pursuant to that subsection. If the

public body determines that the objection is not accompanied by the required proof or substantiating evidence, the public body shall dismiss the objection. If the public body determines that the objection is accompanied by the required proof or substantiating evidence or if the public body determines on its own initiative that proof or substantiating evidence of a failure to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 1 exists, the public body shall determine whether the contractor, applicant or design-build team has failed to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 1 and the public body or its authorized representative may proceed to award the contract accordingly or, if the contract has already been awarded, seek the remedy authorized in subsection 5.

5. A public body may recover, by civil action against the party responsible for a failure to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 1, liquidated damages as described in subsection 6 for a breach of a contract for a public work caused by a failure to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 1. If a public body recovers liquidated damages pursuant to this subsection for a breach of a contract for a public work, the public body shall report to the State Contractors' Board the date of the breach, the name of each entity which breached the contract and the cost of the contract. The Board shall maintain this information for not less than 6 years. Upon request, the Board shall provide this information to any public body or its authorized representative.

6. If a contractor, applicant or design-build team submits the affidavit described in subsection 1, receives a preference in bidding described in subsection 1 and is awarded the contract, the contract between the contractor, applicant or design-build team and the public body, each contract between the contractor, applicant or design-build team and a subcontractor or supplier and each contract between a subcontractor and a subcontractor or supplier must provide that:

(a) If a party to the contract causes a material breach of the contract between the contractor, applicant or design-build team and the public body as a result of a failure to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 1, the party is liable to the public body for liquidated damages in the amount of 1 percent of the cost of the largest contract to which he or she is a party;

(b) The right to recover the amount determined pursuant to paragraph (a) by the public body pursuant to subsection 5 may be enforced by the public body directly against the party that causes the material breach; and

(c) No other party to the contract is liable to the public body for liquidated damages.

7. A public body that awards a contract for a public work to a contractor, applicant or design-build team who submits the affidavit described in subsection 1 and who receives a preference in bidding described in subsection 1 shall, on or before July 31 of each year, submit a written report to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission. The report must include information on each contract for a public work awarded to a contractor, applicant or design-build team who submits the affidavit described in subsection 1 and who receives a preference in bidding described in subsection 1, including, without limitation, the name of the contractor, applicant or design-build team who was awarded the contract, the cost of the contract, a brief description of the public work and a description of the degree to which the contractor, applicant or design-build team and each subcontractor complied with the requirements of paragraphs (a) to (e), inclusive, of subsection 1.

**Sec. 3.** NRS 338.018 is hereby amended to read as follows:

338.018 The provisions of NRS 338.013 to 338.018, inclusive, apply to any contract for construction work of the Nevada System of Higher Education for which the estimated cost exceeds \$100,000 even if the construction work does not qualify as a public work, as defined in subsection ~~14~~ 17 of NRS 338.010.

**Sec. 3.5. NRS 338.018 is hereby amended to read as follows:**

338.018 The provisions of NRS 338.013 to 338.018, inclusive, apply to any contract for construction work of the Nevada System of Higher Education for which the estimated cost exceeds \$100,000 even if the construction work does not qualify as a public work, as defined in subsection ~~14~~ 16 of NRS 338.010.

**Sec. 4.** NRS 338.075 is hereby amended to read as follows:

338.075 The provisions of NRS 338.020 to 338.090, inclusive, apply to any contract for construction work of the Nevada System of Higher Education for which the estimated cost exceeds \$100,000 even if the construction work does not qualify as a public work, as defined in subsection ~~14~~ 17 of NRS 338.010.

**Sec. 4.5. NRS 338.075 is hereby amended to read as follows:**

338.075 The provisions of NRS 338.020 to 338.090, inclusive, apply to any contract for construction work of the Nevada System of Higher Education for which the estimated cost exceeds \$100,000 even if the construction work does not qualify as a public work, as defined in subsection ~~14~~ 16 of NRS 338.010.

**Sec. 5.** NRS 338.1373 is hereby amended to read as follows:

338.1373 1. A local government or its authorized representative shall award a contract for a public work pursuant to the provisions of NRS 338.1415 and:

- (a) NRS 338.1377 to 338.139, inclusive;
- (b) NRS 338.143 to 338.148, inclusive;
- (c) NRS 338.169 to 338.16995, inclusive ~~[, and section 1 of this act;]~~ or
- (d) NRS 338.1711 to 338.173, inclusive.

2. Except as otherwise provided in this subsection, subsection 3 and chapter 408 of NRS, the provisions of this chapter apply with respect to contracts for the construction, reconstruction, improvement and maintenance of highways that are awarded by the Department of Transportation pursuant to NRS 408.201 and 408.313 to 408.433, inclusive. The provisions of NRS 338.1375 to 338.1382, inclusive, 338.1386, 338.13862, 338.13864, 338.139, 338.142 ~~[, 338.169 to 338.16995, inclusive,]~~ and 338.1711 to 338.1727, inclusive, do not apply with respect to contracts for the construction, reconstruction, improvement and maintenance of highways that are awarded by the Department of Transportation pursuant to NRS 408.201 and 408.313 to 408.433, inclusive.

3. To the extent that a provision of this chapter precludes the granting of federal assistance or reduces the amount of such assistance with respect to a contract for the construction, reconstruction, improvement or maintenance of highways that is awarded by the Department of Transportation pursuant to NRS 408.201 and 408.313 to 408.433, inclusive, that provision of this chapter does not apply to the Department of Transportation or the contract.

**Sec. 5.3. NRS 338.1373 is hereby amended to read as follows:**

338.1373 1. A local government or its authorized representative shall award a contract for a public work pursuant to the provisions of NRS 338.1415 and:

- (a) NRS 338.1377 to 338.139, inclusive;
- (b) NRS 338.143 to 338.148, inclusive; **or**
- (c) ~~NRS 338.169 to 338.16995, inclusive, and section 1 of this act; or~~
- ~~(d)~~ NRS 338.1711 to 338.173, inclusive.

2. Except as otherwise provided in this subsection, subsection 3 and chapter 408 of NRS, the provisions of this chapter apply with respect to contracts for the construction, reconstruction, improvement and maintenance of highways that are awarded by the Department of Transportation pursuant to NRS 408.201 and 408.313 to 408.433, inclusive. The provisions of NRS 338.1375 to 338.1382, inclusive, 338.1386, 338.13862, 338.13864, 338.139, 338.142 and 338.1711 to 338.1727, inclusive, do not apply with respect to contracts for the construction, reconstruction, improvement and maintenance of highways that are awarded by the Department of Transportation pursuant to NRS 408.201 and 408.313 to 408.433, inclusive.

3. To the extent that a provision of this chapter precludes the granting of federal assistance or reduces the amount of such assistance with respect to a



contract for the construction, reconstruction, improvement or maintenance of highways that is awarded by the Department of Transportation pursuant to NRS 408.201 and 408.313 to 408.433, inclusive, that provision of this chapter does not apply to the Department of Transportation or the contract.

**Sec. 5.5. NRS 338.1381 is hereby amended to read as follows:**

338.1381 1. If, within 10 days after receipt of the notice denying an application pursuant to NRS 338.1379 ~~for 338.16991~~ or disqualifying a subcontractor pursuant to NRS 338.1376, the applicant or subcontractor, as applicable, files a written request for a hearing with the Division or the local government, the State Public Works Board or governing body shall set the matter for a hearing within 20 days after receipt of the request. The hearing must be held not later than 45 days after the receipt of the request for a hearing unless the parties, by written stipulation, agree to extend the time.

2. The hearing must be held at a time and place prescribed by the Board or local government. At least 10 days before the date set for the hearing, the Board or local government shall serve the applicant or subcontractor with written notice of the hearing. The notice may be served by personal delivery to the applicant or subcontractor or by certified mail to the last known business or residential address of the applicant or subcontractor.

3. The applicant or subcontractor has the burden at the hearing of proving by substantial evidence that the applicant is entitled to be qualified to bid on a contract for a public work, or that the subcontractor is qualified to be a subcontractor on a contract for a public work.

4. In conducting a hearing pursuant to this section, the Board or governing body may:

- (a) Administer oaths;
- (b) Take testimony;
- (c) Issue subpoenas to compel the attendance of witnesses to testify before the Board or governing body;
- (d) Require the production of related books, papers and documents; and
- (e) Issue commissions to take testimony.

5. If a witness refuses to attend or testify or produce books, papers or documents as required by the subpoena issued pursuant to subsection 4, the Board or governing body may petition the district court to order the witness to appear or testify or produce the requested books, papers or documents.

6. The Board or governing body shall issue a decision on the matter during the hearing. The decision of the Board or governing body is a final decision for purposes of judicial review.

**Sec. 5.7. NRS 338.1385 is hereby amended to read as follows:**

338.1385 1. Except as otherwise provided in subsection 9, this State, or a governing body or its authorized representative that awards a contract for a

public work in accordance with paragraph (a) of subsection 1 of NRS 338.1373 shall not:

(a) Commence a public work for which the estimated cost exceeds \$100,000 unless it advertises in a newspaper qualified pursuant to chapter 238 of NRS that is published in the county where the public work will be performed for bids for the public work. If no qualified newspaper is published in the county where the public work will be performed, the required advertisement must be published in some qualified newspaper that is printed in the State of Nevada and having a general circulation within the county.

(b) Commence a public work for which the estimated cost is \$100,000 or less unless it complies with the provisions of NRS 338.1386, 338.13862 and 338.13864 and, with respect to the State, NRS 338.1384 to 338.13847, inclusive.

(c) Divide a public work into separate portions to avoid the requirements of paragraph (a) or (b).

2. At least once each quarter, the authorized representative of a public body shall report to the public body any contract that the authorized representative awarded pursuant to subsection 1 in the immediately preceding quarter.

3. Each advertisement for bids must include a provision that sets forth the requirement that a contractor must be qualified pursuant to NRS 338.1379 or 338.1382 to bid on the contract.

4. Approved plans and specifications for the bids must be on file at a place and time stated in the advertisement for the inspection of all persons desiring to bid thereon and for other interested persons. Contracts for the public work must be awarded on the basis of bids received.

5. Except as otherwise provided in subsection 6 and NRS 338.1389, a public body or its authorized representative shall award a contract to the lowest responsive and responsible bidder.

6. Any bids received in response to an advertisement for bids may be rejected if the public body or its authorized representative responsible for awarding the contract determines that:

(a) The bidder is not a qualified bidder pursuant to NRS 338.1379 or 338.1382;

(b) The bidder is not responsive or responsible;

(c) The quality of the services, materials, equipment or labor offered does not conform to the approved plans or specifications; or

(d) The public interest would be served by such a rejection.

7. A public body may let a contract without competitive bidding if no bids were received in response to an advertisement for bids and:

(a) The public body publishes a notice stating that no bids were received and that the contract may be let without further bidding;

(b) The public body considers any bid submitted in response to the notice published pursuant to paragraph (a);

(c) The public body lets the contract not less than 7 days after publishing a notice pursuant to paragraph (a); and

(d) The contract is awarded to the lowest responsive and responsible bidder.

8. Before a public body may commence the performance of a public work itself pursuant to the provisions of this section, based upon a determination that the public interest would be served by rejecting any bids received in response to an advertisement for bids, the public body shall prepare and make available for public inspection a written statement containing:

(a) A list of all persons, including supervisors, whom the public body intends to assign to the public work, together with their classifications and an estimate of the direct and indirect costs of their labor;

(b) A list of all equipment that the public body intends to use on the public work, together with an estimate of the number of hours each item of equipment will be used and the hourly cost to use each item of equipment;

(c) An estimate of the cost of administrative support for the persons assigned to the public work;

(d) An estimate of the total cost of the public work, including, the fair market value of or, if known, the actual cost of all materials, supplies, labor and equipment to be used for the public work; and

(e) An estimate of the amount of money the public body expects to save by rejecting the bids and performing the public work itself.

9. This section does not apply to:

(a) Any utility subject to the provisions of chapter 318 or 710 of NRS;

(b) Any work of construction, reconstruction, improvement and maintenance of highways subject to NRS 408.323 or 408.327;

(c) Normal maintenance of the property of a school district;

(d) The Las Vegas Valley Water District created pursuant to chapter 167, Statutes of Nevada 1947, the Moapa Valley Water District created pursuant to chapter 477, Statutes of Nevada 1983 or the Virgin Valley Water District created pursuant to chapter 100, Statutes of Nevada 1993;

(e) The design and construction of a public work for which a public body contracts with a design-build team pursuant to NRS 338.1711 to 338.1727, inclusive; **or**

(f) A constructability review of a public work, which review a local government or its authorized representative is required to perform pursuant to NRS 338.1435. ~~For~~

~~(g) The preconstruction or construction of a public work for which a public body enters into a contract with a construction manager at risk pursuant to NRS 338.169 to 338.16995, inclusive.]~~

**Sec. 6.** NRS 338.141 is hereby amended to read as follows:

338.141 1. Except as otherwise provided in NRS 338.1727, each bid submitted to a public body for any public work to which paragraph (a) of subsection 1 of NRS 338.1385 ~~or~~ paragraph (a) of subsection 1 of NRS 338.143 or NRS 408.327 applies, must include:

(a) If the public body provides a list of the labor or portions of the public work which are estimated by the public body to exceed 3 percent of the estimated cost of the public work, the name of each first tier subcontractor who will provide such labor or portion of the work on the public work which is estimated to exceed 3 percent of the estimated cost of the public work; or

(b) If the public body does not provide a list of the labor or portions of the public work which are estimated by the public body to exceed 3 percent of the estimated cost of the public work, the name of each first tier subcontractor who will provide labor or a portion of the work on the public work to the prime contractor for which the first tier subcontractor will be paid an amount exceeding 5 percent of the prime contractor's total bid. If the bid is submitted pursuant to this paragraph, within 2 hours after the completion of the opening of the bids, the contractors who submitted the three lowest bids must submit a list containing ~~the~~ :

(1) ***The*** name of each first tier subcontractor who will provide labor or a portion of the work on the public work to the prime contractor for which the first tier subcontractor will be paid an amount exceeding \$250,000.

(2) ***If any one of the contractors who submitted one of the three lowest bids will employ a first tier subcontractor who will provide labor or a portion of the work on the public work to the prime contractor for which the first tier subcontractor will not be paid an amount exceeding \$250,000, the name of each first tier subcontractor who will provide labor or a portion of the work on the public work to the prime contractor for which the first tier subcontractor will be paid 1 percent of the prime contractor's total bid or \$50,000, whichever is greater . ~~and~~***

(3) ***For each first tier subcontractor whose name is listed pursuant to subparagraph (1) or (2), the number of the license issued to the first tier subcontractor pursuant to chapter 624 of NRS.***

2. The lists required by subsection 1 must include a description of the labor or portion of the work which each first tier subcontractor named in the list will provide to the prime contractor.

3. A prime contractor shall include his or her name on a list required by paragraph (a) or (b) of subsection 1 ~~. If, as the prime contractor,~~ ***If*** the prime contractor will perform any ~~of the~~ work ~~required to be~~ ***which is***

***more than 1 percent of the prime contractor's total bid and which is not being performed by a subcontractor*** listed pursuant to paragraph (a) or (b) of subsection 1 ~~[-]~~, ***the prime contractor shall also include on the list:***

***(a) A description of the labor or portion of the work that the prime contractor will perform; or***

***(b) A statement that the prime contractor will perform all work other than that being performed by a subcontractor listed pursuant to paragraph (a) or (b) of subsection 1.***

4. Except as otherwise provided in this subsection, if a contractor:

(a) Fails to submit the list within the required time; or

(b) Submits a list that includes the name of a subcontractor who, at the time of the submission of the list, is on disqualified status with the Division pursuant to NRS 338.1376,

☞ the contractor's bid shall be deemed not responsive. A contractor's bid shall not be deemed not responsive on the grounds that the contractor submitted a list that includes the name of a subcontractor who, at the time of the submission of the list, is on disqualified status with the Division pursuant to NRS 338.1376 if the contractor, before the award of the contract, provides an acceptable replacement subcontractor in the manner set forth in subsection 1 or 2 of NRS 338.13895.

5. A prime contractor shall not substitute a subcontractor for any subcontractor who is named in the bid, unless:

(a) The public body or its authorized representative objects to the subcontractor, requests in writing a change in the subcontractor and pays any increase in costs resulting from the change.

(b) The substitution is approved by the public body or its authorized representative. The substitution must be approved if the public body or its authorized representative determines that:

(1) The named subcontractor, after having a reasonable opportunity, fails or refuses to execute a written contract with the contractor which was offered to the named subcontractor with the same general terms that all other subcontractors on the project were offered;

(2) The named subcontractor files for bankruptcy or becomes insolvent;

(3) The named subcontractor fails or refuses to perform his or her subcontract within a reasonable time or is unable to furnish a performance bond and payment bond pursuant to NRS 339.025; or

(4) The named subcontractor is not properly licensed to provide that labor or portion of the work.

(c) If the public body awarding the contract is a governing body, the public body or its authorized representative, in awarding the contract pursuant to NRS 338.1375 to 338.139, inclusive:

(1) Applies such criteria set forth in NRS 338.1377 as are appropriate for subcontractors and determines that the subcontractor does not meet that criteria; and

(2) Requests in writing a substitution of the subcontractor.

6. If a prime contractor substitutes a subcontractor for any subcontractor who is named in the bid without complying with the provisions of subsection 5, the prime contractor shall forfeit, as a penalty to the public body that awarded the contract, an amount equal to 1 percent of the total amount of the contract.

7. If a prime contractor, ~~[indicated pursuant to subsection 3 that he or she would perform a portion of work on the public work and,]~~ after the submission of the bid, substitutes a subcontractor to perform ~~[such work,]~~ ***the work indicated pursuant to subsection 3 that the prime contractor would perform***, the prime contractor shall forfeit as a penalty to the public body that awarded the contract, the lesser of, and excluding any amount of the contract that is attributable to change orders:

(a) An amount equal to 2.5 percent of the total amount of the contract; or

(b) An amount equal to 35 percent of the estimate by the engineer of the cost of the work the prime contractor indicated pursuant to subsection 3 that he or she would perform on the public work.

8. As used in this section:

(a) “First tier subcontractor” means a subcontractor who contracts directly with a prime contractor to provide labor, materials or services for a construction project.

(b) “General terms” means the terms and conditions of a contract that set the basic requirements for a public work and apply without regard to the particular trade or specialty of a subcontractor, but does not include any provision that controls or relates to the specific portion of the public work that will be completed by a subcontractor, including, without limitation, the materials to be used by the subcontractor or other details of the work to be performed by the subcontractor.

**Sec. 6.5. NRS 338.143 is hereby amended to read as follows:**

338.143 1. Except as otherwise provided in subsection 8, a local government or its authorized representative that awards a contract for a public work in accordance with paragraph (b) of subsection 1 of NRS 338.1373 shall not:

(a) Commence a public work for which the estimated cost exceeds \$100,000 unless it advertises in a newspaper qualified pursuant to chapter 238 of NRS that is published in the county where the public work will be performed for bids for the public work. If no qualified newspaper is published within the county where the public work will be performed, the required advertisement must be published in some qualified newspaper that is

printed in the State of Nevada and has a general circulation within the county.

(b) Commence a public work for which the estimated cost is \$100,000 or less unless it complies with the provisions of NRS 338.1442, 338.1444 or 338.1446.

(c) Divide a public work into separate portions to avoid the requirements of paragraph (a) or (b).

2. At least once each quarter, the authorized representative of a local government shall report to the governing body any contract that the authorized representative awarded pursuant to subsection 1 in the immediately preceding quarter.

3. Approved plans and specifications for the bids must be on file at a place and time stated in the advertisement for the inspection of all persons desiring to bid thereon and for other interested persons. Contracts for the public work must be awarded on the basis of bids received.

4. Except as otherwise provided in subsection 5 and NRS 338.147, the local government or its authorized representative shall award a contract to the lowest responsive and responsible bidder.

5. Any bids received in response to an advertisement for bids may be rejected if the local government or its authorized representative responsible for awarding the contract determines that:

(a) The bidder is not responsive or responsible;

(b) The quality of the services, materials, equipment or labor offered does not conform to the approved plans or specifications; or

(c) The public interest would be served by such a rejection.

6. A local government may let a contract without competitive bidding if no bids were received in response to an advertisement for bids and:

(a) The local government publishes a notice stating that no bids were received and that the contract may be let without further bidding;

(b) The local government considers any bid submitted in response to the notice published pursuant to paragraph (a);

(c) The local government lets the contract not less than 7 days after publishing a notice pursuant to paragraph (a); and

(d) The contract is awarded to the lowest responsive and responsible bidder.

7. Before a local government may commence the performance of a public work itself pursuant to the provisions of this section, based upon a determination that the public interest would be served by rejecting any bids received in response to an advertisement for bids, the local government shall prepare and make available for public inspection a written statement containing:

(a) A list of all persons, including supervisors, whom the local government intends to assign to the public work, together with their classifications and an estimate of the direct and indirect costs of their labor;

(b) A list of all equipment that the local government intends to use on the public work, together with an estimate of the number of hours each item of equipment will be used and the hourly cost to use each item of equipment;

(c) An estimate of the cost of administrative support for the persons assigned to the public work;

(d) An estimate of the total cost of the public work, including the fair market value of or, if known, the actual cost of all materials, supplies, labor and equipment to be used for the public work; and

(e) An estimate of the amount of money the local government expects to save by rejecting the bids and performing the public work itself.

8. This section does not apply to:

(a) Any utility subject to the provisions of chapter 318 or 710 of NRS;

(b) Any work of construction, reconstruction, improvement and maintenance of highways subject to NRS 408.323 or 408.327;

(c) Normal maintenance of the property of a school district;

(d) The Las Vegas Valley Water District created pursuant to chapter 167, Statutes of Nevada 1947, the Moapa Valley Water District created pursuant to chapter 477, Statutes of Nevada 1983 or the Virgin Valley Water District created pursuant to chapter 100, Statutes of Nevada 1993;

(e) The design and construction of a public work for which a public body contracts with a design-build team pursuant to NRS 338.1711 to 338.1727, inclusive; *or*

(f) A constructability review of a public work, which review a local government or its authorized representative is required to perform pursuant to NRS 338.1435. ~~For~~

~~(g) The preconstruction or construction of a public work for which a public body enters into a contract with a construction manager at risk pursuant to NRS 338.169 to 338.16995, inclusive.]~~

Sec. 7. (Deleted by amendment.)

Sec. 7.5. **NRS 338.169 is hereby amended to read as follows:**

338.169 ~~1A~~

**1. Subject to the provisions of subsection 2, a** public body may construct a public work by:

~~1A~~ **(a)** Selecting a construction manager at risk pursuant to the provisions of NRS 338.1691 to 338.1696, inclusive; and

~~2A~~ **(b)** Entering into separate contracts with a construction manager at risk:

~~(a)~~ **(1)** For preconstruction services, including, without limitation:



~~[(1)]~~ **(I)** Assisting the public body in determining whether scheduling or constructability problems exist that would delay the construction of the public work;

~~[(2)]~~ **(II)** Estimating the cost of the labor and material for the public work; and

~~[(3)]~~ **(III)** Assisting the public body in determining whether the public work can be constructed within the public body's budget; and

~~[(4)]~~ **(2)** To construct the public work.

**2. A public body in a county whose population is less than 100,000 may enter into contracts with a construction manager at risk pursuant to NRS 338.169 to 338.16995, inclusive, for the construction of not more than two public works in a calendar year that are discrete projects.**

**Sec. 8.** NRS 338.1692 is hereby amended to read as follows:

338.1692 1. A public body or its authorized representative shall advertise for proposals for a construction manager at risk in a newspaper qualified pursuant to chapter 238 of NRS that is published in the county where the public work will be performed. If no qualified newspaper is published in the county where the public work will be performed, the required advertisement must be published in some qualified newspaper that is printed in the State of Nevada and has a general circulation in the county.

2. A request for proposals published pursuant to subsection 1 must include, without limitation:

- (a) A description of the public work;
- (b) An estimate of the cost of construction;
- (c) A description of the work that the public body expects a construction manager at risk to perform;
- (d) The dates on which it is anticipated that the separate phases of the preconstruction and construction of the public work will begin and end;
- (e) The date by which proposals must be submitted to the public body;
- (f) If the project is a public work of the State, a statement setting forth that the construction manager at risk must be qualified to bid on a public work of the State pursuant to NRS 338.1379 before submitting a proposal;
- (g) The name, title, address and telephone number of a person employed by the public body that an applicant may contact for further information regarding the public work;
- (h) A list of the selection criteria and relative weight of the selection criteria that will be used to ~~evaluate~~ **rank** proposals ~~[(1)]~~ **pursuant to subsection 2 of NRS 338.1693;**
- (i) A list of the selection criteria and relative weight of the selection criteria that will be used to rank applicants pursuant to subsection 7 of NRS 338.1693;** and

~~[(c)]~~ (j) A notice that the proposed form of the contract to assist in the preconstruction of the public work or to construct the public work, including, without limitation, the terms and general conditions of the contract, is available from the public body.

3. A proposal must include, without limitation:

(a) An explanation of the experience that the applicant has with projects of similar size and scope in both the public and private sectors ~~[(j)]~~ by any delivery method, whether or not that method was the use of a construction manager at risk, and including, without limitation, ~~[an explanation of the experience that the applicant has in assisting in the design of such projects]~~ design-build, design-assist, negotiated work or value-engineered work, and an explanation of the experience that the applicant has in such projects in Nevada;

(b) ~~[An explanation of the experience that the applicant has as a construction manager at risk]~~

~~—(c)]~~ The contact information for references who have knowledge of the background, character and technical competence of the applicant;

(c) ~~[(d)]~~ Evidence of the ability of the applicant to obtain the necessary bonding for the work to be required by the public body;

(d) ~~[(e)]~~ Evidence that the applicant has obtained or has the ability to obtain such insurance as may be required by law;

(e) ~~[(f)]~~ A statement of whether the applicant has been:

(1) Found liable for breach of contract with respect to a previous project, other than a breach for legitimate cause, during the 5 years immediately preceding the date of the advertisement for proposals; and

(2) Disqualified from being awarded a contract pursuant to NRS 338.017, 338.13895, 338.1475 or 408.333;

(f) ~~[(g)]~~ The professional qualifications and experience of the applicant, including, without limitation, the resume of any employee of the applicant who will be managing the preconstruction and construction of the public work;

(g) ~~[(h)]~~ The safety programs established and the safety records accumulated by the applicant;

(h) ~~[(i)]~~ Evidence that the applicant is licensed as a contractor pursuant to chapter 624 of NRS;

(i) ~~[(j)]~~ The proposed plan of the applicant to manage the preconstruction and construction of the public work which sets forth in detail the ability of the applicant to provide preconstruction services and to construct the public work ~~[(j)]~~ and *which includes, if the public work involves predominantly horizontal construction, a statement that the applicant will perform construction work equal in value to at least 25 percent of the estimated cost of construction; and*

(j) ~~[(4)]~~ If the project is for the design of a public work of the State, evidence that the applicant is qualified to bid on a public work of the State pursuant to NRS 338.1379.

**4. The public body or its authorized representative shall make available to the public the name of each applicant who submits a proposal pursuant to this section.**

**Sec. 9.** NRS 338.1693 is hereby amended to read as follows:

338.1693 1. The public body or its authorized representative shall appoint a panel consisting of at least three ***but not more than seven*** members, ~~at least two~~ ***a majority*** of whom must have experience in the construction industry, to rank the proposals submitted to the public body by evaluating the proposals as required pursuant to subsections 2 and 3.

2. The panel ***appointed pursuant to subsection 1*** shall rank the proposals by:

(a) Verifying that each applicant satisfies the requirements of NRS 338.1691; and

(b) Evaluating and assigning a score to each of the proposals received by the public body based on the factors and relative weight assigned to each factor that the public body specified in the request for proposals.

3. When ranking the proposals, the panel ***appointed pursuant to subsection 1*** shall assign a relative weight of 5 percent to the applicant's possession of a certificate of eligibility to receive a preference in bidding on public works if the applicant submits a signed affidavit that meets the requirements of subsection 1 of NRS 338.0117. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of this subsection, those provisions of this subsection do not apply insofar as their application would preclude or reduce federal assistance for that work.

4. After the panel ***appointed pursuant to subsection 1*** ranks the proposals, the public body or its authorized representative shall, except as otherwise provided in subsection ~~5~~ ***8***, select at least the two but not more than the five applicants whose proposals received the highest scores for interviews.

***5. The public body or its authorized representative may appoint a separate panel to interview and rank the applicants selected pursuant to subsection 4. If a separate panel is appointed pursuant to this subsection, the panel must consist of at least three but not more than seven members, a majority of whom must have experience in the construction industry.***

6. During the interview process, the ~~public body or its authorized representative~~ ***panel conducting the interview*** may require the applicants to submit a preliminary proposed amount of compensation for managing the preconstruction and construction of the public work, but in no event shall the

proposed amount of compensation exceed 20 percent of the scoring for the selection of the most qualified applicant. *All presentations made at any interview conducted pursuant to this subsection or subsection 5 may be made only by key personnel employed by the applicant, as determined by the applicant, and the employees of the applicant who will be directly responsible for managing the preconstruction and construction of the public work.*

7. After conducting such interviews, the panel *that conducted the interviews* shall rank the applicants by using a ranking process that is separate from the process used to rank ~~proposals~~ *the applicants* pursuant to subsection 2 and is based only on information submitted during the interview process. The score to be given for the proposed amount of compensation, if any, must be calculated by dividing the lowest of all the proposed amounts of compensation by the applicant's proposed amount of compensation multiplied by the total possible points available to each applicant.

~~{5-}~~ *When ranking the applicants, the panel that conducted the interviews shall assign a relative weight of 5 percent to the applicant's possession of a certificate of eligibility to receive a preference in bidding on public works if the applicant submits a signed affidavit that meets the requirements of subsection 1 of NRS 338.0117.*

8. If the public body did not receive at least two proposals, the public body may not contract with a construction manager at risk.

~~{6-}~~ 9. Upon receipt of the final rankings of the applicants from the panel ~~{-}~~ *that conducted the interviews*, the public body or its authorized representative shall enter into negotiations with the most qualified applicant determined pursuant to ~~subsections 2, 3 and 4~~ *the provisions of this section* for a contract for preconstruction services, unless the public body required the submission of a proposed amount of compensation, in which case the proposed amount of compensation submitted by the applicant must be the amount offered for the contract. If the public body or its authorized representative is unable to negotiate a contract with the most qualified applicant for an amount of compensation that the public body or its authorized representative and the most qualified applicant determine to be fair and reasonable, the public body or its authorized representative shall terminate negotiations with that applicant. The public body or its authorized representative may then undertake negotiations with the next most qualified applicant in sequence until an agreement is reached and, if the negotiation is undertaken by an authorized representative of the public body, approved by the public body or until a determination is made by the public body to reject all applicants.

~~{7-}~~ 10. The public body or its authorized representative shall make available to all applicants and the public the final rankings of the applicants ,

*as determined by the panel that conducted the interviews*, and shall provide, upon request, an explanation to any unsuccessful applicant of the reasons why the applicant was unsuccessful.

**Sec. 10.** NRS 338.1696 is hereby amended to read as follows:

338.1696 1. If a public body enters into a contract with a construction manager at risk for preconstruction services pursuant to NRS 338.1693, after the public body has finalized the design for the public work, or any portion thereof sufficient to determine the provable cost of that portion, the public body shall enter into negotiations with the construction manager at risk for a contract to construct the public work or the portion thereof for the public body for:

- (a) The cost of the work, plus a fee, with a guaranteed maximum price;
- (b) A fixed price; or
- (c) A fixed price plus reimbursement for overhead and other costs and expenses related to the construction of the public work or portion thereof.

2. If the public body is unable to negotiate a satisfactory contract with the construction manager at risk to construct the public work or portion thereof, the public body shall terminate negotiations with that applicant and:

(a) May award the contract for the public work:

(1) If the public body is not a local government, pursuant to the provisions of NRS 338.1377 to 338.139, inclusive.

(2) If the public body is a local government, pursuant to the provisions of NRS 338.1377 to 338.139, inclusive, or 338.143 to 338.148, inclusive; and

(b) Shall accept a bid to construct the public work from the construction manager at risk with whom the public body entered into a contract for preconstruction services.

3. *Before entering into a contract with the public body to construct a public work or a portion thereof pursuant to subsection 1, the construction manager at risk shall:*

(a) *Provide the public body with a list of the labor or portions of the work which are estimated by the construction manager at risk to exceed 1 percent of the estimated cost of the public work; and*

(b) *Select each subcontractor who is to provide labor or a portion of the work which is estimated by the construction manager at risk to exceed 1 percent of the estimated cost of the public work in accordance with NRS 338.16991 and 338.16995 and provide the names of each selected subcontractor to the public body.*

4. *Except as otherwise provided in subsection ~~5~~ 13 of NRS ~~338.141,~~ 338.16995, a public body shall not interfere with the right of the construction manager at risk to select the subcontractor whom the*

*construction manager at risk determines to have submitted the best proposal pursuant to NRS 338.16995.*

**Sec. 11.** NRS 338.16985 is hereby amended to read as follows:

338.16985 A construction manager at risk who enters into a contract for the construction of a public work pursuant to NRS 338.1696:

1. Is responsible for contracting for the services of any necessary subcontractor, supplier or independent contractor necessary for the construction of the public work and for the performance of and payment to any such subcontractors, suppliers or independent contractors.

2. If the public work involves ~~the~~ ***predominantly horizontal*** construction, ~~of a fixed work that is described in subsection 2 of NRS 624.215,~~ shall perform ~~not less than 25~~ ***construction work equal in value to at least 25*** percent of the ***estimated cost of*** construction ~~of the fixed work~~ himself or herself, or using his or her own employees.

3. If the public work involves ~~the~~ ***predominantly vertical*** construction, ~~of a building or structure that is described in subsection 3 of NRS 624.215,~~ may perform himself or herself or using his or her own employees as much of the construction of the building or structure that the construction manager at risk is able to demonstrate that the construction manager at risk or his or her own employees have performed on similar projects.

**Sec. 12.** NRS 338.16991 is hereby amended to read as follows:

338.16991 1. To be eligible to provide labor, materials or equipment on a public work, the contract for which a public body has entered into with a construction manager at risk pursuant to NRS 338.1696, a subcontractor must be:

(a) Licensed pursuant to chapter 624 of NRS; and

(b) Qualified pursuant to the provisions of this section to submit a proposal for the provision of labor, materials or equipment on a public work.

2. Subject to the provisions of subsections 3, 4 and 5, the construction manager at risk shall determine whether an applicant is qualified to submit a proposal for the provision of labor, materials or equipment on the public work for the purposes of paragraph (b) of subsection 1.

3. ***Not earlier than 30 days after a construction manager at risk has been selected pursuant to NRS 338.1693*** ~~After the design and schedule for the construction of the public work is sufficiently detailed and complete to allow a subcontractor to apply to qualify to submit a meaningful and responsive proposal for the provision of labor, materials or equipment on the public work~~ and not later than ~~21~~ ***10 working*** days before the date by which ~~such~~ an application must be submitted, the construction manager at risk shall advertise for ~~such~~ applications ***from subcontractors*** in a newspaper qualified pursuant to chapter 238 of NRS that is published in the county where the public work will be performed. If no qualified newspaper is

published in the county where the public work will be performed, the advertisement must be published in some qualified newspaper that is printed in the State of Nevada and has a general circulation in the county. ***The construction manager at risk may accept an application from a subcontractor before advertising for applications pursuant to this subsection.***

4. The criteria to be used by the construction manager at risk when determining whether an applicant is qualified to submit a proposal for the provision of labor, materials or equipment must include, and must be limited to:

(a) The monetary limit placed on the license of the applicant by the State Contractors' Board pursuant to NRS 624.220;

(b) The financial ability of the applicant to provide the labor, materials or equipment required on the public work;

(c) Whether the applicant has the ability to obtain the necessary bonding for the work required by the public body;

(d) The safety programs established and the safety records accumulated by the applicant;

(e) Whether the applicant has breached any contracts with a public body or person in this State or any other state during the 5 years immediately preceding the application;

(f) Whether the applicant has been disciplined or fined by the State Contractors' Board or another state or federal agency for conduct that relates to the ability of the applicant to perform the public work;

(g) The performance history of the applicant concerning other recent, similar public or private contracts, if any, completed by the applicant in Nevada;

(h) The principal personnel of the applicant;

(i) Whether the applicant has been disqualified from the award of any contract pursuant to NRS 338.017 or 338.13895; and

(j) The truthfulness and completeness of the application.

5. The public body or its authorized representative shall ensure that each determination made pursuant to subsection 2 is made subject to the provisions of subsection 4.

6. The construction manager at risk shall notify each applicant and the public body in writing of a determination made pursuant to subsection 2.

7. A determination made pursuant to subsection 2 that an applicant is not qualified may be appealed pursuant to NRS 338.1381 to the public body with whom the construction manager at risk has entered into a contract for the construction of the public work.

**Sec. 13.** NRS 338.16995 is hereby amended to read as follows:

338.16995 1. If a public body enters into a contract with a construction manager at risk for the construction of a public work pursuant to NRS 338.1696, the construction manager at risk may enter into a subcontract for the provision of labor, materials and equipment necessary for the construction of the public work only as provided in this section.

2. The provisions of this section apply only to a subcontract for which the estimated value is at least 1 percent of the total cost of the public work ~~or~~ **or \$50,000, whichever is greater.**

3. After the design and schedule for the construction of the public work is sufficiently detailed and complete to allow a subcontractor to submit a meaningful and responsive proposal, and not later than 21 days before the date by which a proposal for the provision of labor, materials or equipment by a subcontractor must be submitted, the construction manager at risk shall notify in writing each subcontractor who was determined pursuant to NRS 338.16991 to be qualified to submit such a proposal of a request for such proposals. A copy of the notice required pursuant to this subsection must be provided to the public body.

4. The notice required pursuant to subsection 3 must include, without limitation:

(a) A description of the design for the public work and a statement indicating where a copy of the documents relating to that design may be obtained;

(b) A description of the type and scope of labor, equipment and materials for which subcontractor proposals are being sought;

(c) The dates on which it is anticipated that construction of the public work will begin and end;

(d) ~~The~~ **If a preproposal meeting regarding the scope of the work to be performed by the subcontractor is to be held, the** date, time and place at which ~~the~~ **the** preproposal meeting will be held;

(e) The date and time by which proposals must be received, and to whom they must be submitted;

(f) The date, time and place at which proposals will be opened for evaluation;

(g) A description of the bonding and insurance requirements for subcontractors;

(h) Any other information reasonably necessary for a subcontractor to submit a responsive proposal; and

(i) A statement in substantially the following form:

Notice: For a proposal for a subcontract on the public work to be considered:

1. The subcontractor must be licensed pursuant to chapter 624 of NRS;
2. The proposal must be timely received;



3. ~~[[The]]~~ *If a preproposal meeting regarding the scope of the work to be performed by the subcontractor is held, the* subcontractor must attend the preproposal meeting; and

4. The subcontractor may not modify the proposal after the date and time the proposal is received.

5. A subcontractor may not modify a proposal after the date and time the proposal is received.

6. To be considered responsive, a proposal must:

(a) Be timely received by the construction manager at risk; and

(b) Substantially and materially conform to the details and requirements included in the proposal instructions and for the finalized bid package for the public work, including, without limitation, details and requirements affecting price and performance.

7. The opening of the proposals must be attended by an authorized representative of the public body . ~~[[and]]~~ *The public body may require* the architect or engineer responsible for the design of the public work ~~[[but]]~~ *to attend the opening of the proposals. The opening of the proposals* is not otherwise open to the public.

8. At the time the proposals are opened, the construction manager at risk shall compile and provide to the public body or its authorized representative a list that includes, without limitation, the name and contact information of each subcontractor who submits a timely proposal . ~~[[and the price of the proposal submitted by the subcontractor. The list must be made available to the public upon request.]]~~

9. Not ~~[[less]]~~ *more* than 10 working days after opening the proposals ~~[[]]~~ *and before the construction manager at risk submits a guaranteed maximum price, a fixed price or a fixed price plus reimbursement pursuant to NRS 338.1696,* the construction manager at risk shall:

(a) Evaluate the proposals and determine which proposals are responsive.

(b) Select the subcontractor who submits the proposal that the construction manager at risk determines is the best proposal. *Subject to the provisions of subparagraphs (1), (2) and (3), if only one subcontractor submits a proposal, the construction manager at risk may select that subcontractor.* The subcontractor must be selected from among those:

(1) Who attended the preproposal meeting ~~[[]]~~ *regarding the scope of the work to be performed by the subcontractor, if such a preproposal meeting was held;*

(2) Who submitted a responsive proposal; and

(3) Whose names are included on the list compiled and provided to the public body or its authorized representative pursuant to subsection 8.

(c) Inform the public body or its authorized representative which subcontractor has been selected.

10. The public body or its authorized representative shall ensure that the evaluation of proposals and selection of subcontractors are done pursuant to the provisions of this section and regulations adopted by the State Public Works Board.

11. A subcontractor selected pursuant to subsection 9 need not be selected by the construction manager at risk solely on the basis of lowest price.

12. Except as otherwise provided in ~~subsection~~ subsections 13, 14 and 15, the construction manager at risk shall enter into a subcontract with a subcontractor selected pursuant to subsection 9 to provide the labor, materials or equipment described in the request for proposals.

13. A construction manager at risk shall not substitute a subcontractor for any subcontractor selected pursuant to subsection 9 unless:

(a) The public body or its authorized representative objects to the subcontractor, requests in writing a change in the subcontractor and pays any increase in costs resulting from the change; or

(b) The substitution is approved by the public body after the selected subcontractor:

(1) Files for bankruptcy or becomes insolvent;

(2) After having a reasonable opportunity, fails or refuses to execute a written contract with the construction manager at risk which was offered to the selected subcontractor with the same general terms that all other subcontractors on the project were offered;

(3) Fails or refuses to perform the subcontract within a reasonable time;

(4) Is unable to furnish a performance bond and payment bond pursuant to NRS 339.025, if required for the public work; or

(5) Is not properly licensed to provide that labor or portion of the work.

14. *If a construction manager at risk substitutes a subcontractor for any subcontractor selected pursuant to subsection 9 without complying with the provisions of subsection 13, the construction manager at risk shall forfeit, as a penalty to the public body, an amount equal to 1 percent of the total amount of the contract.*

*15. If a construction manager at risk does not select a subcontractor pursuant to subsection 9 to perform a portion of work on a public work, the construction manager at risk shall notify the public body that the construction manager at risk intends to perform that portion of work. If, after providing such notification, the construction manager at risk substitutes a subcontractor to perform the work, the construction manager at risk shall forfeit, as a penalty to the public body, the lesser of, and excluding any amount of the contract that is attributable to change orders:*

*(a) An amount equal to 2.5 percent of the total amount of the contract;*  
*or*

**(b) An amount equal to 35 percent of the estimate by the engineer of the cost of the work the construction manager at risk selected himself or herself to perform on the public work.**

**16.** The construction manager at risk shall make available to the public ~~including, without limitation,~~ **the name of** each subcontractor who submits a proposal. ~~the final rankings of the subcontractors and shall provide, upon request, an explanation to any subcontractor who is not selected of the reasons why the subcontractor was not selected.~~

~~15.~~ **17.** If a public work is being constructed in phases, and a construction manager at risk selects a subcontractor pursuant to subsection 9 for the provision of labor, materials or equipment for any phase of that construction, the construction manager at risk may select that subcontractor for the provision of labor, materials or equipment for any other phase of the construction without following the requirements of subsections 3 to 11, inclusive.

**18. As used in this section, "general terms" has the meaning ascribed to it in NRS 338.141.**

**Sec. 13.5. NRS 338.1711 is hereby amended to read as follows:**

338.1711 1. Except as otherwise provided in this section and NRS 338.161 to ~~338.1695,~~ **338.168,** inclusive, a public body shall contract with a prime contractor for the construction of a public work for which the estimated cost exceeds \$100,000.

2. A public body may contract with a design-build team for the design and construction of a public work that is a discrete project if the public body has approved the use of a design-build team for the design and construction of the public work and the public work has an estimated cost which exceeds \$5,000,000.

**Sec. 14. NRS 338.1908 is hereby amended to read as follows:**

338.1908 1. The governing body of each local government shall, by July 28, 2009, develop a plan to retrofit public buildings, facilities and structures, including, without limitation, traffic-control systems, and to otherwise use sources of renewable energy to serve those buildings, facilities and structures. Such a plan must:

(a) Include a list of specific projects. The projects must be prioritized and selected on the basis of the following criteria:

- (1) The length of time necessary to commence the project.
- (2) The number of workers estimated to be employed on the project.
- (3) The effectiveness of the project in reducing energy consumption.
- (4) The estimated cost of the project.

(5) Whether the project is able to be powered by or otherwise use sources of renewable energy.

(6) Whether the project has qualified for participation in one or more of the following programs:

(I) The Solar Energy Systems Incentive Program created by NRS 701B.240;

(II) The Renewable Energy School Pilot Program created by NRS 701B.350;

(III) The Wind Energy Systems Demonstration Program created by NRS 701B.580; or

(IV) The Waterpower Energy Systems Demonstration Program created by NRS 701B.820.

(b) Include a list of potential funding sources for use in implementing the projects, including, without limitation, money available through the Energy Efficiency and Conservation Block Grant Program as set forth in 42 U.S.C. § 17152 and grants, gifts, donations or other sources of money from public and private sources.

2. The governing body of each local government shall transmit the plan developed pursuant to subsection 1 to the Director of the Office of Energy and to any other entity designated for that purpose by the Legislature.

3. As used in this section:

(a) “Local government” means each city or county that meets the definition of “eligible unit of local government” as set forth in 42 U.S.C. § 17151 and each unit of local government, as defined in subsection ~~[42]~~ 13 of NRS 338.010, that does not meet the definition of “eligible entity” as set forth in 42 U.S.C. § 17151.

(b) “Renewable energy” means a source of energy that occurs naturally or is regenerated naturally, including, without limitation:

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

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

(c) “Retrofit” means to alter, improve, modify, remodel or renovate a building, facility or structure to make that building, facility or structure more energy-efficient.

**Sec. 14.1. NRS 338.1908 is hereby amended to read as follows:**

338.1908 1. The governing body of each local government shall, by July 28, 2009, develop a plan to retrofit public buildings, facilities and structures, including, without limitation, traffic-control systems, and to

otherwise use sources of renewable energy to serve those buildings, facilities and structures. Such a plan must:

(a) Include a list of specific projects. The projects must be prioritized and selected on the basis of the following criteria:

- (1) The length of time necessary to commence the project.
- (2) The number of workers estimated to be employed on the project.
- (3) The effectiveness of the project in reducing energy consumption.
- (4) The estimated cost of the project.
- (5) Whether the project is able to be powered by or otherwise use sources of renewable energy.
- (6) Whether the project has qualified for participation in one or more of the following programs:

(I) The Solar Energy Systems Incentive Program created by NRS 701B.240;

(II) The Renewable Energy School Pilot Program created by NRS 701B.350;

(III) The Wind Energy Systems Demonstration Program created by NRS 701B.580; or

(IV) The Waterpower Energy Systems Demonstration Program created by NRS 701B.820.

(b) Include a list of potential funding sources for use in implementing the projects, including, without limitation, money available through the Energy Efficiency and Conservation Block Grant Program as set forth in 42 U.S.C. § 17152 and grants, gifts, donations or other sources of money from public and private sources.

2. The governing body of each local government shall transmit the plan developed pursuant to subsection 1 to the Director of the Office of Energy and to any other entity designated for that purpose by the Legislature.

3. As used in this section:

(a) "Local government" means each city or county that meets the definition of "eligible unit of local government" as set forth in 42 U.S.C. § 17151 and each unit of local government, as defined in subsection ~~43~~ 12 of NRS 338.010, that does not meet the definition of "eligible entity" as set forth in 42 U.S.C. § 17151.

(b) "Renewable energy" means a source of energy that occurs naturally or is regenerated naturally, including, without limitation:

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

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

(c) “Retrofit” means to alter, improve, modify, remodel or renovate a building, facility or structure to make that building, facility or structure more energy-efficient.

**Sec. 14.3. The Department of Transportation shall:**

**1. Conduct a study on the benefits to this State of entering into contracts with construction managers at risk pursuant to NRS 338.169 to 338.16995, inclusive, for the construction, reconstruction, improvement or maintenance of highways; and**

**2. On or before January 31, 2017, submit a report of the results of the study and any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmittal to the 79th Session of the Nevada Legislature.**

**Sec. 14.5. 1. On or before January 1 of each year, each public body that enters into a contract during the immediately preceding year with a construction manager at risk pursuant to NRS 338.169 to 338.16995, inclusive, for preconstruction services for or to construct a public work shall submit a report to the Director of the Legislative Counsel Bureau for transmittal to the Legislature, or to the Legislative Commission if the report is submitted during an odd-numbered year.**

**2. The report required by subsection 1 must include, for each public work for which the public body enters into a contract with a construction manager at risk:**

**(a) A description of the public work;**

**(b) The name of the construction manager at risk;**

**(c) If the public work has not been completed at the time the report is submitted, a report on the progress of the public work; and**

**(d) If the public work has been completed at the time the report is submitted, an explanation of whether the public body is satisfied with the public work and with the contractual arrangement with the construction manager at risk.**

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

**(a) “Public body” has the meaning ascribed to it in subsection 16 of NRS 338.010, as amended by section 2 of this act.**

**(b) “Public work” has the meaning ascribed to it in subsection 17 of NRS 338.010, as amended by section 2 of this act.**

**Sec. 14.7. NRS 338.169, 338.1691, 338.1692, 338.1693, 338.16935, 338.1696, 338.1697, 338.1698, 338.16985, 338.16991 and 338.16995 are hereby repealed.**

Sec. 15. 1. This section and sections 1, 2, 3, 4, 5, 6, 7.5 to 13, inclusive, 14, 14.3 and 14.5 of this act ~~becomes~~ become effective on July 1, 2013.

2. Section 1 of this act expires by limitation on June 30, 2017.

3. Sections 2.3, 2.5, 3.5, 4.5, 5.3, 5.5, 5.7, 6.5, 13.5, 14.1 and 14.7 of this act become effective on July 1, 2017.

#### LEADLINES OF REPEALED SECTIONS

338.169 Public body authorized to construct public work by selecting and entering into contracts with construction manager at risk.

338.1691 Qualifications for construction manager at risk.

338.1692 Advertising for proposals for construction manager at risk; contents of request for proposals; requirements for proposals.

338.1693 Procedure for selection of most qualified applicants; minimum number of proposals required; negotiation of contract for preconstruction services; availability of certain information to applicants and public.

338.16935 Contract between construction manager at risk and subcontractor for certain preconstruction services.

338.1696 Negotiation of contract for construction of public work or portion thereof with construction manager at risk; awarding of contract if public body unable to negotiate satisfactory contract with construction manager at risk.

338.1697 Authorized provision in contract with construction manager at risk for construction of public work or portion thereof for guaranteed maximum price.

338.1698 Required and authorized provisions in contract for construction of public work or portion thereof awarded to construction manager at risk.

338.16985 Duties and powers of construction manager at risk who enters into contract for construction of public work or portion thereof.

338.16991 Contract between construction manager at risk and subcontractor to provide labor, materials or equipment on project: Eligibility; procedure for determination of qualification of subcontractor to submit proposal.

338.16995 Contract between construction manager at risk and subcontractor to provide labor, materials or equipment on project: Authority to enter into; procedure for awarding subcontracts of certain estimated value; substitution of subcontractor on such subcontracts; availability of certain information to applicants and public.

Assemblywoman Benitez-Thompson moved that the Assembly do not concur in the Senate Amendment No. 866 to Assembly Bill No. 283.

Remarks by Assemblywoman Benitez-Thompson.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 218.

The following Senate amendment was read:

Amendment No. 761.

AN ACT relating to public works; defining the term “bona fide fringe benefit” for certain provisions applicable to the payment of wages for public works; revising the requirements pursuant to which a contractor or subcontractor engaged on a public work may discharge his or her obligation to pay prevailing wages to workers; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law sets forth general provisions applicable to public works, including provisions requiring the payment of prevailing wages for public works projects. (NRS 338.010-338.090) Existing law also authorizes the Labor Commissioner: (1) to provide certain remedies for violations of those provisions; and (2) after providing notice and an opportunity for a hearing, to impose an administrative penalty against a person who violates those provisions. (NRS 338.015, 338.017, 338.090) Further, under existing law, a contractor or subcontractor engaged on a public work is authorized to discharge his or her obligation to pay prevailing wages to workers in part by making certain contributions in the name of the worker. (NRS 338.035)

**Section 4** of this bill sets forth the requirements pursuant to which a contractor or subcontractor engaged on a public work may discharge any part of his or her obligation to pay prevailing wages to a worker by providing bona fide fringe benefits in the name of the worker. Those requirements include, among other things, that the bona fide fringe benefits are paid equally for all hours worked in a calendar year by the worker for the contractor or subcontractor. **Section 1** of this bill defines “bona fide fringe benefit” for the purposes of the provisions applicable to public works. **Section 4** also requires the Labor Commissioner, after providing notice and an opportunity for a hearing, to: (1) impose an administrative penalty against a contractor or subcontractor who violates the provisions of that section; (2) require the contractor or subcontractor to make the affected worker whole by paying to the worker as wages any amounts disallowed as bona fide fringe benefits; (3) report the violation to the Attorney General; and (4) notify certain governmental and other entities of the violation.

Existing law provides that if an administrative penalty is imposed against a person for the commission of an offense as defined in relation to public works: (1) the person and any corporate officer of the person are prohibited



from receiving a contract for a public work for specified periods depending on the number of offenses; and (2) the Labor Commissioner is required to notify the State Contractors' Board with regard to each contractor who is prohibited from being awarded such a contract. (NRS 338.010, 338.017) **Section 1** of this bill makes this provision of existing law applicable to discharging an obligation to pay wages in a manner that violates the provisions of **section 4** by adding that violation to the definition of an "offense" in **section 1**.

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

**Section 1.** NRS 338.010 is hereby amended to read as follows:

338.010 As used in this chapter:

1. "Authorized representative" means a person designated by a public body to be responsible for the development, solicitation, award or administration of contracts for public works pursuant to this chapter.

2. *"Bona fide fringe benefit" means a benefit in the form of a contribution that is made not less frequently than monthly to an independent third party pursuant to a fund, plan or program:*

*(a) Which is established for the sole and exclusive benefit of a worker and his or her family and dependents; and*

*(b) For which none of the assets will revert to, or otherwise be credited to, any contributing employer or sponsor of the fund, plan or program.*

*↪ The term includes, without limitation, benefits for a worker that are determined pursuant to a collective bargaining agreement ~~and~~ and included in the determination of the prevailing wage by the Labor Commissioner pursuant to NRS 338.030.*

3. "Contract" means a written contract entered into between a contractor and a public body for the provision of labor, materials, equipment or supplies for a public work.

~~{3-}~~ 4. "Contractor" means:

(a) A person who is licensed pursuant to the provisions of chapter 624 of NRS.

(b) A design-build team.

~~{4-}~~ 5. "Day labor" means all cases where public bodies, their officers, agents or employees, hire, supervise and pay the wages thereof directly to a worker or workers employed by them on public works by the day and not under a contract in writing.

~~{5-}~~ 6. "Design-build contract" means a contract between a public body and a design-build team in which the design-build team agrees to design and construct a public work.

~~{6-}~~ 7. "Design-build team" means an entity that consists of:

(a) At least one person who is licensed as a general engineering contractor or a general building contractor pursuant to chapter 624 of NRS; and

(b) For a public work that consists of:

(1) A building and its site, at least one person who holds a certificate of registration to practice architecture pursuant to chapter 623 of NRS.

(2) Anything other than a building and its site, at least one person who holds a certificate of registration to practice architecture pursuant to chapter 623 of NRS or landscape architecture pursuant to chapter 623A of NRS or who is licensed as a professional engineer pursuant to chapter 625 of NRS.

~~{7-}~~ **8.** “Design professional” means:

(a) A person who is licensed as a professional engineer pursuant to chapter 625 of NRS;

(b) A person who is licensed as a professional land surveyor pursuant to chapter 625 of NRS;

(c) A person who holds a certificate of registration to engage in the practice of architecture, interior design or residential design pursuant to chapter 623 of NRS;

(d) A person who holds a certificate of registration to engage in the practice of landscape architecture pursuant to chapter 623A of NRS; or

(e) A business entity that engages in the practice of professional engineering, land surveying, architecture or landscape architecture.

~~{8-}~~ **9.** “Division” means the State Public Works Division of the Department of Administration.

~~{9-}~~ **10.** “Eligible bidder” means a person who is:

(a) Found to be a responsible and responsive contractor by a local government or its authorized representative which requests bids for a public work in accordance with paragraph (b) of subsection 1 of NRS 338.1373; or

(b) Determined by a public body or its authorized representative which awarded a contract for a public work pursuant to NRS 338.1375 to 338.139, inclusive, to be qualified to bid on that contract pursuant to NRS 338.1379 or 338.1382.

~~{10-}~~ **11.** “General contractor” means a person who is licensed to conduct business in one, or both, of the following branches of the contracting business:

(a) General engineering contracting, as described in subsection 2 of NRS 624.215.

(b) General building contracting, as described in subsection 3 of NRS 624.215.

~~{11-}~~ **12.** “Governing body” means the board, council, commission or other body in which the general legislative and fiscal powers of a local government are vested.

~~{12-}~~ **13.** “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, 538, 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 a person who has been designated by the governing body of a local government to serve as its authorized representative.

~~{13-}~~ **14.** “Offense” means ~~{failing}~~ :

(a) **Failing** to:

~~{(a)}~~ (1) Pay the prevailing wage required pursuant to this chapter;

~~{(b)}~~ (2) Pay the contributions for unemployment compensation required pursuant to chapter 612 of NRS;

~~{(c)}~~ (3) Provide and secure compensation for employees required pursuant to chapters 616A to 617, inclusive, of NRS; or

~~{(d)}~~ (4) Comply with subsection 4 or 5 of NRS 338.070.

~~{14-}~~ (b) ***Discharging an obligation to pay wages in a manner that violates the provisions of NRS 338.035.***

**15.** “Prime contractor” means a contractor who:

(a) Contracts to construct an entire project;

(b) Coordinates all work performed on the entire project;

(c) Uses his or her own workforce to perform all or a part of the public work; and

(d) Contracts for the services of any subcontractor or independent contractor or is responsible for payment to any contracted subcontractors or independent contractors.

➤ The term includes, without limitation, a general contractor or a specialty contractor who is authorized to bid on a project pursuant to NRS 338.139 or 338.148.

~~{15-}~~ **16.** “Public body” means the State, county, city, town, school district or any public agency of this State or its political subdivisions sponsoring or financing a public work.

~~{16-}~~ **17.** “Public work” means any project for the new construction, repair or reconstruction of:

(a) A project financed in whole or in part from public money for:

(1) Public buildings;

(2) Jails and prisons;

(3) Public roads;

(4) Public highways;

(5) Public streets and alleys;

- (6) Public utilities;
- (7) Publicly owned water mains and sewers;
- (8) Public parks and playgrounds;
- (9) Public convention facilities which are financed at least in part with public money; and
- (10) All other publicly owned works and property.

(b) A building for the Nevada System of Higher Education of which 25 percent or more of the costs of the building as a whole are paid from money appropriated by this State or from federal money.

~~{17-}~~ **18.** “Specialty contractor” means a person who is licensed to conduct business as described in subsection 4 of NRS 624.215.

~~{18-}~~ **19.** “Stand-alone underground utility project” means an underground utility project that is not integrated into a larger project, including, without limitation:

(a) An underground sewer line or an underground pipeline for the conveyance of water, including facilities appurtenant thereto; and

(b) A project for the construction or installation of a storm drain, including facilities appurtenant thereto,

↪ that is not located at the site of a public work for the design and construction of which a public body is authorized to contract with a design-build team pursuant to subsection 2 of NRS 338.1711.

~~{19-}~~ **20.** “Subcontract” means a written contract entered into between:

(a) A contractor and a subcontractor or supplier; or

(b) A subcontractor and another subcontractor or supplier,

↪ for the provision of labor, materials, equipment or supplies for a construction project.

~~{20-}~~ **21.** “Subcontractor” means a person who:

(a) Is licensed pursuant to the provisions of chapter 624 of NRS or performs such work that the person is not required to be licensed pursuant to chapter 624 of NRS; and

(b) Contracts with a contractor, another subcontractor or a supplier to provide labor, materials or services for a construction project.

~~{21-}~~ **22.** “Supplier” means a person who provides materials, equipment or supplies for a construction project.

~~{22-}~~ **23.** “Wages” means:

(a) The basic hourly rate of pay; and

(b) The amount of pension, health and welfare, vacation and holiday pay, the cost of apprenticeship training ~~for other similar programs~~ or other bona fide fringe benefits which are a benefit to the worker.

~~{23-}~~ **24.** “Worker” means a skilled mechanic, skilled worker, semiskilled mechanic, semiskilled worker or unskilled worker in the service of a contractor or subcontractor under any appointment or contract of hire or

apprenticeship, express or implied, oral or written, whether lawfully or unlawfully employed. The term does not include a design professional.

**Sec. 2.** NRS 338.015 is hereby amended to read as follows:

338.015 1. The Labor Commissioner shall enforce the provisions of NRS 338.010 to 338.130, inclusive.

2. ~~But~~ ***Except as otherwise provided in NRS 338.035 and in*** addition to any other remedy or penalty provided in this chapter, if any person, including, without limitation, a public body, violates any provision of NRS 338.010 to 338.130, inclusive, or any regulation adopted pursuant thereto, the Labor Commissioner may, after providing the person with notice and an opportunity for a hearing, impose against the person an administrative penalty of not more than \$5,000 for each such violation.

3. The Labor Commissioner may, by regulation, establish a sliding scale based on the severity of the violation to determine the amount of the administrative penalty to be imposed against the person pursuant to this section.

4. The Labor Commissioner shall report the violation to the Attorney General, and the Attorney General may prosecute the person in accordance with law.

**Sec. 3.** NRS 338.018 is hereby amended to read as follows:

338.018 The provisions of NRS 338.013 to 338.018, inclusive, apply to any contract for construction work of the Nevada System of Higher Education for which the estimated cost exceeds \$100,000 even if the construction work does not qualify as a public work, as defined in subsection ~~16~~ 17 of NRS 338.010.

**Sec. 4.** NRS 338.035 is hereby amended to read as follows:

338.035 1. The obligation of a contractor engaged on a public work or a subcontractor engaged on a public work to pay wages in accordance with the determination of the Labor Commissioner may be discharged in part by ~~[making contributions to a third person pursuant to a fund, plan or program]~~ ***providing bona fide fringe benefits*** in the name of the worker.

2. ***A contractor or subcontractor may, pursuant to subsection 1, discharge any part of his or her obligation to pay wages in accordance with the determination of the Labor Commissioner only to the extent that the bona fide fringe benefits provided in the name of the worker are annualized.***

3. ***A contractor or subcontractor who, pursuant to subsection 1, discharges any part of his or her obligation to pay wages in accordance with the determination of the Labor Commissioner shall provide to the Labor Commissioner and the public body that awarded the contract for the public work any information requested by the Labor Commissioner or the public body, as applicable, to verify compliance with this section.***

4. *In addition to any other remedy or penalty provided in this chapter, after providing the contractor or subcontractor with notice and an opportunity for a hearing, the Labor Commissioner shall, if the Labor Commissioner finds that the contractor or subcontractor has violated a provision of this section:*

*(a) For the first violation, impose against the contractor or subcontractor an administrative penalty of not less than \$2,500 or more than \$5,000;*

*(b) For the second or any subsequent violation within 5 years after the date of imposition of an administrative penalty pursuant to paragraph (a), impose against the contractor or subcontractor an administrative penalty of not less than \$5,000;*

*(c) Require the contractor or subcontractor to make the affected worker whole by paying to the worker as wages any amounts disallowed as bona fide fringe benefits in a manner prescribed by the Labor Commissioner;*

*(d) Report the violation to the Attorney General, and the Attorney General may prosecute the contractor or subcontractor in accordance with law; and*

*(e) In addition to notifying the State Contractors' Board pursuant to NRS 338.017, notify the provider of workers' compensation for the contractor or subcontractor, the Employment Security Division of the Department of Employment, Training and Rehabilitation and the public body that awarded the contract for the public work of the violation.*

5. *The provisions of this section do not apply with regard to:*

*(a) A worker whose benefits are determined pursuant to a collective bargaining agreement; or*

*(b) Contributions made in the name of the worker by a contractor or subcontractor to a defined contribution plan to the extent that the amount contributed does not exceed 25 percent of the hourly rate of wages paid to the worker on the public work.*

6. *As used in this section:*

*(a) "Annualized" means an amount paid equally for all hours worked in a calendar year by the worker for the contractor or subcontractor who is providing bona fide fringe benefits.*

*(b) "Defined contribution plan" has the meaning ascribed to it in 29 U.S.C. § 1002(34).*

**Sec. 5.** NRS 338.075 is hereby amended to read as follows:

338.075 The provisions of NRS 338.020 to 338.090, inclusive, apply to any contract for construction work of the Nevada System of Higher Education for which the estimated cost exceeds \$100,000 even if the construction work does not qualify as a public work, as defined in subsection ~~46~~ 17 of NRS 338.010.

**Sec. 6.** NRS 338.090 is hereby amended to read as follows:

338.090 1. Any person, including the officers, agents or employees of a public body, who violates any provision of NRS 338.010 to 338.090, inclusive, or any regulation adopted pursuant thereto, is guilty of a misdemeanor.

2. The Labor Commissioner, in addition to any other remedy or penalty provided in this chapter:

(a) Shall , *except as otherwise provided in subsection 4*, assess a person who, after an opportunity for a hearing, is found to have failed to pay the prevailing wage required pursuant to NRS 338.020 to 338.090, inclusive, an amount equal to the difference between the prevailing wages required to be paid and the wages that the contractor or subcontractor actually paid; and

(b) May, in addition to any other administrative penalty, impose an administrative penalty not to exceed the costs incurred by the Labor Commissioner to investigate and prosecute the matter.

3. If the Labor Commissioner finds that a person has failed to pay the prevailing wage required pursuant to NRS 338.020 to 338.090, inclusive, the public body may, in addition to any other remedy or penalty provided in this chapter, require the person to pay the actual costs incurred by the public body to investigate the matter.

**4. *The Labor Commissioner is not required to assess a person an amount equal to the difference between the prevailing wages required to be paid and the wages that the contractor or subcontractor actually paid if the contractor or subcontractor has already paid that amount to a worker pursuant to paragraph (c) of subsection 4 of NRS 338.035.***

**Sec. 7.** NRS 338.1908 is hereby amended to read as follows:

338.1908 1. The governing body of each local government shall, by July 28, 2009, develop a plan to retrofit public buildings, facilities and structures, including, without limitation, traffic-control systems, and to otherwise use sources of renewable energy to serve those buildings, facilities and structures. Such a plan must:

(a) Include a list of specific projects. The projects must be prioritized and selected on the basis of the following criteria:

- (1) The length of time necessary to commence the project.
- (2) The number of workers estimated to be employed on the project.
- (3) The effectiveness of the project in reducing energy consumption.
- (4) The estimated cost of the project.

(5) Whether the project is able to be powered by or otherwise use sources of renewable energy.

(6) Whether the project has qualified for participation in one or more of the following programs:

(I) The Solar Energy Systems Incentive Program created by NRS 701B.240;

(II) The Renewable Energy School Pilot Program created by NRS 701B.350;

(III) The Wind Energy Systems Demonstration Program created by NRS 701B.580; or

(IV) The Waterpower Energy Systems Demonstration Program created by NRS 701B.820.

(b) Include a list of potential funding sources for use in implementing the projects, including, without limitation, money available through the Energy Efficiency and Conservation Block Grant Program as set forth in 42 U.S.C. § 17152 and grants, gifts, donations or other sources of money from public and private sources.

2. The governing body of each local government shall transmit the plan developed pursuant to subsection 1 to the Director of the Office of Energy and to any other entity designated for that purpose by the Legislature.

3. As used in this section:

(a) “Local government” means each city or county that meets the definition of “eligible unit of local government” as set forth in 42 U.S.C. § 17151 and each unit of local government, as defined in subsection ~~14~~ 13 of NRS 338.010, that does not meet the definition of “eligible entity” as set forth in 42 U.S.C. § 17151.

(b) “Renewable energy” means a source of energy that occurs naturally or is regenerated naturally, including, without limitation:

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

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

(c) “Retrofit” means to alter, improve, modify, remodel or renovate a building, facility or structure to make that building, facility or structure more energy-efficient.

**Sec. 8.** Section 9.5 of the Reno-Tahoe Airport Authority Act, being chapter 369, Statutes of Nevada 2005, at page 1386, is hereby amended to read as follows:

Sec. 9.5. 1. Except as otherwise determined by the Board or provided in subsection 2, the provisions of any law requiring public bidding or otherwise imposing requirements on any public contract, project, acquisition, works or improvements, including, without limitation, the provisions of



chapters 332, 338 and 339 of NRS, do not apply to any contract entered into by the Board if the Board:

(a) Complies with the provisions of subsection 3; and  
(b) Finances the contract, project, acquisition, works or improvement by means of:

(1) Revenue bonds issued by the Authority; or  
(2) An installment obligation of the Authority in a transaction in which:  
(I) The Authority acquires real or personal property and another person acquires or retains a security interest in that or other property; and  
(II) The obligation by its terms is extinguished by failure of the Board to appropriate money for the ensuing fiscal year for payment of the amounts then due.

2. A contract entered into by the Board pursuant to this section must:

(a) Contain a provision stating that the requirements of NRS 338.010 to 338.090, inclusive, apply to any construction work performed pursuant to the contract; and

(b) If the contract is with a design professional who is not a member of a design-build team, comply with the provisions of NRS 338.155. As used in this paragraph, "design professional" has the meaning ascribed to it in subsection ~~7~~ 8 of NRS 338.010.

3. For contracts entered into pursuant to this section that are exempt from the provisions of chapters 332, 338 and 339 of NRS pursuant to subsection 1, the Board shall adopt regulations pursuant to subsection 4 which establish:

(a) One or more competitive procurement processes for letting such a contract; and

(b) A method by which a bid on such a contract will be adjusted to give a 5 percent preference to a contractor who would qualify for a preference pursuant to NRS 338.147, if:

(1) The estimated cost of the contract exceeds \$250,000; and  
(2) Price is a factor in determining the successful bid on the contract.

4. The Board:

(a) Shall, before adopting, amending or repealing a permanent or temporary regulation pursuant to subsection 3, give at least 30 days' notice of its intended action. The notice must:

(1) Include:

(I) A statement of the need for and purpose of the proposed regulation.

(II) Either the terms or substance of the proposed regulation or a description of the subjects and issues involved.

(III) The estimated cost to the Board for enforcement of the proposed regulation.

(IV) The time when, the place where and the manner in which interested persons may present their views regarding the proposed regulation.

(V) A statement indicating whether the regulation establishes a new fee or increases an existing fee.

(2) State each address at which the text of the proposed regulation may be inspected and copied.

(3) Be mailed to all persons who have requested in writing that they be placed upon a mailing list, which must be kept by the Authority for that purpose.

(b) May adopt, if it has adopted a temporary regulation after notice and the opportunity for a hearing as provided in this subsection, after providing a second notice and the opportunity for a hearing, a permanent regulation.

(c) Shall, in addition to distributing the notice to each recipient of the Board's regulations, solicit comment generally from the public and from businesses to be affected by the proposed regulation.

(d) Shall, before conducting a workshop pursuant to paragraph (g), determine whether the proposed regulation is likely to impose a direct and significant economic burden upon a small business or directly restrict the formation, operation or expansion of a small business. If the Board determines that such an impact is likely to occur, the Board shall:

(1) Insofar as practicable, consult with owners and officers of small businesses that are likely to be affected by the proposed regulation.

(2) Consider methods to reduce the impact of the proposed regulation on small businesses.

(3) Prepare a small business impact statement and make copies of the statement available to the public at the workshop conducted pursuant to paragraph (g) and the public hearing held pursuant to paragraph (h).

(e) Shall ensure that a small business impact statement prepared pursuant to subparagraph (3) of paragraph (d) sets forth the following information:

(1) A description of the manner in which comment was solicited from affected small businesses, a summary of their response and an explanation of the manner in which other interested persons may obtain a copy of the summary.

(2) The estimated economic effect of the proposed regulation on the small businesses which it is to regulate, including, without limitation:

(I) Both adverse and beneficial effects; and

(II) Both direct and indirect effects.

(3) A description of the methods that the Board considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the Board actually used any of those methods.

(4) The estimated cost to the Board for enforcement of the proposed regulation.

(5) If the proposed regulation provides a new fee or increases an existing fee, the total annual amount the Board expects to collect and the manner in which the money will be used.

(f) Shall afford a reasonable opportunity for all interested persons to submit data, views or arguments upon the proposed regulation, orally or in writing.

(g) Shall, before holding a public hearing pursuant to paragraph (h), conduct at least one workshop to solicit comments from interested persons on the proposed regulation. Not less than 15 days before the workshop, the Board shall provide notice of the time and place set for the workshop:

(1) In writing to each person who has requested to be placed on a mailing list; and

(2) In any other manner reasonably calculated to provide such notice to the general public and any business that may be affected by a proposed regulation which addresses the general topics to be considered at the workshop.

(h) Shall set a time and place for an oral public hearing, but if no one appears who will be directly affected by the proposed regulation and requests an oral hearing, the Board may proceed immediately to act upon any written submissions. The Board shall consider fully all written and oral submissions respecting the proposed regulation.

(i) Shall keep, retain and make available for public inspection written minutes of each public hearing held pursuant to paragraph (h) in the manner provided in subsections 1 and 2 of NRS 241.035.

(j) May record each public hearing held pursuant to paragraph (h) and make those recordings available for public inspection in the manner provided in subsection 4 of NRS 241.035.

(k) Shall ensure that a small business which is aggrieved by a regulation adopted pursuant to this subsection may object to all or a part of the regulation by filing a petition with the Board within 90 days after the date on which the regulation was adopted. Such petition may be based on the following:

(1) The Board failed to prepare a small business impact statement as required pursuant to subparagraph (3) of paragraph (d); or

(2) The small business impact statement prepared by the Board did not consider or significantly underestimated the economic effect of the regulation on small businesses.

➡ After receiving a petition pursuant to this paragraph, the Board shall determine whether the petition has merit. If the Board determines that the petition has merit, the Board may, pursuant to this subsection, take action to amend the regulation to which the small business objected.

5. The determinations made by the Board pursuant to this section are conclusive unless it is shown that the Board acted with fraud or a gross abuse of discretion.

**Sec. 9.** This act becomes effective on July 1, 2013.

Assemblywoman Benitez-Thompson moved that the Assembly concur in the Senate Amendment No. 761 to Assembly Bill No. 218.

Remarks by Assemblywoman Benitez-Thompson.

ASSEMBLYWOMAN BENITEZ-THOMPSON:

The amendment adds to the definition of “bona fide fringe benefit” those benefits that are determined pursuant to a collective bargaining agreement and that are “included in the determination of the prevailing wage by the Labor Commissioner.”

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 205.

The following Senate amendment was read:

Amendment No. 612.

#### SHORT FORM AMENDMENT

Sections 3.5, 6 and 7 of this act are the only sections affected by this amendment.

**If this amendment is adopted, the Legislative Counsel’s Digest will be changed as follows:**

#### **Legislative Counsel’s Digest:**

Existing law authorizes the formation and operation of charter schools. (NRS 386.490-386.610) **Section 3** of this bill requires that a written performance framework for a charter school be incorporated into the charter contract executed by the sponsor and the governing body of the charter school pursuant to **section 8** of this bill. The performance framework must include performance indicators, measures and metrics for: (1) the academic achievement and proficiency of pupils enrolled in the charter school and disparities in achievement among those pupils; (2) the attendance rate of pupils enrolled in the charter school and the percentage of pupils who reenroll from year-to-year; (3) the financial condition and sustainability of the charter school; (4) the performance of the governing body of the charter school; and (5) if the charter school enrolls pupils at the high school grade level, the rate of graduation of those pupils.

Existing law prescribes the circumstances under which the sponsor of a charter school is authorized to revoke the charter of a charter school. (NRS 386.535) **Section 3.5** of this bill requires the sponsor of a charter school to terminate the charter contract of the charter school if the charter school receives three consecutive annual ratings established as the lowest rating possible indicating underperformance of a public school, as

determined by the Department of Education pursuant to the statewide system of accountability for public schools. The procedures in existing law setting forth notice and timelines for the termination of a charter contract do not apply to termination on these grounds. **Section 3.5** also provides that a rating of a charter school **based upon the performance of the charter school for any school year** before ~~July 1, 2013,~~ **the 2013-2014 school year** pursuant to the statewide system of accountability must not be included in the count of consecutive annual ratings for the purposes of determining whether termination is required.

Existing law authorizes the board of trustees of a school district or a college or university within the Nevada System of Higher Education to sponsor charter schools. (NRS 386.515) **Section 5** of this bill clarifies that, similar to the board of trustees of a school district, a college or university is required to submit an application to the Department to sponsor charter schools. Under existing law, the Department is also required to adopt regulations prescribing the process for submission of an application by the board of trustees of a school district for authorization to sponsor charter schools. (NRS 386.540) **Section 12** of this bill makes a college or university within the Nevada System of Higher Education subject to those regulations and requires the Department to adopt additional regulations prescribing: (1) the process and timeline for the review of an application for authorization to sponsor charter schools; (2) the process for the Department to conduct a comprehensive review of sponsors of charter schools approved by the Department at least once every 3 years; and (3) the process for the Department to continue or revoke the authorization of a board of trustees or a college or university to sponsor charter schools.

**Under existing law, the proposed sponsor of a charter school may request the Department to assist in the review of an application to form a charter school by determining whether the application is substantially complete and compliant. If the Department determines that an application is not substantially complete and compliant, the staff of the Department is required to meet with the applicant to confer on the method to correct the deficiencies in the application identified by the Department. (NRS 386.520) Sections 6 and 7 of this bill remove the provisions relating to the review of an application to form a charter school by the Department.**

Existing law sets forth the process for review of an application to form a charter school by the proposed sponsor of the charter school. (NRS 386.525) **Section 7** ~~(of this bill)~~ requires the proposed sponsor to assemble a team of reviewers and to conduct a thorough evaluation of the application, including an in-person interview with the committee to form the charter school. ~~Existing law further provides that a proposed sponsor may approve an~~

~~application to form a charter school if the application is complete and complies with the applicable statutes and regulations.] Section 7~~ also requires that to approve an application, the proposed sponsor must determine that the applicant has demonstrated competence which will likely result in a successful opening and operation of the charter school.

Under existing law, if an application to form a charter school is approved by the proposed sponsor of the charter school, the charter school is issued a written charter for a term of 6 years. (NRS 386.527) **Section 8** removes the requirement for the issuance of a written charter and instead requires the proposed sponsor of the charter school and the governing body of the charter school to execute a charter contract for a term of 6 years.

Existing law sets forth the procedures for renewal and revocation of written charters. (NRS 386.530, 386.535) **Section 9** of this bill removes the written charter and instead prescribes the procedure for renewal of a charter contract, which includes a requirement that the sponsor provide the charter school with a written report summarizing the charter school's performance during the term of the charter contract. **Section 10** of this bill prescribes the grounds for termination of a charter contract, which includes the ground that the charter school has persistently underperformed, as measured by the performance framework developed for the charter school.

Existing law provides that a charter school dedicated to providing educational programs and opportunities to pupils who are at risk may enroll a child who is the child of a full-time employee of the charter school before enrolling pupils who are otherwise eligible for enrollment. **Section 17** of this bill removes the provision that such a charter school must serve at-risk pupils and instead authorizes any charter school to, before enrolling children who are otherwise eligible for enrollment, enroll a child if the child is the child of: (1) an employee of the charter school; (2) a member of the committee to form the charter school; or (3) a member of the governing body of the charter school.

**Section 19** of this bill revises requirements for the annual report that the sponsor of a charter school is required to provide to the Department of Education by including a summary evaluating the performance of the charter school, as measured by the performance framework, and by removing the requirement that the sponsor of the charter school include a description of the administrative support and services provided by the sponsor. (NRS 386.610) **Section 3.5 of Assembly Bill No. 205 First Reprint is hereby amended as follows:**

**Sec. 3.5. 1.** *The sponsor of a charter school shall terminate the charter contract of the charter school if the charter school receives three consecutive annual ratings established as the lowest rating possible indicating underperformance of a public school, as determined by the*

*Department pursuant to the statewide system of accountability for public schools. A charter school's annual rating pursuant to the statewide system of accountability based upon the performance of the charter school for any school year before ~~July 1, 2013,~~ the 2013-2014 school year must not be included in the count of consecutive annual ratings for the purposes of this subsection.*

*2. If a charter contract is terminated pursuant to subsection 1, the sponsor of the charter school shall submit a written report to the Department and the governing body of the charter school setting forth the reasons for the termination not later than 10 days after terminating the charter contract.*

*3. The provisions of NRS 386.535 do not apply to the termination of a charter contract pursuant to this section.*

Section 6 of Assembly Bill No. 205 First Reprint is hereby amended as follows:

Sec. 6. NRS 386.520 is hereby amended to read as follows:

386.520 1. A committee to form a charter school must consist of:

(a) One member who is a teacher or other person licensed pursuant to chapter 391 of NRS or who previously held such a license and is retired, as long as his or her license was held in good standing;

(b) One member who:

(1) Satisfies the qualifications of paragraph (a); or

(2) Is a school administrator with a license issued by another state or who previously held such a license and is retired, as long as his or her license was held in good standing;

(c) One parent or legal guardian who is not a teacher or employee of the proposed charter school; and

(d) Two members who possess knowledge and expertise in one or more of the following areas:

(1) Accounting;

(2) Financial services;

(3) Law; or

(4) Human resources.

2. In addition to the members who serve pursuant to subsection 1, the committee to form a charter school may include, without limitation, not more than four additional members as follows:

(a) Members of the general public;

(b) Representatives of nonprofit organizations and businesses; or

(c) Representatives of a college or university within the Nevada System of Higher Education.

3. A majority of the persons who serve on the committee to form a charter school must be residents of this State at the time that the application to form the charter school is submitted to the Department.

4. *The committee to form a charter school shall ensure that the completed application:*

*(a) Presents the academic, financial and organizational vision and plans for the proposed charter school; and*

*(b) Provides the proposed sponsor of the charter school with a clear basis for assessing the capacity of the applicant to carry out the vision and plans.*

5. An application to form a charter school must include all information prescribed by the Department by regulation and:

(a) A written description of how the charter school will carry out the provisions of NRS 386.490 to 386.610, inclusive [1], **and sections 2 to 3.5, inclusive, of this act.**

(b) A written description of the mission and goals for the charter school. A charter school must have as its stated purpose at least one of the following goals:

(1) Improving the academic achievement of pupils;

(2) Encouraging the use of effective and innovative methods of teaching;

(3) Providing an accurate measurement of the educational achievement of pupils;

(4) Establishing accountability and transparency of public schools;

(5) Providing a method for public schools to measure achievement based upon the performance of the schools; or

(6) Creating new professional opportunities for teachers.

(c) The projected enrollment of pupils in the charter school.

(d) The proposed dates for accepting applications for enrollment in the initial year of operation of the charter school.

(e) The proposed system of governance for the charter school, including, without limitation, the number of persons who will govern, the method for nominating and electing the persons who will govern and the term of office for each person.

(f) The method by which disputes will be resolved between the governing body of the charter school and the sponsor of the charter school.

(g) The proposed curriculum for the charter school and, if applicable to the grade level of pupils who are enrolled in the charter school, the requirements for the pupils to receive a high school diploma, including, without limitation, whether those pupils will satisfy the requirements of the school district in which the charter school is located for receipt of a high school diploma.



(h) The textbooks that will be used at the charter school.

(i) The qualifications of the persons who will provide instruction at the charter school.

(j) Except as otherwise required by NRS 386.595, the process by which the governing body of the charter school will negotiate employment contracts with the employees of the charter school.

(k) A financial plan for the operation of the charter school. The plan must include, without limitation, procedures for the audit of the programs and finances of the charter school and guidelines for determining the financial liability if the charter school is unsuccessful.

(l) A statement of whether the charter school will provide for the transportation of pupils to and from the charter school. If the charter school will provide transportation, the application must include the proposed plan for the transportation of pupils. If the charter school will not provide transportation, the application must include a statement that the charter school will work with the parents and guardians of pupils enrolled in the charter school to develop a plan for transportation to ensure that pupils have access to transportation to and from the charter school.

(m) The procedure for the evaluation of teachers of the charter school, if different from the procedure prescribed in NRS 391.3125 and 391.3128. If the procedure is different from the procedure prescribed in NRS 391.3125 and 391.3128, the procedure for the evaluation of teachers of the charter school must provide the same level of protection and otherwise comply with the standards for evaluation set forth in NRS 391.3125 and 391.3128.

(n) The time by which certain academic or educational results will be achieved.

(o) The kind of school, as defined in subsections 1 to 4, inclusive, of NRS 388.020, for which the charter school intends to operate.

(p) A statement of whether the charter school will enroll pupils who are in a particular category of at-risk pupils before enrolling other children who are eligible to attend the charter school pursuant to NRS 386.580 and the method for determining eligibility for enrollment in each such category of at-risk pupils served by the charter school.

~~{5.} [6. The proposed sponsor of a charter school may request that the Department review an application before review by the proposed sponsor to determine whether the application] [is substantially complete and compliant.] [satisfies the requirements of subsection 3 of NRS 386.525. Upon such a request, the Department shall review an application to form a charter school to determine whether] [it is substantially complete and compliant.] [the application satisfies the requirements of subsection 3 of NRS 386.525. If an application proposes to convert an existing public school, homeschool or other program of home study into a charter school, the Department shall~~

provide written notice to the applicant that the application is ineligible for consideration by the proposed sponsor.]

~~6. [7.] The Department shall provide written notice to the applicant and the proposed sponsor of the charter school of its determination whether the application [is substantially complete and compliant.] [satisfies the requirements of subsection 3 of NRS 386.525. If the Department determines that an application] [is not substantially complete and compliant.] [does not satisfy the requirements of subsection 3 of NRS 386.525, the Department shall include in the written notice the basis for that determination and the deficiencies in the application. The staff designated by the Department shall meet with the applicant to confer on the method to correct the identified deficiencies. The applicant must be granted 30 days after receipt of the written notice to correct any deficiencies identified in the written notice and resubmit the application. If the Department determines an application] [is substantially complete and compliant.] [satisfies the requirements of subsection 3 of NRS 386.525, the Department shall transmit the application to the proposed sponsor for review pursuant to NRS 386.525.]~~

~~[7.] [8.]~~ As used in subsection 1, “teacher” means a person who:

(a) Holds a current license to teach issued pursuant to chapter 391 of NRS or who previously held such a license and is retired, as long as his or her license was held in good standing; and

(b) Has at least 2 years of experience as an employed teacher.

↪ The term does not include a person who is employed as a substitute teacher.

Section 7 of Assembly Bill No. 205 First Reprint is hereby amended as follows:

Sec. 7. NRS 386.525 is hereby amended to read as follows:

386.525 1. ~~[Except as otherwise provided in this subsection, a committee to form a]~~ A charter school may submit the application to the proposed sponsor of the charter school. ~~[If the proposed sponsor of a charter school requested that the Department review the application pursuant to NRS 386.520 and the Department determined that the application] [was not substantially complete and compliant pursuant to that section,] [does not satisfy the requirements of subsection 3, the application may not be submitted to the proposed sponsor for review pursuant to this section.]~~ If an application proposes to convert an existing public school, homeschool or other program of home study into a charter school, the proposed sponsor shall deny the application.

2. *The proposed sponsor of a charter school shall, in reviewing an application to form a charter school:*

(a) *Assemble a team of reviewers who possess the appropriate knowledge and expertise with regard to the academic, financial and*

*organizational experience of charter schools to review and evaluate the application;*

*(b) Conduct a thorough evaluation of the application, which includes an in-person interview with the committee to form the charter school;*

*(c) Base its determination on documented evidence collected through the process of reviewing the application; and*

*(d) Adhere to the policies and practices developed by the proposed sponsor pursuant to subsection 5 of NRS 386.515.*

*3. The proposed sponsor of a charter school may approve an application to form a charter school only if the proposed sponsor determines that:*

*(a) The application:*

*(1) Complies with NRS 386.490 to 386.610, inclusive, and sections 2 to 3.5, inclusive, of this act, and the regulations applicable to charter schools; and*

*(2) Is complete in accordance with the regulations of the Department; and*

*(b) The applicant has demonstrated competence in accordance with the criteria for approval prescribed by the sponsor pursuant to subsection 5 of NRS 386.515 that will likely result in a successful opening and operation of the charter school.*

*4. If the board of trustees of a school district or a college or a university within the Nevada System of Higher Education, as applicable, receives an application to form a charter school, the board of trustees or the institution, as applicable, shall consider the application at a meeting that must be held not later than ~~[45]~~ 60 days after the receipt of the application, or a *later* period mutually agreed upon by the committee to form the charter school and the board of trustees of the school district or the institution, as applicable, and ensure that notice of the meeting has been provided pursuant to chapter 241 of NRS. ~~If the proposed sponsor requested that the Department review the application pursuant to NRS 386.520, the proposed sponsor shall be deemed to receive the application pursuant to this subsection upon transmittal of the application from the Department.~~ The board of trustees, the college or the university, as applicable, shall review an application ~~[to determine whether the application:~~*

~~—(a) Complies with NRS 386.490 to 386.610, inclusive, and the regulations applicable to charter schools; and~~

~~—(b) Is complete in accordance with the regulations of the Department.~~

~~—3.] in accordance with the requirements for review set forth in subsections 2 and 3.~~

~~5. [The Department shall assist the board of trustees of a school district, the college or the university, as applicable, in the review of an application.]~~

The board of trustees, the college or the university, as applicable, may approve an application if it satisfies the requirements of ~~paragraphs (a) and (b) of~~ subsection ~~[2.]~~ 3.

6. The board of trustees, the college or the university, as applicable, shall provide written notice to the applicant of its approval or denial of the application.

~~[4.]~~ If the board of trustees, the college or the university, as applicable, denies an application, it shall include in the written notice the reasons for the denial and the deficiencies in the application. The applicant must be granted 30 days after receipt of the written notice to correct any deficiencies identified in the written notice and resubmit the application.

~~[5.]~~ 7. If the board of trustees, the college or the university, as applicable, denies an application after it has been resubmitted pursuant to subsection ~~[4.]~~ 6, the applicant may submit a written request for sponsorship by the State Public Charter School Authority not more than 30 days after receipt of the written notice of denial. Any request that is submitted pursuant to this subsection must be accompanied by the application to form the charter school.

~~[6.]~~ 8. If the State Public Charter School Authority receives an application pursuant to subsection 1 or ~~[5.]~~ 7, it shall consider the application at a meeting which must be held not later than ~~[45]~~ 60 days after receipt of the application ~~[.] or a later period mutually agreed upon by the committee to form the charter school and the State Public Charter School Authority.~~ ~~[If the State Public Charter School Authority requested that the Department review the application pursuant to NRS 386.520, the State Public Charter School Authority shall be deemed to receive the application pursuant to this subsection upon transmittal of the application from the Department.]~~ Notice of the meeting must be posted in accordance with chapter 241 of NRS. The State Public Charter School Authority shall review the application in accordance with the ~~[factors]~~ **requirements for review** set forth in ~~[paragraphs (a) and (b) of subsection]~~ **subsections 2 [.] and 3.** ~~[The Department shall assist the State Public Charter School Authority in the review of an application.]~~ The State Public Charter School Authority may approve an application **only** if it satisfies the requirements of ~~paragraphs (a) and (b) of~~ subsection ~~[2.]~~ 3. Not more than 30 days after the meeting, the State Public Charter School Authority shall provide written notice of its determination to the applicant.

~~[7.]~~ 9. If the State Public Charter School Authority denies or fails to act upon an application, the denial or failure to act must be based upon a finding that the applicant failed to ~~[adequately address objective criteria established by regulation of the Department or the State Board.]~~ **satisfy the requirements of subsection 3.** The State Public Charter School Authority shall include in

the written notice the reasons for the denial or the failure to act and the deficiencies in the application. The staff designated by the State Public Charter School Authority shall meet with the applicant to confer on the method to correct the identified deficiencies. The applicant must be granted 30 days after receipt of the written notice to correct any deficiencies identified in the written notice and resubmit the application.

~~{8-}~~ **10.** If the State Public Charter School Authority denies an application after it has been resubmitted pursuant to subsection ~~{7-}~~ **9**, the applicant may, not more than 30 days after the receipt of the written notice from the State Public Charter School Authority, appeal the final determination to the district court of the county in which the proposed charter school will be located.

~~{9-}~~ **11.** On or before January 1 of each odd-numbered year, the Superintendent of Public Instruction shall submit a written report to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature. The report must include:

(a) A list of each application to form a charter school that was submitted to the board of trustees of a school district, the State Public Charter School Authority, a college or a university during the immediately preceding biennium;

(b) The educational focus of each charter school for which an application was submitted;

(c) The current status of the application; and

(d) If the application was denied, the reasons for the denial.

Assemblyman Elliot Anderson moved that the Assembly do not concur in the Senate Amendment No. 612 to Assembly Bill No. 205.

Remarks by Assemblyman Elliot Anderson.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 386.

The following Senate amendment was read:

Amendment No. 753.

AN ACT relating to education; establishing a pilot program in the Clark County School District and the Washoe County School District for the administration of mental health screenings to pupils enrolled in selected secondary schools within each school district; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

This bill establishes a pilot program in the Clark County School District and the Washoe County School District for the administration of mental

health screenings to pupils enrolled in at least one secondary school within each school district.

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

**Section 1.** 1. There is hereby established a pilot program in the Clark County School District and the Washoe County School District. For purposes of the pilot program, the board of trustees of the Clark County School District and the board of trustees of the Washoe County School District shall each:

(a) Identify and coordinate with interested stakeholders in the community to implement the pilot program ~~including, without limitation, universities and colleges, local mental health professionals and medical professionals, juvenile and family courts within the county, persons who are involved in the provision of juvenile justice services, charitable organizations and child welfare agencies.~~

(b) With the input and coordination of the interested stakeholders identified pursuant to paragraph (a), provide for the administration of mental health screenings to pupils enrolled in at least one secondary school within the school district, as selected by the school district.

(c) With the input and coordination of the interested stakeholders identified pursuant to paragraph (a), provide an age-appropriate, professionally recognized mental health screening for administration to the pupils enrolled in each secondary school selected for the pilot program.

(d) Assist the principal of each secondary school selected for the pilot program with identifying professionally qualified persons, including the interested stakeholders identified pursuant to paragraph (a), to administer the mental health screenings to pupils and to conduct follow-up screenings if a pupil scores in a range which indicates that he or she may have a mental health issue.

2. Except as otherwise provided in subsection 3, each secondary school selected for the pilot program shall provide for the administration of the mental health screening selected by the school district by qualified persons, including the interested stakeholders identified pursuant to paragraph (a) of subsection 1, to the pupils enrolled in the secondary school or to pupils enrolled in selected grades at the secondary school, as determined by the school district. The school district shall ensure that if a pupil is absent or otherwise not available on the day scheduled for administration of the mental health screenings, a make-up administration is scheduled for the pupil within a reasonable time period.

3. Before administration of the mental health screening to a pupil pursuant to subsection 2, the principal of the secondary school shall provide

advance written notice of the screening to the parent or guardian of the pupil, including a form for consent or exemption. The notice must inform the parent or guardian of his or her right to consent to the screening or exempt the pupil from the screening and contain a form for the signature of the parent or guardian to consent to the screening or exempt the pupil from the screening. If a form exempting a pupil from the screening is signed by the parent or guardian and returned to the school, the principal must exempt the pupil and the pupil must not undergo the mental health screening. If a form is not returned on behalf of a pupil, the principal of the school must exempt the pupil and the pupil must not undergo the mental health screening.

4. If a pupil scores on a mental health screening administered pursuant to subsection 2 in a range which indicates the pupil may have a mental health issue, the school district shall provide the parent or guardian of the pupil with the results of the mental health screening, to the extent feasible, and a list of resources available in the county to assist the parent or guardian with obtaining appropriate further professional diagnosis and, if necessary, treatment for the pupil. The school district is not responsible for providing to such a pupil, or ensuring that such a pupil receives, further professional diagnosis or treatment.

**Sec. 2.** 1. On or before April 1, 2014, the Clark County School District and the Washoe County School District shall provide a report to the Legislative Committee on Education concerning the status of the implementation of the pilot program for mental health screenings required by section 1 of this act.

2. On or before December 1, 2014, the Clark County School District and the Washoe County School District shall each submit a report to the Department of Education which includes, without limitation, and except as otherwise provided in subsection 3:

(a) The number of secondary schools in the school district selected for the pilot program;

(b) The number of pupils in each grade level of the secondary school selected for the pilot program and the actual number of pupils who underwent mental health screenings pursuant to the pilot program;

(c) The number of pupils who did not undergo a mental health screening based upon the number of pupils whose parents or guardians opted out of administering the mental health screening to the pupil and the number of pupils for whom a form was not returned pursuant to subsection 3 of section 1 of this act;

(d) The number of pupils who scored in a range indicating that the pupil may have a mental health issue and a description of the types of resources which were referred to the parent or guardian of the pupil;

(e) If available, an indication of how many parents and guardians followed up by seeking professional help for further diagnosis and, if necessary, treatment for the pupil; **and**

(f) An evaluation of whether the pilot program was useful in identifying pupils with possible mental health issues and assisting the parents and guardians of those pupils with obtaining appropriate professional diagnosis and treatment. ~~and~~

~~(g) Recommendations for expanding the number of schools that participate in a program of mental health screenings for pupils if the Legislature determines to continue and expand the program.]~~

3. The information required by the report pursuant to subsection 2 must be provided in an aggregated format and if any of the information would reveal the individual identity of a pupil, the school district shall not include that information in the report.

4. On or before January 1, 2015, the Department of Education shall compile each report received pursuant to subsection 2 and submit the written compilation, including, without limitation, recommendations for continuing and expanding the pilot program for mental health screenings to pupils, to the Director of the Legislative Counsel Bureau for transmittal to the 78th Session of the Nevada Legislature.

**Sec. 3.** This act becomes effective on July 1, 2013.

Assemblyman Elliot Anderson moved that the Assembly concur in the Senate Amendment No. 753 to Assembly Bill No. 386.

Remarks by Assemblyman Elliot Anderson.

ASSEMBLYMAN ELLIOT ANDERSON

The amendment revises the bill to remove the specific mention of universities, colleges, and other community stakeholders that have to be involved in implementing the pilot project and leaves it to the discretion of the school district. It deletes the requirement to the school district involved in the pilot program and it makes recommendations about expanding or continuing the pilot program.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 286.

The following Senate amendment was read:

Amendment No. 695.

AN ACT relating to emergency medical services; requiring a host organization of a special event to provide emergency medical personnel and emergency medical services at the site of the special event under certain circumstances; providing a penalty; and providing other matters properly relating thereto.



**Legislative Counsel's Digest:**

Existing law governs the provision of emergency medical services to persons in this State. (Chapter 450B of NRS) **Sections 11 ~~[13]~~ and 12** of this bill ~~require the host organization of~~ **provide that, in a county whose population is 100,000 or more (currently Clark and Washoe Counties), if a special event ~~[that]~~ is projected to be attended ~~[or observed]~~ by 2,500 or more persons, but less than 50,000 persons at the same time, the host organization of the special event is required** to provide ~~a first aid station at the site of the special event and a dedicated advanced life support ambulance~~ **certain medical personnel and emergency medical services** if certain factors apply to the special event. **Section 13 of this bill requires that in all counties where a special event is projected to be attended by 50,000 or more persons at the same time, the host organization shall comply with the requirements for the provision of first-aid stations, dedicated advanced life support ambulances and certain medical personnel.** The definition of “special event” set forth in **section 10** of this bill excludes a ~~[scheduled activity or]~~ **temporary** event which is held at a location that: (1) is designed to host certain ~~[scheduled activities and]~~ **temporary** events; and (2) has permanently established methods of providing first-aid or emergency medical services at the location. **Section 6** of this bill defines a “host organization” as the person who obtained the permit for the special event or, if a permit was not obtained for the special event, the person who sponsored the special event. ~~[Sections 11-13 further require the host organization of a special event to provide medical personnel at the site of the special event.]~~ The number of first-aid stations, dedicated advanced life support ambulances and medical personnel and the level of skill of the medical personnel required varies based on the number of persons who are projected to attend ~~[or observe]~~ the special event and certain other factors.

Existing law provides that a violation of the provisions which govern emergency medical services is a misdemeanor. Existing law further authorizes the Health Division of the Department of Health and Human Services to impose an administrative penalty against any person who violates those provisions. (NRS 450B.900) Those penalties are applicable to a violation of the provisions of **sections 11-13**.

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

**Section 1.** Chapter 450B of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 13, inclusive, of this act.

**Sec. 2.** *“Automated external defibrillator” or “defibrillator” means a medical device that:*

1. *Has been approved by the United States Food and Drug Administration;*

2. *Is capable of recognizing the presence or absence of ventricular fibrillation and rapid ventricular tachycardia in a patient;*

3. *Is capable of determining, without intervention by the operator of the device, whether defibrillation should be performed on a patient;*

4. *Upon determining that defibrillation should be performed on a patient, automatically charges and requests delivery of an electrical impulse to the patient's heart; and*

5. *Upon appropriate action by the operator of the device, delivers an appropriate electrical impulse to the patient's heart.*

Sec. 3. *As used in sections 3 to 13, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 4 to 10, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 4. *“Dedicated advanced life support ambulance” means an ambulance equipped to provide advanced life support that:*

1. *Is capable of transporting a patient from a special event to a hospital but, upon delivering the patient, immediately returns to the site of the special event; and*

2. *Is staffed by:*

(a) *At least one advanced emergency medical technician and intermediate emergency medical technician; or*

(b) *At least two other attendants, each with an equivalent or a higher level of skill than the levels described in paragraph (a).*

Sec. 5. *“First-aid station” means a fixed location at the site of a special event that is staffed by at least one emergency medical technician or a person with a higher level of skill who is capable of providing emergency medical care within his or her scope of practice.*

Sec. 6. *“Host organization” means:*

1. *If a permit was obtained for a special event, the person who obtained the permit; or*

2. *If a permit was not obtained for a special event, the person who sponsored the special event.*

Sec. 7. *“Roving emergency medical technician team” means a team at the site of a special event that:*

1. *Consists of two or more emergency medical technicians, intermediate emergency medical technicians or advanced emergency medical technicians; and*

2. *Has the medical supplies necessary to provide emergency medical care.*

Sec. 8. *“Roving intermediate emergency medical technician team” means a roving emergency medical team that consists of two or more*

intermediate emergency medical technicians or advanced emergency medical technicians.

Sec. 9. "Significant number" means, with regard to:

1. Contacts by emergency medical personnel with persons who attended ~~for observed~~ a special event, the number of contacts is 0.07 percent or more of the total number of persons who attended ~~for observed~~ the special event; and

2. Patients transported to a hospital, the number of patients transported from the special event to the hospital by ambulance or private vehicle is 15 percent or more of the total number of contacts at the special event by emergency medical personnel with persons who attended ~~for observed~~ the special event.

Sec. 10. "Special event" means a ~~scheduled activity or~~ temporary event, including, without limitation, a concert or sporting event, ~~that is projected to be attended or observed by~~ at which 2,500 or more persons ~~f~~ are projected to be in attendance at the same time. The term does not include a ~~scheduled activity or~~ temporary event held at a location which is designed to host concerts, sporting events, conventions, trade shows and any other similar events and which has permanently established methods for providing first-aid or emergency medical services at the location.

Sec. 11. 1. ~~If~~ In a county whose population is 100,000 or more, if a special event ~~is projected to be attended or observed by~~ at which 2,500 or more persons but less than 10,000 persons ~~f~~ are projected to be in attendance at the same time, the host organization shall provide at least one first-aid station at the site of the special event if:

(a) The special event is a concert; or

(b) Three or more of the following factors apply to the special event:

(1) The special event involves a high-risk activity, including, without limitation, sports or racing.

(2) The special event poses environmental hazards to persons attending ~~for observing~~ the special event or is held during a period of extreme heat or cold.

(3) The average age of the persons attending ~~for observing~~ the special event is less than 25 years of age or more than 50 years of age.

(4) A large number of the persons attending ~~for observing~~ the special event have acute or chronic illnesses.

(5) Alcohol is sold at the special event or, if the special event has been held before, there is a history of alcohol or drug use by the persons who attended ~~for observed~~ the special event in the past.

(6) The density of the number of persons attending ~~for observing~~ the special event increases the difficulty regarding:

(I) Access to the persons who are attending ~~for observing~~ the special event who require emergency medical care; or

(II) The transfer of those persons who require emergency medical care to an ambulance.

2. ~~If~~ In a county whose population is 100,000 or more, if the host organization meets the requirements of paragraph (a) or (b) of subsection 1 and ~~the special event is projected to be attended or observed by~~ 10,000 or more persons but less than 15,000 persons ~~is~~ are projected to be in attendance at the special event at the same time, the host organization shall:

(a) Provide at least one first-aid station at the site of the special event and equip the first-aid station with an automated external defibrillator; and

(b) Provide a roving emergency medical technician team at the site of the special event.

3. ~~If~~ In a county whose population is 100,000 or more, if the host organization meets the requirements of paragraph (a) or (b) of subsection 1 and ~~the special event is projected to be attended or observed by~~ 15,000 or more persons but less than 50,000 persons ~~is~~ are projected to be in attendance at the special event at the same time, the host organization shall:

(a) Provide at least one first-aid station at the site of the special event and staff the first-aid station with at least one registered nurse, licensed practical nurse or advanced emergency medical technician in lieu of an emergency medical technician; and

(b) Provide two or more roving intermediate emergency medical technician teams at the site of the special event.

Sec. 12. 1. ~~If~~ In a county whose population is 100,000 or more, if a special event ~~is projected to be attended or observed by~~ at which 2,500 or more persons but less than 15,000 persons ~~is~~ are projected to be in attendance at the same time, the host organization shall provide at least one dedicated advanced life support ambulance at the special event if the special event:

(a) Is located more than 5 miles from the closest hospital; or

(b) Has been held before and there is a history of a significant number of:

(1) Contacts by emergency medical personnel with persons who attended ~~for observed~~ the special event to provide emergency medical care to those persons; or

(2) Persons who attended ~~for observed~~ the special event who were transported as patients from the special event to a hospital.

2. ~~If~~ In a county whose population is 100,000 or more, if the host organization meets the requirements of paragraph (a) or (b) of subsection 1

~~and [the special event is projected to be attended or observed by] 15,000 or more persons but less than 50,000 persons are projected to be in attendance at the special event at the same time, the host organization shall provide at least two dedicated advanced life support ambulances at the special event.~~

**Sec. 13.** ~~If a special event [is projected to be attended or observed by] at which 50,000 or more persons are projected to be in attendance at the same time, the host organization shall provide:~~

- ~~1. Two or more first-aid stations at the site of the special event;~~
- ~~2. Two or more physicians licensed pursuant to chapter 630 or 633 of NRS;~~
- ~~3. Two or more roving emergency medical technician teams; and~~
- ~~4. Two or more dedicated advanced life support ambulances.~~

**Sec. 14.** NRS 450B.020 is hereby amended to read as follows:  
450B.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 450B.025 to 450B.110, inclusive, **and section 2 of this act** have the meanings ascribed to them in those sections.

**Sec. 15.** NRS 450B.595 is hereby repealed.

#### TEXT OF REPEALED SECTION

**450B.595 “Automated external defibrillator” and “defibrillator” defined.** As used in NRS 450B.595 to 450B.620, inclusive, unless the context otherwise requires, “automated external defibrillator” or “defibrillator” means a medical device that:

1. Has been approved by the United States Food and Drug Administration;
2. Is capable of recognizing the presence or absence of ventricular fibrillation and rapid ventricular tachycardia in a patient;
3. Is capable of determining, without intervention by the operator of the device, whether defibrillation should be performed on a patient;
4. Upon determining that defibrillation should be performed on a patient, automatically charges and requests delivery of an electrical impulse to the patient’s heart; and
5. Upon appropriate action by the operator of the device, delivers an appropriate electrical impulse to the patient’s heart.

Assemblywoman Dondero Loop moved that the Assembly concur in the Senate Amendment No. 695 to Assembly Bill No. 286.

Remarks by Assemblywoman Dondero Loop.

ASSEMBLYWOMAN DONDERO LOOP:

This amendment limits the requirement to counties whose population is 100,000 or more, currently Clark and Washoe Counties, and requires medical support for all counties where a special event is projected to be attended by 50,000 people.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 391.

The following Senate amendment was read:

Amendment No. 771.

AN ACT relating to energy; providing that the amount of certain incentives issued by a utility for the installation of certain renewable energy systems on property owned or occupied by a public body may not be used to reduce the cost of the project so as to exempt the project from provisions governing competitive bidding for public works projects; requiring contractors who enter into contracts pursuant to the Green Jobs Initiative to make certain certifications to the Labor Commissioner concerning wages paid to employees who work on such projects; providing that certain utilities which are generally subject only to limited jurisdiction, control and regulation of the Public Utilities Commission of Nevada become subject to the full jurisdiction, control and regulation of the Commission under certain circumstances; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

**Sections 9 and 10** of this bill revise provisions relating to the installation of certain renewable energy systems on property owned or occupied by a public body to provide that the amount of any incentive issued by a utility for the installation of the renewable energy system may not be used to reduce the cost of the project so as to exempt the project from provisions governing competitive bidding for public works projects.

**Section 11** of this bill requires any contractor or subcontractor who enters into a contract pursuant to the Green Jobs Initiative to provide written certification to the Labor Commissioner that the employees of the contractor or subcontractor who perform work under the contract are paid the prevailing wage required by the Initiative. (NRS 701B.900-701B.924)

Existing law provides that certain entities which are declared to be utilities but which provide services only to their members are subject only to limited jurisdiction, control and regulation of the Public Utilities Commission of Nevada. (NRS 704.675) **Section 12** of this bill provides that such a utility is subject to the full jurisdiction, control and regulation of the Commission if the Commission determines that the utility or any entity that is owned or controlled by the utility: (1) is being operated without a certificate of public convenience and necessity issued to the utility by the Commission; (2) is supplying energy services to persons other than its own members; (3) is offering energy services outside the geographic area for which it holds a certificate of public convenience and necessity; (4) qualifies as a public utility or utility under applicable law outside the geographic area for which it

holds a certificate of public convenience and necessity; or (5) has otherwise violated certain provisions of law relating to utilities.

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.** NRS 701B.265 is hereby amended to read as follows:

701B.265 1. The installation of a solar energy system on property owned or occupied by a public body pursuant to NRS 701B.010 to 701B.290, inclusive, shall be deemed to be a public work for the purposes of chapters 338 and 341 of NRS, regardless of whether the installation of the solar energy system is financed in whole or in part by public money.

2. The amount of any incentive issued by a utility relating to the installation of a solar energy system on property owned or occupied by a public body may not be used to reduce the cost of the project to an amount which would exempt the project from ~~the~~ *any* requirements of *chapter 338 of NRS . [338.020 to 338.090, inclusive.]*

3. As used in this section, "public body" means the State or a county, city, town, school district or any public agency of this State or its political subdivisions.

**Sec. 10.** NRS 701B.625 is hereby amended to read as follows:

701B.625 1. The installation of a wind energy system on property owned or occupied by a public body pursuant to NRS 701B.400 to 701B.650, inclusive, shall be deemed to be a public work for the purposes of chapters 338 and 341 of NRS, regardless of whether the installation of the wind energy system is financed in whole or in part by public money.

2. The amount of any incentive issued by a utility relating to the installation of a wind energy system on property owned or occupied by a public body may not be used to reduce the cost of the project to an amount which would exempt the project from ~~the~~ *any* requirements of *chapter 338 of NRS . [338.020 to 338.090, inclusive.]*

3. As used in this section, "public body" means the State or a county, city, town, school district or any public agency of this State or its political subdivisions.

**Sec. 11.** NRS 701B.924 is hereby amended to read as follows:

701B.924 1. The State Public Works Board shall, within 90 days after June 9, 2009, determine the specific projects to weatherize and retrofit public buildings, facilities and structures, including, without limitation, traffic-control systems, and to otherwise use sources of renewable energy to serve those buildings, facilities and structures pursuant to the provisions of this section and NRS 701B.921. The projects must be prioritized and selected on the basis of the following criteria:

- (a) The length of time necessary to commence the project.
- (b) The number of workers estimated to be employed on the project.
- (c) The effectiveness of the project in reducing energy consumption.
- (d) The estimated cost of the project.
- (e) Whether the project is able to be powered by or to otherwise use sources of renewable energy.
- (f) Whether the project has qualified for participation in one or more of the following programs:
  - (1) The Solar Energy Systems Incentive Program created by NRS 701B.240;
  - (2) The Renewable Energy School Pilot Program created by NRS 701B.350;
  - (3) The Wind Energy Systems Demonstration Program created by NRS 701B.580;
  - (4) The Waterpower Energy Systems Demonstration Program created by NRS 701B.820; or
  - (5) An energy efficiency or energy conservation program offered by a public utility, as defined in NRS 704.020, pursuant to a plan approved by the Public Utilities Commission of Nevada pursuant to NRS 704.741.

2. The board of trustees of each school district shall, within 90 days after June 9, 2009, determine the specific projects to weatherize and retrofit public buildings, facilities and structures, including, without limitation, traffic-control systems, and to otherwise use sources of renewable energy to serve those buildings, facilities and structures pursuant to the provisions of this section and NRS 701B.921. The projects must be prioritized and selected on the basis of the following criteria:

- (a) The length of time necessary to commence the project.
- (b) The number of workers estimated to be employed on the project.
- (c) The effectiveness of the project in reducing energy consumption.
- (d) The estimated cost of the project.
- (e) Whether the project is able to be powered by or to otherwise use sources of renewable energy.
- (f) Whether the project has qualified for participation in one or more of the following programs:



(1) The Solar Energy Systems Incentive Program created by NRS 701B.240;

(2) The Renewable Energy School Pilot Program created by NRS 701B.350;

(3) The Wind Energy Systems Demonstration Program created by NRS 701B.580;

(4) The Waterpower Energy Systems Demonstration Program created by NRS 701B.820; or

(5) An energy efficiency or energy conservation program offered by a public utility, as defined in NRS 704.020, pursuant to a plan approved by the Public Utilities Commission of Nevada pursuant to NRS 704.741.

3. The Board of Regents of the University of Nevada shall, within 90 days after June 9, 2009, determine the specific projects to weatherize and retrofit public buildings, facilities and structures, including, without limitation, traffic-control systems, and to otherwise use sources of renewable energy to serve those buildings, facilities and structures pursuant to the provisions of this section and NRS 701B.921. The projects must be prioritized and selected on the basis of the following criteria:

(a) The length of time necessary to commence the project.

(b) The number of workers estimated to be employed on the project.

(c) The effectiveness of the project in reducing energy consumption.

(d) The estimated cost of the project.

(e) Whether the project is able to be powered by or to otherwise use sources of renewable energy.

(f) Whether the project has qualified for participation in one or more of the following programs:

(1) The Solar Energy Systems Incentive Program created by NRS 701B.240;

(2) The Renewable Energy School Pilot Program created by NRS 701B.350;

(3) The Wind Energy Systems Demonstration Program created by NRS 701B.580;

(4) The Waterpower Energy Systems Demonstration Program created by NRS 701B.820; or

(5) An energy efficiency or energy conservation program offered by a public utility, as defined in NRS 704.020, pursuant to a plan approved by the Public Utilities Commission of Nevada pursuant to NRS 704.741.

4. As soon as practicable after an entity described in subsections 1, 2 and 3 selects a project, the entity shall proceed to enter into a contract with one or more contractors to perform the work on the project. The request for proposals and all contracts for each project must include, without limitation:

(a) Provisions stipulating that all employees of the contractors and subcontractors who work on the project must be paid prevailing wages pursuant to the requirements of chapter 338 of NRS ~~1-7~~ **and requiring that each contractor and subcontractor certify to the Labor Commissioner in writing that all employees of the contractor or subcontractor who work on the project are paid prevailing wages as required by this paragraph;**

(b) Provisions requiring that each contractor and subcontractor employed on each such project:

(1) Employ a number of persons trained as described in paragraph (b) of subsection 3 of NRS 701B.921 that is equal to or greater than 50 percent of the total workforce the contractor or subcontractor employs on the project; or

(2) If the Director of the Department determines in writing, pursuant to a request submitted by the contractor or subcontractor, that the contractor or subcontractor cannot reasonably comply with the provisions of subparagraph (1) because there are not available a sufficient number of such trained persons, employ a number of persons trained as described in paragraph (b) of subsection 3 of NRS 701B.921 or trained through any apprenticeship program that is registered and approved by the State Apprenticeship Council pursuant to chapter 610 of NRS that is equal to or greater than 50 percent of the total workforce the contractor or subcontractor employs on the project;

(c) A component pursuant to which persons trained as described in paragraph (b) of subsection 3 of NRS 701B.921 must be classified and paid prevailing wages depending upon the classification of the skill in which they are trained; and

(d) A component that requires each contractor or subcontractor to offer to employees working on the project, and to their dependents, health care in the same manner as a policy of insurance pursuant to chapters 689A and 689B of NRS or the Employee Retirement Income Security Act of 1974.

5. The State Public Works Board, each of the school districts and the Board of Regents of the University of Nevada shall each provide a report to the Interim Finance Committee which describes the projects selected pursuant to this section and a report of the dates on which those projects are scheduled to be completed.

**Sec. 12.** NRS 704.675 is hereby amended to read as follows:

704.675 ~~Every~~

**1. Except as otherwise provided in subsection 2, every** cooperative association or nonprofit corporation or association and every other supplier of services described in this chapter supplying those services for the use of its own members only is hereby declared to be affected with a public interest, to be a public utility, and to be subject to the jurisdiction, control and regulation of the Commission for the purposes of NRS 703.191, 704.330, 704.350 to 704.410, inclusive, but not to any other jurisdiction, control and regulation of

the Commission or to the provisions of any section not specifically mentioned in this ~~[section.]~~ subsection.

2. *The limitations set forth in subsection 1 governing the applicability of this chapter and the jurisdiction, control and regulation of the Commission do not apply to a cooperative association, nonprofit corporation or association or any other supplier of services described in this chapter that supplies ~~those~~ energy services for the use of its own members if the Commission determines that the cooperative association, nonprofit corporation or association or other supplier of services described in this chapter, or any entity that is owned or controlled by the cooperative association, nonprofit corporation or association or other supplier of services:*

(a) *Is being operated without a certificate of public convenience and necessity as required by NRS 704.330;*

(b) *Is supplying ~~those~~ energy services to persons other than its own members;*

(c) *Is offering ~~those~~ energy services outside the geographic area for which it holds a certificate of public convenience and necessity issued by the Commission;*

(d) *Qualifies as a public utility or utility under NRS 704.020 outside the geographic area for which it holds a certificate of public convenience and necessity issued by the Commission; or*

(e) *Has otherwise violated any provision of NRS 704.330.*

3. *As used in this section, "energy services" includes, without limitation, assuming responsibility for furnishing or delivering energy to another person, the operation of a system for furnishing or delivering energy to another person and assuming responsibility for the maintenance of a system for furnishing or delivering energy to another person.*

**Sec. 12.5. NRS 704.865 is hereby amended to read as follows:**

704.865 1. A person, other than a local government, shall not commence to construct a utility facility in the State without first having obtained a permit therefor from the Commission. The replacement of an existing facility with a like facility, as determined by the Commission, does not constitute construction of a utility facility. Any facility, with respect to which a permit is required, must thereafter be constructed, operated and maintained in conformity with the permit and any terms, conditions and modifications contained therein. A permit may only be issued pursuant to NRS 704.820 to 704.900, inclusive. Any authorization relating to a utility facility granted under other laws administered by the Commission constitutes a permit under those sections if the requirements of those sections have been complied with in the proceedings leading to the granting of the authorization.

2. A permit may be transferred, subject to the approval of the Commission, to a person who agrees to comply with the terms, conditions and modifications contained therein.

3. NRS 704.820 to 704.900, inclusive, do not apply to any utility facility:

(a) For which, before July 1, 1971, an application for the approval of the facility has been made to any federal, state, regional or local governmental agency which possesses the jurisdiction to consider the matters prescribed for finding and determination in NRS 704.890;

(b) For which, before July 1, 1971, a governmental agency has approved the construction of the facility and the person has incurred indebtedness to finance all or part of the cost of the construction;

(c) Over which an agency of the Federal Government has exclusive jurisdiction; or

(d) Owned by a supplier of services described in NRS 704.673 or subsection 1 of NRS 704.675 that:

(1) Is not jointly owned by or with an entity that is not such a supplier of services; and

(2) Is subject to the provisions of the National Environmental Policy Act of 1969, 42 U.S.C §§ 4321 et seq.

4. Any person intending to construct a utility facility excluded from NRS 704.820 to 704.900, inclusive, pursuant to paragraph (a) or (b) of subsection 3 may elect to waive the exclusion by delivering notice of its waiver to the Commission. NRS 704.820 to 704.900, inclusive, thereafter apply to each utility facility identified in the notice from the date of its receipt by the Commission.

**Sec. 13.** 1. This act becomes effective on October 1, 2013.

2. Section 1 of this act expires by limitation on June 30, 2049.

Assemblyman Bobzien moved that the Assembly concur in the Senate Amendment No. 771 to Assembly Bill No. 391.

Remarks by Assemblyman Bobzien.

ASSEMBLYMAN BOBZIEN:

The amendment clarifies that services are defined as energy services. Energy services include, but are not limited to, assuming responsibility for furnishing or delivering energy to another person, the operation of a system for furnishing or delivering energy to another person, and assuming responsibility for the maintenance of a system for furnishing or delivering energy to another person.

Motion carried.

The following Senate amendment was read:

Amendment No. 816.

AN ACT relating to energy; providing that the amount of certain incentives issued by a utility for the installation of certain renewable energy systems on property owned or occupied by a public body may not be used to

reduce the cost of the project so as to exempt the project from provisions governing competitive bidding for public works projects; requiring contractors who enter into contracts pursuant to the Green Jobs Initiative to make certain certifications to the Labor Commissioner concerning wages paid to employees who work on such projects; providing that certain utilities which are generally subject only to limited jurisdiction, control and regulation of the Public Utilities Commission of Nevada become subject to the full jurisdiction, control and regulation of the Commission under certain circumstances; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

**Sections 9 and 10** of this bill revise provisions relating to the installation of certain renewable energy systems on property owned or occupied by a public body to provide that the amount of any incentive issued by a utility for the installation of the renewable energy system may not be used to reduce the cost of the project so as to exempt the project from provisions governing competitive bidding for public works projects.

**Section 11** of this bill requires any contractor or subcontractor who enters into a contract pursuant to the Green Jobs Initiative to provide written certification to the Labor Commissioner that the employees of the contractor or subcontractor who perform work under the contract are paid the prevailing wage required by the Initiative. (NRS 701B.900-701B.924)

Existing law provides that certain entities which are declared to be utilities but which provide services only to their members are subject only to limited jurisdiction, control and regulation of the Public Utilities Commission of Nevada. (NRS 704.675) **Section 12** of this bill provides that such a utility is subject to the full jurisdiction, control and regulation of the Commission if the Commission determines that the utility or any entity that is owned or controlled by the utility: (1) is being operated without a certificate of public convenience and necessity issued to the utility by the Commission; (2) is supplying energy services to persons other than its own members; (3) is offering energy services outside the geographic area for which it holds a certificate of public convenience and necessity; (4) qualifies as a public utility or utility under applicable law outside the geographic area for which it holds a certificate of public convenience and necessity; or (5) has otherwise violated certain provisions of law relating to utilities.

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.** NRS 701B.265 is hereby amended to read as follows:

701B.265 1. The installation of a solar energy system on property owned or occupied by a public body pursuant to NRS 701B.010 to 701B.290, inclusive, shall be deemed to be a public work for the purposes of chapters 338 and 341 of NRS, regardless of whether the installation of the solar energy system is financed in whole or in part by public money.

2. The amount of any incentive issued by a utility relating to the installation of a solar energy system on property owned or occupied by a public body may not be used to reduce the cost of the project to an amount which would exempt the project from ~~the~~ any requirements of *chapter 338 of NRS*. ~~[338.020 to 338.090, inclusive.]~~

3. As used in this section, “public body” means the State or a county, city, town, school district or any public agency of this State or its political subdivisions.

**Sec. 10.** NRS 701B.625 is hereby amended to read as follows:

701B.625 1. The installation of a wind energy system on property owned or occupied by a public body pursuant to NRS 701B.400 to 701B.650, inclusive, shall be deemed to be a public work for the purposes of chapters 338 and 341 of NRS, regardless of whether the installation of the wind energy system is financed in whole or in part by public money.

2. The amount of any incentive issued by a utility relating to the installation of a wind energy system on property owned or occupied by a public body may not be used to reduce the cost of the project to an amount which would exempt the project from ~~the~~ any requirements of *chapter 338 of NRS*. ~~[338.020 to 338.090, inclusive.]~~

3. As used in this section, “public body” means the State or a county, city, town, school district or any public agency of this State or its political subdivisions.

**Sec. 11.** NRS 701B.924 is hereby amended to read as follows:

701B.924 1. The State Public Works Board shall, within 90 days after June 9, 2009, determine the specific projects to weatherize and retrofit public buildings, facilities and structures, including, without limitation, traffic-control systems, and to otherwise use sources of renewable energy to serve those buildings, facilities and structures pursuant to the provisions of this section and NRS 701B.921. The projects must be prioritized and selected on the basis of the following criteria:

(a) The length of time necessary to commence the project.

(b) The number of workers estimated to be employed on the project.

- (c) The effectiveness of the project in reducing energy consumption.
  - (d) The estimated cost of the project.
  - (e) Whether the project is able to be powered by or to otherwise use sources of renewable energy.
  - (f) Whether the project has qualified for participation in one or more of the following programs:
    - (1) The Solar Energy Systems Incentive Program created by NRS 701B.240;
    - (2) The Renewable Energy School Pilot Program created by NRS 701B.350;
    - (3) The Wind Energy Systems Demonstration Program created by NRS 701B.580;
    - (4) The Waterpower Energy Systems Demonstration Program created by NRS 701B.820; or
    - (5) An energy efficiency or energy conservation program offered by a public utility, as defined in NRS 704.020, pursuant to a plan approved by the Public Utilities Commission of Nevada pursuant to NRS 704.741.
2. The board of trustees of each school district shall, within 90 days after June 9, 2009, determine the specific projects to weatherize and retrofit public buildings, facilities and structures, including, without limitation, traffic-control systems, and to otherwise use sources of renewable energy to serve those buildings, facilities and structures pursuant to the provisions of this section and NRS 701B.921. The projects must be prioritized and selected on the basis of the following criteria:
- (a) The length of time necessary to commence the project.
  - (b) The number of workers estimated to be employed on the project.
  - (c) The effectiveness of the project in reducing energy consumption.
  - (d) The estimated cost of the project.
  - (e) Whether the project is able to be powered by or to otherwise use sources of renewable energy.
  - (f) Whether the project has qualified for participation in one or more of the following programs:
    - (1) The Solar Energy Systems Incentive Program created by NRS 701B.240;
    - (2) The Renewable Energy School Pilot Program created by NRS 701B.350;
    - (3) The Wind Energy Systems Demonstration Program created by NRS 701B.580;
    - (4) The Waterpower Energy Systems Demonstration Program created by NRS 701B.820; or

(5) An energy efficiency or energy conservation program offered by a public utility, as defined in NRS 704.020, pursuant to a plan approved by the Public Utilities Commission of Nevada pursuant to NRS 704.741.

3. The Board of Regents of the University of Nevada shall, within 90 days after June 9, 2009, determine the specific projects to weatherize and retrofit public buildings, facilities and structures, including, without limitation, traffic-control systems, and to otherwise use sources of renewable energy to serve those buildings, facilities and structures pursuant to the provisions of this section and NRS 701B.921. The projects must be prioritized and selected on the basis of the following criteria:

- (a) The length of time necessary to commence the project.
- (b) The number of workers estimated to be employed on the project.
- (c) The effectiveness of the project in reducing energy consumption.
- (d) The estimated cost of the project.
- (e) Whether the project is able to be powered by or to otherwise use sources of renewable energy.
- (f) Whether the project has qualified for participation in one or more of the following programs:

(1) The Solar Energy Systems Incentive Program created by NRS 701B.240;

(2) The Renewable Energy School Pilot Program created by NRS 701B.350;

(3) The Wind Energy Systems Demonstration Program created by NRS 701B.580;

(4) The Waterpower Energy Systems Demonstration Program created by NRS 701B.820; or

(5) An energy efficiency or energy conservation program offered by a public utility, as defined in NRS 704.020, pursuant to a plan approved by the Public Utilities Commission of Nevada pursuant to NRS 704.741.

4. As soon as practicable after an entity described in subsections 1, 2 and 3 selects a project, the entity shall proceed to enter into a contract with one or more contractors to perform the work on the project. The request for proposals and all contracts for each project must include, without limitation:

(a) Provisions stipulating that all employees of the contractors and subcontractors who work on the project must be paid prevailing wages pursuant to the requirements of chapter 338 of NRS ~~and~~ **and requiring that each contractor and subcontractor certify to the Labor Commissioner in writing that all employees of the contractor or subcontractor who work on the project are paid prevailing wages as required by this paragraph;**

(b) Provisions requiring that each contractor and subcontractor employed on each such project:



(1) Employ a number of persons trained as described in paragraph (b) of subsection 3 of NRS 701B.921 that is equal to or greater than 50 percent of the total workforce the contractor or subcontractor employs on the project; or

(2) If the Director of the Department determines in writing, pursuant to a request submitted by the contractor or subcontractor, that the contractor or subcontractor cannot reasonably comply with the provisions of subparagraph (1) because there are not available a sufficient number of such trained persons, employ a number of persons trained as described in paragraph (b) of subsection 3 of NRS 701B.921 or trained through any apprenticeship program that is registered and approved by the State Apprenticeship Council pursuant to chapter 610 of NRS that is equal to or greater than 50 percent of the total workforce the contractor or subcontractor employs on the project;

(c) A component pursuant to which persons trained as described in paragraph (b) of subsection 3 of NRS 701B.921 must be classified and paid prevailing wages depending upon the classification of the skill in which they are trained; and

(d) A component that requires each contractor or subcontractor to offer to employees working on the project, and to their dependents, health care in the same manner as a policy of insurance pursuant to chapters 689A and 689B of NRS or the Employee Retirement Income Security Act of 1974.

5. The State Public Works Board, each of the school districts and the Board of Regents of the University of Nevada shall each provide a report to the Interim Finance Committee which describes the projects selected pursuant to this section and a report of the dates on which those projects are scheduled to be completed.

**Sec. 12.** NRS 704.675 is hereby amended to read as follows:

704.675 ~~Every~~

**1. Except as otherwise provided in subsection 2, every** cooperative association or nonprofit corporation or association and every other supplier of services described in this chapter supplying those services for the use of its own members only is hereby declared to be affected with a public interest, to be a public utility, and to be subject to the jurisdiction, control and regulation of the Commission for the purposes of NRS 703.191, 704.330, 704.350 to 704.410, inclusive, but not to any other jurisdiction, control and regulation of the Commission or to the provisions of any section not specifically mentioned in this ~~section~~ **subsection.**

**2. The limitations set forth in subsection 1 governing the applicability of this chapter and the jurisdiction, control and regulation of the Commission do not apply to a cooperative association, nonprofit corporation or association or any other supplier of services described in this chapter that supplies energy services for the use of its own members if the Commission determines that the cooperative association, nonprofit**

*corporation or association or other supplier of services described in this chapter, or any entity that is owned or controlled by the cooperative association, nonprofit corporation or association or other supplier of services:*

*(a) Is being operated without a certificate of public convenience and necessity as required by NRS 704.330;*

*(b) Is supplying energy services to persons other than its own members;*

*(c) Is offering energy services outside the geographic area for which it holds a certificate of public convenience and necessity issued by the Commission;*

*(d) Qualifies as a public utility or utility under NRS 704.020 outside the geographic area for which it holds a certificate of public convenience and necessity issued by the Commission; or*

*(e) Has otherwise violated any provision of NRS 704.330.*

3. As used in this section, “energy services” ~~includes~~ includes:

(a) Includes, without limitation, assuming responsibility for furnishing or delivering energy to another person, the operation of a system for furnishing or delivering energy to another person and assuming responsibility for the maintenance of a system for furnishing or delivering energy to another person.

(b) Does not include the transmission of electricity which originates outside of the area for which a certificate of public convenience and necessity has been issued to a cooperative association, nonprofit corporation or association or other supplier of services described in this chapter, and which is delivered to an electric utility.

Sec. 12.5. NRS 704.865 is hereby amended to read as follows:

704.865 1. A person, other than a local government, shall not commence to construct a utility facility in the State without first having obtained a permit therefor from the Commission. The replacement of an existing facility with a like facility, as determined by the Commission, does not constitute construction of a utility facility. Any facility, with respect to which a permit is required, must thereafter be constructed, operated and maintained in conformity with the permit and any terms, conditions and modifications contained therein. A permit may only be issued pursuant to NRS 704.820 to 704.900, inclusive. Any authorization relating to a utility facility granted under other laws administered by the Commission constitutes a permit under those sections if the requirements of those sections have been complied with in the proceedings leading to the granting of the authorization.

2. A permit may be transferred, subject to the approval of the Commission, to a person who agrees to comply with the terms, conditions and modifications contained therein.

3. NRS 704.820 to 704.900, inclusive, do not apply to any utility facility:

(a) For which, before July 1, 1971, an application for the approval of the facility has been made to any federal, state, regional or local governmental agency which possesses the jurisdiction to consider the matters prescribed for finding and determination in NRS 704.890;

(b) For which, before July 1, 1971, a governmental agency has approved the construction of the facility and the person has incurred indebtedness to finance all or part of the cost of the construction;

(c) Over which an agency of the Federal Government has exclusive jurisdiction; or

(d) Owned by a supplier of services described in NRS 704.673 or **subsection 1 of NRS 704.675** that:

(1) Is not jointly owned by or with an entity that is not such a supplier of services; and

(2) Is subject to the provisions of the National Environmental Policy Act of 1969, 42 U.S.C §§ 4321 et seq.

4. Any person intending to construct a utility facility excluded from NRS 704.820 to 704.900, inclusive, pursuant to paragraph (a) or (b) of subsection 3 may elect to waive the exclusion by delivering notice of its waiver to the Commission. NRS 704.820 to 704.900, inclusive, thereafter apply to each utility facility identified in the notice from the date of its receipt by the Commission.

**Sec. 13.** 1. This act becomes effective on October 1, 2013.

2. Section 1 of this act expires by limitation on June 30, 2049.

Assemblyman Bobzien moved that the Assembly concur in the Senate Amendment No. 816 to Assembly Bill No. 391.

Remarks by Assemblyman Bobzien.

ASSEMBLYMAN BOBZIEN:

This amendment clarifies the definition of “energy services” so that such services do not apply to standard welding of energy.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 440.

The following Senate amendment was read:

Amendment No. 669.

AN ACT relating to elections; extending the period during which an elector can register to vote in person or by computer; **requiring county and city clerks to distribute sample ballots by electronic mail under certain circumstances;** and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Under existing law, registration for any primary, primary city, general or general city election closes on the third Tuesday before the election. Unless

otherwise specified, registration for a recall or special election closes on the third Saturday before the election. After the fifth Sunday before a primary, primary city, general or general city election, a person may register to vote only by appearing in person at the office of the county or city clerk, as applicable, or other designated site for registering to vote. (NRS 293.560, 293C.527) ~~[This bill extends]~~ **Sections 5 and 12 of this bill extend** the period in which a person may register to vote for primary, primary city, general and general city elections until the last day of early voting for those elections, which is the Friday before the election. ~~[This bill]~~ **Sections 5 and 12** also ~~[allows]~~ **allow** a person to register to vote by computer after the fifth Sunday before the election. Additionally, ~~[this bill extends]~~ **sections 5 and 12 extend** the period in which a person may register to vote for all elections except otherwise specified recall and special elections until the fourth day before the election. ~~[These]~~ **Sections 3, 4, 7 and 11 of this bill make conforming changes.**

**Under existing law, each county and city clerk is required to mail a sample ballot to each registered voter in the applicable county or city. (NRS 293.565, 293C.530) Sections 6.5 and 12.1 of this bill require each county and city clerk to distribute sample ballots by electronic mail to each registered voter who elects to receive sample ballots in that manner. Sections 2.5, 7.5 and 12.2-12.6 of this bill make conforming changes.**

**The changes in this bill** take effect on January 1, 2014.

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. 2.5. NRS 293.097 is hereby amended to read as follows:**

293.097 “Sample ballot” means a document distributed by a county or city clerk upon which is ~~[printed]~~ **included** a list of the offices, candidates and ballot questions that will appear on a ballot. The term includes any such document which is printed by a computer ~~[,]~~ **and which is distributed by mail or electronic mail.**

**Sec. 3.** NRS 293.356 is hereby amended to read as follows:

293.356 If a request is made *in person* to vote early by a registered voter ~~[in person,]~~, **including, without limitation, a registered voter who registered to vote after the beginning of the period for early voting by personal appearance**, the election board shall issue a ballot for early voting to the voter. Such a ballot must be voted on the premises of a polling place for early voting established pursuant to NRS 293.3564 or 293.3572.

**Sec. 4.** NRS 293.557 is hereby amended to read as follows:

293.557 1. The county clerk may cause to be published once in each of the newspapers circulated in different parts of the county or cause to be published once in a newspaper circulated in the county:

(a) An alphabetical listing of all registered voters, including the precinct of each voter:

(1) Within the circulation area of each newspaper if the listing is published in each newspaper circulated in different parts of the county; or

(2) Within the entire county if the listing is published in only one newspaper in the county; or

(b) A statement notifying the public that the county clerk will provide an alphabetical listing of the names of all registered voters in the entire county and the precinct of each voter free of charge to any person upon request.

2. If the county clerk publishes the list of registered voters, the county clerk must do so:

(a) Not less than 2 weeks before the ~~close of registration for any~~ primary election.

(b) After each primary election and not less than 2 weeks before the ~~close of registration for the~~ ensuing general election.

3. The county may not pay more than 10 cents per name for six-point or seven-point type or 15 cents per name for eight-point type or larger to each newspaper publishing the list.

4. The list of registered voters, if published, must not be printed in type smaller than six-point.

**Sec. 5.** NRS 293.560 is hereby amended to read as follows:

293.560 1. Except as otherwise provided in NRS 293.502, 293D.230 and 293D.300, registration must close **at 5 p.m.** on the ~~third Tuesday~~ **Friday** preceding any primary or general election and , ***except as otherwise provided by specific law, at 5 p.m.*** on the ~~third Saturday~~ **fourth day** preceding any recall or special election . ~~[, except that if a recall or special election is held on the same day as a primary or general election, registration must close on the third Tuesday preceding the day of the elections.]~~

2. For a primary or special election, the office of the county clerk must be open until 7 p.m. ~~during~~ **on the next to last [2 days] day** on which registration is open ~~[,]~~ **and 5 p.m. on the last day on which registration is open.** In a county whose population is less than 100,000, the office of the county clerk may close at 5 p.m. ~~during~~ **on the next to last [2 days] day** before registration closes if approved by the board of county commissioners.

3. For a general election:

(a) In a county whose population is less than 100,000, the office of the county clerk must be open until 7 p.m. ~~during~~ **on the next to last [2 days] day** on which registration is open ~~[,]~~ **and 5 p.m. on the last day on which**

**registration is open.** The office of the county clerk may close at 5 p.m. **on the next to last day on which registration is open** if approved by the board of county commissioners.

(b) In a county whose population is 100,000 or more, the office of the county clerk must be open during the last 4 days on which registration is open, according to the following schedule:

(1) On ~~weekdays~~ **a day other than the last day on which registration is open**, until 9 p.m.; ~~and~~

(2) A minimum of 8 hours on Saturdays, Sundays and legal holidays ~~[-]~~ **; and**

(3) **On the last day on which registration is open, until 5 p.m.**

4. Except for a special election held pursuant to chapter 306 or 350 of NRS:

(a) The county clerk of each county shall cause a notice signed by him or her to be published in a newspaper having a general circulation in the county indicating:

(1) The day and time that registration will be closed; and

(2) If the county clerk has designated a county facility pursuant to NRS 293.5035, the location of that facility.

➔ If no such newspaper is published in the county, the publication may be made in a newspaper of general circulation published in the nearest county in this State.

(b) The notice must be published once each week for 4 consecutive weeks next preceding the close of registration for any election.

5. The offices of the county clerk, a county facility designated pursuant to NRS 293.5035 and other ex officio registrars may remain open on the last Friday in October in each even-numbered year.

6. For the period beginning on the fifth Sunday preceding any primary or general election and ending on the ~~third Tuesday~~ **Friday** preceding any primary or general election, an elector may register to vote only by ~~appearing~~ **:**

(a) **Appearing** in person at the office of the county clerk ~~for, if~~ **;**

(b) **If open, appearing in person at** a county facility designated pursuant to NRS 293.5035 ~~[-]~~ **; or**

(c) **If the county clerk has established a system to allow electors to register to vote by computer pursuant to NRS 293.506, registering by computer.**

7. A county facility designated pursuant to NRS 293.5035 may be open during the periods described in this section for such hours of operation as the county clerk may determine, as set forth in subsection 3 of NRS 293.5035.

**Sec. 6.** (Deleted by amendment.)

**Sec. 6.5. NRS 293.565 is hereby amended to read as follows:**

293.565 1. Except as otherwise provided in subsection 3, sample ballots must include:

- (a) If applicable, the statement required by NRS 293.267;
- (b) The fiscal note or description of anticipated financial effect, as provided pursuant to NRS 218D.810, 293.250, 293.481, 293.482, 295.015 or 295.095 for each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question;
- (c) An explanation, as provided pursuant to NRS 218D.810, 293.250, 293.481, 293.482 or 295.121, of each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question;
- (d) Arguments for and against each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question, and rebuttals to each argument, as provided pursuant to NRS 218D.810, 293.250, 293.252, 293.481, 293.482 or 295.121; and
- (e) The full text of each proposed constitutional amendment.

2. If, pursuant to the provisions of NRS 293.2565, the word "Incumbent" must appear on the ballot next to the name of the candidate who is the incumbent, the word "Incumbent" must appear on the sample ballot next to the name of the candidate who is the incumbent.

3. Sample ballots that are mailed to registered voters may be printed without the full text of each proposed constitutional amendment if:

- (a) The cost of printing the sample ballots would be significantly reduced if the full text of each proposed constitutional amendment were not included;
- (b) The county clerk ensures that a sample ballot that includes the full text of each proposed constitutional amendment is provided at no charge to each registered voter who requests such a sample ballot; and
- (c) The sample ballots provided to each polling place include the full text of each proposed constitutional amendment.

4. ***A registered voter may elect to receive a sample ballot by electronic mail. If a registered voter elects to receive a sample ballot by electronic mail, the county clerk shall distribute the sample ballot to the registered voter by electronic mail pursuant to the procedures and requirements set forth by regulations adopted by the Secretary of State. If a registered voter does not elect to receive a sample ballot by electronic mail, the county clerk shall distribute the sample ballot to the registered voter by mail.***

5. Before the period for early voting for any election begins, the county clerk shall cause to be ~~mailed~~ ***distributed by mail or electronic mail, as applicable,*** to each registered voter in the county ~~for the~~ sample ballot for his or her precinct, with a notice informing the voter of the location of his or her

polling place. If the location of the polling place has changed since the last election:

(a) The county clerk shall mail a notice of the change to each registered voter in the county not sooner than 10 days before ~~mailing~~ **distributing** the sample ballots; or

(b) The sample ballot must also include a notice in bold type immediately above the location which states:

NOTICE: THE LOCATION OF YOUR POLLING PLACE  
HAS CHANGED SINCE THE LAST ELECTION

~~5. 6.~~ Except as otherwise provided in subsection ~~6. 7.~~ a sample ballot ~~required to be mailed~~ **distributed** pursuant to this section must:

(a) Be ~~printed~~ **prepared** in at least 12-point type; and

(b) Include on the front page, in a separate box created by bold lines, a notice ~~printed~~ **prepared** in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN  
LARGE TYPE, CALL (Insert appropriate telephone number)

~~6. 7.~~ A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

~~7. 8.~~ The sample ballot ~~mailed~~ **distributed** to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be ~~printed~~ **prepared** in at least 14-point type, or larger when practicable.

~~8. 9.~~ If a person requests a sample ballot in large type, the county clerk shall ensure that all future sample ballots ~~mailed~~ **distributed** to that person from the county are in large type.

~~9. 10.~~ The county clerk shall include in each sample ballot a statement indicating that the county clerk will, upon request of a voter who is elderly or disabled, make reasonable accommodations to allow the voter to vote at his or her polling place and provide reasonable assistance to the voter in casting his or her vote, including, without limitation, providing appropriate materials to assist the voter. In addition, if the county clerk has provided pursuant to subsection 4 of NRS 293.2955 for the placement at centralized voting locations of specially equipped voting devices for use by voters who are elderly or disabled, the county clerk shall include in the sample ballot a statement indicating:

(a) The addresses of such centralized voting locations;

(b) The types of specially equipped voting devices available at such centralized voting locations; and



(c) That a voter who is elderly or disabled may cast his or her ballot at such a centralized voting location rather than at his or her regularly designated polling place.

~~[10.]~~ **11.** The cost of ~~[mailing]~~ **distributing** sample ballots for any election other than a primary or general election must be borne by the political subdivision holding the election.

**Sec. 7.** NRS 293.567 is hereby amended to read as follows:

293.567 After the close of registration for each primary election but not later than ~~[the Friday preceding]~~ **the opening of the polls for** the primary election and after the close of registration for each general election but not later than ~~[the Friday preceding]~~ **the opening of the polls for** the general election, the county clerk shall ascertain by precinct and district the number of registered voters in the county and their political affiliation, if any, and shall transmit that information to the Secretary of State.

**Sec. 7.5. NRS 293.780 is hereby amended to read as follows:**

293.780 1. A person who is entitled to vote shall not vote or attempt to vote more than once at the same election. Any person who votes or attempts to vote twice at the same election is guilty of a category D felony and shall be punished as provided in NRS 193.130.

2. Notice of the provisions of subsection 1 must be given by the county or city clerk as follows:

(a) ~~[Printed]~~ **Stated** on all sample ballots ~~[mailed;]~~ **distributed by mail or electronic mail;**

(b) Posted in boldface type at each polling place; and

(c) Posted in boldface type at the office of the county or city clerk.

**Sec. 8.** (Deleted by amendment.)

**Sec. 9.** (Deleted by amendment.)

**Sec. 10.** (Deleted by amendment.)

**Sec. 11.** NRS 293C.356 is hereby amended to read as follows:

293C.356 1. If a request is made **in person** to vote early by a registered voter ~~[in person;]~~ **, including, without limitation, a registered voter who registered to vote after the beginning of the period for early voting by personal appearance,** the city clerk shall issue a ballot for early voting to the voter. Such a ballot must be voted on the premises of the clerk's office and returned to the clerk.

2. On the dates for early voting prescribed in NRS 293C.3568, each city clerk shall provide a voting booth, with suitable equipment for voting, on the premises of the city clerk's office for use by registered voters who are issued ballots for early voting in accordance with this section.

**Sec. 12.** NRS 293C.527 is hereby amended to read as follows:

293C.527 1. Except as otherwise provided in NRS 293.502, 293D.230 and 293D.300, registration must close **at 5 p.m.** on the ~~[third Tuesday]~~

*Friday* preceding any primary city election or general city election and , *except as otherwise provided by specific law, at 5 p.m.* on the ~~{third Saturday}~~ **fourth day** preceding any recall or special election . ~~{except that if a recall or special election is held on the same day as a primary city election or general city election, registration must close on the third Tuesday preceding the day of the elections.}~~

2. For a primary city election or special city election, the office of the city clerk must be open until 7 p.m. ~~{during}~~ *on the next to last {2-days} day* on which registration is open ~~{}~~ *and 5 p.m. on the last day on which registration is open.* In a city whose population is less than 25,000, the office of the city clerk may close at 5 p.m. *on the next to last day before registration closes* if approved by the governing body of the city.

3. For a general *city* election:

(a) In a city whose population is less than 25,000, the office of the city clerk must be open until 7 p.m. ~~{during}~~ *on the next to last {2-days} day* on which registration is open ~~{}~~ *and 5 p.m. on the last day on which registration is open.* The office of the city clerk may close at 5 p.m. *on the next to last day on which registration is open* if approved by the governing body of the city.

(b) In a city whose population is 25,000 or more, the office of the city clerk must be open during the last 4 days on which registration is open, according to the following schedule:

(1) On ~~{weekdays}~~ *a day other than the last day on which registration is open*, until 9 p.m.; ~~{and}~~

(2) A minimum of 8 hours on Saturdays, Sundays and legal holidays ~~{}~~ ; and

(3) *On the last day on which registration is open, until 5 p.m.*

4. Except for a special election held pursuant to chapter 306 or 350 of NRS:

(a) The city clerk of each city shall cause a notice signed by him or her to be published in a newspaper having a general circulation in the city indicating:

(1) The day and time that registration will be closed; and

(2) If the city clerk has designated a municipal facility pursuant to NRS 293C.520, the location of that facility.

➤ If no newspaper is of general circulation in that city, the publication may be made in a newspaper of general circulation in the nearest city in this State.

(b) The notice must be published once each week for 4 consecutive weeks next preceding the close of registration for any election.

5. For the period beginning on the fifth Sunday preceding any primary city election or general city election and ending on the ~~{third Tuesday}~~

**Friday** preceding any primary city election or general city election, an elector may register to vote only by ~~appearing~~ :

(a) **Appearing** in person at the office of the city clerk ~~or, if~~ ;

(b) If open, **appearing in person at** a municipal facility designated pursuant to NRS 293C.520 ~~or~~ ; or

(c) **If the county clerk of the county in which the city is located has established a system to allow electors to register to vote by computer pursuant to NRS 293.506, registering by computer.**

6. A municipal facility designated pursuant to NRS 293C.520 may be open during the periods described in this section for such hours of operation as the city clerk may determine, as set forth in subsection 3 of NRS 293C.520.

**Sec. 12.1. NRS 293C.530 is hereby amended to read as follows:**

293C.530 1. **A registered voter may elect to receive a sample ballot by electronic mail. If a registered voter elects to receive a sample ballot by electronic mail, the city clerk shall distribute the sample ballot to the registered voter by electronic mail pursuant to the procedures and requirements set forth by regulations adopted by the Secretary of State. If a registered voter does not elect to receive a sample ballot by electronic mail, the city clerk shall distribute the sample ballot to the registered voter by mail.**

**2.** Before the period for early voting for any election begins, the city clerk shall cause to be ~~mailed~~ **distributed by mail or electronic mail, as applicable,** to each registered voter in the city ~~for the~~ sample ballot for his or her precinct, with a notice informing the voter of the location of his or her polling place. If the location of the polling place has changed since the last election:

(a) The city clerk shall mail a notice of the change to each registered voter in the city not sooner than 10 days before ~~mailing~~ **distributing** the sample ballots; or

(b) The sample ballot must also include a notice in bold type immediately above the location which states:

NOTICE: THE LOCATION OF YOUR POLLING PLACE  
HAS CHANGED SINCE THE LAST ELECTION

~~2.~~ **3.** Except as otherwise provided in subsection ~~4.~~ **5.** a sample ballot ~~required to be mailed~~ **distributed** pursuant to this section must:

(a) Be ~~printed~~ **prepared** in at least 12-point type;

(b) Include the description of the anticipated financial effect and explanation of each citywide measure and advisory question, including arguments for and against the measure or question, as required pursuant to NRS 293.481, 293.482, 295.205 or 295.217; and

(c) Include on the front page, in a separate box created by bold lines, a notice printed in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN  
LARGE TYPE, CALL (Insert appropriate telephone number)

~~{3}~~ 4. The word “Incumbent” must appear on the sample ballot next to the name of the candidate who is the incumbent, if required pursuant to NRS 293.2565.

~~{4}~~ 5. A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

~~{5}~~ 6. The sample ballot ~~{mailed}~~ distributed to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be printed in at least 14-point type, or larger when practicable.

~~{6}~~ 7. If a person requests a sample ballot in large type, the city clerk shall ensure that all future sample ballots mailed to that person from the city are in large type.

~~{7}~~ 8. The city clerk shall include in each sample ballot a statement indicating that the city clerk will, upon request of a voter who is elderly or disabled, make reasonable accommodations to allow the voter to vote at his or her polling place and provide reasonable assistance to the voter in casting his or her vote, including, without limitation, providing appropriate materials to assist the voter. In addition, if the city clerk has provided pursuant to subsection 4 of NRS 293C.281 for the placement at centralized voting locations of specially equipped voting devices for use by voters who are elderly or disabled, the city clerk shall include in the sample ballot a statement indicating:

- (a) The addresses of such centralized voting locations;
- (b) The types of specially equipped voting devices available at such centralized voting locations; and
- (c) That a voter who is elderly or disabled may cast his or her ballot at such a centralized voting location rather than at the voter’s regularly designated polling place.

~~{8}~~ 9. The cost of ~~{mailing}~~ distributing sample ballots for a city election must be borne by the city holding the election.

**Sec. 12.2. NRS 244A.785 is hereby amended to read as follows:**

244A.785 1. The board of county commissioners of a county whose population is 700,000 or more may, by ordinance, create one or more districts within the unincorporated area of the county for the support of public parks. Such a district may include territory within the boundary of an

incorporated city if so provided by interlocal agreement between the county and the city.

2. The ordinance creating a district must specify its boundaries. The area included within the district may be contiguous or noncontiguous. The boundaries set by the ordinance are not affected by later annexations to or incorporation of a city.

3. The alteration of the boundaries of such a district may be initiated by:

(a) A petition proposed unanimously by the owners of the property which is located in the proposed area which was not previously included in the district; or

(b) A resolution adopted by the board of county commissioners on its own motion.

➡ If the board of county commissioners proposes on its own motion to alter the boundaries of a district for the support of public parks, it shall, at the next primary or general election, submit to the registered voters who reside in the proposed area which was not previously included in the district, the question of whether the boundaries of the district shall be altered. If a majority of the voters approve the question, the board shall, by ordinance, alter the boundaries of the district as approved by the voters.

4. The sample ballot required to be ~~mailed~~ distributed pursuant to NRS 293.565 must include for the question described in subsection 3, a disclosure of any future increase or decrease in costs which may be reasonably anticipated in relation to the purposes of the district for the support of public parks and its probable effect on the district's tax rate.

**Sec. 12.3. NRS 266.0325 is hereby amended to read as follows:**

266.0325 1. At least 10 days before an election held pursuant to NRS 266.029, the county clerk or registrar of voters shall cause to be ~~mailed~~ distributed to each qualified elector by mail or electronic mail, as applicable, a sample ballot for the elector's precinct with a notice informing the elector of the location of the polling place for that precinct.

2. The sample ballot must:

(a) Be in the form required by NRS 266.032.

(b) Include the information required by NRS 266.032.

(c) Except as otherwise provided in subsection 3, be ~~printed~~ prepared in at least 12-point type.

(d) Describe the area proposed to be incorporated by assessor's parcel maps, existing boundaries of subdivision or parcel maps, identifying visible ground features, extensions of the visible ground features, or by any boundary that coincides with the official boundary of the State, a county, a city, a township, a section or any combination thereof.

(e) Contain a copy of the map or plat that was submitted with the petition pursuant to NRS 266.019 and depicts the existing dedicated streets, sewer interceptors and outfalls and their proposed extensions.

(f) Include on the front page, in a separate box created by bold lines, a notice ~~printed~~ **prepared** in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN  
LARGE TYPE, CALL (Insert appropriate telephone number)

3. A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on ~~the pages of~~ the sample ballot.

4. The sample ballot ~~mailed~~ **distributed** to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be ~~printed~~ **prepared** in at least 14-point type, or larger when practicable.

5. If a person requests a sample ballot in large type, the county clerk shall ensure that all future sample ballots ~~mailed~~ **distributed** to that person from the county are in large type.

**Sec. 12.4. NRS 349.015 is hereby amended to read as follows:**

349.015 1. Except as otherwise provided in subsection 3, the sample ballot required to be ~~mailed~~ **distributed** pursuant to NRS 293.565 or 293C.530, and the notice of election must contain:

- (a) The time and places of holding the election.
- (b) The hours during the day in which the polls will be open, which must be the same as provided for general elections.
- (c) The purposes for which the bonds are to be issued.
- (d) A disclosure of any:
  - (1) Future increase or decrease in costs which can reasonably be anticipated in relation to the purposes for which the obligations are to be issued and its probable effect on the tax rate; and
  - (2) Requirement relating to the bond question which is imposed pursuant to a court order or state or federal statute and the probable consequences which will result if the bond question is not approved by the voters.
- (e) An estimate of the annual cost to operate, maintain and repair any buildings, structures or other facilities or improvements to be constructed or acquired with the proceeds of the bonds.
- (f) The maximum amount of the bonds.
- (g) The maximum rate of interest.
- (h) The maximum number of years which the bonds are to run.

2. Any election called pursuant to NRS 349.010 to 349.070, inclusive, may be consolidated with a primary or general election.

3. If the election is consolidated with a general election, the notice of election need not set forth the places of holding the election, but may instead state that the places of holding the election will be the same as those provided for the general election.

**Sec. 12.5. NRS 350.024 is hereby amended to read as follows:**

350.024 1. The ballot question for a proposal submitted to the electors of a municipality pursuant to subsection 1 of NRS 350.020 must contain the principal amount of the general obligations to be issued or incurred, the purpose of the issuance or incurrence of the general obligations and an estimate established by the governing body of:

(a) The duration of the levy of property tax that will be used to pay the general obligations; and

(b) The average annual increase, if any, in the amount of property taxes that an owner of a new home with a fair market value of \$100,000 will pay for debt service on the general obligations to be issued or incurred.

2. Except as otherwise provided in subsection 4, the sample ballot required to be ~~mailed~~ **distributed** pursuant to NRS 293.565 or 293C.530 and the notice of election must contain:

(a) The time and places of holding the election.

(b) The hours during the day in which the polls will be open, which must be the same as provided for general elections.

(c) The ballot question.

(d) The maximum amount of the obligations, including the anticipated interest, separately stating the total principal, the total anticipated interest and the anticipated interest rate.

(e) An estimate of the range of property tax rates stated in dollars and cents per \$100 of assessed value necessary to provide for debt service upon the obligations for the dates when they are to be redeemed. The municipality shall, for each such date, furnish an estimate of the assessed value of the property against which the obligations are to be issued or incurred, and the governing body shall estimate the tax rate based upon the assessed value of the property as given in the assessor's estimates.

3. If an operating or maintenance rate is proposed in conjunction with the question to issue obligations, the questions may be combined, but the sample ballot and notice of election must each state the tax rate required for the obligations separately from the rate proposed for operation and maintenance.

4. Any election called pursuant to NRS 350.020 to 350.070, inclusive, may be consolidated with a primary or general municipal election or a primary or general state election. The notice of election need not set forth the places of holding the election, but may instead state that the places of holding the election will be the same as those provided for the election with which it is consolidated.

5. If the election is a special election, the clerk shall cause notice of the close of registration to be published in a newspaper printed in and having a general circulation in the municipality once in each calendar week for 2 successive calendar weeks next preceding the close of registration for the election.

**Sec. 12.6. NRS 350.027 is hereby amended to read as follows:**

350.027 1. In addition to any requirements imposed pursuant to NRS 350.024, any sample ballot required to be ~~mailed~~ **distributed** pursuant to NRS 293.565 or 293C.530 and any notice of election, for an election that includes a proposal for the issuance by any municipality of any bonds or other securities, including an election that is not called pursuant to NRS 350.020 to 350.070, inclusive, must contain an estimate of the annual cost to operate, maintain and repair any buildings, structures or other facilities or improvements to be constructed or acquired with the proceeds of the bonds or other securities.

2. For the purposes of this section, “municipality” has the meaning ascribed to it in NRS 350.538.

**Sec. 13.** (Deleted by amendment.)

**Sec. 14.** This act becomes effective upon passage and approval for purposes of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act and on January 1, 2014, for all other purposes.

Assemblyman Ohrenschall moved that the Assembly concur in the Senate Amendment No. 669 to Assembly Bill No. 440.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Senate Amendment 669 adds an option for a voter to request his or her sample ballot by email instead of the hard copy that we normally get.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 445.

The following Senate amendment was read:

Amendment No. 599.

SUMMARY—Revises provisions relating to ~~the posting of notices for public meetings.~~ **public bodies.** (BDR 19-1121)

AN ACT relating to ~~meetings of~~ public bodies; requiring that notices of public meetings by public bodies be posted on the official website of the State; requiring the Department of Administration to establish a clear and conspicuous location on the official website of the State for such postings; **requiring the Department to establish a directory of public bodies and to**



**include the directory on the official website of the State in a clear and conspicuous location;** and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Under Nevada's Open Meeting Law, a public body is required to post a notice, an agenda and certain other information about each of its meetings, with certain exceptions. The notice must be posted at the principal office of the public body, or if there is no principal office, at the building in which the meeting is to be held, and at not less than three other separate, prominent places within the jurisdiction of the public body not later than 9 a.m. of the third working day before the meeting. (NRS 241.020) **Section 2** of this bill requires the Department of Administration to establish and maintain a location on the official website of the State for the posting of notices by public bodies that are required by the Open Meeting Law. **Section 2** also requires that the location be identified on the official website in a clear and conspicuous manner. **Section 1** of this bill revises the notice provision of the Open Meeting Law to require the posting of notices of public meetings on the State's official website.

**Section 2.5 of this bill requires the Department to: (1) establish a directory of all public bodies; and (2) include the directory on the official website of the State in a clear and conspicuous location.**

**Section 4** of this bill requires the Department ~~[of Administration]~~ to have the ~~[location]~~ **locations** on the State's official website fully operational by January 1, 2014. **Section 6** of this bill requires the posting of notices of meetings by public bodies to the ~~[location on the]~~ official website of the State beginning on January 1, 2014, except that **section 5** of this bill allows public bodies of local governments until July 1, 2014, to comply with the new requirement.

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

**Section 1.** NRS 241.020 is hereby amended to read as follows:

241.020 1. Except as otherwise provided by specific statute, all meetings of public bodies must be open and public, and all persons must be permitted to attend any meeting of these public bodies. A meeting that is closed pursuant to a specific statute may only be closed to the extent specified in the statute allowing the meeting to be closed. All other portions of the meeting must be open and public, and the public body must comply with all other provisions of this chapter to the extent not specifically precluded by the specific statute. Public officers and employees responsible for these meetings shall make reasonable efforts to assist and accommodate persons with physical disabilities desiring to attend.

2. Except in an emergency, written notice of all meetings must be given at least 3 working days before the meeting. The notice must include:

- (a) The time, place and location of the meeting.
- (b) A list of the locations where the notice has been posted.
- (c) An agenda consisting of:

- (1) A clear and complete statement of the topics scheduled to be considered during the meeting.

- (2) A list describing the items on which action may be taken and clearly denoting that action may be taken on those items by placing the term “for possible action” next to the appropriate item.

- (3) Periods devoted to comments by the general public, if any, and discussion of those comments. Comments by the general public must be taken:

- (I) At the beginning of the meeting before any items on which action may be taken are heard by the public body and again before the adjournment of the meeting; or

- (II) After each item on the agenda on which action may be taken is discussed by the public body, but before the public body takes action on the item.

➡ The provisions of this subparagraph do not prohibit a public body from taking comments by the general public in addition to what is required pursuant to sub-subparagraph (I) or (II). Regardless of whether a public body takes comments from the general public pursuant to sub-subparagraph (I) or (II), the public body must allow the general public to comment on any matter that is not specifically included on the agenda as an action item at some time before adjournment of the meeting. No action may be taken upon a matter raised during a period devoted to comments by the general public until the matter itself has been specifically included on an agenda as an item upon which action may be taken pursuant to subparagraph (2).

- (4) If any portion of the meeting will be closed to consider the character, alleged misconduct or professional competence of a person, the name of the person whose character, alleged misconduct or professional competence will be considered.

- (5) If, during any portion of the meeting, the public body will consider whether to take administrative action against a person, the name of the person against whom administrative action may be taken.

- (6) Notification that:

- (I) Items on the agenda may be taken out of order;

- (II) The public body may combine two or more agenda items for consideration; and

- (III) The public body may remove an item from the agenda or delay discussion relating to an item on the agenda at any time.

(7) Any restrictions on comments by the general public. Any such restrictions must be reasonable and may restrict the time, place and manner of the comments, but may not restrict comments based upon viewpoint.

3. Minimum public notice is:

(a) Posting a copy of the notice at the principal office of the public body or, if there is no principal office, at the building in which the meeting is to be held, and at not less than three other separate, prominent places within the jurisdiction of the public body not later than 9 a.m. of the third working day before the meeting; ~~and~~

(b) ***Posting the notice on the official website of the State pursuant to section 2 of this act not later than 9 a.m. of the third working day before the meeting is to be held, unless the public body is unable to do so because of technical problems relating to the operation or maintenance of the official website of the State; and***

(c) Providing a copy of the notice to any person who has requested notice of the meetings of the public body. A request for notice lapses 6 months after it is made. The public body shall inform the requester of this fact by enclosure with, notation upon or text included within the first notice sent. The notice must be:

(1) Delivered to the postal service used by the public body not later than 9 a.m. of the third working day before the meeting for transmittal to the requester by regular mail; or

(2) If feasible for the public body and the requester has agreed to receive the public notice by electronic mail, transmitted to the requester by electronic mail sent not later than 9 a.m. of the third working day before the meeting.

4. If a public body maintains a website on the Internet or its successor, the public body shall post notice of each of its meetings on its website unless the public body is unable to do so because of technical problems relating to the operation or maintenance of its website. Notice posted pursuant to this subsection is supplemental to and is not a substitute for the minimum public notice required pursuant to subsection 3. The inability of a public body to post notice of a meeting pursuant to this subsection as a result of technical problems with its website shall not be deemed to be a violation of the provisions of this chapter.

5. Upon any request, a public body shall provide, at no charge, at least one copy of:

(a) An agenda for a public meeting;

(b) A proposed ordinance or regulation which will be discussed at the public meeting; and

(c) Subject to the provisions of subsection 6, any other supporting material provided to the members of the public body for an item on the agenda, except materials:

(1) Submitted to the public body pursuant to a nondisclosure or confidentiality agreement which relates to proprietary information;

(2) Pertaining to the closed portion of such a meeting of the public body; or

(3) Declared confidential by law, unless otherwise agreed to by each person whose interest is being protected under the order of confidentiality.

➡ The public body shall make at least one copy of the documents described in paragraphs (a), (b) and (c) available to the public at the meeting to which the documents pertain. As used in this subsection, “proprietary information” has the meaning ascribed to it in NRS 332.025.

6. A copy of supporting material required to be provided upon request pursuant to paragraph (c) of subsection 5 must be:

(a) If the supporting material is provided to the members of the public body before the meeting, made available to the requester at the time the material is provided to the members of the public body; or

(b) If the supporting material is provided to the members of the public body at the meeting, made available at the meeting to the requester at the same time the material is provided to the members of the public body.

➡ If the requester has agreed to receive the information and material set forth in subsection 5 by electronic mail, the public body shall, if feasible, provide the information and material by electronic mail.

7. A public body may provide the public notice, information and material required by this section by electronic mail. If a public body makes such notice, information and material available by electronic mail, the public body shall inquire of a person who requests the notice, information or material if the person will accept receipt by electronic mail. The inability of a public body, as a result of technical problems with its electronic mail system, to provide a public notice, information or material required by this section to a person who has agreed to receive such notice, information or material by electronic mail shall not be deemed to be a violation of the provisions of this chapter.

8. As used in this section, “emergency” means an unforeseen circumstance which requires immediate action and includes, but is not limited to:

(a) Disasters caused by fire, flood, earthquake or other natural causes; or

(b) Any impairment of the health and safety of the public.

**Sec. 1.5. Chapter 232 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 2.5 of this act.**

Sec. 2. ~~[Chapter 232 of NRS is hereby amended by adding thereto a new section to read as follows:]~~

1. *The Department shall establish and maintain a location on the official website of the State for the posting of notices by public bodies as required pursuant to NRS 241.020. The location must be identified on the official website of the State in a clear and conspicuous manner.*

2. *The location established pursuant to subsection 1 ~~[shall]~~ must include a place for the posting of electronic links to the Internet website or any electronic mail addresses, if available, of each public body which has posted a notice pursuant to NRS 241.020, from which a person may request the information and supporting materials that a public body must provide to a requester pursuant to NRS 241.020.*

3. *The Department shall provide for:*

(a) *The transmission to the Department by public bodies of:*

(1) *Notices required pursuant to NRS 241.020; and*

(2) *The Internet website or any electronic mail addresses, if available, of a public body that has submitted a notice for posting on the official website of the State.*

(b) *The timely and efficient posting of such notices and electronic links to addresses on the official website of Nevada.*

4. *The Department may adopt regulations to carry out the provisions of this section.*

~~[ 5. As used in this section, "public body" has the meaning ascribed to it in NRS 241.015.]~~

**Sec. 2.5. The Department shall establish a directory of all public bodies and include the directory on the official website of the State in a clear and conspicuous location.**

**Sec. 3.** NRS 232.212 is hereby amended to read as follows:

232.212 As used in NRS 232.212 to 232.227, inclusive, ~~and [section]~~ **sections 2 and 2.5 of this act**, unless the context requires otherwise:

1. "Department" means the Department of Administration.

2. "Director" means the Director of the Department.

3. **"Public body" has the meaning ascribed to it in NRS 241.015.**

**Sec. 4.** The Department of Administration shall have the ~~[location]~~ **locations** on the official website of the State required pursuant to ~~[section]~~ **sections 2 and 2.5** of this act fully operational on or before January 1, 2014.

**Sec. 5.** Notwithstanding the provisions of section 6 of this act, a public body of a local government is not required to comply with the amendatory provisions of this act until July 1, 2014.

**Sec. 6.** 1. This section and sections 2 to 5, inclusive, of this act become effective upon passage and approval.

2. Section 1 of this act becomes effective on January 1, 2014.

Assemblyman Ohrenschall moved that the Assembly concur in the Senate Amendment No. 599 to Assembly Bill No. 445.

Remarks by Assemblyman Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Senate Amendment 599 adds a requirement that the Department of Administration provide an online directory of all public bodies that are subject to our state's Open Meeting Law. This amendment is a logical add-on to the website with public meeting notices and has the approval of our Speaker, the bill sponsor.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 66.

The following Senate amendment was read:

Amendment No. 675.

SUMMARY—Revises the manner in which the State Board of Equalization must provide notice of a proposed increase in the valuation of property ~~[-]~~ under certain circumstances. (BDR 32-301)

AN ACT relating to property tax; revising the manner in which the State Board of Equalization must provide notice of a proposed increase in the valuation of property ~~[-]~~ under certain circumstances; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Under existing law, the State Board of Equalization is required to give 10 days' notice by registered or certified mail or by personal service to interested persons if ~~the Board~~ proposes to increase the valuation of any property on the assessment roll. (NRS 361.395) ~~[This]~~ For notices of proposed increases in the valuation of property that relate to a fiscal year that began before July 1, 2013, this bill requires the Board to continue to provide the notice required under the current law. For notices of proposed increases in the valuation of property that relate to a fiscal year that begins on or after July 1, 2013, this bill requires the Board to give 30 days' notice: (1) by first-class mail to interested persons if the Board proposes to increase the property values of a class or group of properties; and (2) by registered or certified mail or by personal service to interested persons if the Board proposes to increase property values in a proceeding to resolve an appeal or other complaint before the Board pursuant to NRS 361.360, 361.400 or 361.403.

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

**Section 1.** NRS 361.395 is hereby amended to read as follows:

361.395 1. During the annual session of the State Board of Equalization beginning on the fourth Monday in March of each year, the State Board of Equalization shall:

(a) Equalize property valuations in the State.

(b) Review the tax rolls of the various counties as corrected by the county boards of equalization thereof and raise or lower, equalizing and establishing the taxable value of the property, for the purpose of the valuations therein established by all the county assessors and county boards of equalization and the Nevada Tax Commission, of any class or piece of property in whole or in part in any county, including those classes of property enumerated in NRS 361.320.

2. If the State Board of Equalization proposes to increase the valuation of any property on the assessment roll ~~[-]~~:

(a) *Pursuant to paragraph (b) of subsection 1, it shall give ~~10~~ 30 days' notice to interested persons by first-class mail.*

(b) *In a proceeding to resolve an appeal or other complaint before the Board pursuant to NRS 361.360, 361.400 or 361.403, it shall give ~~10~~ 30 days' notice to interested persons by registered or certified mail or by personal service. ~~[The]~~*

↪ A notice *provided pursuant to this subsection* must state the time when and place where the person may appear and submit proof concerning the valuation of the property. A person waives the notice requirement if he or she personally appears before the Board and is notified of the proposed increase in valuation.

**Sec. 2. The amendatory provisions of this act apply only to notices of proposed increases in the valuation of property that relate to a fiscal year that begins on or after July 1, 2013.**

~~[Sec. 2.]~~ **Sec. 3.** This act becomes effective ~~[upon passage and approval]~~ **on July 1, 2013.**

Assemblywoman Bustamante Adams moved that the Assembly do not concur in the Senate Amendment No. 675 to Assembly Bill No. 66.

Remarks by Assemblywoman Bustamante Adams.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 14.

The following Senate amendment was read:

Amendment No. 741.

AN ACT relating to motor vehicles; revising provisions concerning temporary permits to act as a salesperson; ~~[revising provisions concerning licenses of salespersons]~~ allowing the Department of Motor Vehicles to

reinstate the registration of a dormant vehicle or remove the suspension of that registration under certain circumstances; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Under existing law, when a person holding a temporary permit to act as a salesperson of vehicles ceases to be employed by a licensed and bonded dealer, lessor or rebuilder, the permit is automatically suspended, the person's right to act as a salesperson immediately ceases and the person's application for licensure must be denied by the Department of Motor Vehicles unless the person has: (1) paid a \$20 transfer fee; (2) submitted a certificate of employment indicating that the person has been reemployed with a licensed and bonded dealer, lessor or rebuilder; and (3) presents a current temporary permit or new salesperson's license to the person's employer. Existing law further provides that, if a person's application for a salesperson's license has been denied, the person must wait at least 6 months to reapply. (NRS 482.362) **Section 1** of this bill deletes the provision requiring that the application for licensure of a person holding a temporary permit be denied if that person ceases to be employed as a salesperson by a licensed and bonded dealer, lessor or rebuilder, thus allowing that person to resume the application process upon finding employment elsewhere. **Section 1** also expressly prohibits the person from engaging in the activity of a salesperson during the period in which the person is unemployed. ~~[Section 1 provides additionally that, if a person ceases to be employed as a salesperson by a licensed and bonded dealer, lessor or rebuilder, the salesperson is not required to physically surrender his or her license, but the dealer, lessor or rebuilder, as applicable, is required to notify the Department that the employment has ceased, and the person is not allowed to engage in the activity of a salesperson until he or she is reemployed by a licensed and bonded dealer, lessor or rebuilder.]~~

Under existing law, the Department is required to suspend the registration of any motor vehicle for which the Department cannot verify coverage of liability insurance. If the registered owner of the motor vehicle proves to the satisfaction of the Department that the motor vehicle was a dormant vehicle during the period in which the Department was unable to verify liability insurance coverage, the Department is required to reinstate the registration and, if applicable, reissue the license plates for the motor vehicle only after the owner of the motor vehicle pays a fee of \$50. (NRS 485.317) **Section 4** of this bill allows the Department to remove the suspension of the registration without requiring the owner of the vehicle to pay a fee or administrative fine.



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

**Section 1.** NRS 482.362 is hereby amended to read as follows:

482.362 1. A person shall not engage in the activity of a salesperson of vehicles, trailers or semitrailers, or act in the capacity of a salesperson as defined in this chapter, in the State of Nevada without first having received a license or temporary permit from the Department. Before issuing a license or temporary permit to engage in the activity of a salesperson, the Department shall require:

(a) An application, signed and verified by the applicant, stating that the applicant is to engage in the activity of a salesperson, his or her residence address and social security number, and the name and address of the applicant's employer.

(b) Proof of the employment of the applicant by a licensed and bonded vehicle dealer, trailer or semitrailer dealer, lessor or rebuilder at the time the application is filed.

(c) A statement as to whether any previous application of the applicant has been denied or license revoked.

(d) Payment of a nonrefundable license fee of \$75. The license expires on December 31 of each calendar year and may be renewed annually upon the payment of a fee of \$40.

(e) For initial licensure, the applicant to submit a complete set of 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.

(f) Any other information the Department deems necessary.

2. The Department may issue a 60-day temporary permit to an applicant who has submitted an application and paid the required fee.

3. A license to act as a salesperson of vehicles, trailers or semitrailers, or to act in the capacity of a salesperson as defined in this chapter, issued pursuant to this chapter does not permit a person to engage in the business of selling mobile homes.

4. An application for a salesperson's license may be denied and a salesperson's license may be suspended or revoked upon the following grounds:

(a) Failure of the applicant to establish by proof satisfactory to the Department that the applicant is employed by a licensed and bonded vehicle dealer, trailer dealer or semitrailer dealer, lessor or rebuilder.

(b) Conviction of a felony.

(c) Conviction of a gross misdemeanor.

(d) Conviction of a misdemeanor for violation of any of the provisions of this chapter.

(e) Falsification of the application.

(f) Evidence of unfitness as described in NRS 482.3255.

(g) Failure of the applicant to provide any information deemed necessary by the Department to process the application.

(h) Any reason determined by the Director to be in the best interests of the public.

5. Except where a dealer, lessor or rebuilder has multiple branches licensed under NRS 482.326, a salesperson of vehicles shall not engage in any sales activity, or act in any other capacity as a salesperson as defined in this chapter, other than for the account of or for and in behalf of a single employer, at a specified place of business of that employer, who must be a licensed dealer, lessor or rebuilder.

6. If an application for a salesperson's license has been denied, the applicant may reapply not less than 6 months after the denial.

7. A salesperson's license must be posted in a conspicuous place on the premises of the dealer, lessor or rebuilder for whom ~~for whom [who employs]~~ the salesperson is licensed to sell vehicles. ~~[If a licensed salesperson ceases to be employed by the dealer, lessor or rebuilder, the dealer, lessor or rebuilder, as applicable, shall surrender the salesperson's license to the salesperson by the end of the next business day after the employment ceases.]~~

8. If a licensed salesperson ceases to be employed by a licensed and bonded dealer, lessor or rebuilder, the license to act as a salesperson is automatically suspended and the right to act as a salesperson thereupon immediately ceases, and the ~~the~~

~~—(a) The dealer, lessor or rebuilder shall submit a written notice of that fact to the Department within 10 days after the employment ceases, and~~

~~—(b) The~~ person shall not engage in the activity of a salesperson until he or she has paid the Department a transfer fee of \$20 and submitted a certificate of employment indicating he or she has been reemployed by a licensed and bonded dealer, lessor or rebuilder ~~the~~, and has thereafter presented a current temporary permit or a new salesperson's license to the employer. ~~[The dealer, lessor or rebuilder who reemploys the salesperson shall submit a written notice of that fact to the Department within 10 days after the employment commences.]~~

9. If a licensed salesperson changes his or her residential address, the salesperson shall submit a written notice of the change to the Department within 10 days after the change occurs.

10. If a person who holds a temporary permit to act as a salesperson ceases to be employed by a licensed and bonded dealer, lessor or rebuilder,

the permit to act as a salesperson is automatically suspended, the right to act as a salesperson thereupon immediately ceases and the [person's application for licensure must be denied unless] ~~is~~

~~—(a) The dealer, lessor or rebuilder shall submit a written notice of that fact to the Department within 10 days after the employment ceases; and~~

~~—(b) The person shall not engage in the activity of a salesperson until he or she has paid the Department a transfer fee of \$20 and submitted a certificate of employment indicating he or she has been reemployed by a licensed and bonded dealer, lessor or rebuilder ~~if~~, and has thereafter presented a current temporary permit or a new salesperson's license to the employer. [The dealer, lessor or rebuilder who reemploys the salesperson shall submit a written notice of that fact to the Department within 10 days after the employment commences.]~~

11. A licensed dealer, lessor or rebuilder who employs a licensed salesperson shall notify the Department of the termination of his or her employment within 10 days following the date of termination by forwarding the salesperson's license to the Department.

12. Any person who fails to comply with the provisions of this section is guilty of a misdemeanor except as otherwise provided in NRS 482.555.

**Sec. 2.** NRS 482.480 is hereby amended to read as follows:

482.480 There must be paid to the Department for the registration or the transfer or reinstatement of the registration of motor vehicles, trailers and semitrailers, fees according to the following schedule:

1. Except as otherwise provided in this section, for each stock passenger car and each reconstructed or specially constructed passenger car registered to a person, regardless of weight or number of passenger capacity, a fee for registration of \$33.

2. Except as otherwise provided in subsection 3:

(a) For each of the fifth and sixth such cars registered to a person, a fee for registration of \$16.50.

(b) For each of the seventh and eighth such cars registered to a person, a fee for registration of \$12.

(c) For each of the ninth or more such cars registered to a person, a fee for registration of \$8.

3. The fees specified in subsection 2 do not apply:

(a) Unless the person registering the cars presents to the Department at the time of registration the registrations of all the cars registered to the person.

(b) To cars that are part of a fleet.

4. For every motorcycle, a fee for registration of \$33 and for each motorcycle other than a trimobile, an additional fee of \$6 for motorcycle safety. The additional fee must be deposited in the State Highway Fund for

credit to the Account for the Program for the Education of Motorcycle Riders.

5. For each transfer of registration, a fee of \$6 in addition to any other fees.

6. Except as otherwise provided in subsection ~~{7}~~ 6 of NRS 485.317, to reinstate the registration of a motor vehicle that is suspended pursuant to that section:

(a) A fee as specified in NRS 482.557 for a registered owner who failed to have insurance on the date specified by the Department, which fee is in addition to any fine or penalty imposed pursuant to NRS 482.557; or

(b) A fee of \$50 for a registered owner of a dormant vehicle who cancelled the insurance coverage for that vehicle or allowed the insurance coverage for that vehicle to expire without first cancelling the registration for the vehicle in accordance with subsection 3 of NRS 485.320,

↪ both of which must be deposited in the Account for Verification of Insurance which is hereby created in the State Highway Fund. The money in the Account must be used to carry out the provisions of NRS 485.313 to 485.318, inclusive.

7. For every travel trailer, a fee for registration of \$27.

8. For every permit for the operation of a golf cart, an annual fee of \$10.

9. For every low-speed vehicle, as that term is defined in NRS 484B.637, a fee for registration of \$33.

10. To reinstate the registration of a motor vehicle that is suspended pursuant to NRS 482.451, a fee of \$33.

**Sec. 3.** NRS 482.557 is hereby amended to read as follows:

482.557 1. Except as otherwise provided in subsection ~~{7}~~ 6 of NRS 485.317, if a registered owner failed to have insurance on the date specified by the Department pursuant to NRS 485.317:

(a) For a first offense, the registered owner shall pay to the Department a registration reinstatement fee of \$250, and if the period during which insurance coverage lapsed was:

(1) At least 31 days but not more than 90 days, pay to the Department a fine of \$250.

(2) At least 91 days but not more than 180 days:

(I) Pay to the Department a fine of \$500; and

(II) File and maintain with the Department a certificate of financial responsibility for a period of not less than 3 years following the date on which the registration of the applicable vehicle is reinstated.

(3) More than 180 days:

(I) Pay to the Department a fine of \$1,000; and

(II) File and maintain with the Department a certificate of financial responsibility for a period of not less than 3 years following the date on which the registration of the applicable vehicle is reinstated.

(b) For a second offense, the registered owner shall pay to the Department a registration reinstatement fee of \$500, and if the period during which insurance coverage lapsed was:

(1) At least 31 days but not more than 90 days, pay to the Department a fine of \$500.

(2) At least 91 days but not more than 180 days:

(I) Pay to the Department a fine of \$500; and

(II) File and maintain with the Department a certificate of financial responsibility for a period of not less than 3 years following the date on which the registration of the applicable vehicle is reinstated.

(3) More than 180 days:

(I) Pay to the Department a fine of \$1,000; and

(II) File and maintain with the Department a certificate of financial responsibility for a period of not less than 3 years following the date on which the registration of the applicable vehicle is reinstated.

(c) For a third or subsequent offense:

(1) The driver's license of the registered owner must be suspended for a period to be determined by regulation of the Department but not less than 30 days;

(2) The registered owner shall file and maintain with the Department a certificate of financial responsibility for a period of not less than 3 years following the date on which the registration of the applicable vehicle is reinstated; and

(3) The registered owner shall pay to the Department a registration reinstatement fee of \$750, and if the period during which insurance coverage lapsed was:

(I) At least 31 days but not more than 90 days, pay to the Department a fine of \$500.

(II) At least 91 days but not more than 180 days, pay to the Department a fine of \$750.

(III) More than 180 days, pay to the Department a fine of \$1,000.

2. As used in this section, "certificate of financial responsibility" has the meaning ascribed to it in NRS 485.028.

**Sec. 4.** NRS 485.317 is hereby amended to read as follows:

485.317 1. The Department shall verify that each motor vehicle which is registered in this State is covered by a policy of liability insurance as required by NRS 485.185.

2. Except as otherwise provided in this subsection, the Department may use any information to verify whether a motor vehicle is covered by a policy

of liability insurance as required by NRS 485.185. The Department may not use the name of the owner of a motor vehicle as the primary means of verifying that a motor vehicle is covered by a policy of liability insurance.

3. If the Department is unable to verify that a motor vehicle is covered by a policy of liability insurance as required by NRS 485.185, the Department shall send a request for information by first-class mail to the registered owner of the motor vehicle. The owner shall submit all the information which is requested to the Department within 15 days after the date on which the request for information was mailed by the Department. If the Department does not receive the requested information within 15 days after it mailed the request to the owner, the Department shall send to the owner a notice of suspension of registration by certified mail. The notice must inform the owner that unless the Department is able to verify that the motor vehicle is covered by a policy of liability insurance as required by NRS 485.185 within 10 days after the date on which the notice was sent by the Department, the owner's registration will be suspended pursuant to subsection 4.

4. The Department shall suspend the registration and require the return to the Department of the license plates of any vehicle for which the Department cannot verify the coverage of liability insurance required by NRS 485.185.

5. Except as otherwise provided in subsection 6, the Department shall reinstate the registration of the vehicle and reissue the license plates only upon verification of current insurance and compliance with the requirements for reinstatement of registration prescribed in paragraph (a) of subsection 6 of NRS 482.480.

6. ~~If a registered owner proves to the satisfaction of the Department that the vehicle was a dormant vehicle during the period in which the information provided pursuant to NRS 485.314 indicated that there was no insurance for the vehicle, the Department shall reinstate the registration and, if applicable, reissue the license plates. If such an owner of a dormant vehicle failed to cancel the registration for the vehicle in accordance with subsection 3 of NRS 485.320, the Department shall not reinstate the registration or reissue the license plates unless the owner pays the fee set forth in paragraph (b) of subsection 6 of NRS 482.480.~~

~~—7.]~~ If the Department suspends the registration of a motor vehicle pursuant to subsection 4 because the registered owner of the motor vehicle failed to have insurance on the date specified in the form for verification, and if the registered owner, in accordance with regulations adopted by the Department, proves to the satisfaction of the Department that the owner was unable to comply with the provisions of NRS 485.185 on that date because of extenuating circumstances ~~[ ]~~ **or that the motor vehicle was a dormant vehicle and the owner failed to cancel the registration in accordance with subsection 3 of NRS 485.320**, the Department may:

(a) Reinstate the registration of the motor vehicle and reissue the license plates upon payment by the registered owner of a fee of \$50, which must be deposited in the Account for Verification of Insurance created by subsection 6 of NRS 482.480; or

(b) ~~Reinstate~~ **Remove** the suspension of the registration without the payment of a fee ~~[-]~~ **or administrative fine.**

➔ The Department shall adopt regulations to carry out the provisions of this subsection.

**Sec. 5.** This act becomes effective upon passage and approval.

Assemblyman Carrillo moved that the Assembly concur in the Senate Amendment No. 741 to Assembly Bill No. 14.

Remarks by Assemblyman Carrillo.

ASSEMBLYMAN CARRILLO:

The license to act as a salesman is automatically suspended and the right to act as a salesperson thereupon immediately ceases. A transfer fee of \$20 is submitted to the department to receive a certificate of employment indicating that he or she has been reemployed and is licensed and bonded.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 18.

The following Senate amendment was read:

Amendment No. 755.

AN ACT relating to transportation; authorizing the Department of Transportation, under certain circumstances, to relinquish a state highway to a county or city and authorizing a county or city, under certain circumstances, to relinquish a local road to the Department; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Under existing law, any relinquishment of a portion of any state highway by the Department of Transportation to a county or city requires a consenting resolution from the legislative body of that county or city. (NRS 408.527) This bill allows the Department, and counties and cities, to relinquish to each other state highways and county and city roads, as applicable, provided that: (1) the parties agree in writing to the relinquishment; (2) the governing body of the recipient entity adopts a resolution consenting thereto; and (3) the highway or road is in good repair, or the parties agree to other equitable compensation or considerations. This bill also requires the Department, in cooperation with local governments, to ~~develop a~~ **adopt regulations governing** procedural ~~document~~ **documents** addressing the process by which highways and roads are relinquished.

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

**Section 1.** NRS 408.527 is hereby amended to read as follows:

408.527 1. Whenever the Department and the county or city concerned have entered into ~~an~~ **a written** agreement providing therefor, and the legislative body of the county or city has adopted a resolution consenting thereto, the Board may relinquish to the county or city ~~any~~ :

(a) **Any** portion of any state highway which has been deleted from the state highway system by legislative enactment ~~[- The Department may likewise relinquish any]~~ ; **or**

(b) **Any** portion of any state highway which has been superseded by relocation or which the Department determines exceeds its needs.

2. ***Whenever the county or city concerned and the Department have entered into a written agreement providing therefor, and the Board has adopted a resolution consenting thereto, the county or city may relinquish to the Department any portion of any county or city road which the Department agrees qualifies to join the state highway system.***

3. By resolution of the Board, the Department may upon request relinquish to the Division of State Lands of the State Department of Conservation and Natural Resources for the public use of another state agency any portion of any state highway which has been superseded by relocation or which the Department determines exceeds its needs.

~~{3-}~~ 4. Relinquishment must be made by a resolution. A certified copy of the resolution must be filed with the legislative body of the county or city concerned. The resolution must be recorded in the office of the county recorder of the county where the land is located and, upon recordation, all right, title and interest of the State in and to that portion of any state highway vests in the county, city or division, as the case may be.

~~{4-}~~ 5. Nothing in NRS 408.523 limits the power of the Board to relinquish abandoned or vacated portions of a state highway to a county, city or the Division.

~~{5-}~~ 6. If the Board relinquishes property pursuant to subsection ~~{4-}~~ 5, and the purpose for which the property was relinquished is abandoned or ceases to exist, then ~~[-~~

~~—(a) If the]~~ , ***absent an agreement or a provision of law to the contrary, and regardless of the*** interest of the Department in the property before it was relinquished , ~~[was held in fee simple,]~~ all right, title and interest ~~[of]~~ ***in the property shall vest in*** the county, city or Division ~~[reverts]~~ ***without reversion*** to the Department.

~~[(b) If the interest of the Department in the property before it was relinquished was an easement or other lesser interest, the county, city or~~



~~Division may abandon or vacate the property without reversion to the Department.]~~

7. *The Board may accept from a county or city any portion of any county or city road which has changed in function such that it has risen to the level of functioning as a state highway. Such a road may be traded for any portion of any state highway relinquished by the Department or accepted by the Department after equitable compensation or trade values have been negotiated and agreed to in writing.*

8. *A county or city may accept from the Department any portion of any state highway which no longer functions to support the state highway system and which exceeds the needs of the Department. Such a highway may be traded for any portion of any county or city road relinquished by the county or city or accepted by the county or city after equitable compensation or trade values have been negotiated and agreed to in writing.*

9. *Any portion of a state highway or county or city road that is relinquished or traded pursuant to this section must be placed in good repair, or the parties must establish and agree in writing to equitable monetary compensation. If any highways or roads, or portions thereof, to be relinquished or traded are not of comparable value, the parties must negotiate and agree in writing to equitable monetary compensation or equitable trade considerations.*

~~{6.} 10. The Department, in cooperation with local governments, shall~~  
~~*[develop a] adopt regulations governing procedural [document which*~~  
~~*addresses] documents that address the process by which highways and*~~  
~~*roads are relinquished. [The Board must approve the procedural document*~~  
~~*and any modifications thereto.]*~~

11. *The vesting of all right, title and interest of the Department in and to portions of any state highways relinquished previously by the Department in the city, county or state agency to which it was relinquished is hereby confirmed.*

Assemblyman Carrillo moved that the Assembly concur in the Senate Amendment No. 755 to Assembly Bill No. 18.

Remarks by Assemblyman Carrillo.

ASSEMBLYMAN CARRILLO:

The amendment requires that the department, in cooperation with local governments, adopt regulations governing procedural documents addressing the process by which highways and roads are relinquished.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 176.

The following Senate amendment was read:

Amendment No. 860.

AN ACT relating to the control of emissions from engines; exempting a consignee who sells a motor vehicle at a consignment auction from the requirement to cause the inspection of the emissions of the motor vehicle or to obtain evidence of pollution-control compliance of the motor vehicle if the consignee meets certain conditions; and providing other matters properly related thereto.

**Legislative Counsel's Digest:**

Existing law requires certain sellers or long-term lessors of a used vehicle to provide the buyer or long-term lessee of the vehicle with evidence of compliance certifying that the vehicle is equipped with devices for the control of pollution from motor vehicles and complies with the requirements of the State Environmental Commission. (NRS 445B.800) **Section 6** of this bill exempts a consignee from that requirement for any motor vehicle sold at a consignment auction if the consignee: (1) informs the buyer that the buyer will be responsible for obtaining an emissions inspection or testing before the buyer may register the vehicle; (2) posts a notice at the site of the auction stating that the consignee is exempt from the requirement to obtain an emissions inspection or testing of any vehicle sold by consignment auction ~~[-]~~ **and includes a similar notice in any publication that lists the vehicles available at a consignment auction or solicits persons to bid at a consignment auction;** and (3) makes the vehicle available for inspection before the auction.

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

**Section 1.** Chapter 445B of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 3.5 of this act.

**Sec. 2.** *“Consignee” has the meaning ascribed to it in NRS 482.31772.*

**Sec. 3.** *“Consignment auction” means any transaction whereby the registered owner or lienholder of a vehicle, or an insurance company that has acquired a vehicle as part of a total loss settlement, agrees, entrusts or in any other manner authorizes a consignee to act as his or her agent to sell or attempt to sell the interest of the registered owner, lienholder or insurance company in the vehicle at an auction that meets the requirements set forth in section 3.5 of this act.*

**Sec. 3.5. 1.** *To qualify as a consignment auction for the purposes of subsection 4 of NRS 445B.805, an event must be:*

*(a) A live auction with an auctioneer verbally calling for and accepting bids; or*

*(b) An auction conducted on an auction website on the Internet by a person who is certified pursuant to subsection 2 and who is:*

- (1) A vehicle dealer licensed pursuant to NRS 482.325; or*
- (2) A salvage pool licensed pursuant to NRS 487.410.*

*2. A person may obtain certification for the purposes of paragraph (b) of subsection 1 by:*

- (a) Applying to the Department of Motor Vehicles;*
- (b) Providing evidence satisfactory to the Department that the person is licensed as a vehicle dealer pursuant to NRS 482.325 or as a salvage pool pursuant to NRS 487.410;*

*(c) Providing evidence satisfactory to the Department that at least 51 percent of the vehicles sold by the person in the calendar year immediately preceding the date of the person's application were sold on behalf of another person and were sold using:*

- (1) A live auction with an auctioneer verbally calling for and accepting bids; or*

*(2) An auction conducted on an auction website on the Internet by the person; and*

*(d) Providing any other information or documentation required by the Department.*

*3. The Department may adopt any regulations necessary to carry out the provisions of this section, including, without limitation, providing procedures for the application for and the granting of a certification pursuant to this section and providing for the expiration and renewal of the certification.*

**Sec. 4.** NRS 445B.700 is hereby amended to read as follows:

445B.700 As used in NRS 445B.700 to 445B.845, inclusive, *and sections 2, 3 and 3.5 of this act*, unless the context otherwise requires, the words and terms defined in NRS 445B.705 to 445B.758, inclusive, *and sections 2 and 3 of this act* have the meanings ascribed to them in those sections.

**Sec. 5.** NRS 445B.759 is hereby amended to read as follows:

445B.759 1. The provisions of NRS 445B.700 to 445B.845, inclusive, *and sections 2, 3 and 3.5 of this act* do not apply to:

- (a) Military tactical vehicles; or
- (b) Replica vehicles.

2. As used in this section:

- (a) "Military tactical vehicle" means a motor vehicle that is:

(1) Owned or controlled by the United States Department of Defense or by a branch of the Armed Forces of the United States; and

(2) Used in combat, combat support, combat service support, tactical or relief operations, or training for such operations.

(b) “Replica vehicle” means any passenger car or light-duty motor vehicle which:

(1) Has a body manufactured after 1968 which is made to resemble a vehicle of a model manufactured before 1968;

(2) Has been altered from the original design of the manufacturer or has a body constructed from materials which are not original to the vehicle;

(3) Is maintained solely for occasional transportation, including exhibitions, club activities, parades, tours or other similar uses; and

(4) Is not used for daily transportation.

➡ The term does not include a vehicle which has been restored to its original design by replacing parts.

**Sec. 6.** NRS 445B.805 is hereby amended to read as follows:

445B.805 The provisions of NRS 445B.800 do not apply to:

1. Transfer of registration or ownership between:

(a) Husband and wife; or

(b) Companies whose principal business is leasing of vehicles, if there is no change in the lessee or operator of the vehicle.

2. Motor vehicles which are subject to prorated registration pursuant to the provisions of NRS 706.801 to 706.861, inclusive, and which are not based in this State.

3. Transfer of registration if evidence of compliance was issued within 90 days before the transfer.

**4. A consignee who is conducting a consignment auction which meets the requirements set forth in section 3.5 of this act if the consignee:**

*(a) Informs the buyer, using a form, including, without limitation, an electronic form, if applicable, as approved by the Department of Motor Vehicles, that the consignee is not required to obtain an inspection or testing of the motor vehicle pursuant to the regulations adopted by the Commission under NRS 445B.770 and that any such inspection or testing that is required must be obtained by the buyer before the buyer registers the motor vehicle;*

*(b) Posts a notice in a conspicuous location at the site of the consignment auction or, if applicable, on the Internet website on which the consignment auction is conducted, and includes a notice in any document published by the consignee that lists the vehicles available for the consignment auction or solicits persons to bid at the consignment auction, stating that the consignee is exempt from any requirement to obtain an inspection or testing of a motor vehicle pursuant to the regulations adopted by the Commission under NRS 445B.770 if the motor vehicle is sold at the consignment auction; and*

*(c) Makes the vehicle available for inspection before the consignment auction;*

*(1) In the case of a live auction with an auctioneer verbally calling for and accepting bids, at the location of the consignment auction; or*

*(2) In the case of an auction that is conducted on an auction website on the Internet by a consignee who is certified pursuant to subsection 2 of section 3.5 of this act, at the primary place of business of the consignee conducting the consignment auction.*

**Sec. 7.** NRS 445B.840 is hereby amended to read as follows:

445B.840 It is unlawful for any person to:

1. Possess any unauthorized evidence of compliance;
2. Make, issue or use any imitation or counterfeit evidence of compliance;
3. Willfully and knowingly fail to comply with the provisions of NRS 445B.700 to 445B.815, inclusive, *and sections 2, 3 and 3.5 of this act* or any regulation adopted by the Department of Motor Vehicles; or
4. Issue evidence of compliance if he or she is not a licensed inspector of an authorized inspection station, authorized station or fleet station.

**Sec. 8.** NRS 445B.845 is hereby amended to read as follows:

445B.845 1. A violation of any provision of NRS 445B.700 to 445B.845, inclusive, *and sections 2, 3 and 3.5 of this act* relating to motor vehicles, or any regulation adopted pursuant thereto relating to motor vehicles, is a misdemeanor. The provisions of NRS 445B.700 to 445B.845, inclusive, *and sections 2, 3 and 3.5 of this act*, or any regulation adopted pursuant thereto, must be enforced by any peace officer.

2. Satisfactory evidence that the motor vehicle or its equipment conforms to those provisions or regulations, when supplied by the owner of the motor vehicle to the Department of Motor Vehicles within 10 days after the issuance of a citation pursuant to subsection 1, may be accepted by the court as a complete or partial mitigation of the offense.

**Sec. 9.** This act becomes effective upon passage and approval.

Assemblyman Carrillo moved that the Assembly concur in the Senate Amendment No. 860 to Assembly Bill No. 176.

Remarks by Assemblyman Carrillo.

ASSEMBLYMAN CARRILLO:

The amendment includes a similar notice in any publication that lists the vehicles available at a consignment auction or solicits persons to bid at a consignment auction.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 379.

The following Senate amendment was read:

Amendment No. 757.

AN ACT relating to vehicles; authorizing a person to apply for a letter of abandonment for an abandoned recreational vehicle under certain circumstances; requiring a municipal solid waste landfill to accept a recreational vehicle for disposal under certain circumstances; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law sets forth the procedure for disposal of an abandoned vehicle. (NRS 487.205-487.300) **Section 1** of this bill authorizes an owner or occupant of private property who discovers an abandoned recreational vehicle on that property to apply for a letter of abandonment for the recreational vehicle. **Section 1** also sets forth the procedure for obtaining a letter of abandonment for a recreational vehicle. **Section 5** of this bill requires a municipal solid waste landfill to accept a recreational vehicle for disposal if: (1) the person disposing of the recreational vehicle pays any applicable fee and provides the title to the recreational vehicle which indicates that he or she is the owner of the vehicle or has obtained a letter of abandonment from the Department of Motor Vehicles; and (2) accepting the recreational vehicle for disposal does not violate any applicable federal or state law concerning the operation of the municipal solid waste landfill.

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

**Section 1.** Chapter 487 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. In addition to the procedure for disposing of an abandoned vehicle set forth in NRS 487.205 to 487.300, inclusive, if a recreational vehicle is abandoned on private property and is discovered by the owner or occupant of the property, the person who discovers the recreational vehicle may apply for a letter of abandonment for the recreational vehicle. The issuance of a letter of abandonment pursuant to this section divests any other person of any interest in the abandoned recreational vehicle.*

*2. Before applying for a letter of abandonment, the owner or occupant of the property where the abandoned recreational vehicle is located shall:*

*(a) If the abandoned recreational vehicle has a serial number, vehicle identification number or registration number or other means of identifying any owner of the abandoned recreational vehicle, obtain the last known address of the owner and notify the owner by registered or certified letter to the last known address of the owner that, if ownership is not claimed and the abandoned recreational vehicle is not removed within 60 days, the owner or occupant of the property where the abandoned recreational vehicle is located will apply for a letter of abandonment. The owner or occupant of the property where the abandoned recreational vehicle is*

*located is not required to send a registered or certified letter if an owner cannot be located or if an address for an owner cannot be ascertained.*

*(b) Place a notice in a newspaper of general circulation published in the county in which the abandoned recreational vehicle is located, describing the abandoned recreational vehicle and the location where the abandoned recreational vehicle was discovered and providing the serial ~~for~~ number, vehicle identification number or registration number or any other identifying information relating to the abandoned recreational vehicle. The owner or occupant of the property where the abandoned recreational vehicle is located shall state in the notice that, if the abandoned recreational vehicle is not claimed and removed within 60 days after the publication date of the newspaper, the owner or occupant of the property where the abandoned recreational vehicle is located will apply for a letter of abandonment.*

*3. An owner or occupant of the property where the abandoned recreational vehicle is located may apply to the Department for a letter of abandonment upon the expiration of:*

*(a) Sixty days after the date on which the owner or occupant of the property where the abandoned recreational vehicle is located mails the registered or certified letter pursuant to paragraph (a) of subsection 2, if such a letter is required; or*

*(b) Sixty days after the date of publication of the notice required by paragraph (b) of subsection 2,  
↪ whichever is later.*

*4. An application for a letter of abandonment for an abandoned recreational vehicle must contain:*

*(a) A completed application form prescribed by the Department;*

*(b) Proof that the letter required by paragraph (a) of subsection 2 was mailed at least 60 days before the submission of the application or a detailed explanation of the unsuccessful steps taken to identify all owners of the abandoned recreational vehicle;*

*(c) Proof that a notice was printed in a newspaper as required by paragraph (b) of subsection 2 at least 60 days before the submission of the application;*

*(d) A clear and accurate photograph of the abandoned recreational vehicle; and*

*(e) The serial number, vehicle identification number or registration number, if any, of the abandoned recreational vehicle.*

*5. The Department may charge and collect a fee for issuing a letter of abandonment pursuant to this section, which must not exceed the actual cost to the Department of issuing the letter of abandonment.*

6. *Upon receipt of the materials and information required in subsection 4 and any fees required pursuant to subsection 5, the Department shall enter the application upon the records of its office and issue to the applicant a letter of abandonment for the abandoned recreational vehicle.*

7. *As used in this section, "recreational vehicle" has the meaning ascribed to it in NRS 482.101.*

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. Chapter 444 of NRS is hereby amended by adding thereto a new section to read as follows:

*A municipal solid waste landfill shall accept a recreational vehicle for disposal if:*

1. *The person disposing of the recreational vehicle pays any applicable fee and provides:*

*(a) The title to the recreational vehicle, indicating that he or she is the owner; or*

*(b) A letter of abandonment issued by the Department of Motor Vehicles pursuant to section 1 of this act; and*

2. *Accepting the recreational vehicle for disposal does not violate any applicable federal or state law or regulation relating to the operation of the municipal solid waste landfill.*

Sec. 6. NRS 444.450 is hereby amended to read as follows:

444.450 As used in NRS 444.440 to 444.620, inclusive, *and section 5 of this act*, unless the context otherwise requires, the words and terms defined in NRS 444.460 to 444.501, inclusive, have the meanings ascribed to them in those sections.

Sec. 7. NRS 444.580 is hereby amended to read as follows:

444.580 *Except as otherwise provided in section 5 of this act:*

1. Any district board of health created pursuant to NRS 439.362 or 439.370 and any governing body of a municipality may adopt standards and regulations for the location, design, construction, operation and maintenance of solid waste disposal sites and solid waste management systems or any part thereof more restrictive than those adopted by the State Environmental Commission, and any district board of health may issue permits thereunder.

2. Any district board of health created pursuant to NRS 439.362 or 439.370 may adopt such other regulations as are necessary to carry out the provisions of NRS 444.440 to 444.620, inclusive ~~[ ]~~, *and section 5 of this act*. Such regulations must not conflict with regulations adopted by the State Environmental Commission.

Sec. 8. This act becomes effective on July 1, 2013.



Assemblyman Carrillo moved that the Assembly do not concur in the Senate Amendment No. 757 to Assembly Bill No. 379.

Remarks by Assemblyman Carrillo.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 453.

The following Senate amendment was read:

Amendment No. 765.

AN ACT relating to motor vehicles; exempting certain fleet vehicles from the Department of Motor Vehicles insurance verification system; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law requires the Department of Motor Vehicles to create a system for verifying through the secure transmission and receipt of information that the owners of motor vehicles maintain the liability insurance required by law. The only vehicles that are exempt from being included in such a system are certain golf carts. (NRS 485.313) **Section 2** of this bill creates an additional exemption for certain vehicles that are registered as part of a fleet of vehicles. **Section 2** further provides that verification of the required liability insurance for such fleet vehicles shall be deemed to have been satisfied by the submission to the Department by the insurer of the policy number and the name of the registered owner.

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

**Section 1.** NRS 482.215 is hereby amended to read as follows:

482.215 1. All applications for registration, except applications for renewal of registration, must be made as provided in this section.

2. Except as otherwise provided in NRS 482.294, applications for all registrations, except renewals of registration, must be made in person, if practicable, to any office or agent of the Department or to a registered dealer.

3. Each application must be made upon the appropriate form furnished by the Department and contain:

(a) The signature of the owner, except as otherwise provided in subsection 2 of NRS 482.294, if applicable.

(b) The owner's residential address.

(c) The owner's declaration of the county where he or she intends the vehicle to be based, unless the vehicle is deemed to have no base. The Department shall use this declaration to determine the county to which the governmental services tax is to be paid.

(d) A brief description of the vehicle to be registered, including the name of the maker, the engine, identification or serial number, whether new or used, and the last license number, if known, and the state in which it was issued, and upon the registration of a new vehicle, the date of sale by the manufacturer or franchised and licensed dealer in this State for the make to be registered to the person first purchasing or operating the vehicle.

(e) Except as otherwise provided in this paragraph, if the applicant is not an owner of a fleet of vehicles or a person described in subsection 5:

(1) Proof satisfactory to the Department or registered dealer that the applicant carries insurance on the vehicle provided by an insurance company licensed by the Division of Insurance of the Department of Business and Industry and approved to do business in this State as required by NRS 485.185; and

(2) A declaration signed by the applicant that he or she will maintain the insurance required by NRS 485.185 during the period of registration. If the application is submitted by electronic means pursuant to NRS 482.294, the applicant is not required to sign the declaration required by this subparagraph.

(f) If the applicant is an owner of a fleet of vehicles or a person described in subsection 5, evidence of insurance provided by an insurance company licensed by the Division of Insurance of the Department of Business and Industry and approved to do business in this State as required by NRS 485.185:

(1) In the form of a certificate of insurance on a form approved by the Commissioner of Insurance;

(2) In the form of a card issued pursuant to NRS 690B.023 which identifies the vehicle ~~to~~ **or the registered owner of the vehicle;** or

(3) In another form satisfactory to the Department.

➡ The Department may file that evidence, return it to the applicant or otherwise dispose of it.

(g) If required, evidence of the applicant's compliance with controls over emission.

4. The application must contain such other information as is required by the Department or registered dealer and must be accompanied by proof of ownership satisfactory to the Department.

5. For purposes of the evidence required by paragraph (f) of subsection 3:

(a) Vehicles which are subject to the fee for a license and the requirements of registration of the Interstate Highway User Fee Apportionment Act, and which are based in this State, may be declared as a fleet by the registered owner thereof on his or her original application for or application for renewal

of a proportional registration. The owner may file a single certificate of insurance covering that fleet.

(b) Other fleets composed of 10 or more vehicles based in this State ~~more than one vehicle, all of which are covered by a commercial liability policy,~~ or vehicles insured under a blanket policy which does not identify individual vehicles ~~for~~ may each be declared annually as a fleet by the registered owner thereof for the purposes of an application for his or her original or any renewed registration. The owner may file a single certificate of insurance covering that fleet.

(c) A person who qualifies as a self-insurer pursuant to the provisions of NRS 485.380 may file a copy of his or her certificate of self-insurance.

(d) A person who qualifies for an operator's policy of liability insurance pursuant to the provisions of NRS 485.186 and 485.3091 may file evidence of that insurance.

**Sec. 2.** NRS 485.313 is hereby amended to read as follows:

485.313 1. The Department:

(a) Shall, in cooperation with insurers, create a system for verifying through the secure transmission and receipt of information that the owners of motor vehicles maintain the insurance required by NRS 485.185; and

(b) May enter into a contract with any person to provide services relating to the system.

2. The Director shall adopt regulations to carry out the provisions of this section . ~~including, without limitation, regulations for verifying that registered owners described in paragraph (b) of subsection 5 of NRS 482.215 maintain the insurance required by NRS 485.185.~~

3. *For vehicles which are part of a fleet of ~~vehicles described in paragraph (b) of subsection 5 of NRS 482.215,~~ more than one vehicle, all of which are covered by a commercial liability policy, the maintenance of the insurance required by NRS 485.185 shall be deemed to have been satisfied by the submission by the insurer to the Department of the policy number and the name of the registered owner of the vehicles.*

4. As used in this section, "motor vehicle":

(a) Does not include ~~except~~ :

(1) *Except* as otherwise provided in subsection 1 of NRS 482.398, a golf cart as that term is defined in NRS 482.044.

(2) *A vehicle that is registered as part of a fleet of vehicles pursuant to subsection 5 of NRS 482.215.*

(b) Includes, without limitation ~~the~~:

~~(1) A~~ , a motortruck, truck-tractor, bus or other vehicle that is registered pursuant to paragraph (c) of subsection 1 of NRS 482.482 or NRS 706.801 to 706.861, inclusive.

~~[(2) A vehicle that is registered as part of a fleet of vehicles and described in paragraph (b) of subsection 5 of NRS 482.215.]~~

**Sec. 3.** NRS 690B.023 is hereby amended to read as follows:

690B.023 If insurance for the operation of a motor vehicle required pursuant to NRS 485.185 is provided by a contract of insurance, the insurer shall:

1. Provide evidence of insurance to the insured on a form approved by the Commissioner. The evidence of insurance must include:

- (a) The name and address of the policyholder;
- (b) The name and address of the insurer;
- (c) Vehicle information, consisting of:

(1) The year, make and complete identification number of the insured vehicle or vehicles; or

(2) The word “Fleet” *and the name of the registered owner* if the vehicle is covered under a fleet policy written on an any auto basis or blanket policy basis;

(d) The term of the insurance, including the day, month and year on which the policy:

- (1) Becomes effective; and
- (2) Expires;

(e) The number of the policy;

(f) A statement that the coverage meets the requirements set forth in NRS 485.185; and

(g) The statement “This card must be carried in the insured motor vehicle for production upon demand.” The statement must be prominently displayed.

2. Provide new evidence of insurance if:

(a) The information regarding the insured vehicle or vehicles required pursuant to paragraph (c) of subsection 1 no longer is accurate;

(b) An additional motor vehicle is added to the policy;

(c) A new number is assigned to the policy; or

(d) The insured notifies the insurer that the original evidence of insurance has been lost.

**Sec. 4.** (Deleted by amendment.)

Assemblyman Carrillo moved that the Assembly concur in the Senate Amendment No. 765 to Assembly Bill No. 453.

Remarks by Assemblyman Carrillo.

ASSEMBLYMAN CARRILLO:

Amendment 765 clarifies the size of a fleet, which would be considered ten or more vehicles based in the state and also more than one vehicle, all of which are covered by a commercial liability policy.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 312.

The following Senate amendment was read:

Amendment No. 801.

AN ACT relating to the Charter of Carson City; revising provisions of the Charter relating to the Charter Committee; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

The Charter of Carson City provides for the appointment of a Charter Committee to advise the Board of Supervisors concerning potential amendments to the Charter. (Carson City Charter §§ 1.080, 1.090) Currently, each Supervisor and each member of the Senate and Assembly delegation representing the residents of Carson City nominates at least one person for membership on the Charter Committee, and the Board appoints the members of the Committee. The Charter also provides that each member of the Committee serves a term concurrent with the term of the public officer who nominated him or her for appointment. (Carson City Charter § 1.080)

**Section 1** of this bill revises the appointment process to provide that the Mayor, each other member of the Board and each member of the Senate and Assembly delegation representing the residents of Carson City is to appoint one member of the Committee. **Section 1** also provides that each member of the Committee serves a term concurrent to the term of the public officer by whom he or she was appointed, or at the pleasure of that public officer.

**Section 1.5** of this bill revises provisions of the current Charter governing the meetings and duties of the Committee.

The current Charter also authorizes the Board of Supervisors to remove members of the Committee for good cause and requires the Board to fill any vacancy that occurs on the Committee. (Carson City Charter § 1.100)

**Section 2** of this bill authorizes the public officer, or his or her successor, who has appointed a member of the Committee to remove the member with or without cause and fill any vacancy created by the removal or resignation of a member.

**Section 3** of this bill provides that a member who is serving on the Committee as of the effective date of this bill (January 1, 2014) may continue to serve until the expiration of his or her term or until he or she is removed.

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

**Section 1.** Section 1.080 of the Charter of Carson City, being chapter 341, Statutes of Nevada 1999, at page 1406, is hereby amended to read as follows:

Sec. 1.080 Charter Committee: ~~[Nomination; appointment; terms;]~~ **Appointment**; qualifications; **terms**; compensation.

1. The ~~[candidates for membership on]~~ **members of** the Charter Committee must be ~~[nominated]~~ **appointed** as follows:

(a) ~~[Each Supervisor]~~ **The Mayor and each other member of the Board** shall ~~[nominate at least]~~ **appoint** one ~~[candidate;]~~ **member**; and

(b) Each member of the Senate and Assembly delegation representing the residents of the City shall ~~[nominate at least]~~ **appoint** one ~~[candidate]~~.

~~2. The Board shall:~~

~~(a) Determine the appropriate number of members of the Charter Committee from the candidates nominated; and~~

~~(b) Appoint the members of the Charter Committee.~~

~~3.] member.~~

2. Each member of the Charter Committee must:

(a) Be a registered voter in Carson City;

(b) Serve a term concurrent to the term of the public officer by whom he or she was ~~[nominated;]~~ **appointed, or at the pleasure of that public officer**;

(c) Reside in Carson City during his or her term of office; and

(d) Serve without compensation.

**Sec. 1.5.** Section 1.090 of the Charter of Carson City, being chapter 341, Statutes of Nevada 1999, as amended by chapter 68, Statutes of Nevada 2003, at page 451, is hereby amended to read as follows:

Sec. 1.090 Charter Committee: Officers; meetings; duties ~~[1.]~~ **legislative measures.**

**1.** The Charter Committee shall:

~~[1.]~~ **(a)** Elect ~~[a Chair and Vice Chair]~~ from among its members **a Chair and Vice Chair**, who each serve for a term of 2 years ~~[1.]~~ **unless he or she resigns or is removed from the Committee pursuant to section 1.100;**

~~[2.]~~ **(b)** Meet at least once every 2 years before the beginning of each regular session of the Legislature and when requested by the Board or the Chair of the Committee;

~~[3.]~~ **(c)** Meet jointly with the Board on a date to be set after the final biennial meeting of the Committee is conducted pursuant to ~~[subsection 2]~~ **paragraph (b)** and before the beginning of the next regular session of the Legislature to advise the Board with regard to the recommendations of the Committee concerning necessary amendments to this Charter;

~~[and]~~

~~4. Assist]~~

(d) If the Board elects to submit the Committee's recommended amendments to the Legislature as one of the City's legislative measures, assist the Board in the timely preparation of such ~~{Prepare recommendations to be presented}~~ amendments for presentation to the Legislature on behalf of the City ; ~~{concerning all necessary amendments to this Charter;~~

~~4. Advise the Board of any amendments recommended for presentation to the Legislature} {on behalf of the City;} {by the Committee;} and~~

~~{5.}~~ (e) Perform all functions and do all things necessary to accomplish the purposes for which it is established, including ~~{without limitation, hold}~~ holding meetings and public hearings and ~~{obtain}~~ obtaining assistance from officers of the City ~~{to ensure the Committee's compliance with any law applicable to a public body.~~

2. If the Board elects not to submit the Committee's recommended amendments to the Legislature as one of the City's legislative measures, the Committee may vote to authorize a member of the Committee to seek sponsorship of a legislative measure by a member of the Senate or Assembly delegation representing the residents of the City and to assist the Senator, Assemblyman or Assemblywoman, as applicable, in the timely preparation of such amendments for presentation to the Legislature. The member of the Committee shall not represent that any such legislative measure is approved or supported by the Board and shall disclose to the Senator, Assemblyman or Assemblywoman, as applicable, that the legislative measure is not approved or supported by the Board.

Sec. 2. Section 1.100 of the Charter of Carson City, being chapter 341, Statutes of Nevada 1999, at page 1406, is hereby amended to read as follows:

Sec. 1.100 Charter Committee: Removal ~~{}~~ **of members;** vacancies.

1. A member of the Charter Committee may be removed by the ~~{Board for:~~

~~—(a) Missing three consecutive regular meetings; or~~

~~—(b) Other good cause.}~~ **public officer, or his or her successor in office, who appointed the member.**

2. ~~{The Board shall fill any}~~ **Any** vacancy that occurs on the Charter Committee ~~{for the unexpired term.}~~ **must be filled as provided by section 1.080.**

Sec. 3. 1. Any person who is serving as a member of the Charter Committee of Carson City on January 1, 2014, and is qualified to serve in that capacity pursuant to subsection 2 of section 1.080 of the Charter of Carson City, as amended by section 1 of this act, may continue to serve until:

(a) The expiration of his or her term; or  
 (b) He or she is removed pursuant to section 1.100 of the Charter, as amended by section 2 of this act.

2. Any person described in subsection 1 whose term expires on or after January 1, 2014, may be reappointed to the Charter Committee pursuant to section 1.080 of the Charter, as amended by section 1 of this act.

**Sec. 4.** This act becomes effective on January 1, 2014.

Assemblywoman Benitez-Thompson moved that the Assembly concur in the Senate Amendment No. 801 to Assembly Bill No. 312.

Remarks by Assemblywoman Benítez-Thompson.

ASSEMBLYWOMAN BENITEZ-THOMPSON:

The amendment replaces language originally in the bill providing that the Charter Committee will meet jointly with the Board of Supervisors at Carson City to advise the Board in regard to the Committee's recommendations for amendments to the Charter. It also provides that should the Board elect to submit the Committee's recommendations to the Legislature, the Committee will assist in preparation and presentation of the recommendations. Should the Board choose not to submit the Committee's recommendations to the Legislature as one of its approved measures, the Committee may vote to authorize one of its members to seek sponsorship of the measure by one of the legislators representing Carson City. The member is prohibited from representing that the Board approved or supported the measure.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 363.

The following Senate amendment was read:

Amendment No. 759.

AN ACT relating to local governments; **authorizing boards of county commissioners to abate public nuisances involving litter, garbage, abandoned or junk vehicles and junk appliances;** authorizing certain local governments to abate public nuisances and conditions involving abandoned ~~and inoperable~~ or junk vehicles by requesting the operator of a tow car to abate the public nuisance or condition; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Under existing law, a board of county commissioners of a county or the governing body of a city may adopt by ordinance procedures pursuant to which the board or governing body, or a designee thereof, may order an owner of property to abate a public nuisance or condition on the property, including the clearing of certain debris, to protect the public health, safety and welfare of the residents of the county or city. (NRS 244.3605, 268.4122) Existing law further provides that if, after the provision of notice about the nuisance or condition and an opportunity for a hearing, the property owner does not abate the nuisance or condition, the county or city may abate the



nuisance or condition and recover from the property owner the amount expended by the county or city for the labor and materials used to abate the nuisance or condition.

**Section 2** of this bill adds **litter, garbage, abandoned ~~[, inoperable]~~ or junk vehicles ~~[which are not concealed from ordinary public view]~~ and junk appliances** to the list of conditions that constitute a public nuisance for the purposes of an ordinance adopted by a board of county commissioners ~~, [in a county whose population is 700,000 or more (currently only Clark County)].~~ **Section 2** also provides that **, in a county whose population is 700,000 or more (currently only Clark County),** such an ordinance may authorize the county to request the operator of a tow car to abate a public nuisance by towing an abandoned ~~[, inoperable]~~ or junk vehicle **that is not concealed from ordinary public view** if certain requirements relating to notice and the opportunity for a hearing are satisfied. Similarly, **section 3** of this bill ~~, [adds vehicles which are abandoned, inoperable or junk and which are not concealed from ordinary public view to the list of conditions that constitute an unhealthful or unsafe condition]~~ for the purposes of an ordinance adopted by the governing body of a city in any county whose population is 700,000 or more (currently only Clark County), ~~[and]~~ provides that such an ordinance may authorize the city to request the operator of a tow car to abate such a condition by towing an abandoned ~~[, inoperable]~~ or junk vehicle **that is not concealed from ordinary public view** if certain requirements relating to notice and the opportunity for a hearing are satisfied.

Existing law provides for the regulation of tow cars and the operators of tow cars. (NRS 706.445-706.453) **Sections 2 and 3** provide that the operator of a tow car who is requested by a county or city to tow a vehicle to abate a public nuisance or condition must comply with those provisions. **Section 4** of this bill provides that the registered owner of a vehicle towed pursuant to a request by a county or a city to abate a public nuisance or condition is responsible for the cost of removal and storage of the vehicle.

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

**Section 1.** 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 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.

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 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~~ 7 of NRS 244.3605.

(b) “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) The occupants, if any, of the real property on which the structure or condition is located; or

(2) The general public.

**Sec. 2.** 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, *litter, garbage, abandoned or junk vehicles or junk appliances* which ~~is~~ are not subject to the provisions of chapter 459 of NRS;

(c) ~~In any county whose population is 700,000 or more, clear abandoned, inoperable or junk vehicles which are not concealed from ordinary public view by means of inside storage, suitable fencing, opaque covering, trees, shrubbery or other means;~~

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

(d) ~~(c)~~ 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:

(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) Provide for civil penalties for each day that 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. *In any county whose population is 700,000 or more, an ordinance adopted pursuant to subsection 1 may authorize the county to request the operator of a tow car to abate a public nuisance by towing abandoned ~~inoperable~~ or junk vehicles ~~described in paragraph (c) of subsection 1~~ which are not concealed from ordinary public view by means of inside storage, suitable fencing, opaque covering, trees, shrubbery or other means if the conditions of subsection 4 are satisfied. The operator of a tow car*

*requested to tow a vehicle pursuant to this section must comply with the provisions of NRS 706.445 to 706.453, inclusive.*

4. 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 *or request abatement by the operator of a tow car pursuant to subsection 3* 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.}~~ 5. 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.}~~ 6, 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.}~~ 6. 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.}~~ 5 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.}~~ 7. 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.

**Sec. 3.** NRS 268.4122 is hereby amended to read as follows:

268.4122 1. The governing body of a city may adopt by ordinance procedures pursuant to which the governing body or its designee may order an owner of property within the city to:

- (a) Repair, safeguard or eliminate a dangerous structure or condition;
- (b) Clear debris, rubbish, refuse, litter, garbage, abandoned or junk vehicles or junk appliances which are not subject to the provisions of chapter 459 of NRS; or
- (c) ~~In any county whose population is 700,000 or more, clear abandoned, inoperable or junk vehicles which are not concealed from ordinary public view by means of inside storage, suitable fencing, opaque covering, trees, shrubbery or other means; or~~
- ~~(d)~~ Clear weeds and noxious plant growth,

→ to protect the public health, safety and welfare of the residents of the city.

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, of the existence on the property of a condition set forth in subsection 1 and the date by which the owner must abate the condition.
  - (2) If the condition 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 condition.
  - (3) Afforded an opportunity for a hearing before the designee of the governing body and an appeal of that decision. The ordinance must specify whether all such appeals are to be made to the governing body or to 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) Provide the manner in which the city will recover money expended for labor and materials used to abate the condition on the property if the owner fails to abate the condition.
- (d) Provide for civil penalties for each day that the owner did not abate the condition after the date specified in the notice by which the owner was requested to abate the condition.
- (e) If the county board of health, city board of health or district board of health in whose jurisdiction the incorporated city is located has adopted a

definition of garbage, use the definition of garbage adopted by the county board of health, city board of health or district board of health, as applicable.

3. *In any county whose population is 700,000 or more, an ordinance adopted pursuant to subsection 1 may authorize the city to request the operator of a tow car to abate a condition by towing abandoned ~~or inoperable~~ or junk vehicles ~~described in paragraph (c) of subsection 1~~ which are not concealed from ordinary public view by means of inside storage, suitable fencing, opaque covering, trees, shrubbery or other means if the governing body or its designee has directed the abatement of the condition pursuant to subsection 4. The operator of a tow car requested to tow a vehicle by a city pursuant to this section must comply with the provisions of NRS 706.445 to 706.453, inclusive.*

4. The governing body or its designee may direct the city to abate the condition on the property and may recover the amount expended by the city for labor and materials used to abate the condition or request abatement by the operator of a tow car pursuant to subsection 3 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 condition on the 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 condition within the period specified in the order; or

(c) The governing body or a court of competent jurisdiction has denied the appeal of the owner and the owner has failed to abate the condition within the period specified in the order.

~~{4.}~~ 5. In addition to any other reasonable means for recovering money expended by the city to abate the condition and, except as otherwise provided in subsection ~~{5.}~~ 6, for collecting civil penalties imposed pursuant to the ordinance adopted pursuant to subsection 1, the governing body may make the expense and civil penalties a special assessment against the property upon which the condition is or was located. The special assessment 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.

~~{5.}~~ 6. Any 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.}~~ 5 by the governing body unless:

(a) At least 12 months have elapsed after the date specified in the notice by which the owner must abate the condition or the date specified in the

order of the governing body or court by which the owner must abate the condition, 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.

~~16.1~~ 7. As used in this section, “dangerous structure or condition” means a structure or condition that may cause injury to or endanger the health, life, property, safety or welfare 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 268.413 with respect to minimum levels of health, maintenance or safety; or

(b) Violates an ordinance, rule or regulation regulating health and safety enacted, adopted or passed by the governing body of a city, the violation of which is designated as a nuisance in the ordinance, rule or regulation.

**Sec. 4.** NRS 706.4477 is hereby amended to read as follows:

706.4477 1. If towing is requested by a person other than the owner, or an agent of the owner, of the motor vehicle or a law enforcement officer:

(a) The person requesting the towing must be the owner of the real property from which the vehicle is towed or an authorized agent of the owner of the real property and must sign a specific request for the towing. For the purposes of this section, the operator is not an authorized agent of the owner of the real property.

(b) The area from which the vehicle is to be towed must be appropriately posted in accordance with state or local requirements.

(c) Notice must be given to the appropriate law enforcement agency pursuant to state and local requirements.

(d) The operator may be directed to terminate the towing by a law enforcement officer.

2. *If towing is requested by a county or city pursuant to NRS 244.3605 or 268.4122, as applicable:*

*(a) Notice must be given to the appropriate law enforcement agency pursuant to state and local requirements.*

*(b) The operator may be directed to terminate the towing by a law enforcement officer.*

3. The registered owner of a motor vehicle towed pursuant to the provisions of subsection 1 ~~16.1~~ **or 2:**

(a) Is presumed to have left the motor vehicle on the real property from which the vehicle is towed; and

(b) Is responsible for the cost of removal and storage of the motor vehicle.

~~{3-}~~ 4. The registered owner may rebut the presumption in subsection ~~{2}~~ 3 by showing that:

(a) The registered owner transferred the registered owner's interest in the motor vehicle:

(1) Pursuant to the provisions set forth in NRS 482.399 to 482.420, inclusive; or

(2) As indicated by a bill of sale for the vehicle that is signed by the registered owner; or

(b) The vehicle is stolen, if the registered owner submits evidence that, before the discovery of the vehicle, the registered owner filed an affidavit with the Department or a written report with an appropriate law enforcement agency alleging the theft of the vehicle.

**Sec. 5.** (Deleted by amendment.)

Assemblywoman Benitez-Thompson moved that the Assembly concur in the Senate Amendment No. 759 to Assembly Bill No. 363.

Remarks by Assemblywoman Benitez-Thompson.

ASSEMBLYWOMAN BENITEZ-THOMPSON:

The amendment makes a couple technical corrections to the bill to clarify that only in a county with a population of 700,000 or more—currently Clark County—may a county by ordinance provide that the county or city may request that a tow car operator abate a public nuisance by towing an abandoned or junk vehicle.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 486.

The following Senate amendment was read:

Amendment No. 654.

AN ACT relating to telecommunication providers; authorizing certain telecommunication providers to apply to the Public Utilities Commission of Nevada for relief from the obligations and status of a provider of last resort; revising certain provisions relating to the regulation of Internet Protocol-enabled service or Voice over Internet Protocol service; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law requires certain telecommunication providers to provide basic network service and business line service to any person requesting such service. (NRS 704.6878) **Section 2** of this bill authorizes such a provider to apply to the Public Utilities Commission of Nevada to be relieved of its duty to provide such service when certain alternative services are available. **Section 2** additionally sets forth certain requirements for notice, hearings and consumer sessions related to an application. **Section 2** authorizes the



Commission to require a telecommunication provider to provide service to a customer under certain circumstances.

Under existing law, the Commission is prohibited from regulating any broadband service, including imposing any requirements relating to the terms, conditions, rates or availability of broadband service. (NRS 704.684) **Section 3** of this bill, with exceptions, prohibits any state agency or political subdivision of the State from regulating any Internet Protocol-enabled service or Voice over Internet Protocol service. **Section 3** preserves certain authority of the Commission to regulate telecommunication providers under provisions of federal and state law.

**Sections 6, 7 and 18-34** of this bill remove obsolete references to telegraph lines and telegraph equipment.

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

**Section 1.** Chapter 704 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

**Sec. 2. 1.** *A competitive supplier that is a provider of last resort may file an application with the Commission to be relieved, in whole or in part, of its obligations and status as a provider of last resort in an area where alternative voice service is provided by:*

*(a) At least:*

*(1) One provider that utilizes a wireline technology, is not an affiliate of the provider of last resort and is capable of providing alternative voice service to the entire area for which relief is sought; and*

*(2) One provider that utilizes any other technology and is capable of providing alternative voice service to the entire area for which relief is sought;*

*(b) On or after June 1, 2015, two or more providers that utilize a wireless technology and that are capable of providing alternative voice service to the entire area for which relief is sought; or*

*(c) On or after June 1, 2015, three or more providers that utilize any technology and that are capable of providing alternative voice service to the entire area for which relief is sought.*

**2.** *An application filed pursuant to subsection 1 must include:*

*(a) A map of the entire area for which relief is sought that identifies separately each provider of alternative voice service which is intended to satisfy the requirements of subsection 1. The map must be of sufficient detail to identify the exact boundary by street of the entire area for which relief is sought.*

*(b) A draft of the notice which the applicant intends to provide pursuant to subsection 4.*

3. *The Commission shall approve or deny an application filed pursuant to subsection 1 not later than 180 days after the application is filed with the Commission. The Commission shall not approve an application unless the Commission determines that the applicant has satisfied the requirements of this section. The Commission may hold a hearing to determine whether sufficient alternative voice service exists in an area for which relief is sought by an applicant.*

4. *An applicant shall, not later than 30 days after filing an application pursuant to subsection 1, provide written notice:*

(a) *To each current customer of the applicant located within the area for which relief is sought. The notice may be included in a bill from the applicant to the customer or included in a special mailing, other than a promotional mailing, which states that important information is enclosed. If a customer has elected to receive his or her bill in an electronic form, such notice must be provided to the customer electronically in the same manner in which he or she receives a bill from the applicant.*

(b) *To each public safety answering point which is located within the area for which relief is sought.*

5. *The written notice provided to each customer pursuant to paragraph (a) of subsection 4 must include, in clear and comprehensive language that is understandable to an ordinary layperson:*

(a) *A statement that the applicant has applied to the Commission for relief of its obligations as a provider of last resort in the area in which the customer resides.*

(b) *A statement that a consumer session will be conducted by the Commission in accordance with subsection 7 at which the customer may make inquiries or comments concerning the application.*

(c) *A statement that the Commission will issue a public notice identifying the time, date and location of the consumer session.*

(d) *Any additional information required by the Commission.*

6. *A competitive supplier who files an application for relief pursuant to subsection 1 shall conduct at least one meeting concerning the application, which must include the following parties:*

(a) *The Commission;*

(b) *The Consumer's Advocate;*

(c) *Representatives from each public safety answering point that is located within the area for which relief is sought; and*

(d) *Each local law enforcement agency whose jurisdiction includes, in whole or in part, the area for which relief is sought.*

7. *Not later than 120 days after receiving an application filed pursuant to subsection 1, the Commission shall, in collaboration with the applicant, schedule and conduct at least one consumer session in each county in*

*which is located, in whole or in part, any area for which relief is sought under the application. The Commission shall provide notice of the consumer session in accordance with regulations adopted pursuant to NRS 703.320.*

*8. A competitive supplier that is relieved of its obligation and status as a provider of last resort pursuant to this section shall not apply for, and is not entitled to receive, any money from the fund to maintain the availability of telephone service for any area for which relief has been granted pursuant to this section ~~but~~, except for money for the provision of lifeline service, as the term is defined in NRS 707.450.*

*9. If the Commission issues an order approving an application for relief pursuant to this section, the relief granted by such approval does not affect or modify any obligation of an incumbent local exchange carrier pursuant to any applicable federal law or regulation.*

*10. A competitive supplier that is an incumbent local exchange carrier and receives, on or before the effective date of this act, full or partial relief from its obligations as a provider of last resort pursuant to NRS 704.6878 shall be deemed to be fully released from any obligation as a provider of last resort for the area for which relief was granted on or before the effective date of this act.*

*11. Except as otherwise provided in this section, any relief granted pursuant to this section does not impose any obligation upon a provider of alternative voice service in the area for which relief was granted.*

*12. The Commission may declare that an emergency exists in any area in which alternative voice service is not available and where a competitive supplier has been granted relief from its obligations as a provider of last resort pursuant to this section. If the Commission declares an emergency pursuant to this subsection, the Commission may:*

*(a) Take any steps necessary to protect the health, safety and welfare of the affected residents or businesses and may expedite the availability of alternative voice service to the affected residents or businesses.*

*(b) Utilize the fund to maintain the availability of telephone service to ensure that any affected resident or business has access to alternative voice service.*

*(c) Issue an order imposing on a provider of alternative voice service one or more obligations, including, without limitation, the obligation to maintain adequate and reliable service for a specified period, but such obligations may be imposed only to the extent that the provider receives money from the fund to maintain the availability of telephone service relating to the provision of service pursuant to the order issued by the Commission pursuant to this paragraph.*

13. If, as a result of the approval by the Commission of an application filed pursuant to subsection 1, a residential customer does not have access to telephone service, including alternative voice service, the customer may, on or before May 31, 2016, file a request for service with the Commission. Upon receipt of a request, the Commission shall investigate whether such service is available to the customer. If the Commission determines that service is not available, the Commission may order the competitive supplier that received relief pursuant to this section to provide service to the residential customer for a period specified by the Commission. If a competitive supplier is ordered to provide service to a residential customer pursuant to this subsection, the competitive supplier may satisfy its obligation pursuant to this subsection by providing an alternative voice service as provided in NRS 704.68881.

14. Except as otherwise provided in ~~[(this subsection and)]~~ subsections 12 and 13, a provider of alternative voice service that is not a provider of last resort, or a competitive supplier that has been relieved of its obligations as a provider of last resort, is not required to assume the obligations of a provider of last resort. ~~[The Commission may, through the issuance of an order, impose obligations upon a provider of alternative voice service that receives money from the fund to maintain the availability of telephone service relating to the provision of service, including, without limitation, the obligation to maintain adequate and reliable service for a specified period of time.]~~

15. As used in this section:

(a) "Alternative voice service" means a retail voice service made available through any technology or service arrangement other than satellite service that provides:

- (1) Voice-grade access to the public switched telephone network; and
- (2) Access to emergency 911 service.

(b) "Public safety answering point" has the meaning ascribed to it in NRS 707.500.

Sec. 3. 1. Except as otherwise provided in subsection 2, a state agency or political subdivision of the State may not, directly or indirectly, regulate the rates charged for, service or contract terms for, conditions for, or requirements for entry for Internet Protocol-enabled service or Voice over Internet Protocol service.

2. The provisions of subsection 1 must not be construed to:

(a) Affect or limit the enforcement of criminal or civil laws, including, without limitation, laws concerning consumer protection and unfair or deceptive trade practices, that apply generally to the conduct of business;

(b) Affect, mandate or prohibit:

*(1) The assessment of taxes, fees or surcharges which are of general applicability or which are otherwise authorized by statute; or*

*(2) The levy and collection of the assessment required by NRS 704.033 from a provider of voice over Internet Protocol service that has a certificate of public convenience and necessity;*

*(c) Affect or modify:*

*(1) Any right or obligation of any telecommunication provider, or the authority granted to the Commission pursuant to 47 U.S.C. §§ 251 and 252, including, without limitation, any authority granted to the Commission to address or affect the resolution of disputes regarding reciprocal compensation and interconnection;*

*(2) Any obligation relating to the provision of video service by any person pursuant to chapter 711 of NRS;*

*(3) Any applicable wholesale tariff; or*

*(4) Any authority granted to the Commission pursuant to 47 U.S.C. §§ 214(e) and 254(f).*

*3. As used in this section:*

*(a) "Internet Protocol-enabled service" means any service, functionality or application which uses Internet Protocol or a successor protocol that enables an end-user to send or receive voice, data or video communications. The term does not include Voice over Internet Protocol service.*

*(b) "Voice over Internet Protocol service" means any service that:*

*(1) Enables real-time, two-way voice communication originating from or terminating at the user's location in Internet Protocol or a successor protocol;*

*(2) Uses a broadband connection from the user's location; and*

*(3) Permits a user to receive a call that originates on the public switched telephone network and to terminate a call to the public switched telephone network.*

**Sec. 4.** (Deleted by amendment.)

**Sec. 4.5.** NRS 704.006 is hereby amended to read as follows:

704.006 "Basic network service" means the provision of stand-alone telephone service furnished to a residential customer ~~[through the customer's primary residential line as the only service]~~ that:

1. Is not:

(a) Part of a package of services;

(b) Sold in a promotion;

(c) Purchased pursuant to a contract; or

(d) Otherwise offered at a discounted price; and

2. Provides to the customer:

(a) Voice-grade access to the public switched telephone network ; ~~[with a minimum bandwidth of 300 to 3,000 hertz;]~~

(b) ~~[Dual tone multifrequency signaling and single party service;~~

~~—(c)]~~ Access to:

(1) ~~[Operator services;~~

~~—(2)]~~ Telephone relay services;

~~[(3) Local directory assistance;~~

~~—(4)]~~ (2) Interexchange service; and

~~[(5)]~~ (3) Emergency 911 service ; ~~[-~~

~~—(d)]~~ (c) The first single-line directory listing; and

~~[(e)]~~ (d) Universal lifeline service for those eligible for such service.

**Sec. 5.** NRS 704.011 is hereby amended to read as follows:

704.011 1. “Competitive supplier” means a telecommunication provider that is subject to the provisions of NRS 704.68861 to 704.68887, inclusive ~~[-]~~, **and section 2 of this act.**

2. The term does not include a small-scale provider of last resort unless the provider is authorized by the Commission pursuant to NRS 704.68869 to be regulated as a competitive supplier.

**Sec. 6.** NRS 704.280 is hereby amended to read as follows:

704.280 The Commission may:

1. Regulate the manner in which power ~~[-]~~ **and** telephone ~~[and telegraph]~~ lines, pipelines and the tracks of any street, steam or electric railroad or other common carrier cross or connect with any other such lines or common carriers.

2. Prescribe such regulations and safety devices, respectively, as may be necessary for the purpose of securing adequate service and for the protection of the public.

**Sec. 7.** NRS 704.638 is hereby amended to read as follows:

704.638 It is unlawful for any person to post any advertising sign, display or device, including a temporary political sign, on any pole, support or other device of a public utility which is used to support a ~~[-]~~ ~~[telegraph,]~~ telephone or electric transmission line.

**Sec. 8.** NRS 704.6878 is hereby amended to read as follows:

704.6878 ~~[-]~~ The Commission shall adopt regulations that establish ~~[-~~  
~~—(a) The]~~ **the** obligations of incumbent local exchange carriers as providers of last resort giving due consideration to the status of the incumbent local exchange carriers as either competitive suppliers or small-scale providers of last resort.

~~[(b) The terms, conditions and procedures under which:~~

~~—(1) An incumbent local exchange carrier may be excused from the obligations of the provider of last resort; and~~

~~—(2) The Commission may request an incumbent local exchange carrier to reinstate the obligations of the provider of last resort.~~

~~—(c) The manner of giving prior written notice of not less than 180 days before another provider of basic network service or business line service may terminate or discontinue such services and the terms of any bond necessary to protect consumers and ensure continuity of such services.~~

~~—2. The regulations adopted by the Commission may not allow an incumbent local exchange carrier to be excused from the obligations of the provider of last resort in situations where the incumbent local exchange carrier, before May 31, 2007, made an agreement to or was specifically ordered to act as the provider of last resort.]~~

**Sec. 9.** NRS 704.68861 is hereby amended to read as follows:

704.68861 1. Except as otherwise provided in this section, any telecommunication provider operating within this State is a competitive supplier that is subject to the provisions of NRS 704.68861 to 704.68887, inclusive ~~[-], and section 2 of this act.~~

2. A small-scale provider of last resort is not a competitive supplier that is subject to the provisions of NRS 704.68861 to 704.68887, inclusive, **and section 2 of this act**, unless the small-scale provider of last resort is authorized by the Commission pursuant to NRS 704.68869 to be regulated as a competitive supplier.

**Sec. 10.** NRS 704.68863 is hereby amended to read as follows:

704.68863 The provisions of NRS 704.68861 to 704.68887, inclusive, **and section 2 of this act** do not:

1. Apply to the Commission in connection with any actions or decisions required or permitted by the Telecommunications Act of 1996, Public Law 104-104, 110 Stat. 56-161; or

2. Limit or modify:

(a) The duties of a competitive supplier that is an incumbent local exchange carrier regarding the provision of network interconnection, unbundled network elements and resold services under the provisions of the Telecommunications Act of 1996, Public Law 104-104, 110 Stat. 56-161; or

(b) The authority of the Commission to act pursuant to NRS 704.6881 and 704.6882.

**Sec. 11.** NRS 704.68865 is hereby amended to read as follows:

704.68865 The Commission may adopt any regulations that are necessary to carry out the provisions of NRS 704.68861 to 704.68887, inclusive ~~[-], and section 2 of this act.~~

**Sec. 12.** NRS 704.68869 is hereby amended to read as follows:

704.68869 1. A small-scale provider of last resort may apply to the Commission to be regulated as a competitive supplier pursuant to NRS 704.68861 to 704.68887, inclusive ~~[-], and section 2 of this act.~~

2. The Commission may grant the application if it finds that the public interest will be served by allowing the small-scale provider of last resort to be regulated as a competitive supplier.

3. If the Commission denies the application, the small-scale provider of last resort:

(a) May not be regulated as a competitive supplier but remains subject to regulation pursuant to this chapter as a telecommunication provider; and

(b) May not submit another application to be regulated as a competitive supplier sooner than 1 year after the date the most recent application was denied, unless the Commission, upon a showing of good cause or changed circumstances, allows the provider to submit another application sooner.

**Sec. 13.** NRS 704.68871 is hereby amended to read as follows:

704.68871 1. A competitive supplier is not subject to any review of earnings or monitoring of the rate base or any other regulation by the Commission relating to the net income or rate of return of the competitive supplier, and the Commission shall not consider the rate of return, the rate base or any other earnings of the competitive supplier in carrying out the provisions of NRS 704.68861 to 704.68887, inclusive ~~and~~, **and section 2 of this act.**

2. On or before May 15 of each year, a competitive supplier shall file with the Commission an annual statement of income, a balance sheet, a statement of cash flows for the total operations of the competitive supplier and a statement of intrastate service revenues, each prepared in accordance with generally accepted accounting principles.

3. A competitive supplier is not required to submit any other form of financial report or comply with any other accounting requirements, including, without limitation, requirements relating to depreciation and affiliate transactions, imposed upon a public utility by this chapter, chapter 703 of NRS or the regulations of the Commission.

**Sec. 14.** NRS 704.68873 is hereby amended to read as follows:

704.68873 1. Except as otherwise provided in NRS 704.68861 to 704.68887, inclusive, **and section 2 of this act**, a competitive supplier:

(a) Is exempt from the provisions of NRS 704.100 and 704.110 and the regulations of the Commission relating thereto and from any other provision of this chapter governing the rates, pricing, terms and conditions of any telecommunication service; and

(b) May exercise complete flexibility in the rates, pricing, terms and conditions of any telecommunication service.

2. The rates, pricing, terms and conditions of intrastate switched or special access service provided by a competitive supplier that is an incumbent local exchange carrier and the applicability of such access service to intrastate interexchange traffic are subject to regulation by the



Commission, which must be consistent with federal law, unless the Commission deregulates intrastate switched or special access service pursuant to NRS 704.68879.

3. A competitive supplier that is an incumbent local exchange carrier shall use a letter of advice to change any rates, pricing, terms and conditions of intrastate switched or special access service, universal lifeline service or access to emergency 911 service. A letter of advice submitted pursuant to this subsection shall be deemed approved if the Commission does not otherwise act on the letter of advice within 120 days after the date on which the letter is filed with the Commission.

**Sec. 15.** NRS 704.68875 is hereby amended to read as follows:

704.68875 1. A competitive supplier is not required to maintain or file any schedule or tariff with the Commission.

2. ~~Each~~ ***For any area in which a*** competitive supplier ~~that~~ is ~~an incumbent local exchange carrier~~ ***a provider of last resort, the competitive supplier:***

(a) Shall publish the rates, pricing, terms and conditions of basic network service by:

(1) Posting such rates, pricing, terms and conditions electronically on a publicly available Internet website maintained by the competitive supplier;

(2) Maintaining for inspection by the public a copy of such rates, pricing, terms and conditions at the principal office in Nevada of the competitive supplier; or

(3) Delivering to the customer a copy of the rates, pricing, terms and conditions in writing with the first invoice, billing statement or other written summary of charges for the telecommunication service provided by the competitive supplier to the customer; and

(b) May publish the rates, pricing, terms and conditions of other telecommunication service by:

(1) Posting such rates, pricing, terms and conditions electronically on a publicly available Internet website maintained by the competitive supplier;

(2) Maintaining for inspection by the public a copy of such rates, pricing, terms and conditions at the principal office in Nevada of the competitive supplier; or

(3) Delivering to the customer a copy of the rates, pricing, terms and conditions in writing with the first invoice, billing statement or other written summary of charges for the telecommunication service provided by the competitive supplier to the customer.

**Sec. 16.** NRS 704.68877 is hereby amended to read as follows:

704.68877 1. The Commission shall not decrease the rates or pricing of basic network service provided by a competitive supplier, unless the competitive supplier files a general rate application pursuant to paragraph (b)

of subsection 2 and the Commission orders a decrease in the rates or pricing of such service in a general rate case proceeding conducted pursuant thereto.

2. Except as otherwise provided in this section, a competitive supplier that is an incumbent local exchange carrier shall not:

(a) Without the approval of the Commission, discontinue basic network service or change the terms and conditions of basic network service as set forth in the tariffs of the competitive supplier that were in effect on January 1, 2007.

(b) Before January 1, 2012, increase the rates or pricing of basic network service as set forth in the tariffs of the competitive supplier that were in effect on January 1, 2007, except that notwithstanding any other provision of this chapter:

(1) On or after January 1, 2011, and before January 1, 2012, the competitive supplier may, without the approval of the Commission, increase the rates or pricing of basic network service provided by the competitive supplier but the total of all increases during that period may not result in rates or pricing of basic network service that is more than \$1 above the rates or pricing set forth in the tariffs of the competitive supplier that were in effect on January 1, 2007; and

(2) The Commission may allow the competitive supplier to increase the rates or pricing of basic network service above the amounts authorized by this subsection only if the competitive supplier files a general rate application and proves in a general rate case proceeding conducted pursuant to NRS 704.110 and 704.120 that the increase is absolutely necessary to avoid rates or prices that are confiscatory under the Constitution of the United States or the Constitution of this State. In such a general rate case proceeding, the Commission:

(I) May allow an increase in the rates or pricing of basic network service provided by the competitive supplier only in an amount that the competitive supplier proves in the general rate case proceeding is absolutely necessary to avoid an unconstitutional result and shall not authorize in the general rate case proceeding any rate, price or other relief for the competitive supplier that is not proven by the competitive supplier to be absolutely necessary to avoid an unconstitutional result; and

(II) May order a decrease in the rates or pricing of basic network service provided by the competitive supplier if the Commission determines in the general rate case proceeding that the decrease is necessary to provide customers with just and reasonable rates.

3. On or after January 1, 2012:

(a) A competitive supplier that is an incumbent local exchange carrier may exercise flexibility in the rates, pricing, terms and conditions of basic

network service in the same manner permitted for other telecommunication service pursuant to NRS 704.68873; and

(b) The Commission shall not:

(1) Regulate the rates, pricing, terms and conditions of basic network service provided by such a competitive supplier; or

(2) Require such a competitive supplier to maintain any schedule or tariff for basic network service.

4. ~~[A] For any area in which a competitive supplier is a provider of last resort, the~~ competitive supplier ~~[that is an incumbent local exchange carrier]~~ must provide reasonably detailed information concerning the rates, pricing, terms and conditions of basic network service in the manner required by NRS 704.68875.

**Sec. 17.** NRS 704.68881 is hereby amended to read as follows:

704.68881 1. ~~[A] For any area in which a competitive supplier is a provider of last resort, the~~ competitive supplier ~~[that is a provider of last resort may use an alternative technology to satisfy the]~~ **may satisfy its obligation [to provide basic network service or business line service in a service territory.] as a provider of last resort through an alternative voice service.**

2. ~~[Except as otherwise provided in this section, the]~~ **The** Commission may not exercise jurisdiction over an alternative ~~[technology]~~ **voice service** used by a competitive supplier ~~[that is a provider of last resort]~~ **or its affiliate** to satisfy the ~~[obligation to provide basic network service or business line service in a service territory.]~~ **competitive supplier's obligation as a provider of last resort**, including, without limitation, determining the rates, pricing, terms, conditions or availability of an alternative ~~[technology.]~~ **voice service.**

3. ~~[If a competitive supplier that is a provider of last resort uses an alternative technology to satisfy the obligation to provide basic network service or business line service in a service territory, the Commission may investigate whether basic network service or business line service provided through the alternative technology by the competitive supplier is functionally comparable with circuit-switched wireline telephony.~~

~~—4. If, after notice and hearing, the Commission finds any material deficiency in the competitive supplier's use of the alternative technology to satisfy the obligation to provide basic network service or business line service, the Commission may order the competitive supplier to implement corrective action, within a technically reasonable period, to cure the material deficiency in the use of the alternative technology.~~

~~—5. As used in this section, "alternative technology" means any technology, facility or equipment, other than circuit switched wireline telephony, that has the capability to provide customers with service functionally comparable to basic network service or business line service.~~

~~The term includes, without limitation, wireless or Internet technology, facilities or equipment.]~~ *The use of an alternative voice service provided by a competitive supplier or an affiliate of the competitive supplier to satisfy the competitive supplier's obligation as a provider of last resort does not affect any obligation of the competitive supplier:*

(a) *As an incumbent local exchange carrier pursuant to federal law.*

(b) *Pursuant to NRS 704.033.*

4. *As used in this section, "alternative voice service" means a retail voice service made available through any technology or service arrangement that provides:*

(a) *Voice-grade access to the public switched telephone network; and*

(b) *Access to emergency 911 service.*

**Sec. 18.** NRS 707.230 is hereby amended to read as follows:

707.230 Any person or persons, company, association or corporation, desiring to do so, may construct and maintain, or, if already constructed, may maintain, or, if partially constructed, may complete and maintain, within this state, a ~~telegraph~~ **telephone** line or lines by complying with NRS 707.240.

**Sec. 19.** NRS 707.250 is hereby amended to read as follows:

707.250 The person or persons, company, association or corporation named in the certificate (provided for in NRS 707.240), and their assigns ~~1. May~~ **may** construct, or if constructed, maintain, or if partially constructed, complete and maintain, their **telephone** line ~~of telegraph,~~ described in their certificate, filed as provided in NRS 707.240, over and through any public or private lands, and along or across any streets, alleys, roads, highways or streams within this state, provided they do not obstruct the same. ~~1;~~

~~2. May operate the telegraph line between the termini of the same, and have and maintain offices and stations at any city, town, place or point along the line; and~~

~~3. Shall be entitled to demand, receive and collect for dispatches and messages transmitted over such line such sum or sums as such person or persons or the officers of the company, association or corporation (as the case may be) may deem proper.]~~

**Sec. 19.5.** NRS 707.280 is hereby amended to read as follows:

707.280 1. Any person or the person's assigns, who are constructing, or who have already constructed, or who may propose to construct, a **telephone** line ~~of telegraph,~~ as provided in NRS 707.230 to ~~707.290,~~ **707.280**, inclusive, ~~has~~ **have** the right-of-way for the line and so much land as may be necessary to construct and maintain the line, and for this purpose may enter upon private lands along the line described in the certificate for the purpose of examining and surveying them.

2. Where the lands cannot be obtained by the consent of the owner or possessor thereof, so much of the land as may be necessary for the construction of the line may be appropriated by the person or the person's assigns (as the case may be), after making compensation therefor, as follows. The person or the person's agent shall select one appraiser, and the owner or possessor shall select one, and the two so selected shall select a third. The three shall appraise the lands sought to be appropriated, after having been first sworn, before a person authorized by law to administer oaths, to make a true appraisalment thereof, according to the best of their knowledge and belief.

3. If the person or the person's agent tenders to the owner or possessor the appraised value of the lands, appraised as provided in subsection 2, the person or agent may proceed in the construction, or, if constructed, in the use of the line over the land so appraised, and may maintain the line over and upon the land, and at all times enter upon the land and pass over all adjoining lands for the purpose of constructing, maintaining and repairing the ~~telegraph~~ **telephone** line, notwithstanding the tender may be refused. The tender must always be kept good by the person or the person's agent.

4. An appeal may be taken by either party, from the finding of the appraisers, to the district court of the county within which the land so appraised is situated at any time within 3 months after the appraisalment.

**Sec. 20.** NRS 707.300 is hereby amended to read as follows:

707.300 All persons or corporations owning and operating telephone lines in this state are entitled to all the rights and privileges and are subject to all the restrictions and responsibilities provided in NRS 707.230 to ~~707.290, inclusive, so far as those rights, privileges, restrictions and responsibilities are applicable to telephone companies.] 707.280, inclusive.~~

**Sec. 21.** NRS 707.910 is hereby amended to read as follows:

707.910 Any person who:

1. By the attachment of a ground wire, or by any other contrivance, willfully destroys the insulation of a ~~telegraph or~~ telephone line, or interrupts the transmission of the electric current through the line;

2. Willfully interferes with the use of any ~~telegraph or~~ telephone line, or obstructs or postpones the transmission of any message over the line; or

3. Procures or advises any such injury, interference or obstruction,  
 ➤ is guilty of a public offense, as prescribed in NRS 193.155, proportionate to the value of any property damaged, altered, removed or destroyed and in no event less than a misdemeanor.

**Sec. 22.** NRS 709.050 is hereby amended to read as follows:

709.050 1. The board of county commissioners may grant to any person, company, corporation or association the franchise, right and privilege to construct, install, operate and maintain street railways, electric light, heat

and power lines, gas and water mains, telephone ~~and telegraph~~ lines, and all necessary or proper appliances used in connection therewith or appurtenant thereto, in the streets, alleys, avenues and other places in any unincorporated town in the county, and along the public roads and highways of the county, when the applicant complies with the terms and provisions of NRS 709.050 to 709.170, inclusive.

2. The board of county commissioners shall not:

(a) Impose any terms or conditions on a franchise granted pursuant to subsection 1 for the provision of telecommunication service or interactive computer service other than terms or conditions concerning the placement and location of the telephone ~~for telegraph~~ lines and fees imposed for a business license or the franchise, right or privilege to construct, install or operate such lines.

(b) Require a company that provides telecommunication service or interactive computer service to obtain a franchise if it provides telecommunication service over the telephone ~~for telegraph~~ lines owned by another company.

3. As used in NRS 709.050 to 709.170, inclusive:

(a) “Interactive computer service” has the meaning ascribed to it in 47 U.S.C. § 230(f)(2), as that section existed on January 1, 2007.

(b) “Street railway” means:

(1) A system of public transportation operating over fixed rails on the surface of the ground; or

(2) An overhead or underground system, other than a monorail, used for public transportation.

↪ The term does not include a super speed ground transportation system as defined in NRS 705.4292.

(c) “Telecommunication service” has the meaning ascribed to it in NRS 704.028.

4. As used in this section, “monorail” has the meaning ascribed to it in NRS 705.650.

**Sec. 23.** NRS 709.060 is hereby amended to read as follows:

709.060 Any person, company, corporation or association desiring a franchise, right or privilege for any purpose specified in NRS 709.050 must file with the board of county commissioners of the county wherein the franchise, right or privilege is to be exercised an application in writing, which contains:

1. The name of the applicant and the time for which the franchise, right or privilege is desired, not exceeding 25 years.

2. The places where the franchise, right or privilege is to be exercised and, if in any unincorporated town, the streets, avenues, alleys and other

places through, over, under or along which the franchise, right or privilege is sought.

3. If the application is for a street railway, it must designate the route of the proposed line in the county, and specify the width of ground desired to be included in its right-of-way.

4. A map or plat correctly showing and delineating, so far as practicable, the proposed route or right-of-way of any street railway, light, heat, ~~for~~ power ~~[telegraph]~~ or telephone lines, and the places where gas or water mains are to be laid or installed.

**Sec. 24.** NRS 709.100 is hereby amended to read as follows:

709.100 The board of the county commissioners, at the time of granting any such authority, franchise and right-of-way, shall require the applicant to enter into an undertaking to the county in a sum to be determined by the board of county commissioners, with surety or sureties approved by the board, conditioned that the applicant shall commence active construction of such telephone, ~~[telegraph]~~ light, heat or power lines, the laying of gas or water mains, or such streetcar system, for which such franchise, right or privilege is granted, within 60 days from the date of the granting of the franchise, right or privilege, and prosecute the construction thereof to completion with due diligence; and, failing to comply with the conditions of such undertaking, shall pay into the treasury of the county to which such undertaking is given the sum of money mentioned therein and forfeit all rights to such franchise, right or privilege.

**Sec. 25.** NRS 709.130 is hereby amended to read as follows:

709.130 1. Every person, company, corporation or association receiving a franchise pursuant to the provisions of NRS 709.050 to 709.170, inclusive, shall:

(a) Provide a plant with all necessary appurtenances of approved construction for the full performance of the franchise duties, rights and obligations, and for the needs, comfort and convenience of the inhabitants of the various unincorporated towns and cities, county or place to which the franchise relates.

(b) Keep the plants and appurtenances, including all tracks, cars, poles, wires, pipes, mains and other attachments, in good repair, so as not to interfere with the passage of persons or vehicles, or the safety of persons or property.

2. Except as otherwise provided in this subsection, the board of county commissioners may when granting such franchise, fix and direct the location of all tracks, poles, wires, mains, pipes and other appurtenances upon the public streets, alleys, avenues and highways as best to serve the convenience of the public. The board may change the location of any appurtenances and permit, upon proper showing, all necessary extensions thereof when the

interest or convenience of the public requires. The board shall not require a company that provides telecommunication service or interactive computer service to place its facilities in ducts or conduits or on poles owned or leased by the county.

3. All poles, except poles from which trolley wires are suspended for streetcar lines, from which wires are suspended for electric railroads, power, light or heating purposes within the boundaries of unincorporated towns and over public highways must not be less than 30 feet in height, and the wires strung thereon must not be less than 25 feet above the ground.

4. Every person, company, association or corporation operating a telephone, ~~telegraph or~~ electric light, heat or power line, or any electric railway line, shall, with due diligence, provide itself, at its own expense, a competent electrician to cut, repair and replace wires in all cases where cutting or repairing or replacing is made necessary by the removal of buildings or other property through the public streets or highways.

5. No person, company, corporation or association may receive an exclusive franchise nor may any board of county commissioners grant a franchise in such manner or under such terms or conditions as to hinder or obstruct the granting of franchises to other grantees, or in such manner as to obstruct or impede reasonable competition in any business or public service to which NRS 709.050 to 709.170, inclusive, apply.

**Sec. 26.** NRS 709.150 is hereby amended to read as follows:

709.150 1. All persons, companies, associations or corporations in the business of conducting street railways, telephone, ~~telegraph,~~ electric light and power lines, gas or water mains in any of the cities, towns or places mentioned in NRS 709.050 to 709.170, inclusive, under the provisions of any other law providing for the granting of such franchises, and who or which has not fully complied with the provisions of the law under which the franchise was obtained, may, nevertheless, have and enjoy all the privileges and benefits of NRS 709.050 to 709.170, inclusive, if such person, company, association or corporation shall, within 6 months after March 23, 1909, file in the Office of the Secretary of State, and in the office of the county recorder of the county in which such person, company, corporation or association maintains its principal office or place of business, a duly executed and acknowledged acceptance of the terms, conditions and provisions of NRS 709.050 to 709.170, inclusive, which acceptance, in case of a corporation, shall be evidenced by a duly attested or certified copy of a resolution of its board of directors.

2. Nothing contained in this section shall be construed to relieve any such person, company, association or corporation of any duty or obligation provided in any law or contained in any franchise under which any person, company, association or corporation is operating on March 23, 1909.



**Sec. 27.** NRS 710.035 is hereby amended to read as follows:

710.035 Notwithstanding the provisions of NRS 710.030, the board of county commissioners of any county controlling and managing a telephone system, for the extension, betterment, alteration, reconstruction or other major improvement, or any combination thereof, of the system, including without limitation the purchase, construction, condemnation and other acquisition of plants, stations, other buildings, structures, ~~telegraphic equipment,~~ other equipment, furnishings, transmission and distribution lines, other facilities, lands in fee simple, easements, rights-of-way, other interests in land, other real and personal property, and appurtenances, may, at any time or from time to time, in the name and on the behalf of the county, issue:

1. General obligation bonds, payable from taxes;
2. General obligation bonds, payable from taxes, which payment is additionally secured by a pledge of the net revenues derived from the operation of the system; and
3. Revenue bonds constituting special obligations and payable from such net revenues.

**Sec. 28.** NRS 710.310 is hereby amended to read as follows:

710.310 Subject to the provisions of NRS 710.310 to 710.390, inclusive, the governing body of the county or city, for the lease, purchase, construction, other acquisition, extension, betterment, alteration, reconstruction or other major improvement, financial assistance for operation, or any combination thereof, of a railroad system, including without limitation the lease, purchase, construction, condemnation and other acquisition of plants, stations, other buildings, structures, engines, cars, tracks, ~~telegraphic equipment,~~ signal equipment, traffic control equipment, maintenance equipment, other equipment, furnishings, electric transmission lines, other facilities, lands in fee simple, easements, rights-of-way, other interests in land, other real and personal property and appurtenances, may at any time, in the name and on the behalf of the county or the city, issue:

1. In the manner provided in NRS 350.011 to 350.070, inclusive:
  - (a) General obligation bonds, payable from taxes; and
  - (b) General obligation bonds, payable from taxes, which payment is additionally secured by a pledge of the net revenues derived from the operation of the system.
2. Revenue bonds constituting special obligations and payable from net revenues, without the necessity of the revenue bonds being authorized at any election.

**Sec. 29.** NRS 37.010 is hereby amended to read as follows:

37.010 1. Subject to the provisions of this chapter and the limitations in subsections 2 and 3, the right of eminent domain may be exercised in behalf of the following public uses:

(a) Federal activities. All public purposes authorized by the Government of the United States.

(b) State activities. Public buildings and grounds for the use of the State, the Nevada System of Higher Education and all other public purposes authorized by the Legislature.

(c) County, city, town and school district activities. Public buildings and grounds for the use of any county, incorporated city or town, or school district, reservoirs, water rights, canals, aqueducts, flumes, ditches or pipes for conducting water for the use of the inhabitants of any county, incorporated city or town, for draining any county, incorporated city or town, for raising the banks of streams, removing obstructions therefrom, and widening, deepening or straightening their channels, for roads, streets and alleys, and all other public purposes for the benefit of any county, incorporated city or town, or the inhabitants thereof.

(d) Bridges, toll roads, railroads, street railways and similar uses. Wharves, docks, piers, chutes, booms, ferries, bridges, toll roads, byroads, plank and turnpike roads, roads for transportation by traction engines or locomotives, roads for logging or lumbering purposes, and railroads and street railways for public transportation.

(e) Ditches, canals, aqueducts for smelting, domestic uses, irrigation and reclamation. Reservoirs, dams, water gates, canals, ditches, flumes, tunnels, aqueducts and pipes for supplying persons, mines, mills, smelters or other works for the reduction of ores, with water for domestic and other uses, for irrigating purposes, for draining and reclaiming lands, or for floating logs and lumber on streams not navigable.

(f) Byroads. Byroads leading from highways to residences and farms.

(g) Public utilities. Lines for ~~telegraph,~~ telephone, electric light and electric power and sites for plants for electric light and power.

(h) Sewerage. Sewerage of any city, town, settlement of not less than 10 families or any public building belonging to the State or college or university.

(i) Water for generation and transmission of electricity. Canals, reservoirs, dams, ditches, flumes, aqueducts and pipes for supplying and storing water for the operation of machinery to generate and transmit electricity for power, light or heat.

(j) Cemeteries, public parks. Cemeteries or public parks.

(k) Pipelines for petroleum products, natural gas. Pipelines for the transportation of crude petroleum, petroleum products or natural gas, whether interstate or intrastate.

(l) Aviation. Airports, facilities for air navigation and aerial rights-of-way.

(m) Monorails. Monorails and any other overhead or underground system used for public transportation.

(n) Video service providers. Video service providers that are authorized pursuant to chapter 711 of NRS to operate a video service network. The exercise of the power of eminent domain may include the right to use the wires, conduits, cables or poles of any public utility if:

(1) It creates no substantial detriment to the service provided by the utility;

(2) It causes no irreparable injury to the utility; and

(3) The Public Utilities Commission of Nevada, after giving notice and affording a hearing to all persons affected by the proposed use of the wires, conduits, cables or poles, has found that it is in the public interest.

(o) Redevelopment. The acquisition of property pursuant to NRS 279.382 to 279.685, inclusive.

2. Notwithstanding any other provision of law and except as otherwise provided in this subsection, the public uses for which private property may be taken by the exercise of eminent domain do not include the direct or indirect transfer of any interest in the property to another private person or entity. Property taken by the exercise of eminent domain may be transferred to another private person or entity in the following circumstances:

(a) The entity that took the property transfers the property to a private person or entity and the private person or entity uses the property primarily to benefit a public service, including, without limitation, a utility, railroad, public transportation project, pipeline, road, bridge, airport or facility that is owned by a governmental entity.

(b) The entity that took the property leases the property to a private person or entity that occupies an incidental part of an airport or a facility that is owned by a governmental entity and, before leasing the property:

(1) Uses its best efforts to notify the person from whom the property was taken that the property will be leased to a private person or entity that will occupy an incidental part of an airport or facility that is owned by a governmental entity; and

(2) Provides the person from whom the property was taken with an opportunity to bid or propose on any such lease.

(c) The entity that took the property:

(1) Took the property in order to acquire property that was abandoned by the owner, abate an immediate threat to the safety of the public or remediate hazardous waste; and

(2) Grants a right of first refusal to the person from whom the property was taken that allows that person to reacquire the property on the same terms and conditions that are offered to the other private person or entity.

(d) The entity that took the property exchanges it for other property acquired or being acquired by eminent domain or under the threat of eminent

domain for roadway or highway purposes, to relocate public or private structures or to avoid payment of excessive compensation or damages.

(e) The person from whom the property is taken consents to the taking.

3. The entity that is taking property by the exercise of eminent domain has the burden of proving that the taking is for a public use.

4. For the purposes of this section, an airport authority or any public airport is not a private person or entity.

**Sec. 30.** NRS 179.425 is hereby amended to read as follows:

179.425 “Electronic, mechanical or other device” means any device or apparatus which can be used to intercept a wire or oral communication other than:

1. Any telephone ~~for telegraph~~ instrument, equipment or facility, or any component thereof:

(a) Furnished to the subscriber or user by a communications common carrier in the ordinary course of its business and being used by the subscriber or user in the ordinary course of its business; or

(b) Being used by a communications common carrier in the ordinary course of its business, or by an investigative or law enforcement officer in the ordinary course of his or her duties.

2. A hearing aid or similar device being used to correct subnormal hearing to not better than normal.

**Sec. 31.** NRS 202.582 is hereby amended to read as follows:

202.582 1. A person who willfully and maliciously removes, damages or destroys any utility property, agricultural infrastructure or other agricultural property, lights maintained by the State or a local government, construction site or existing structure to obtain scrap metal shall be punished pursuant to the provisions of this section.

2. Except as otherwise provided in subsection 3, if the value of the property removed, damaged or destroyed as described in subsection 1 is:

(a) Less than \$500, a person who violates the provisions of subsection 1 is guilty of a misdemeanor.

(b) Five hundred dollars or more, a person who violates the provisions of subsection 1 is guilty of a category D felony and shall be punished as provided in NRS 193.130.

3. If the removal, damage or destruction described in subsection 1 causes an interruption in the service provided by any utility property, a person who violates the provisions of subsection 1 is guilty of a category C felony and shall be punished as provided in NRS 193.130.

4. In addition to any other penalty, the court may order a person who violates the provisions of subsection 1 to pay restitution.

5. In determining the value of the property removed, damaged or destroyed as described in subsection 1, the cost of replacing or repairing the

property or repairing the utility property, agricultural infrastructure, agricultural property, lights, construction site or existing structure, if necessary, must be added to the value of the property.

6. As used in this section:

(a) "Scrap metal" has the meaning ascribed to it in NRS 647.017.

(b) "Utility property" means any facility, equipment or other property owned, maintained or used by a company or a city, county or other political subdivision of this State to furnish cable television or other video service, broadband service, telecommunication service, telephone service, ~~telegraph service,~~ natural gas service, water service or electric service, regardless of whether the facility, property or equipment is currently used to furnish such service.

**Sec. 32.** NRS 408.407 is hereby amended to read as follows:

408.407 1. For the purposes of this section:

(a) "Cost of relocation" means the entire amount paid by a utility properly attributable to the relocation of its facilities, including removal, reconstruction and replacement after deducting therefrom any increase in value of the new facility and any salvage value derived from the old facility, and includes the costs of all rights and interests necessary in land and the costs of any other rights required to accomplish such relocation.

(b) "Utility" means any privately, publicly or cooperatively owned systems for supplying ~~telegraph,~~ telephone, electric power and light, gas, water, sewer and like service to the public or a segment of the public.

2. Whenever the Director, after consulting with the utility concerned, determines that any utility facility which now is, or hereafter may be, located in, over, along or under any highway in the federal-aid primary or secondary systems or in the interstate system, including extensions thereof within urban areas, as such systems are defined in the Federal-Aid Highway Acts and are accepted by and assented to by the State of Nevada, should be relocated, the utility owning or operating such utility facility shall relocate the same in accordance with the order of the Director. The cost of any such relocation shall be ascertained and paid by the State as part of the cost of such federally aided project, provided the proportionate part of such cost is reimbursable from federal funds under a Federal-Aid Highway Act or any other Act of Congress under which the State is entitled to reimbursement for all or part of such cost.

3. This section does not apply where a payment of relocation or removal costs by the State would be inconsistent with the terms of a permit issued by the Director pursuant to NRS 408.423.

**Sec. 33.** NRS 496.020 is hereby amended to read as follows:

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

1. “Air navigation facility” means any facility, other than one owned and operated by the United States, used in, available for use in, or designed for use in, aid of air navigation, including any structures, mechanisms, lights, beacons, markers, communicating systems, or other instrumentalities, or devices used or useful as an aid, or constituting an advantage or convenience, to the safe taking off, navigation, and landing of aircraft, or the safe and efficient operation or maintenance of an airport, and any combination of any or all of such facilities.

2. “Airport” means any area of land or water which is used for the landing and takeoff of aircraft, and any appurtenant areas which are used for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon.

3. “Airport hazard” means any structure, object of natural growth, or use of land which obstructs the airspace required for the flight of aircraft in landing or taking off at an airport or is otherwise hazardous to such landing or taking off of aircraft.

4. “Municipal” means pertaining to a municipality as defined in this section.

5. “Municipality” means any county, city or town of this state.

6. “Person” includes a government, a governmental agency and a political subdivision of a government.

7. “Public utility” means a person who operates any airline, broadcasting, electric, gas, pipeline, radio, railroad, rural electric, sanitary sewer, slurry, telephone ~~[, telegraph]~~ or water business in this state and who conducts such a business for a public use.

**Sec. 34.** NRS 497.020 is hereby amended to read as follows:

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

1. “Airport” means any area of land or water designed and set aside for the landing and taking off of aircraft and utilized in the interest of the public for such purposes.

2. “Airport hazard” means any structure or tree or use of land which obstructs the airspace required for the flight of aircraft in landing or taking off at any airport, or is otherwise hazardous to the landing or taking off of aircraft.

3. “Airport hazard area” means any area of land or water upon which an airport hazard might be established if not prevented as provided in this chapter.

4. “Person” includes a government, a governmental agency and a political subdivision of a government.

5. “Political subdivision” means any county, incorporated city, unincorporated town or airport authority created by special legislative act as a quasi-municipal corporation.

6. "Public utility" means a person who operates any airline, broadcasting, electric, gas, pipeline, radio, railroad, rural electric, sanitary sewer, slurry, telephone ~~[-telegraph]~~ or water business in this State and who conducts such a business for a public use.

7. "Structure" means any object constructed or installed by a person, including, but without limitation, buildings, towers, smokestacks and overhead wires and other lines.

8. "Tree" means any object of natural growth.

**Sec. 35.** NRS 707.270 and 707.290 are hereby repealed.

**Sec. 36.** The amendatory provisions of this act must not be construed to impair the vested franchise of any telephone company based upon state law in existence before the effective date of this act.

**Sec. 36.5.** This act becomes effective upon passage and approval.

#### TEXT OF REPEALED SECTIONS

**707.270 Lines governed by general laws; transmission of certain messages in order; penalty and civil liability; State may send messages free of charge.**

1. Such line or lines of telegraph as may avail themselves of the provisions of NRS 707.230 to 707.290, inclusive, shall also be governed, in all respects, by the general laws of the State regulating telegraph lines, and shall do the business of side lines, and transmit all dispatches in the order in which they are received, under the penalty of \$100. All damages sustained thereby shall be recovered, with costs of suit, by the person or persons whose dispatch is postponed out of its order; provided:

(a) That arrangements may be made with publishers of newspapers for the transmission of intelligence of general and public interest out of its order; and

(b) That preference may be given to official dispatches for the detection and capture of criminals.

2. Messages on public business may be sent by the State of Nevada over such lines free of charge.

**707.290 Forfeiture of rights, privileges and franchise for failure to maintain line; quo warranto.** The owner or owners of any line or lines constructed and maintained pursuant to the provisions of NRS 707.230 to 707.290, inclusive, shall at all times keep the same in as good condition and repair as may be practicable. If such owner or owners shall fail to keep the same in such condition and repair, such failure shall work a forfeiture of all rights, privileges and franchise belonging to such owner or owners, or any person having any interest therein. Such franchise may be also declared forfeited on information in the nature of a quo warranto, in the manner provided by law.

Assemblyman Bobzien moved that the Assembly concur in the Senate Amendment No. 654 to Assembly Bill No. 486.

Remarks by Assemblyman Bobzien.

ASSEMBLYMAN BOBZIEN:

The amendment provides that the PUC made it clear that an emergency exists in any area where alternative voice service is not available and where a competitive supplier has been granted relief from its obligations as a provider of last resort. If the PUC declares an emergency, it may impose obligations on any provider of alternative voice service only to the extent that it receives money from the fund to maintain availability of adequate and reliable telephone service for a specified period of time.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 246.

The following Senate amendment was read:

Amendment No. 890.

AN ACT relating to animals; prohibiting the sale or transfer of ownership of a live animal at a swap meet under certain circumstances; providing exceptions; providing a penalty; and providing other matters properly relating thereto.

#### **Legislative Counsel's Digest:**

Existing law sets forth various requirements for operators, retailers and dealers of dogs and cats concerning the care of those dogs and cats, including, without limitation, requirements for buildings, enclosures, outdoor facilities, floor space, food and water, sanitation and examinations by veterinarians. (NRS 574.360-574.510) This bill ~~prohibits~~ **provides that** a person ~~from selling, attempting~~ **who sells, attempts** to sell, ~~offering~~ **offers** for adoption or ~~transferring~~ **transfers** ownership of a live animal at a swap meet ~~unless~~ **is guilty of a misdemeanor. This bill provides an exception for selling, attempting to sell, offering for adoption or transferring ownership if:** (1) the swap meet is conducted in a county or incorporated city in this State which has adopted an ordinance authorizing the sale of a live animal at a swap meet; (2) the person sells, attempts to sell, offers for adoption or transfers ownership of the animal in accordance with the ordinance; and (3) the ordinance adopted by the county or incorporated city is substantially similar to those provisions of existing law, but is applicable to all animals for sale and all persons who sell, attempt to sell, or offer for adoption or transfer ownership of an animal at a swap meet. This bill does not apply to **:(1) the transfer or sale of livestock ; (2) any event where the primary purpose is to sell or auction livestock or agricultural implements; for to; (3)** the adoption of a cat or dog at an event held outdoors by an animal shelter or rescue organization that is recognized as exempt under section 501(c)(3) of the Internal Revenue Code ~~or~~ **;** **or (4) a person**



**who offers an animal for adoption or otherwise transfers ownership of an animal free of charge at a swap meet if the animal has been appropriately vaccinated.**

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

**Section 1.** Chapter 574 of NRS is hereby amended by adding thereto a new section to read as follows:

**1. *Except as otherwise provided in ~~subsection 2,1~~ subsections 2 and 3, a person who sells or attempts to sell, offers for adoption or transfers ownership of a live animal at a swap meet is guilty of a misdemeanor.***

**2. *A person may sell, attempt to sell, offer for adoption or transfer ownership of a live animal at a swap meet if:***

**(a) *The swap meet is conducted in a county or incorporated city in this State that has adopted an ordinance authorizing the sale of live animals at a swap meet;***

**(b) *The person sells, attempts to sell, offers for adoption or transfers ownership of the animal in accordance with the ordinance; and***

**(c) *The ordinance, at a minimum:***

**(1) *Includes provisions which are substantially similar to the provisions of NRS 574.360 to 574.510, inclusive, and are applicable to all animals offered for sale and all persons who sell, attempt to sell, offer for adoption or transfer ownership of an animal at the swap meet; and***

**(2) *Does not authorize a person to commit an act of cruelty to an animal in violation of NRS 574.050 to 574.200, inclusive.***

**3. *The provisions of this section do not:***

**(a) *Apply to any sale or transfer of ownership of any livestock.***

**(b) *Apply to any event where the primary purpose is to sell or auction livestock or agricultural implements.***

**(c) *Apply to any adoption of a dog or cat at an event held outdoors by an animal shelter or rescue organization that is recognized as exempt under section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. § 501(c)(3).***

**~~(e)~~ (d) *Apply to a person who offers for adoption or transfer ownership of a live animal at a swap meet if:***

**(1) *A fee is not charged or collected for the adoption or transfer of ownership or otherwise in connection with the transaction; and***

**(2) *The animal has had all the required vaccinations which are appropriate based upon the age of the animal.***

**(e) *Exempt a person from complying with:***

**(1) *Any requirement to obtain a license or other authorization to engage in a business in a county or incorporated city in this State; or***

(2) *Any other requirement of the county or incorporated city to engage in business or to sell, attempt to sell, offer for adoption or transfer ownership of a live animal at a swap meet.*

4. *As used in this section:*

(a) *“Livestock” has the meaning ascribed to it in NRS 569.0085.*

(b) *“Sell” means to barter, exchange, sell, trade, offer for sale, expose for sale, have in possession for sale, arrange the sale of or solicit for sale.*

(c) *“Swap meet” means a flea market, open-air market or other organized event at which two or more persons offer merchandise for sale or exchange.*

Assemblyman Daly moved that the Assembly concur in the Senate Amendment No. 890 to Assembly Bill No. 246.

Remarks by Assemblyman Daly.

ASSEMBLYMAN DALY:

The amendment clarifies that the prohibition from selling, offering for adoption, or transferring ownership of a live animal at a swap meet does not apply to any event where the primary purpose is to sell or auction livestock or agricultural implements in the adoption or transfer of a live animal if no fee is collected for the adoption or transfer and the animal has been appropriately vaccinated.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 264.

The following Senate amendment was read:

Amendment No. 707.

SUMMARY—~~[Increases the penalty for certain crimes]~~ **Revises provisions** relating to estrays and feral livestock. (BDR 50-531)

AN ACT relating to livestock; **revising provisions relating to the management, control, placement and disposition of estrays and feral livestock**; increasing the penalty for certain crimes relating to estrays and feral livestock; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

**Under existing law, all estrays and feral livestock are deemed to be the property of the State Department of Agriculture and the Department has all rights accruing under state law to owners of such animals, including providing for the control, placement or disposition of those animals. (NRS 569.010) Section 3 of this bill clarifies that the Department is also authorized to provide for the management of estrays and feral livestock.**

**Existing law authorizes the Department to enter into a cooperative agreement for the control, placement or disposition of livestock.**

**(NRS 569.031) Sections 1, 2 and 4-7 of this bill clarify that the Department is authorized to enter into a cooperative agreement pursuant to NRS 569.031 for the management, control, placement and disposition of estrays and feral livestock. Section 4 also requires any person or entity that enters into a cooperative agreement with the Department to hold the State of Nevada harmless from any claim or liability arising from an act or omission of the person or entity in carrying out the agreement.**

Existing law makes it unlawful for a person, other than an authorized agent of the ~~(State) Department of Agriculture,~~ to take up and retain possession of or feed any stray or feral livestock. Under existing law, a person is not cited or charged criminally for the first violation of the prohibition against feeding an stray or feral livestock, but instead receives a warning. (NRS 569.040) **Section ~~1~~ of this bill, 5 also** makes a second or subsequent violation of such an offense a gross misdemeanor.

Under existing law, a person who takes up or retains possession of any stray or feral livestock which is not his or her property and without the owner's consent is guilty of a misdemeanor. (NRS 569.130) **Section ~~2~~ 8** of this bill increases the penalty for that violation from a misdemeanor to a gross misdemeanor.

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

**Section 1. NRS 561.218 is hereby amended to read as follows:**

561.218 1. The Director shall appoint a person to manage the activities of the Department relating to natural resources, land use planning and the management and control of wild horses, estrays and feral livestock. The person must be appointed on the basis of merit and is in the unclassified service of the State. The Director may remove the person from office with the approval of the Board.

2. The person appointed shall:

(a) Establish and carry out a policy for the management and control of estrays and the preservation and allocation of natural resources necessary to advance and protect the livestock and agricultural industries in this State.

(b) Develop cooperative agreements and working relationships with federal and state agencies and local governments for land use planning and the preservation and allocation of natural resources necessary to advance and protect the livestock and agricultural industries in this State.

(c) Cooperate with private organizations and governmental agencies to develop procedures and policies for the management and control of wild horses.

(d) Monitor gatherings of estrays and feral livestock conducted pursuant to the provisions of NRS 569.040 to 569.130, inclusive, and assist district brand inspectors in identifying estrays before they are sold or given a placement or other disposition through a cooperative agreement established pursuant to NRS 569.031 ~~for the management, control, placement or disposition of estrays and feral livestock.~~

(e) Provide the members of the general public with information relating to the activities of the Department and solicit recommendations from the members of the general public and advisory groups concerning those activities.

(f) Make assessments of the level of competition between livestock and wildlife for food and water, collect data concerning the movement of livestock and perform activities necessary to control noxious weeds.

(g) Participate in land use planning relating to the competition for food and water between livestock and wildlife to ensure the maintenance of the habitat of both livestock and wildlife.

(h) Present testimony, conduct research and prepare reports for the Governor, the Legislature, the Director and any other person or governmental entity as directed by the Director.

(i) Develop and carry out a program to educate the members of the general public concerning the programs administered by the Department, including programs for the management and control of estrays and feral livestock.

(j) Make proposals to the Director for the amendment of the regulations adopted by the Board pursuant to NRS 561.105.

(k) Perform such other duties as directed by the Director.

3. As used in this section:

(a) "Estray" has the meaning ascribed to it in NRS 569.0075.

(b) "Feral livestock" has the meaning ascribed to it in NRS 569.008.

(c) "Wild horse" means a horse, mare or colt which is unbranded and unclaimed and lives on public land.

**Sec. 2. NRS 561.344 is hereby amended to read as follows:**

561.344 1. The Livestock Inspection Account is hereby created in the State General Fund for the use of the Department.

2. The following special taxes, fees and other money must be deposited in the Livestock Inspection Account:

(a) All special taxes on livestock as provided by law.

(b) Fees and other money collected pursuant to the provisions of chapter 564 of NRS.

(c) Fees collected pursuant to the provisions of chapter 565 of NRS.

(d) Unclaimed proceeds from the sale of estrays and feral livestock by the Department pursuant to NRS 569.005 to 569.130, inclusive, or proceeds required to be deposited in the Livestock Inspection Account pursuant to a

cooperative agreement established pursuant to NRS 569.031 ~~for the~~ **management, control, placement or disposition of estrays and feral livestock.**

(e) Fees collected pursuant to the provisions of chapter 573 of NRS.

(f) Fees collected pursuant to the provisions of chapter 576 of NRS.

(g) Laboratory fees collected for the diagnosis of infectious, contagious and parasitic diseases of animals, as authorized by NRS 561.305, and as are necessary pursuant to the provisions of chapter 571 of NRS.

3. Expenditures from the Livestock Inspection Account must be made only for carrying out the provisions of this chapter and chapters 564, 569, 571, 573 and 576 of NRS.

4. The interest and income earned on the money in the Livestock Inspection Account, after deducting any applicable charges, must be credited to the Account.

**Sec. 3. NRS 569.010 is hereby amended to read as follows:**

569.010 1. Except as otherwise provided by law, all estrays and feral livestock within this state shall be deemed for the purpose of this section to be the property of the Department.

2. The Department has all rights accruing pursuant to the laws of this state to owners of those animals, and may:

(a) Dispose of estrays and feral livestock by sale through an agent appointed by the Department; or

(b) Provide for the management, control, placement or disposition of estrays and feral livestock through cooperative agreements pursuant to NRS 569.031.

3. Except as otherwise provided by law, all money collected for the sale or for the injury or killing of any such animals must be held for 1 year, subject to the claim of any person who can establish legal title to any animal concerned. All money remaining unclaimed must be deposited in the Livestock Inspection Account after 1 year. The Department may disallow all claims if it deems the claims illegal or not showing satisfactory evidence of title.

4. The Department or any political subdivision of this state is not liable for any trespass or other damage caused by any of those estrays or feral livestock.

**Sec. 4. NRS 569.031 is hereby amended to read as follows:**

569.031 The Department may enter into a cooperative agreement for the management, control, placement or disposition of the livestock with another agency of this state or with a county, city, town, township, peace officer, poundmaster or nonprofit organization. If an agreement is entered into, it must provide for:

1. The responsibility for the payment of the expenses incurred in taking up, holding, advertising and making the disposition of the estray or feral livestock, and any damages for trespass allowed pursuant to NRS 569.440;

2. The disposition of any money received from the sale of the livestock;

3. The protection of the rights of a lawful owner of an estray or feral livestock pursuant to NRS 569.040 to 569.130, inclusive; ~~and~~

4. The designation of the specific geographic area of this state to which the cooperative agreement applies. ~~It~~; and

**5. The cooperating person or entity to hold the State of Nevada harmless from any claim or liability arising from an act or omission of the cooperating person or entity in carrying out the cooperative agreement.**

↪ The Department shall annually review the actions of the cooperating person or entity for compliance with the agreement. The Department may cancel the agreement upon a finding of noncompliant actions.

~~[Section 4.]~~ **Sec. 5.** NRS 569.040 is hereby amended to read as follows:

569.040 1. Except as otherwise provided in subsection 2, NRS 569.040 to 569.130, inclusive, or pursuant to a cooperative agreement established pursuant to NRS 569.031 ~~It~~ **for the management, control, placement or disposition of estrays and feral livestock.** it is unlawful for any person or the person's employees or agents, other than an authorized agent of the Department, to:

- (a) Take up any estray or feral livestock and retain possession of it; or
- (b) Feed any estray or feral livestock.

2. For a first violation of paragraph (b) of subsection 1, a person must not be cited or charged criminally but must be informed that it is unlawful to feed an estray or feral livestock.

**3. For a second or subsequent violation of paragraph (b) of subsection 1, a person is guilty of a gross misdemeanor.**

**Sec. 6. NRS 569.080 is hereby amended to read as follows:**

569.080 1. If an estray is not claimed within 5 working days after the last publication of the advertisement required by NRS 569.070, it must be:

- (a) Sold by the Department; or
- (b) Held by the Department until the estray is given a placement or other disposition through a cooperative agreement established pursuant to NRS 569.031 ~~It~~ **for the management, control, placement or disposition of estrays and feral livestock.**

2. If feral livestock is not claimed by the date of sale published pursuant to NRS 569.075, the feral livestock must be sold by the Department pursuant to NRS 569.075 or placed pursuant to **a cooperative agreement established pursuant to NRS 569.031 It for the management, control, placement or disposition of estrays and feral livestock.**

3. If the Department sells the stray or feral livestock, the Department shall give a brand inspection clearance certificate to the purchaser.

4. Estrays and feral livestock must be marked, branded or identified with an individual animal identification before sale or placement.

**Sec. 7. NRS 569.090 is hereby amended to read as follows:**

569.090 1. Except as otherwise provided pursuant to a cooperative agreement established pursuant to NRS 569.031 ~~to~~ for the management, control, placement or disposition of estrays and feral livestock, the Department shall:

(a) Pay the reasonable expenses incurred in taking up, holding, advertising and selling the stray or feral livestock, and any damages for trespass allowed pursuant to NRS 569.440, from the proceeds of the sale of the stray or feral livestock and shall place the balance in an interest-bearing checking account in a bank or credit union qualified to receive deposits of public money. The proceeds from the sale and any interest on those proceeds, which are not claimed pursuant to subsection 2 within 1 year after the sale, must be deposited in the State Treasury for credit to the Livestock Inspection Account.

(b) Make a complete record of the transaction, including any marks and brands and other means of identification of the stray, and shall keep the record available for inspection by members of the general public.

2. If the lawful owner of the stray or feral livestock is found within 1 year after its sale and proves ownership to the satisfaction of the Department, the net amount received from the sale must be paid to the owner.

3. If any claim pending 1 year after the date of sale is denied, the proceeds and any interest thereon must be deposited in the Livestock Inspection Account.

~~[Sec. 2.]~~ **Sec. 8. NRS 569.130 is hereby amended to read as follows:**

569.130 Any person, including, without limitation, any firm, company, association or corporation, who takes up or retains in his or her possession any stray or feral livestock not the person's property, without the owner's consent, or except in accordance with the provisions of NRS 569.040 to 569.130, inclusive, is guilty of a **gross** misdemeanor.

Assemblyman Daly moved that the Assembly concur in the Senate Amendment No. 707 to Assembly Bill No. 264.

Remarks by Assemblyman Daly.

ASSEMBLYMAN DALY:

The amendment clarifies that the Nevada Department of Agriculture may provide for the management of stray and feral livestock. It authorizes the Department to enter into a cooperative agreement for the management for stray and feral livestock, and clarifies that any such cooperative agreement must provide for the cooperating person or entity to hold the state of Nevada harmless from any claim or liability arising from an act or omission of the cooperating person or entity in carrying out the cooperative agreement.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Daly moved that the Assembly do not recede from its action on Amendment No. 691 to Senate Joint Resolution No. 9, that a conference be requested, and that Madam Speaker appoint a Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Daly.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Madam Speaker appointed Assemblymen Bobzien, Carrillo, and Grady as a Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Joint Resolution No. 9.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that Assembly Bills Nos. 138, 224, 260, 294, 338, 501; Senate Bills Nos. 92, 362, 416, be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Aizley, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Hummel Elementary School: Kevin Campbell, Kyle Costolo, Andrew Ditter, Kendall Eagar, Stephanie Kaplan, Evan Kasprowicz, Angel Leon, Rylee McCord, Avi McGaughey, Riley McCurray, Alejandra Mendoza, Liann Perez-Odents, Lidberto Rosa, Jersey Tager, Joy Watkins, Cody Clemens, Tristan Hansen, Adam Fuka, Daniel Matinez, E Lise Miller, Ariana Pulestasi-Acosta, Triton Querubin, Alona Sturdivant, and Eduardo Villasana.

On request of Assemblyman Hambrick, the privilege of the floor of the Assembly Chamber for this day was extended to Karen Fox and Sandra Doughty.

On request of Assemblyman Livermore, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Empire Elementary School: Xavier Adkins, Anthony Aguilar, Samantha Araiza Chavez, Gabriela Carrasco Solano, Dustin Carter, Roberto Cazares, Gabriel Salas Chadwick, Dylan Clark, Jovita Cortez, Kali Davis, Angelmarie Delgado-Bracamonte, Daniel Espino Cortes, Verenice Garcia, Felix Gimenez, Jorge Hernandez Galvan, Makeyla Mendoza, Jose Munoz, Michael



Oliveira Jr., Mireya Ornelas, Carlos Ortiz-Osty, Diego Quezada Lara, Fernanda Rios, Danny Rojas Nungaray, Alexandria Salciedo, Haylee Sauer, Camille Swanson, Haylie Taddi, Gilbert Vazquez Polanco, Chantel Angel, Isael Arroyo, Hector Avila, Juan Canedo, Tyler Connell, Gary Cortez, Eduardo De Paz-Camacho, Tania Fernandez, Belen Figueroa, Omar Godinez, Cristal Gonzalez, Destiny Hernandez, Randy Herrera, Karla Herrera, Rebekah Lasley, Antonio Madera, Garrette Magana, Karina Mariscal, Lorelie Montez, Alexandra Perez, Rogelio Rocha, Cloe Roman, Malintzy Sanchez, Daniel Silva, Dylan Taylor, Maria Vazquez, Kameron Waldroop, Cody West, Gabriela Avina, Leonardo Barajas-Mejorado, Kaya Burdett-Wanamaker, Kaiya Carlson, Victor Clavel, Junior Cronan, Sebastian Diaz Varela, Mary Giles, Earl Harris, Anthony Hernandez-Galvan, Adrian Lopez-Meraz, Marisol Lopez-Ramos, Lily Martinez Rivera, Alondra Mata Izquierdo, Cesar Medina-Rojas, Alexander Melara, Angel Natividad, Jason Orozco, Piper Roe, Dianna Romero, Sabastian Ruacho, Neftaly Rubio, Blanca Salguero Herrera, Serenity Seslar, Kane Taddi, Rose Thornhill, Jennifer Vargas, and Johnny Zuniga-Santander; and the following students from Bordewich-Bray Elementary School: Meika Adams, Gavin Cerniglia, Ava Covington, Charish Creon, Deanna Duncan, Stacy Ferrel, Amar Foster, Jonathan Francone, Isaac Fuentes, Emily Baird, Adessa Kight, Kyle Campbell, Mia Liao, Owen Lieder, Arturo Mercado, Catelynn Nelson, Varun Pandit, Ruben Perez, Areli Rivera, Johnathan Santora, Wynter Setzer, Andrew Street, Macie Thomas, MacKenzie Wilson, Lauren Winne, Patrick Olvera II, and Zackery Durham.

On request of Assemblyman Oscarson, the privilege of the floor of the Assembly Chamber for this day was extended to Joe Koreski and Karina Gonzalez.

On request of Assemblyman Wheeler, the privilege of the floor of the Assembly Chamber for this day was extended to Kristen Muth.

Assemblyman Horne moved that the Assembly adjourn until Thursday, May 30, 2013, at 11:30 a.m.

Motion carried.

Assembly adjourned at 4:09 p.m.

Approved:

MARILYN K. KIRKPATRICK  
*Speaker of the Assembly*

Attest: SUSAN FURLONG

*Chief Clerk of the Assembly*