THE ONE HUNDRED AND TENTH DAY

CARSON CITY (Friday), May 24, 2013

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

President Krolicki presiding.

Roll called.

All present.

Prayer by Senator Don Gustavson.

Heavenly Father, we thank You, Lord, for the opportunity to serve You in the capacity that we do here. We invite Your presence in this building and we ask that You work in us, and through us, and that You give us the courage to seek what is best for our State and the citizens who reside here. We pray You give us the guidance and wisdom to make the right decisions for the betterment of our constituents and the great State of Nevada, and that we would acknowledge and be respectful of each other's differences.

We pray for strength and good health for all Legislators, staff and lobbyists, and we ask for Your wisdom and blessing to be on each of them as You give us the stamina that we all need to finish this Session.

We ask that You bless our armed forces, that You would protect them, and that You would pour Your blessings upon our veterans.

We pray that our economy continues to improve, and that new businesses would flock to Nevada to help fill the needs of our job market to put our citizens back to work.

We ask for so much Lord, but let us not forget to be thankful for all we have. Thank You always for the opportunity to pray aloud, and to call upon Your beloved Son, Jesus. In His Name, we pray.

AMEN.

Pledge of Allegiance to the Flag.

The President announced that under previous order, the reading of the Journal is waived for the remainder of the 77th Legislative Session and the President and Secretary are authorized to make any necessary corrections and additions.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Finance, to which were re-referred Senate Bills Nos. 395, 430, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DEBBIE SMITH, *Chair*

Mr. President:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 223, 312, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID R. PARKS, *Chair*

Mr. President:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 351, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JUSTIN C. JONES, *Chair*

Mr. President:

Your Committee on Natural Resources, to which was referred Assembly Bill No. 20, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

AARON D. FORD, *Chair*

Mr. President:

Your Committee on Transportation, to which were referred Assembly Bills Nos. 18, 453, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARK A. MANENDO, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, May 23, 2013

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Senate Bills Nos. 356, 365, 371, 382, 388, 393, 402, 404, 409, 420, 432, 433, 434, 437, 438, 459, 460, 476, 488, 489.

Also, I have the honor to inform your honorable body that the Assembly on this day passed Senate Joint Resolutions Nos. 1, 12, 13; Senate Joint Resolution No. 15 of the 76th Session.

Also, I have the honor to inform your honorable body that the Assembly on this day passed, as amended, Assembly Bills Nos. 447, 454.

Also, I have the honor to inform your honorable body that the Assembly amended, and on this day passed, as amended, Senate Bill No. 18, Amendment No. 716; Senate Bill No. 76, Amendment No. 683; Senate Bill No. 90, Amendment No. 719; Senate Bill No. 94, Amendment No. 644; Senate Bill No. 99, Amendment No. 666; Senate Bill No. 208, Amendment No. 726; Senate Bill No. 235, Amendments Nos. 643, 818; Senate Bill No. 236, Amendment No. 721; Senate Bill No. 244, Amendment No. 696; Senate Bill No. 246, Amendment No. 781; Senate Bill No. 278, Amendment No. 662; Senate Bill No. 313, Amendment No. 698; Senate Bill No. 373, Amendment No. 748; Senate Bill No. 389, Amendment No. 749; Senate Bill No. 392, Amendment No. 611; Senate Bill No. 405, Amendment No. 598; Senate Bill No. 410, Amendment No. 775; Senate Bill No. 414, Amendment No. 663; Senate Bill No. 421, Amendment No. 686; Senate Bill No. 428, Amendment No. 703; Senate Bill No. 429, Amendment No. 702; Senate Bill No. 436, Amendment No. 788; Senate Bill No. 440, Amendment No. 617, Senate Joint Resolution No. 9, Amendment No. 691, and respectfully requests your honorable body to concur in said amendments.

MATTHEW BAKER
Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

Senator Smith moved that for this legislative day, all necessary rules be suspended, and that all bills and resolutions reported out of Committee be immediately placed on the appropriate reading files.

Motion carried.

Senator Smith moved that all necessary rules be suspended, and that Assembly Bills Nos. 18, 312, 351, 453, just reported out of Committee, be declared emergency measures under the Constitution and placed on third reading and final passage.

Motion carried.

Senator Smith moved that Assembly Bills Nos. 48, 147, 209, 324, 348, 496; Assembly Joint Resolution No. 3 be taken from the Secretary's Desk and placed on the General File on the next agenda.

Motion carried.

Senator Smith moved that Assembly Bill No. 170 be taken from the Secretary's Desk and be placed on the Second Reading File on the second agenda.

Motion carried.

Senator Smith moved that Assembly Bill No. 230 be taken from the General File and placed on the Secretary's Desk.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Finance:

Senate Bill No. 518—AN ACT relating to programs for public personnel; establishing for the 2013-2015 biennium the subsidies to be paid to the Public Employees' Benefits Program for insurance for certain active and retired public officers and employees; and providing other matters properly relating thereto.

Senator Smith moved that the bill be referred to the Committee on Finance.

Motion carried.

By the Committee on Finance:

Senate Bill No. 519—AN ACT relating to Medicaid; authorizing the Director of the Department of Corrections to apply on behalf of a prisoner for a determination of Medicaid eligibility; and providing other matters properly relating thereto.

Senator Smith moved that the bill be referred to the Committee on Finance.

Motion carried.

Assembly Bill No. 447.

Senator Smith moved that the bill be referred to the Committee on Transportation.

Motion carried.

Assembly Bill No. 454.

Senator Smith moved that the bill be referred to the Committee on Transportation.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 18.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 755.

"SUMMARY—Revises provisions governing the relinquishment of state highways to local governments and the relinquishment of local roads to the Department of Transportation. (BDR 35-363)"

"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.

Senator Manendo moved the adoption of the amendment.

Remarks by Senator Manendo.

Thank you, Mr. President. Amendment No. 755 to Assembly Bill No. 18 authorizes the Department of Transportation, in cooperation with local governments, to adopt, through regulation, procedural documents that address the process by which highways and roads are relinquished. The amendment transfers the authority to approve the procedural documents from the Department of Transportation's Board of Directors to the Legislature.

Amendment adopted.

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

Assembly Bill No. 20.

Bill read second time and ordered to third reading.

Assembly Bill No. 223.

Bill read second time.

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

Amendment No. 764.

"SUMMARY—Revises provisions governing constables. (BDR 3-15)"

"AN ACT relating to constables; revising provisions governing ~~[the powers and duties of a constable or sheriff with respect to posting certain notices;]~~ certain notice of a foreclosure sale required to be provided to a tenant; requiring a constable in certain townships to become certified as a category I or category II peace officer within a certain period after commencing his or her term of office; prohibiting a constable or deputy constable in certain smaller townships from making arrests in the course of his or her duties; revising provisions governing the appointment of deputy constables and the clerical and operational staff of a constable; clarifying that a constable may issue a citation for a violation of certain laws governing the registration of motor vehicles only if the motor vehicle is located in his or her township; revising various other provisions governing constables; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law provides for a summary eviction procedure when the tenant of any dwelling, apartment, mobile home, recreational vehicle or commercial premises with periodic rent due by the month or a shorter period defaults in the payment of the rent. (NRS 40.253) Section 1 of this bill provides that the affidavit of complaint for eviction of a tenant that a landlord or landlord's

agent is authorized to file in justice court or district court applies to tenants of recreational vehicles.

Existing law provides that if a sale of property is a residential foreclosure, the posting of certain required notices on the property must be completed by a licensed process server or any constable or sheriff. (NRS 107.087) Section 3 of this bill : (1) specifies that the constable or sheriff who posts such a notice must be a constable or sheriff of the county in which the property is located ~~[.]~~ ; and (2) revises the date by which certain required notices must be provided.

Existing law provides that a constable is a peace officer in his or her township. (NRS 258.070) Section 8.6 of this bill requires a constable of a township whose boundaries include a city whose population is 150,000 or more (currently Henderson, Las Vegas, North Las Vegas and Reno) to become certified as a category I or category II peace officer by the Peace Officers' Standards and Training Commission within 1 year after the date on which the constable commences his or her term of office or appointment unless the Commission, for good cause shown, extends the time. Section 16.5 of this bill provides that this requirement does not apply to a constable who is in office on July 1, 2013, unless he or she is elected or appointed to a term of office on or after July 1, 2013.

Sections 7.5, 12 and 12.5 of this bill provide that a constable or deputy constable in a township that has within its boundaries a city whose population is less than 150,000 (currently all cities other than Henderson, Las Vegas, North Las Vegas and Reno) may not make an arrest in the course of performing his or her duties as a constable.

Existing law authorizes a constable to appoint deputies and provides that a deputy constable must be certified as a category II peace officer by the Peace Officers' Standards and Training Commission within 1 year after the date on which the person commences employment as a peace officer unless the Commission, for good cause shown, extends the time. (NRS 258.060, 289.470, 289.550) ~~[Sections]~~ Section 10 ~~[and 14]~~ of this bill ~~[provide]~~ provides that ~~[: (1)]~~ a person appointed as a deputy constable for a township ~~[in a county whose population is 700,000 or more (currently Clark County)]~~ whose boundaries include a city whose population is 150,000 or more (currently Henderson, Las Vegas, North Las Vegas and Reno) must be certified as a category II peace officer by the Commission before he or she commences employment as a deputy constable . ~~[; and (2) a person reemployed as a deputy constable for a township in a county whose population is less than 700,000 (currently counties other than Clark) after a separation of employment as a deputy constable for that township is not entitled to an additional period within which to be certified as a category II peace officer by the Commission.]~~

Existing law authorizes the board of county commissioners to appoint clerks for the constable of a township and to provide compensation for those

clerks. (NRS 258.065) Section 11 of this bill authorizes the constable to appoint clerical and operational staff for the office of the constable, subject to the approval of the board of county commissioners, and requires the board of county commissioners to fix the compensation of the clerical and operational staff of the constable's office. Section 11 further provides that the clerical and operational staff of a constable's office do not have the powers of a peace officer and may not possess a weapon or carry a concealed firearm while performing the duties of the constable's office.

Existing law provides that a constable is a peace officer in his or her township and may issue a citation to the owner or driver of a vehicle that is required to be registered in this State if the constable determines that the vehicle is not properly registered. (NRS 258.070, 482.385) Sections 12, 15 and 16 of this bill clarify that the constable may issue such a citation only if the vehicle is located in his or her township at the time the citation is issued.

Section ~~[8]~~ 8.8 of this bill authorizes the board of county commissioners to establish, by resolution or ordinance, penalties to be imposed on a constable who fails to file a report, oath or other document required by statute to be filed with the county or the Peace Officers' Standards and Training Commission. Section 9 of this bill requires the oath of a constable to be filed and recorded in the office of the recorder of the county.

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

Section 1. NRS 40.253 is hereby amended to read as follows:

40.253 1. Except as otherwise provided in subsection 10, in addition to the remedy provided in NRS 40.2512 and 40.290 to 40.420, inclusive, when the tenant of any dwelling, apartment, mobile home, recreational vehicle or commercial premises with periodic rent reserved by the month or any shorter period is in default in payment of the rent, the landlord or the landlord's agent, unless otherwise agreed in writing, may serve or have served a notice in writing, requiring in the alternative the payment of the rent or the surrender of the premises:

(a) At or before noon of the fifth full day following the day of service; or

(b) If the landlord chooses not to proceed in the manner set forth in paragraph (a) and the rent is reserved by a period of 1 week or less and the tenancy has not continued for more than 45 days, at or before noon of the fourth full day following the day of service.

➥ As used in this subsection, "day of service" means the day the landlord or the landlord's agent personally delivers the notice to the tenant. If personal service was not so delivered, the "day of service" means the day the notice is delivered, after posting and mailing pursuant to subsection 2, to the sheriff or constable for service if the request for service is made before noon. If the request for service by the sheriff or constable is made after noon, the "day of

service" shall be deemed to be the day next following the day that the request is made for service by the sheriff or constable.

2. A landlord or the landlord's agent who serves a notice to a tenant pursuant to paragraph (b) of subsection 1 shall attempt to deliver the notice in person in the manner set forth in paragraph (a) of subsection 1 of NRS 40.280. If the notice cannot be delivered in person, the landlord or the landlord's agent:

(a) Shall post a copy of the notice in a conspicuous place on the premises and mail the notice by overnight mail; and

(b) After the notice has been posted and mailed, may deliver the notice to the sheriff or constable for service in the manner set forth in subsection 1 of NRS 40.280. The sheriff or constable shall not accept the notice for service unless it is accompanied by written evidence, signed by the tenant when the tenant took possession of the premises, that the landlord or the landlord's agent informed the tenant of the provisions of this section which set forth the lawful procedures for eviction from a short-term tenancy. Upon acceptance, the sheriff or constable shall serve the notice within 48 hours after the request for service was made by the landlord or the landlord's agent.

3. A notice served pursuant to subsection 1 or 2 must:

(a) Identify the court that has jurisdiction over the matter; and

(b) Advise the tenant:

(1) Of the tenant's right to contest the matter by filing, within the time specified in subsection 1 for the payment of the rent or surrender of the premises, an affidavit with the court that has jurisdiction over the matter stating that the tenant has tendered payment or is not in default in the payment of the rent;

(2) That if the court determines that the tenant is guilty of an unlawful detainer, the court may issue a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant, directing the sheriff or constable of the county to remove the tenant within 24 hours after receipt of the order; and

(3) That, pursuant to NRS 118A.390, a tenant may seek relief if a landlord unlawfully removes the tenant from the premises or excludes the tenant by blocking or attempting to block the tenant's entry upon the premises or willfully interrupts or causes or permits the interruption of an essential service required by the rental agreement or chapter 118A of NRS.

4. If the tenant files such an affidavit at or before the time stated in the notice, the landlord or the landlord's agent, after receipt of a file-stamped copy of the affidavit which was filed, shall not provide for the nonadmittance of the tenant to the premises by locking or otherwise.

5. Upon noncompliance with the notice:

(a) The landlord or the landlord's agent may apply by affidavit of complaint for eviction to the justice court of the township in which the dwelling, apartment, mobile home *, recreational vehicle* or commercial

premises are located or to the district court of the county in which the dwelling, apartment, mobile home *, recreational vehicle* or commercial premises are located, whichever has jurisdiction over the matter. The court may thereupon issue an order directing the sheriff or constable of the county to remove the tenant within 24 hours after receipt of the order. The affidavit must state or contain:

(1) The date the tenancy commenced.

(2) The amount of periodic rent reserved.

(3) The amounts of any cleaning, security or rent deposits paid in advance, in excess of the first month's rent, by the tenant.

(4) The date the rental payments became delinquent.

(5) The length of time the tenant has remained in possession without paying rent.

(6) The amount of rent claimed due and delinquent.

(7) A statement that the written notice was served on the tenant in accordance with NRS 40.280.

(8) A copy of the written notice served on the tenant.

(9) A copy of the signed written rental agreement, if any.

(b) Except when the tenant has timely filed the affidavit described in subsection 3 and a file-stamped copy of it has been received by the landlord or the landlord's agent, and except when the landlord is prohibited pursuant to NRS 118A.480, the landlord or the landlord's agent may, in a peaceable manner, provide for the nonadmittance of the tenant to the premises by locking or otherwise.

6. Upon the filing by the tenant of the affidavit permitted in subsection 3, regardless of the information contained in the affidavit, and the filing by the landlord of the affidavit permitted by subsection 5, the justice court or the district court shall hold a hearing, after service of notice of the hearing upon the parties, to determine the truthfulness and sufficiency of any affidavit or notice provided for in this section. If the court determines that there is no legal defense as to the alleged unlawful detainer and the tenant is guilty of an unlawful detainer, the court may issue a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant. If the court determines that there is a legal defense as to the alleged unlawful detainer, the court shall refuse to grant either party any relief, and, except as otherwise provided in this subsection, shall require that any further proceedings be conducted pursuant to NRS 40.290 to 40.420, inclusive. The issuance of a summary order for removal of the tenant does not preclude an action by the tenant for any damages or other relief to which the tenant may be entitled. If the alleged unlawful detainer was based upon subsection 5 of NRS 40.2514, the refusal by the court to grant relief does not preclude the landlord thereafter from pursuing an action for unlawful detainer in accordance with NRS 40.251.

7. The tenant may, upon payment of the appropriate fees relating to the filing and service of a motion, file a motion with the court, on a form provided by the clerk of the court, to dispute the amount of the costs, if any, claimed by the landlord pursuant to NRS 118A.460 or 118C.230 for the inventory, moving and storage of personal property left on the premises. The motion must be filed within 20 days after the summary order for removal of the tenant or the abandonment of the premises by the tenant, or within 20 days after:

(a) The tenant has vacated or been removed from the premises; and

(b) A copy of those charges has been requested by or provided to the tenant,

➥ whichever is later.

8. Upon the filing of a motion pursuant to subsection 7, the court shall schedule a hearing on the motion. The hearing must be held within 10 days after the filing of the motion. The court shall affix the date of the hearing to the motion and order a copy served upon the landlord by the sheriff, constable or other process server. At the hearing, the court may:

(a) Determine the costs, if any, claimed by the landlord pursuant to NRS 118A.460 or 118C.230 and any accumulating daily costs; and

(b) Order the release of the tenant's property upon the payment of the charges determined to be due or if no charges are determined to be due.

9. A landlord shall not refuse to accept rent from a tenant that is submitted after the landlord or the landlord's agent has served or had served a notice pursuant to subsection 1 if the refusal is based on the fact that the tenant has not paid collection fees, attorney's fees or other costs other than rent, a reasonable charge for late payments of rent or dishonored checks, or a security. As used in this subsection, "security" has the meaning ascribed to it in NRS 118A.240.

10. This section does not apply to the tenant of a mobile home lot in a mobile home park or to the tenant of a recreational vehicle lot in an area of a mobile home park in this State other than an area designated as a recreational vehicle lot pursuant to the provisions of subsection 6 of NRS 40.215.

Sec. 2. (Deleted by amendment.)

Sec. 3. NRS 107.087 is hereby amended to read as follows:

107.087 1. In addition to the requirements of NRS 107.080, if the sale of property is a residential foreclosure, a copy of the notice of default and election to sell and the notice of sale must:

(a) Be posted in a conspicuous place on the property not later than:

(1) For a notice of default and election to sell, 100 days before the date of sale; or

(2) For a notice of sale, 15 days before the date of sale; and

(b) Include, without limitation:

(1) The physical address of the property; and

(2) The contact information of the trustee or the person conducting the foreclosure who is authorized to provide information relating to the foreclosure status of the property.

2. In addition to the requirements of NRS 107.084, the notices must not be defaced or removed until the transfer of title is recorded or the property becomes occupied after completion of the sale, whichever is earlier.

3. A separate notice must be posted in a conspicuous place on the property and mailed, with a certificate of mailing issued by the United States Postal Service or another mail delivery service, to any tenant or subtenant, if any, other than the grantor or the grantor's successor in interest, in actual occupation of the premises not later than ~~[3 business days after the notice of the sale is given pursuant to subsection 4 of NRS 107.080.]~~ *15 days before the date of sale.* The separate notice must be in substantially the following form:

NOTICE TO TENANTS OF THE PROPERTY

Foreclosure proceedings against this property have started, and a notice of sale of the property to the highest bidder has been issued.

You may either: (1) terminate your lease or rental agreement and move out; or (2) remain and possibly be subject to eviction proceedings under chapter 40 of the Nevada Revised Statutes. Any subtenants may also be subject to eviction proceedings.

Between now and the date of the sale, you may be evicted if you fail to pay rent or live up to your other obligations to the landlord.

After the date of the sale, you may be evicted if you fail to pay rent or live up to your other obligations to the successful bidder, in accordance with chapter 118A of the Nevada Revised Statutes.

Under the Nevada Revised Statutes eviction proceedings may begin against you after you have been given a notice to quit.

If the property is sold and you pay rent by the week or another period of time that is shorter than 1 month, you should generally receive notice after not less than the number of days in that period of time.

If the property is sold and you pay rent by the month or any other period of time that is 1 month or longer, you should generally receive notice at least 60 days in advance.

Under Nevada Revised Statutes 40.280, notice must generally be served on you pursuant to chapter 40 of the Nevada Revised Statutes and may be served by:

(1) Delivering a copy to you personally in the presence of a witness;

(2) If you are absent from your place of residence or usual place of business, leaving a copy with a person of suitable age and discretion at either place and mailing a copy to you at your place of residence or business; or

(3) If your place of residence or business cannot be ascertained, or a person of suitable age or discretion cannot be found there, posting a

copy in a conspicuous place on the leased property, delivering a copy to a person residing there, if a person can be found, and mailing a copy to you at the place where the leased property is.

If the property is sold and a landlord, successful bidder or subsequent purchaser files an eviction action against you in court, you will be served with a summons and complaint and have the opportunity to respond. Eviction actions may result in temporary evictions, permanent evictions, the awarding of damages pursuant to Nevada Revised Statutes 40.360 or some combination of those results.

Under the Justice Court Rules of Civil Procedure:

(1) You will be given at least 10 days to answer a summons and complaint;

(2) If you do not file an answer, an order evicting you by default may be obtained against you;

(3) A hearing regarding a temporary eviction may be called as soon as 11 days after you are served with the summons and complaint; and

(4) A hearing regarding a permanent eviction may be called as soon as 20 days after you are served with the summons and complaint.

4. The posting of a notice required by this section must be completed by a process server licensed pursuant to chapter 648 of NRS or any constable or ~~[the]~~ sheriff ~~[.]~~ *of the county in which the property is located.*

5. As used in this section, "residential foreclosure" has the meaning ascribed to it in NRS 107.080.

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 7.5. NRS 171.124 is hereby amended to read as follows:

171.124 1. Except as otherwise provided in subsection 3 and NRS 33.070 , ~~[and]~~ 33.320 ~~[,]~~ *and 258.070,* a peace officer or an officer of the Drug Enforcement Administration designated by the Attorney General of the United States for that purpose may make an arrest in obedience to a warrant delivered to him or her, or may, without a warrant, arrest a person:

(a) For a public offense committed or attempted in the officer's presence.

(b) When a person arrested has committed a felony or gross misdemeanor, although not in the officer's presence.

(c) When a felony or gross misdemeanor has in fact been committed, and the officer has reasonable cause for believing the person arrested to have committed it.

(d) On a charge made, upon a reasonable cause, of the commission of a felony or gross misdemeanor by the person arrested.

(e) When a warrant has in fact been issued in this State for the arrest of a named or described person for a public offense, and the officer has

reasonable cause to believe that the person arrested is the person so named or described.

2. A peace officer or an officer of the Drug Enforcement Administration designated by the Attorney General of the United States for that purpose may also, at night, without a warrant, arrest any person whom the officer has reasonable cause for believing to have committed a felony or gross misdemeanor, and is justified in making the arrest, though it afterward appears that a felony or gross misdemeanor has not been committed.

3. An officer of the Drug Enforcement Administration may only make an arrest pursuant to subsections 1 and 2 for a violation of chapter 453 of NRS.

Sec. 8. Chapter 258 of NRS is hereby amended by adding thereto ~~[a new section to read as follows:]~~ the provisions set forth as sections 8.1 to 8.8, inclusive, of this act.

Sec. 8.1. As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 8.2, 8.3 and 8.4 of this act have the meanings ascribed to them in those sections.

Sec. 8.2. "Category I peace officer" has the meaning ascribed to it in NRS 289.460.

Sec. 8.3. "Category II peace officer" has the meaning ascribed to it in NRS 289.470.

Sec. 8.4. "Peace officer" has the meaning ascribed to it in NRS 289.010.

Sec. 8.6. 1. Each constable of a township that has within its boundaries a city whose population is 150,000 or more shall become certified by the Peace Officers' Standards and Training Commission as a category I or category II peace officer within 1 year after the date on which the constable commences his or her term of office or appointment unless the Commission, for good cause shown, grants in writing an extension of time, which must not exceed 6 months.

2. If a constable does not comply with the provisions of subsection 1, the constable forfeits his or her office and a vacancy is created which must be filled in accordance with NRS 258.030.

Sec. 8.8. In addition to any fine imposed pursuant to NRS 258.200, a board of county commissioners may establish, by resolution or ordinance, penalties for the failure of the constable of a township in the county to file any report, oath or other document required by statute to be filed with the county or the Peace Officers' Standards and Training Commission.

Sec. 9. NRS 258.020 is hereby amended to read as follows:

258.020 Each constable elected or appointed in this state shall, before entering upon the duties of office:

1. Take the oath prescribed by law. *The oath must be filed and recorded in a book provided for that purpose in the office of the recorder of the county within which the constable legally holds and exercises his or her office.*

2. Execute a bond to the State of Nevada, to be approved by the board of county commissioners, in the penal sum of not less than $1,000 nor more

than $3,000, as may be designated by the board of county commissioners . ~~[, which]~~ *The* bond ~~[shall]~~ *must* be conditioned for the faithful performance of the duties of his or her office ~~[,]~~ and ~~[shall]~~ *must* be filed in the county clerk's office.

Sec. 10. NRS 258.060 is hereby amended to read as follows:

258.060 1. All constables may appoint deputies, who are authorized to transact all official business pertaining to the office to the same extent as their principals. A person must not be appointed as a deputy constable unless the person has been a resident of the State of Nevada for at least 6 months before the date of the appointment. *A person who is appointed as a deputy constable in a* ~~*[county whose population is 700,000]*~~ *township that has within its boundaries a city whose population is 150,000 or more may not commence employment as a deputy constable until the person is certified by the Peace Officers' Standards and Training Commission as a category II peace officer.* The appointment of a deputy constable must not be construed to confer upon that deputy policymaking authority for the office of the county constable or the county by which the deputy constable is employed.

2. Constables are responsible for the compensation of their deputies and are responsible on their official bonds for all official malfeasance or nonfeasance of the same. Bonds for the faithful performance of their official duties may be required of the deputies by the constables.

3. All appointments of deputies under the provisions of this section must be in writing and must, together with the oath of office of the deputies, be filed and recorded *within 30 days after the appointment* in a book provided for that purpose in the office of the recorder of the county within which the constable legally holds and exercises his or her office. Revocations of such appointments must also be filed and recorded as provided in this section ~~[.]~~ *within 30 days after the revocation of the appointment.* From the time of the filing of the appointments or revocations therein, persons shall be deemed to have notice of the same.

Sec. 11. NRS 258.065 is hereby amended to read as follows:

258.065 1. The ~~[board of county commissioners may appoint for the]~~ constable of a township ~~[a reasonable number of clerks]~~ *may, subject to the approval of the board of county commissioners, appoint such clerical and operational staff* as the work of the constable requires . ~~[, and provide compensation therefor.]~~ *The compensation of any person so appointed must be fixed by the board of county commissioners.*

2. *A person who is employed as clerical or operational staff of a constable:*

(a) Does not have the powers of a peace officer; and

(b) May not possess a weapon or carry a concealed firearm, regardless of whether the person possesses a permit to carry a concealed firearm issued pursuant to NRS 202.3653 to 202.369, inclusive, while performing the duties of the office of the constable.

3. A constable's clerk shall take the constitutional oath of office and give bond in the sum of $2,000 for the faithful discharge of the duties of the office, and in the same manner as is or may be required of other officers of that township and county.

~~[3.]~~ *4.* A constable's clerk shall do all clerical work in connection with keeping the records and files of the office, and shall perform such other duties in connection with the office as the constable shall prescribe.

Sec. 12. NRS 258.070 is hereby amended to read as follows:

258.070 1. ~~[Each]~~ *Subject to the provisions of subsection 2, each* constable shall:

(a) Be a peace officer in his or her township.

(b) Serve all mesne and final process issued by a court of competent jurisdiction.

(c) Execute the process, writs or warrants that the constable is authorized to receive pursuant to NRS 248.100.

(d) Discharge such other duties as are or may be prescribed by law.

2. *A constable or deputy constable elected or appointed in a township that has within its boundaries a city whose population is less than 150,000 may not arrest any person while carrying out the duties of the office of constable.*

3. Pursuant to the procedures and subject to the limitations set forth in chapters 482 and 484A to 484E, inclusive, of NRS, a constable may issue a citation to an owner or driver, as appropriate, of a vehicle ~~[that]~~ *which is located in his or her township at the time the citation is issued and which* is required to be registered in this State if the constable determines that the vehicle is not properly registered. The constable shall, upon the issuance of such citation, charge and collect a fee of $100 from the person to whom the citation is issued, which may be retained by the constable as compensation.

~~[3.]~~ *4.* If a sheriff or the sheriff's deputy in any county in this State arrests a person charged with a criminal offense or in the commission of an offense, the sheriff or the sheriff's deputy shall serve all process, whether mesne or final, and attend the court executing the order thereof in the prosecution of the person so arrested, whether in a justice court or a district court, to the conclusion, and whether the offense is an offense of which a justice of the peace has jurisdiction, or whether the proceeding is a preliminary examination or hearing. The sheriff or the sheriff's deputy shall collect the same fees and in the same manner therefor as the constable of the township in which the justice court is held would receive for the same service.

Sec. 12.5. NRS 258.110 is hereby amended to read as follows:

258.110 ~~[If]~~ *Unless, pursuant to subsection 2 of NRS 258.070, a constable is prohibited from making an arrest,* any constable ~~[shall]~~ *who* willfully ~~[refuse]~~ *refuses* to receive or arrest any person charged with a

criminal offense ~~[, such constable]~~ is guilty of a gross misdemeanor and shall be removed from office.

Sec. 13. NRS 258.190 is hereby amended to read as follows:

258.190 1. ~~[On]~~ *In each calendar year, on* the first Monday of January, April, July and October, the constables who receive fees under the provisions of this chapter shall make out and file with the boards of county commissioners of their several counties a full and correct statement under oath of all fees or compensation, of whatever nature or kind, received in their several official capacities during the preceding 3 months. In the statement they shall set forth the cause in which, and the services for which, such fees or compensation were received.

2. Nothing in this section shall be so construed as to require personal attendance in filing statements, which may be transmitted by mail or otherwise directed to the clerk of the board of county commissioners.

Sec. 14. NRS 289.550 is hereby amended to read as follows:

289.550 1. Except as otherwise provided in subsection ~~*[subsections]*~~ 2 ~~*[and 3]*~~ and NRS 3.310 *,* ~~[and]~~ 4.353 ~~[,]~~ *and 258.060, and section 8.6 of this act,* a person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive, must be certified by the Commission within 1 year after the date on which the person commences employment as a peace officer unless the Commission, for good cause shown, grants in writing an extension of time, which must not exceed 6 months, by which the person must become certified. A person who fails to become certified within the required time shall not exercise any of the powers of a peace officer after the time for becoming certified has expired.

2. ~~*[A person who is appointed pursuant to NRS 258.060 as a deputy constable of a township in a county whose population is less than 700,000 following a separation of employment as a deputy constable of that township must be certified by the Commission within the period prescribed by subsection 1 as measured from the date on which the deputy constable commenced his or her initial employment as a deputy constable of that township.*~~

~~*3.]*~~ The following persons are not required to be certified by the Commission:

(a) The Chief Parole and Probation Officer;

(b) The Director of the Department of Corrections;

(c) The Director of the Department of Public Safety, the deputy directors of the Department, the chiefs of the divisions of the Department other than the Investigation Division and the Nevada Highway Patrol, and the members of the State Disaster Identification Team of the Division of Emergency Management of the Department;

(d) The Commissioner of Insurance and the chief deputy of the Commissioner of Insurance;

(e) Railroad police officers; and

(f) California correctional officers.

Sec. 14.5. NRS 482.231 is hereby amended to read as follows:

482.231 1. Except as otherwise provided in subsection 3, the Department shall not register a motor vehicle if a local authority has filed with the Department a notice stating that the owner of the motor vehicle:

(a) Was cited by a constable pursuant to subsection ~~[2]~~ *3* of NRS 258.070 for failure to comply with the provisions of NRS 482.385; and

(b) Has failed to pay the fee charged by the constable pursuant to subsection ~~[2]~~ *3* of NRS 258.070.

2. The Department shall, upon request, furnish to the owner of the motor vehicle a copy of the notice of nonpayment described in subsection 1.

3. The Department may register a motor vehicle for which the Department has received a notice of nonpayment described in subsection 1 if:

(a) The Department receives:

(1) A receipt from the owner of the motor vehicle which indicates that the owner has paid the fee charged by the constable; or

(2) Notification from the applicable local authority that the owner of the motor vehicle has paid the fee charged by the constable; and

(b) The owner of the motor vehicle otherwise complies with the requirements of this chapter for the registration of the motor vehicle.

Sec. 15. NRS 482.255 is hereby amended to read as follows:

482.255 1. Upon receipt of a certificate of registration, the owner shall place it or a legible copy in the vehicle for which it is issued and keep it in the vehicle. If the vehicle is a motorcycle, trailer or semitrailer, the owner shall carry the certificate in the tool bag or other convenient receptacle attached to the vehicle.

2. The owner or operator of a motor vehicle shall, upon demand, surrender the certificate of registration or the copy for examination to any peace officer, including a constable ~~[,]~~ *of the township in which the motor vehicle is located* or a justice of the peace or *a* deputy of the Department.

3. No person charged with violating this section may be convicted if the person produces in court a certificate of registration which was previously issued to him or her and was valid at the time of the demand.

Sec. 16. NRS 482.385 is hereby amended to read as follows:

482.385 1. Except as otherwise provided in subsections 5 and 7 and NRS 482.390, a nonresident owner of a vehicle of a type subject to registration pursuant to the provisions of this chapter, owning any vehicle which has been registered for the current year in the state, country or other place of which the owner is a resident and which at all times when operated in this State has displayed upon it the registration license plate issued for the vehicle in the place of residence of the owner, may operate or permit the operation of the vehicle within this State without its registration in this State pursuant to the provisions of this chapter and without the payment of any registration fees to this State:

(a) For a period of not more than 30 days in the aggregate in any 1 calendar year; and

(b) Notwithstanding the provisions of paragraph (a), during any period in which the owner is:

(1) On active duty in the military service of the United States;

(2) An out-of-state student;

(3) Registered as a student at a college or university located outside this State and who is in the State for a period of not more than 6 months to participate in a work-study program for which the student earns academic credits from the college or university; or

(4) A migrant or seasonal farm worker.

2. This section does not:

(a) Prohibit the use of manufacturers', distributors' or dealers' license plates issued by any state or country by any nonresident in the operation of any vehicle on the public highways of this State.

(b) Require registration of vehicles of a type subject to registration pursuant to the provisions of this chapter operated by nonresident common motor carriers of persons or property, contract motor carriers of persons or property, or private motor carriers of property as stated in NRS 482.390.

(c) Require registration of a vehicle operated by a border state employee.

3. Except as otherwise provided in subsection 5, when a person, formerly a nonresident, becomes a resident of this State, the person shall:

(a) Within 30 days after becoming a resident; or

(b) At the time he or she obtains a driver's license,

➥ whichever occurs earlier, apply for the registration of each vehicle the person owns which is operated in this State. When a person, formerly a nonresident, applies for a driver's license in this State, the Department shall inform the person of the requirements imposed by this subsection and of the penalties that may be imposed for failure to comply with the provisions of this subsection.

4. A citation may be issued pursuant to subsection 1, 3 or 5 only if the violation is discovered when the vehicle is halted or its driver arrested for another alleged violation or offense. The Department shall maintain or cause to be maintained a list or other record of persons who fail to comply with the provisions of subsection 3 and shall, at least once each month, provide a copy of that list or record to the Department of Public Safety.

5. Except as otherwise provided in this subsection, a resident or nonresident owner of a vehicle of a type subject to registration pursuant to the provisions of this chapter who engages in a trade, profession or occupation or accepts gainful employment in this State or who enrolls his or her children in a public school in this State shall, within 30 days after the commencement of such employment or enrollment, apply for the registration of each vehicle the person owns which is operated in this State. The provisions of this subsection do not apply to a nonresident who is:

(a) On active duty in the military service of the United States;

(b) An out-of-state student;

(c) Registered as a student at a college or university located outside this State and who is in the State for a period of not more than 6 months to participate in a work-study program for which the student earns academic credits from the college or university; or

(d) A migrant or seasonal farm worker.

6. A person who violates the provisions of subsection 1, 3 or 5 is guilty of a misdemeanor and, except as otherwise provided in this subsection, shall be punished by a fine of $1,000. The fine imposed pursuant to this subsection is in addition to any fine or penalty imposed for the other alleged violation or offense for which the vehicle was halted or its driver arrested pursuant to subsection 4. The fine imposed pursuant to this subsection may be reduced to not less than $200 if the person presents evidence at the time of the hearing that the person has registered the vehicle pursuant to this chapter.

7. Any resident operating upon a highway of this State a motor vehicle which is owned by a nonresident and which is furnished to the resident operator for his or her continuous use within this State, shall cause that vehicle to be registered within 30 days after beginning its operation within this State.

8. A person registering a vehicle pursuant to the provisions of subsection 1, 3, 5, 7 or 9 or pursuant to NRS 482.390:

(a) Must be assessed the registration fees and governmental services tax, as required by the provisions of this chapter and chapter 371 of NRS; and

(b) Must not be allowed credit on those taxes and fees for the unused months of the previous registration.

9. If a vehicle is used in this State for a gainful purpose, the owner shall immediately apply to the Department for registration, except as otherwise provided in NRS 482.390, 482.395 and 706.801 to 706.861, inclusive.

10. An owner registering a vehicle pursuant to the provisions of this section shall surrender the existing nonresident license plates and registration certificates to the Department for cancellation.

11. A vehicle may be cited for a violation of this section regardless of whether it is in operation or is parked on a highway, in a public parking lot or on private property which is open to the public if, after communicating with the owner or operator of the vehicle, the peace officer issuing the citation determines that:

(a) The owner of the vehicle is a resident of this State;

(b) The vehicle is used in this State for a gainful purpose;

(c) Except as otherwise provided in paragraph (b) of subsection 1, the owner of the vehicle is a nonresident and has operated the vehicle in this State for more than 30 days in the aggregate in any 1 calendar year; or

(d) The owner of the vehicle is a nonresident required to register the vehicle pursuant to subsection 5.

12. A constable may issue a citation for a violation of this section only if the vehicle is located in his or her township at the time the citation is issued.

13. As used in this ~~[subsection,]~~ *section,* "peace officer" includes a constable.

Sec. 16.5. 1. The provisions of section 8.6 of this act do not apply to a constable who is in office on July 1, 2013, unless the constable is elected or appointed to a term of office on or after July 1, 2013.

Sec. 17. This act becomes effective on July 1, 2013.

Senator Goicoechea moved the adoption of the amendment.

Remarks by Senator Goicoechea.

Thank you, Mr. President. Amendment No. 764 to Assembly Bill No. 223 requires that notice be given to a tenant 15 days prior to the date of sale of a foreclosed property. It adds definitions of Category I and Category II peace officer and of the Peace Officers' Standards and Training Commission. It also provides that a constable of a township containing a city with a population of 150,000 or more, currently Henderson, Las Vegas, North Las Vegas and Reno, must become certified by the Peace Officers' Standards and Training Commission as a Category I or II peace officer within one year of taking his or her position and allows the Peace Officers' Standards and Training Commission to grant a six-month extension of this requirement. The amendment prohibits a constable or a deputy constable in a township that has within its boundaries a city with a population of less than 150,000 from making arrests. It deletes reference to a county with a population of 700,000 or more and inserts a 150,000-city-population standard regarding Peace Officers' Standards and Training Commission certification of deputy constables as Category II peace officers. It requires that every constable must become a Peace Officers' Standards and Training Commission certified peace officer within one year of becoming a constable and allows the Peace Officers' Standards and Training Commission to grant an extension of up to six months. Finally, it provides that provisions requiring Peace Officers' Standards and Training Commission certification apply prospectively to those who are appointed or take office after the effective date of the bill.

Amendment adopted.

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

Assembly Bill No. 312.

Bill read second time.

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

Amendment No. 801.

"SUMMARY—Makes various changes to the Charter of Carson City. (BDR S-41)"

"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 ~~[.]~~ *; 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 ~~[;]~~ *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.

Senator Hammond moved the adoption of the amendment.

Remarks by Senator Hammond.

Thank you, Mr. President. Amendment No. 801 to Assembly Bill No. 312 replaces language originally in the bill providing that the Charter Committee will meet jointly with the Board of Supervisors of 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 the 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.

Amendment adopted.

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

Assembly Bill No. 351.

Bill read second time.

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

Amendment No. 835.

"SUMMARY— ~~[Revises provisions governing the medical use of marijuana.]~~ Requires the Legislative Committee on Health Care to study the laws prohibiting a person from having a specified amount of certain prohibited substances in his or her blood or urine while driving or being in actual physical control of a vehicle. (BDR ~~[40-733)]~~ S-733)"

"AN ACT relating to controlled substances; ~~[providing that a person who engages in the lawful use of marijuana for medical purposes is exempt from state prosecution for driving, operating or being in actual physical control of a vehicle or vessel with a certain amount of marijuana or marijuana metabolite in his or her blood or urine;]~~ requiring the Legislative Committee on Health Care to study laws prohibiting a person from having specified amounts of certain substances present in his or her blood or urine while driving or being in actual physical control of a vehicle, including such laws as applied to a person who engages in the lawful use of marijuana for medical purposes; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

~~[Existing law provides that the limited and regulated use of marijuana by a person who suffers from certain chronic or debilitating medical conditions and who obtains a registry identification card through a program governed by the Health Division of the Department of Health and Human Services is exempt from prosecution under the laws of this State. (Chapter 453A of NRS) Under existing law, the exemption from state prosecution does not apply to: (1) driving, operating or being in actual physical control of a vehicle or a vessel under power or sail while under the influence of marijuana; or (2) driving, operating or being in actual physical control of a vehicle or vessel under power or sail with a certain amount of marijuana or marijuana metabolite in his or her blood or urine. (NRS 453A.300) This bill provides that, to the extent that a person who holds a registry identification card engages in the medical use of marijuana, he or she is exempt from prosecution for a criminal offense involving driving, operating or being in actual physical control of a vehicle or vessel under power or sail with a certain amount of marijuana or marijuana metabolite in his or her blood or urine. Under this bill, such a person would not be exempt from state prosecution if he or she drives, operates or is in actual physical control of a vehicle or a vessel under power or sail while under the influence of marijuana.]~~

Existing law makes it a crime for a person to drive or be in actual physical control of a vehicle on a highway or on premises to which the public has access if the person has a specified amount of a prohibited substance in his or her blood or urine regardless of whether actual impairment is shown. The prohibited substances for which such specified amounts have been

established include marijuana and marijuana metabolite. (NRS 484C.110, 484C.120) Existing law also allows a person who suffers from certain chronic or debilitating medical conditions to obtain a registry identification card through a program governed by the Health Division of the Department of Health and Human Services that authorizes the person to engage in the limited and regulated use of marijuana for medical purposes. (Chapter 453A of NRS)

This bill requires the Legislative Committee on Health Care, during the 2013-2015 legislative interim, to study the existing laws prohibiting a person from having specified amounts of a prohibited substance in his or her blood or urine while driving or being in actual physical control of a vehicle, including consideration of the laws as they apply to the presence of marijuana or marijuana metabolite in the blood or urine of a person who engages in the lawful use of marijuana for medical purposes.

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

Delete existing sections 1 and 2 of this bill and replace with the following new sections 1 and 2:

Section 1. As part of the review of health care during the 2013-2015 legislative interim, the Legislative Committee on Health Care shall study the laws of this State making it a crime for a person to have a specified amount of certain substances in his or her blood or urine while driving or being in actual physical control of a vehicle. Such study must include, without limitation, consideration of such laws as applied to the presence of marijuana or marijuana metabolite in the blood or urine of a person who engages in the lawful use of marijuana for medical purposes.

Sec. 2. This act becomes effective on July 1, 2013.

Senator Kieckhefer moved the adoption of the amendment.

Remarks by Senator Kieckhefer.

Thank you, Mr. President. Amendment No. 835 to Assembly Bill No. 351 converts the measure into a study. Specifically, the amendment requires the Legislative Committee on Health Care to study laws related to prohibiting specified amounts of certain substances in a person's blood or urine while driving and how such laws apply to persons authorized to use marijuana for medical purposes.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 453.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 765.

"SUMMARY—Excludes certain fleet vehicles from the insurance verification system. (BDR 43-1199)"

"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 ~~[,]~~ *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 ~~*[,]*~~ 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 ~~[:~~

~~(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.)

Senator Manendo moved the adoption of the amendment.

Remarks by Senator Manendo.

Thank you, Mr. President. Amendment No. 765 to Assembly Bill No. 453 clarifies that the bill is meant for fleet and/or commercial insurance policies and does not change the definition of a fleet with regard to registration.

Amendment adopted.

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

GENERAL FILE AND THIRD READING

Senate Bill No. 395.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 810.

"SUMMARY—Requires the [Attorney General to prepare and publish] Advisory Commission on the Administration of Justice to identify and study certain information. (BDR 14-22)"

"AN ACT relating to criminal procedure; requiring the ~~[Attorney General to prepare and publish]~~ Advisory Commission on the Administration of Justice to identify and study certain information concerning the collateral consequences of a conviction; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Section ~~[1]~~ 4 of this bill requires the ~~[Attorney General to prepare and publish a collection of]~~ Advisory Commission on the Administration of Justice to identify and study the provisions of existing law which impose or authorize a collateral consequence of conviction and any provisions of existing law allowing relief from those collateral consequences. ~~[Section 1 defines a collateral consequence of conviction as: (1) a legal disability that occurs by operation of law because of a conviction but is not part of the sentence for the crime; or (2) a disadvantage or disability that an administrative agency, civil court or other state actor other than a sentencing~~

~~court is authorized, but not required, to impose based on a conviction. Under section 2 of this bill, the first such collection must be prepared on or before January 1, 2014, and under section 1, the Attorney General must update the collection not later than 45 days after each regular legislative session. Section 1 also requires the collection to be made available on the Internet not later than 14 days after it is created or updated.]~~

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

Section 1. ~~[Chapter 174 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. The Attorney General:*~~

~~*(a) Shall identify or cause to be identified any provision in the Nevada Constitution, the Nevada Revised Statutes and the Nevada Administrative Code which imposes a collateral sanction or authorizes the imposition of a disqualification, and any provision of law that may afford relief from a collateral consequence;*~~

~~*(b) Shall prepare or cause to be prepared a collection of citations to, and the text or short descriptions of, the provisions identified under paragraph (a);*~~

~~*(c) Shall update or cause to be updated the collection within 45 days after each regular session of the Legislature; and*~~

~~*(d) In complying with paragraphs (a) and (b), may rely on the study of this State's collateral sanctions, disqualifications and relief provisions prepared by the National Institute of Justice described in section 510 of the Court Security Improvement Act of 2007, Public Law 110-177.*~~

~~*2. The Attorney General shall include or cause to be included the following statements in a prominent manner at the beginning of the collection required by subsection 1:*~~

~~*(a) This collection has not been enacted into law and does not have the force of law.*~~

~~*(b) An error or omission in this collection, or in any reference work cited in this collection, is not a reason for invalidating a plea, conviction or sentence or for not imposing a collateral sanction or authorizing a disqualification.*~~

~~*(c) The laws of other jurisdictions and local governments in this State which impose additional collateral sanctions and authorize additional disqualifications are not included in this collection.*~~

~~*(d) This collection does not include any law or other provision regarding the imposition of or relief from a collateral sanction or a disqualification enacted or adopted after the date on which the collection was prepared or last updated.*~~

~~*3. The Attorney General shall publish or cause to be published the collection prepared and updated as required by subsection 1. If available, the*~~

~~*Attorney General shall also publish or cause to be published, as part of this collection, the title and Internet address of the most recent collection of:*~~

~~*(a) Collateral consequences imposed by federal law; and*~~

~~*(b) Any provision of federal law that may afford relief from a collateral consequence.*~~

~~*4. The collection described in subsection 3 must be made available to the public on the Internet without charge not later than 14 days after it is prepared or updated.*~~

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

~~*(a) "Collateral consequence" means a collateral sanction or a disqualification.*~~

~~*(b) "Collateral sanction" means a penalty, disability or disadvantage, however denominated, imposed on a person as a result of the person's conviction of an offense which applies by operation of law whether or not the penalty, disability or disadvantage is included in the judgment or sentence. The term does not include imprisonment, probation, parole, supervised release, forfeiture, restitution, fine, administrative assessment or costs of prosecution.*~~

~~*(c) "Conviction" includes, without limitation, an adjudication of delinquency by a court having jurisdiction over juveniles.*~~

~~*(d) "Disqualification" means a penalty, disability or disadvantage, however denominated, that an administrative agency, governmental official or court in a civil proceeding is authorized, but not required, to impose on a person on grounds relating to the person's conviction of an offense.*~~

~~*(e) "Offense" means a felony, gross misdemeanor or misdemeanor or a delinquent act for which a child may be adjudicated delinquent under the laws of this State, another state or the United States.]*~~ (Deleted by amendment.)

Sec. 2. ~~[On or before January 1, 2014, the Attorney General shall prepare or cause to be prepared the collection required by paragraph (b) of subsection 1 of section 1 of this act.]~~ (Deleted by amendment.)

Sec. 3. ~~[1. This section and section 2 of this act become effective upon passage and approval.~~

~~2. Section 1 of this act becomes effective upon passage and approval for the purposes of preparing and publishing the collection required by section 1 of this act, and on January 1, 2014, for all other purposes.]~~ (Deleted by amendment.)

Sec. 4. NRS 176.0125 is hereby amended to read as follows:

176.0125 The Commission shall:

1. Identify and study the elements of this State's system of criminal justice which affect the sentences imposed for felonies and gross misdemeanors.

2. Evaluate the effectiveness and fiscal impact of various policies and practices regarding sentencing which are employed in this State and other

states, including, but not limited to, the use of plea bargaining, probation, programs of intensive supervision, programs of regimental discipline, imprisonment, sentencing recommendations, mandatory and minimum sentencing, mandatory sentencing for crimes involving the possession, manufacture and distribution of controlled substances, structured or tiered sentencing, enhanced penalties for habitual criminals, parole, credits against sentences, residential confinement and alternatives to incarceration.

3. Recommend changes in the structure of sentencing in this State which, to the extent practicable and with consideration for their fiscal impact, incorporate general objectives and goals for sentencing, including, but not limited to, the following:

(a) Offenders must receive sentences that increase in direct proportion to the severity of their crimes and their histories of criminality.

(b) Offenders who have extensive histories of criminality or who have exhibited a propensity to commit crimes of a predatory or violent nature must receive sentences which reflect the need to ensure the safety and protection of the public and which allow for the imprisonment for life of such offenders.

(c) Offenders who have committed offenses that do not include acts of violence and who have limited histories of criminality must receive sentences which reflect the need to conserve scarce economic resources through the use of various alternatives to traditional forms of incarceration.

(d) Offenders with similar histories of criminality who are convicted of similar crimes must receive sentences that are generally similar.

(e) Offenders sentenced to imprisonment must receive sentences which do not confuse or mislead the public as to the actual time those offenders must serve while incarcerated or before being released from confinement or supervision.

(f) Offenders must not receive disparate sentences based upon factors such as race, gender or economic status.

(g) Offenders must receive sentences which are based upon the specific circumstances and facts of their offenses, including the nature of the offense and any aggravating factors, the savagery of the offense, as evidenced by the extent of any injury to the victim, and the degree of criminal sophistication demonstrated by the offender's acts before, during and after commission of the offense.

4. Evaluate the effectiveness and efficiency of the Department of Corrections and the State Board of Parole Commissioners with consideration as to whether it is feasible and advisable to establish an oversight or advisory board to perform various functions and make recommendations concerning:

(a) Policies relating to parole;

(b) Regulatory procedures and policies of the State Board of Parole Commissioners;

(c) Policies for the operation of the Department of Corrections;

(d) Budgetary issues; and

(e) Other related matters.

5. Evaluate the effectiveness of specialty court programs in this State with consideration as to whether such programs have the effect of limiting or precluding reentry of offenders and parolees into the community.

6. Evaluate the policies and practices concerning presentence investigations and reports made by the Division of Parole and Probation of the Department of Public Safety, including, without limitation, the resources relied on in preparing such investigations and reports and the extent to which judges in this State rely on and follow the recommendations contained in such presentence investigations and reports.

7. Evaluate, review and comment upon issues relating to juvenile justice in this State, including, but not limited to:

(a) The need for the establishment and implementation of evidence-based programs and a continuum of sanctions for children who are subject to the jurisdiction of the juvenile court; and

(b) The impact on the criminal justice system of the policies and programs of the juvenile justice system.

8. Compile and develop statistical information concerning sentencing in this State.

9. Identify and study issues relating to the application of chapter 241 of NRS to meetings held by the:

(a) State Board of Pardons Commissioners to consider an application for clemency; and

(b) State Board of Parole Commissioners to consider an offender for parole.

10. Identify and study issues relating to the operation of the Department of Corrections, including, without limitation, the system for allowing credits against the sentences of offenders, the accounting of such credits and any other policies and procedures of the Department which pertain to the operation of the Department.

11. Evaluate the policies and practices relating to the involuntary civil commitment of sexually dangerous persons.

12. *Identify and study the impacts and effects of collateral consequences of convictions in this State. Such identification and study:*

(a) Must cause to be identified any provision in the Nevada Constitution, the Nevada Revised Statutes and the Nevada Administrative Code which imposes a collateral sanction or authorizes the imposition of a disqualification, and any provision of law that may afford relief from a collateral consequence;

(b) May rely on the study of this State's collateral sanctions, disqualifications and relief provisions prepared by the National Institute of Justice described in section 510 of the Court Security Improvement Act of 2007, Public Law 110-177; and

(c) Must include the posting of a hyperlink on the Commission's website to any study of this State's collateral sanctions, disqualifications and relief provisions prepared by the National Institute of Justice described in section 510 of the Court Security Improvement Act of 2007, Public Law 110-177.

13. For each regular session of the Legislature, prepare a comprehensive report including the Commission's recommended changes pertaining to the administration of justice in this State, the Commission's findings and any recommendations of the Commission for proposed legislation. The report must be submitted to the Director of the Legislative Counsel Bureau for distribution to the Legislature not later than September 1 of each even-numbered year.

Senator Kieckhefer moved the adoption of the amendment.

Remarks by Senator Kieckhefer.

Thank you, Mr. President. Amendment No. 810 to Senate Bill No. 395 guts the bill, and creates a study that would be put forward by the Advisory Commission on the Administration of Justice, rather than having the Attorney General prepare and publish items.

Amendment adopted.

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

Senate Bill No. 430.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 794.

"SUMMARY—Revises provisions relating to motor carriers. (BDR 58-1072)"

"AN ACT relating to motor carriers; requiring ~~[operators of limousines and]~~ taxicab motor carriers in certain counties to charge, collect and remit a technology fee to the Nevada Transportation Authority; ~~[requiring the Nevada Transportation Authority to use the technology fee for certain purposes;]~~ requiring operators of limousines to charge, collect and remit the technology fee to the Nevada Transportation Authority under certain circumstances; imposing a technology fee on taxicab trips in counties under the jurisdiction of the Taxicab Authority; ~~[requiring the Taxicab Authority to]~~ prescribing the use of the technology ~~[fee]~~ fees for certain purposes; authorizing the implementation and use of a computerized real-time data system for certain purposes; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

~~[The]~~ Under existing law, the Nevada Transportation Authority regulates common motor carriers of passengers, which include limousines. ~~[and,]~~ In addition, in counties with a population of less than 700,000 (currently all counties other than Clark County), the Nevada Transportation Authority regulates taxicabs. (NRS 706.151) ~~[Existing law requires operators of limousines and taxicab motor carriers in such counties to pay an annual fee to~~

~~the Nevada Transportation Authority. (NRS 706.465, 706.471) Section 2 of this bill requires an operator of a limousine to also charge, collect and remit to the Authority a technology fee in an amount set by the Authority that must not exceed 22 cents for each compensable limousine trip. Section 3~~] Under existing law, the Taxicab Authority regulates taxicabs in a county whose population is 700,000 or more (currently Clark County) and in any county that has, by ordinance, placed itself under the jurisdiction of the Taxicab Authority. (NRS 706.881)

This bill requires the Nevada Transportation Authority and the Taxicab Authority to: (1) establish a technology fee; and (2) use the money generated by the technology fees to implement certain technology to assist the agencies in carrying out their duties. Sections 7 and 14 of this bill ~~[requires]~~ require a taxicab motor carrier ~~[also]~~ to charge ~~[,]~~ and collect ~~[and remit]~~ the technology fee for each compensable trip of a taxicab operated by the carrier, including a taxicab that it leases to another person . ~~[. Section 1]~~ Sections 5 and 13 of this bill ~~[requires the Authority]~~ : (1) require the Nevada Transportation Authority and the Taxicab Authority to use the money generated by the technology fees to implement technological improvements in safety, reliability and efficiency, including the implementation of a computerized real-time data system to assist ~~[the]~~ each Authority in carrying out its duties ~~[.~~

~~Under existing law, the Taxicab Authority regulates taxicabs in a county whose population is 700,000 or more (currently Clark County) and in any county that has, by ordinance, placed itself under the jurisdiction of the Taxicab Authority. (NRS 706.881) Existing law requires the Taxicab Authority to set a fee of not more than 20 cents on each compensable trip of a taxicab that is subject to regulation by the Taxicab Authority. (NRS 706.8826) Section 5 of this bill requires the Taxicab Authority to set a technology fee of not more than 22 cents on each such trip. Section 4 of this bill requires the Taxicab Authority to use the money appropriated to it by reason of the technology fee to implement technological improvements in safety, reliability and efficiency, including the implementation of a computerized real-time data system to assist the Taxicab Authority in carrying out its duties.~~] ; and (2) prescribe certain technical specifications for the computerized real-time data system implemented by those agencies. Section 18 of this bill requires the Nevada Transportation Authority and the Taxicab Authority to: (1) commence the process of implementing the computerized real-time data system not later than October 1, 2013; and (2) on or before February 1, 2015, submit a report to the Director of the Legislative Counsel Bureau for transmittal to the 78th Session of the Legislature that describes the implementation and operations of the computerized real-time data system.

Sections 2 and 3 of this bill provide for the use of the computerized real-time data system by common motor carriers to provide public

cooperative dispatch and electronic hailing services in certain counties. Sections 2 and 3: (1) authorize a holder of a certificate of public convenience and necessity to apply to the agency regulating the certificate holder for authorization to use the computerized real-time data system to provide these services in certain counties; and (2) require the Nevada Transportation Authority and the Taxicab Authority to authorize such use. Sections 2 and 3 further require the Nevada Transportation Authority and the Taxicab Authority to: (1) authorize certificate holders who use the computerized real-time data system to provide public cooperative dispatch and electronic hailing services to impose a reasonable charge for the use of the system by a passenger; and (2) establish by regulation or order requirements for the publication of that charge. Under section 6 of this bill, if an operator of a limousine uses the computerized real-time data system to provide cooperative dispatch and electronic hailing services, the operator is required to charge, collect and remit the technology fee imposed under this bill for each compensable limousine trip within a county whose population is 700,000 or more (currently Clark County).

Sections 11 and 15 of this bill authorize: (1) the Taxicab Authority to use the computerized real-time data system to verify the validity of temporary or permanent medallions issued by the Taxicab Authority; and (2) the use of the computerized electronic real-time data system to keep an electronic version of the daily trip sheet of drivers of taxicabs.

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

Section 1. Chapter 706 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *1. In a county whose population is 700,000 or more, upon application by a holder of a certificate of public convenience and necessity, the Authority shall authorize the certificate holder to use the computerized real-time data system for the purposes of offering cooperative dispatch and electronic hailing services to the public.*

2. If two or more holders of a certificate of convenience and public necessity apply to the Authority to use the computerized real-time data system for the purposes set forth in subsection 1, the Authority must establish, by regulation or order, rules providing for the use of the computerized real-time data system by two or more holders of a certificate of convenience and public necessity for the purposes set forth in subsection 1.

3. The Authority shall:

(a) Authorize the holders of a certificate of public convenience and necessity who are authorized to use the computerized real-time data system for the purposes set forth in subsection 1 to impose a reasonable charge for the use of the computerized real-time data system by a passenger. The charge:

(1) Must be separate from any other rate, fare or charge for service;

(2) Is not required to be uniform within a county; and

(3) May be assessed in accordance with a schedule of charges based upon factors approved by the Authority.

(b) Establish, by regulation or order, requirements for the publication by holders of a certificate of public convenience and necessity of the charge or the schedule of charges for the use by a passenger of the computerized real-time data system for the purposes set forth in subsection 1.

4. As used in this section, "computerized real-time data system" means the computerized real-time data system implemented by the Authority pursuant to subsection 3 of NRS 706.1516.

Sec. 3. 1. Upon application by a certificate holder, the Taxicab Authority shall authorize the certificate holder to use the computerized real-time data system for the purposes of offering cooperative dispatch and electronic hailing services for taxicabs to the public.

2. If two or more certificate holders apply to the Taxicab Authority to use the computerized real-time data system for the purposes set forth in subsection 1, the Taxicab Authority must establish, by regulation or order, rules providing for the use of the computerized real-time data system by two or more certificate holders for the purposes set forth in subsection 1.

3. The Taxicab Authority shall:

(a) Authorize the certificate holders who are authorized to use the computerized real-time data system for the purposes set forth in subsection 1 to impose a reasonable charge for the use by a passenger of the computerized real-time data system. The charge:

(1) Must be separate from any other rate, fare or charge for taxicab service;

(2) Is not required to be uniform within a county; and

(3) May be assessed in accordance with a schedule of charges based upon factors approved by the Taxicab Authority.

(b) Establish, by regulation or order, requirements for the publication by certificate holders of the charge or the schedule of charges for the use by a passenger of the computerized real-time data system for the purposes set forth in subsection 1.

4. As used in this section, "computerized real-time data system" means the computerized real-time data system implemented by the Taxicab Authority pursuant to subsection 4 of NRS 706.8825.

Sec. 4. NRS 706.011 is hereby amended to read as follows:

706.011 As used in NRS 706.011 to 706.791, inclusive, *and section 2 of this act,* unless the context otherwise requires, the words and terms defined in NRS 706.013 to 706.146, inclusive, have the meanings ascribed to them in those sections.

~~[Section 1.]~~ *Sec. 5.* NRS 706.1516 is hereby amended to read as follows:

706.1516 1. The Nevada Transportation Authority Regulatory Account is hereby created in the State General Fund. All money collected by the Authority pursuant to law must be deposited with the State Treasurer for credit to the Account.

2. ~~[Money]~~ *Except as otherwise provided in subsection 3, money* in the Account may be used only to defray the costs of:

(a) Maintaining staff and equipment needed to regulate adequately persons subject to the jurisdiction of the Authority.

(b) Participating in all proceedings relevant to the jurisdiction of the Authority.

(c) Audits, inspections, investigations, publication of notices, reports and retaining consultants connected with that maintenance and participation.

(d) The salaries, travel expenses and subsistence allowances of the members of the Authority.

3. *All money collected by the Authority pursuant to subsection 2 of NRS 706.465 and subsection 4 of NRS 706.471 must be used to implement technological improvements in safety, reliability and efficiency* ~~[,]~~ *within a county whose population is 700,000 or more, including, without limitation, the implementation of a computerized real-time data system to assist with the administration and enforcement of the provisions of NRS 706.011 to 706.791, inclusive* ~~[.]~~ *, and section 2 of this act. A computerized real-time data system implemented pursuant to this subsection must, at a minimum, satisfy the following criteria:*

(a) While a vehicle is in service within the jurisdiction of the Authority, the system must be capable of collecting in real-time from the onboard computer of the vehicle, by wireless access through the onboard diagnostic port or other means, the vehicle identification number and the operating and telemetric data for the vehicle.

(b) While a vehicle is in service within the jurisdiction of the Authority, the system must be capable of collecting in real-time, from an onboard diagnostic device capable of using a global positioning system that is installed in the vehicle or any other onboard computer software system capable of using a global positioning system that is installed in the vehicle, the location of the vehicle by latitude and longitude, a record of the time at which the vehicle is at that location and operating and telemetric data for the vehicle.

(c) The system must be capable of allowing the operator of a vehicle, while the vehicle is in service within the jurisdiction of the Authority, to register in the system, at the beginning and end of each shift, his or her identity and the number of his or her permit or certificate of public convenience and necessity.

(d) The system must be capable of allowing, in a manner prescribed by the Authority, a holder of a certificate of public convenience and necessity to

digitally associate himself or herself with a vehicle for which the Authority has issued a certificate, license or other authorization.

(e) The system must be capable of presenting, in real-time to the Authority, searchable histories of the information and data described in this subsection in both a format that displays the information and data in tables and a digital map format that displays streets and highways.

(f) The system must be capable of presenting to a passenger, through an application on a mobile device or an interactive, digital display or other onboard system in the vehicle, sufficient information for the passenger to select and direct the operator of the vehicle to the passenger's desired destination by the passenger's desired route. The information must include, without limitation, sufficient information for the passenger to:

(1) Select the shortest route by time or distance to the passenger's desired destination;

(2) Select a multi-segment trip directed by the passenger;

(3) Select the least expensive route to the passenger's desired destination; and

(4) Make a digital record of the passenger's selection that is accessible during and after the trip by the passenger, the Authority, the operator and the holder of the certificate of public convenience and necessity.

(g) The system must be capable of presenting to the operator of the vehicle, through an application on a mobile device or an interactive, digital display or other onboard system in the vehicle, sufficient information for the operator to:

(1) Determine the shortest route by time or distance to the passenger's desired destination and the least expensive route to the passenger's desired destination;

(2) Follow a multi-segment, passenger-directed trip by the least expensive route to the passenger's desired destination; and

(3) Allow the passenger to make a digital record of a selection of a desired route to the passenger's destination that is accessible during and after the trip by the passenger, the Authority, the operator and the holder of the certificate of public convenience and necessity.

(h) The system must be capable of allowing a passenger to register comments and complaints with the Authority, the operator of the vehicle and the holder of the certificate of public convenience and necessity, through an application on a mobile device or an interactive digital display screen or other onboard system in the vehicle.

(i) The system must be capable of assisting the Authority in the development of additional preventive measures to detect, investigate and deter the practice of transporting a passenger to a selected destination by a route that is more expensive than necessary under the circumstances of the trip.

(j) The system must be capable of providing to the Authority reliable real-time and historic information concerning service demands, market data, vehicle usage, wait time and customer complaints and comments.

(k) The system must be capable of allowing holders of a certificate of convenience and public necessity to use the system to provide cooperative dispatch and electronic hailing services to the public pursuant to section 2 of this act.

4. The Authority shall not use the information and data collected pursuant to paragraph (a) or (b) of subsection 3 for any purpose other than the purposes set forth in those paragraphs unless the Authority has adopted regulations governing the additional use.

5. The Authority may operate the computerized real-time data system implemented pursuant to subsection 3 or enter into an agreement for the provision of such service. If the Authority enters into such an agreement, the Authority shall ensure that all the information and data collected by the computerized real-time data system is under the control of the Authority.

6. All claims against the Account must be paid as other claims against the State are paid.

[4.] ~~*[5.]*~~ *7.* The Authority must furnish upon request a statement showing the balance remaining in the Account as of the close of the preceding fiscal year.

8. As used in this section, "real time" means the transmission of information at a rate no longer than once every 6 seconds, unless the Authority authorizes a longer rate while a vehicle is experiencing a low volume of trips.

[~~Sec. 2.~~] *Sec. 6.* NRS 706.465 is hereby amended to read as follows:

706.465 1. An operator of a limousine shall, beginning on July 1, 2003, and on July 1 of each year thereafter, pay to the Authority a fee of $100 for each limousine that the Authority has authorized the operator to operate.

2. *An operator of a limousine shall:*

(a) Charge and collect a technology fee in an amount set by the Authority ~~*[that must not exceed 22 cents per trip]*~~ *for each compensable trip by a limousine that the Authority has authorized the operator to operate* ~~*[;]*~~ *, if a computerized real-time data system is used for the purposes set forth in section 2 of this act; and*

(b) Remit to the Authority, not later than the 10th day of each month, all technology fees collected by the operator pursuant to this subsection for the immediately preceding month.

➥ *The fee charged pursuant to this subsection may only be charged within a county whose population is 700,000 or more, and may be included in the operator's tariff.*

3. Any person who fails to pay any fee on or before the date provided in this section shall pay a penalty of 10 percent of the amount of the fee, plus

interest on the amount of the fee at the rate of 1 percent per month or fraction of a month, from the date the fee is due until the date of payment.

4. As used in this section ~~[, "limousine"]~~ :

(a) "Computerized real-time data system" means the computerized real-time data system implemented by the Authority pursuant to subsection 3 of NRS 706.1516.

(b) "Limousine" includes:

~~[(a)]~~ *(1)* A livery limousine; and

~~[(b)]~~ *(2)* A traditional limousine.

~~[Sec. 3.]~~ *Sec. 7.* NRS 706.471 is hereby amended to read as follows:

706.471 1. Each taxicab motor carrier shall, before commencing the operation defined in NRS 706.126 and annually thereafter, pay to the Authority for each taxicab which it operates, including each taxicab it leases pursuant to NRS 706.473, ~~[a]~~ *an annual* fee of not more than $75 as determined by a regulation of the Authority.

2. The *annual* fee provided in this section must be paid on or before January 1 of each year.

3. The ~~[initial]~~ *annual* fee must be reduced one-twelfth for each month which has elapsed since the beginning of the calendar year in which operation is begun.

4. *In addition to the annual fee provided in subsection 1, each taxicab motor carrier shall:*

(a) Charge and collect a technology fee in an amount set by the Authority ~~[that must not exceed 22 cents per trip]~~ for each compensable trip by a taxicab which it operates, including each taxicab it leases pursuant to NRS 706.473; and

(b) Remit to the Authority, not later than the 10th day of each month, all fees collected by the operator pursuant to this subsection for the immediately preceding month.

➥ *The fee charged pursuant to this subsection may only be charged within a county whose population is 700,000 or more, and may be added to the passenger fare charged as indicated on the taximeter.*

5. Any person who fails to pay any fee on or before the date provided in this section shall pay a penalty of 10 percent of the amount of the fee , plus interest on the amount of the fee at the rate of 1 percent per month or fraction of a month , from the date the fee is due until the date of payment.

Sec. 8. NRS 706.756 is hereby amended to read as follows:

706.756 1. Except as otherwise provided in subsection 2, any person who:

(a) Operates a vehicle or causes it to be operated in any carriage to which the provisions of NRS 706.011 to 706.861, inclusive, *and section 2 of this act* apply without first obtaining a certificate, permit or license, or in violation of the terms thereof;

(b) Fails to make any return or report required by the provisions of NRS 706.011 to 706.861, inclusive, *and section 2 of this act* or by the Authority or the Department pursuant to the provisions of NRS 706.011 to 706.861, inclusive ~~[;]~~ *, and section 2 of this act;*

(c) Violates, or procures, aids or abets the violating of, any provision of NRS 706.011 to 706.861, inclusive ~~[;]~~ *, and section 2 of this act;*

(d) Fails to obey any order, decision or regulation of the Authority or the Department;

(e) Procures, aids or abets any person in the failure to obey such an order, decision or regulation of the Authority or the Department;

(f) Advertises, solicits, proffers bids or otherwise is held out to perform transportation as a common or contract carrier in violation of any of the provisions of NRS 706.011 to 706.861, inclusive ~~[;]~~ *, and section 2 of this act;*

(g) Advertises as providing:

(1) The services of a fully regulated carrier; or

(2) Towing services,

➥ without including the number of the person's certificate of public convenience and necessity or contract carrier's permit in each advertisement;

(h) Knowingly offers, gives, solicits or accepts any rebate, concession or discrimination in violation of the provisions of this chapter;

(i) Knowingly, willfully and fraudulently seeks to evade or defeat the purposes of this chapter;

(j) Operates or causes to be operated a vehicle which does not have the proper identifying device;

(k) Displays or causes or permits to be displayed a certificate, permit, license or identifying device, knowing it to be fictitious or to have been cancelled, revoked, suspended or altered;

(l) Lends or knowingly permits the use of by one not entitled thereto any certificate, permit, license or identifying device issued to the person so lending or permitting the use thereof; or

(m) Refuses or fails to surrender to the Authority or Department any certificate, permit, license or identifying device which has been suspended, cancelled or revoked pursuant to the provisions of this chapter,

➥ is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than $100 nor more than $1,000, or by imprisonment in the county jail for not more than 6 months, or by both fine and imprisonment.

2. Any person who, in violation of the provisions of NRS 706.386, operates as a fully regulated common motor carrier without first obtaining a certificate of public convenience and necessity or any person who, in violation of the provisions of NRS 706.421, operates as a contract motor carrier without first obtaining a permit is guilty of a misdemeanor and shall be punished:

(a) For a first offense within a period of 12 consecutive months, by a fine of not less than $500 nor more than $1,000. In addition to the fine, the person may be punished by imprisonment in the county jail for not more than 6 months.

(b) For a second offense within a period of 12 consecutive months and for each subsequent offense that is committed within a period of 12 consecutive months of any prior offense under this subsection, by a fine of $1,000. In addition to the fine, the person may be punished by imprisonment in the county jail for not more than 6 months.

3. Any person who, in violation of the provisions of NRS 706.386, operates or permits the operation of a vehicle in passenger service without first obtaining a certificate of public convenience and necessity is guilty of a gross misdemeanor.

4. If a law enforcement officer witnesses a violation of any provision of subsection 2 or 3, the law enforcement officer may cause the vehicle to be towed immediately from the scene and impounded in accordance with NRS 706.476.

5. The fines provided in this section are mandatory and must not be reduced under any circumstances by the court.

6. Any bail allowed must not be less than the appropriate fine provided for by this section.

Sec. 9. NRS 706.881 is hereby amended to read as follows:

706.881 1. The provisions of NRS 706.8811 to 706.885, inclusive, *and section 3 of this act* apply to any county:

(a) Whose population is 700,000 or more; or

(b) For whom regulation by the Taxicab Authority is not required, if the board of county commissioners of the county has enacted an ordinance approving the inclusion of the county within the jurisdiction of the Taxicab Authority.

2. Upon receipt of a certified copy of such an ordinance from a county for whom regulation by the Taxicab Authority is not required, the Taxicab Authority shall exercise its regulatory authority pursuant to NRS 706.8811 to 706.885, inclusive, *and section 3 of this act* within that county.

3. Within any such county, the provisions of this chapter which confer regulatory authority over taxicab motor carriers upon the Nevada Transportation Authority do not apply.

Sec. 10. NRS 706.8811 is hereby amended to read as follows:

706.8811 As used in NRS 706.881 to 706.885, inclusive, *and section 3 of this act,* unless the context otherwise requires, the words and terms defined in NRS 706.8812 to 706.8817, inclusive, have the meanings ascribed to them in those sections.

Sec. 11. NRS 706.88183 is hereby amended to read as follows:

706.88183 1. The Taxicab Authority shall ~~[establish by regulation a system for the use of radio frequency identification or other electronic~~

~~means~~] *implement a system* to verify *through the computerized real-time data system implemented pursuant to subsection 4 of NRS 706.8825* the validity of a *temporary or permanent* medallion ~~[affixed to any taxicab within the jurisdiction of]~~ *issued by* the Taxicab Authority.

2. As used in this section, "medallion" means the ~~[metal plate issued by]~~ *temporary or permanent authority to operate a taxicab within the jurisdiction of* the Taxicab Authority ~~[to be affixed to each taxicab allocated]~~ *which is issued* by the Taxicab Authority ~~[.]~~ *pursuant to NRS 706.8811 to 706.885, inclusive, and section 3 of this act.*

Sec. 12. NRS 706.8821 is hereby amended to read as follows:

706.8821 1. The Administrator is responsible for the control and regulation of the taxicab industry in any county to which NRS 706.881 to 706.885, inclusive, *and section 3 of this act* apply and for the administration of NRS 706.881 to 706.885, inclusive ~~[.]~~ *, and section 3 of this act.*

2. The Administrator shall appoint:

(a) One accountant and such auditors as are necessary to enable the Administrator to perform the Administrator's official functions properly; and

(b) Such other employees as are necessary to enable the Administrator to perform the Administrator's official functions properly.

~~[Sec. 4.]~~ *Sec. 13.* NRS 706.8825 is hereby amended to read as follows:

706.8825 1. All fees collected pursuant to NRS 706.881 to 706.885, inclusive, *and section 3 of this act* must be deposited by the Administrator to the credit of the Taxicab Authority Fund, which is hereby created as a special revenue fund. The transactions for each county subject to those sections must be accounted for separately within the Fund.

2. The interest and income earned on the money in the Fund, after deducting any applicable charges, must be credited to the Fund.

3. The revenues received pursuant to subsection 1 of NRS 706.8826 are hereby appropriated to defray the cost of regulating taxicabs in the county or the city, respectively, making the deposit under that subsection.

4. The fees received pursuant to subsection 3 of NRS 706.8826, NRS 706.8827, 706.8841, 706.8848, 706.8849 and 706.885 are hereby appropriated to defray the cost of regulating taxicabs in the county in which the certificate holder operates a taxicab business. *The technology fees received pursuant to paragraph (c) of subsection 3 of NRS 706.8826 must be used to implement technological improvements in safety, reliability and efficiency, including, without limitation, the implementation of a computerized real-time data system to assist with the regulation of the taxicabs in the county in which the certificate holder operates a taxicab business. A computerized real-time data system implemented pursuant to this subsection must, at a minimum, satisfy the following criteria:*

(a) While a taxicab is in service within the jurisdiction of the Taxicab Authority, the system must be capable of collecting in real-time from the

onboard computer of the taxicab, by wireless access through the onboard diagnostic port or other means, the vehicle identification number and operating and telemetric data for the vehicle.

(b) While a taxicab is in service within the jurisdiction of the Authority, the system must be capable of collecting in real-time, from an onboard diagnostic device capable of using a global positioning system that is installed in the taxicab or any other onboard computer software system capable of using a global positioning system that is installed in the taxicab, the location of the taxicab by latitude and longitude, a record of the time at which the taxicab is at that location and operating and telemetric data for the vehicle.

(c) The system must be capable of allowing the driver of a taxicab, while the taxicab is in service within the jurisdiction of the Authority, to register in the system, at the beginning and end of each shift, his or her identity and the number of his or her driver's permit.

(d) The system must be capable of allowing, in a manner prescribed by the Taxicab Authority, a certificate holder to digitally associate a taxicab with a temporary or permanent medallion for the purpose of verifying the validity of a temporary or permanent medallion pursuant to NRS 706.88183. As used in this paragraph, "medallion" has the meaning ascribed to it in NRS 706.88183.

(e) The system must be capable of presenting, in real-time to the Taxicab Authority, searchable histories, in both a format that displays the information and data in tables and a digital map format that displays streets and highways, of:

(1) The information and data described in this subsection; and

(2) The information described in NRS 706.8844.

(f) The system must be capable of presenting to a passenger, through an application on a mobile device or on an interactive, digital display or other onboard system in the taxicab, sufficient information for the passenger to select and direct the driver to the passenger's desired destination by the passenger's desired route. The information must include, without limitation, sufficient information for the passenger to:

(1) Select the shortest route by time or distance to the passenger's desired destination;

(2) Select a multi-segment trip directed by the passenger;

(3) Select the least expensive route to the passenger's desired destination; and

(4) Make a digital record of the passenger's selection that is accessible during and after the trip by the passenger, the Taxicab Authority, the driver and the certificate holder.

(g) The system must be capable of presenting to the driver, through an application on a mobile device or an interactive, digital display or other onboard system in the taxicab, sufficient information for the driver to:

(1) Determine the shortest route by time or distance to the passenger's desired destination and the least expensive route to the passenger's desired destination;

(2) Follow a multi-segment, passenger-directed trip by the least expensive route to the passenger's desired destination; and

(3) Allow the passenger to make a digital record of a selection of a desired route to the passenger's destination that is accessible during and after the trip by the passenger, the Taxicab Authority, the driver and the certificate holder.

(h) The system must be capable of allowing passengers to register comments and complaints with the Taxicab Authority, the driver and the certificate holder, through an application on a mobile device or an interactive digital display screen or other onboard system in the taxicab.

(i) The system must be capable of assisting the Taxicab Authority in the development of additional preventive measures to detect, investigate and deter the practice of transporting a passenger to a selected destination by a route that is more expensive than necessary under the circumstances of the trip.

(j) The system must be capable of providing to the Taxicab Authority reliable real-time and historic information concerning service demands, market data, vehicle usage, wait times and customer complaints and comments for use by the Taxicab Authority to make decisions concerning the allocation of medallions pursuant to 706.88237, 706.8824 and 706.88245.

(k) The system must be capable of allowing certificate holders to use the system to provide cooperative dispatch and electronic hailing services to the public pursuant to section 3 of this act.

5. *The Taxicab Authority shall not use the information and data collected pursuant to paragraph (a) or (b) of subsection 4 for any purpose other than the purposes set forth in those paragraphs unless the Authority has adopted regulations governing the additional use.*

6. The Taxicab Authority may operate the computerized real-time data system implemented pursuant to subsection 4 or enter into an agreement for the provision of such service. If the Taxicab Authority enters into such an agreement, the Taxicab Authority shall ensure that all the information and data collected by the computerized real-time data system is under the control of the Taxicab Authority.

7. Any balance remaining in the Fund does not revert to the State General Fund. The Administrator may transfer to the Aging and Disability Services Division of the Department of Health and Human Services any balance over $200,000 and any interest earned on the Fund, within the limits of legislative authorization for each fiscal year, to subsidize transportation for elderly persons and persons with permanent disabilities in taxicabs. The money transferred to the Aging and Disability Services Division must be

administered in accordance with regulations adopted by the Administrator of the Aging and Disability Services Division pursuant to NRS 427A.070.

~~[6.]~~ *8.* The Administrator may establish an account for petty cash not to exceed $2,000 for the support of undercover investigation, and if the account is created, the Administrator shall reimburse the account from the Taxicab Authority Fund in the same manner as other claims against the State are paid.

9. As used in this section, "real time" means the transmission of information at a rate no longer than once every 6 seconds, unless the Taxicab Authority authorizes a longer rate while a taxicab is experiencing a low volume of trips.

~~[Sec. 5.]~~ *Sec. 14.* NRS 706.8826 is hereby amended to read as follows:

706.8826 1. The board of county commissioners of any county in which there is in effect an order for the allocation of taxicabs from a taxicab authority, and the governing body of each city within any such county, shall deposit to the credit of the Taxicab Authority Fund all of the tax revenue which is received from the taxicab business operating in the county and city, respectively.

2. For the purpose of calculating the amount due to the State under subsection 1, the tax revenue of a county does not include any amount which represents a payment for the use of county facilities or property.

3. Any certificate holder who is subject to an order of allocation by the Taxicab Authority shall pay to the Taxicab Authority *:*

(a) A fee of $100 per year for each taxicab that the Taxicab Authority has allocated to the certificate holder *;* ~~[and a]~~

(b) A fee set by the Taxicab Authority that must not exceed 20 cents per trip for each compensable trip of each of those taxicabs ~~[, which may]~~ *; and*

(c) A technology fee in an amount set by the Taxicab Authority ~~[that must not exceed 22 cents per trip]~~ for each compensable trip of each of those taxicabs.

➥ *The fees set forth in paragraphs (b) and (c) must* be added to the meter charge.

4. The money ~~[so]~~ received by the Taxicab Authority *pursuant to this section* must be deposited in the State Treasury to the credit of the Taxicab Authority Fund.

Sec. 15. NRS 706.8844 is hereby amended to read as follows:

706.8844 1. A certificate holder shall require the certificate holder's drivers to keep a daily trip sheet in a form to be prescribed by the Taxicab Authority, including, without limitation, in electronic form.

2. At the beginning of each period of duty the driver shall record on the driver's trip sheet:

(a) The driver's name and the number of the taxicab;

(b) The time at which the driver began the period of duty by means of a time clock provided by the certificate holder;

(c) The meter readings for total miles, paid miles, trips, units, extra passengers and extra charges; and

(d) The odometer reading of the taxicab.

3. During each period of duty the driver shall record on the driver's trip sheet:

(a) The time, place of origin and destination of each trip; and

(b) The number of passengers and amount of fare for each trip.

4. At the end of each period of duty the driver shall record on the driver's trip sheet:

(a) The time at which the driver ended the period of duty by means of a time clock provided by the certificate holder;

(b) The meter readings for total miles, paid miles, trips, units and extra passengers; and

(c) The odometer reading of the taxicab.

5. A certificate holder shall furnish a trip sheet form for each taxicab operated by a driver during the driver's period of duty and shall require the drivers to return their completed trip sheets at the end of each period of duty.

6. A certificate holder shall retain all trip sheets of all drivers in a safe place for a period of 3 years immediately succeeding December 31 of the year to which they respectively pertain and shall make such manifests available for inspection by the Administrator upon reasonable demand.

7. Any driver who maintains a trip sheet in a form less complete than that required by subsection 1 is guilty of a misdemeanor.

8. The Administrator shall prescribe the requirements for the use of an electronic version of a daily trip sheet. If a certificate holder requires its drivers to keep a daily trip sheet in electronic form, the certificate holder ~~[shall maintain]~~ *may comply with the requirements of this section:*

(a) By maintaining the information collected from the daily trip sheet in a secure database and ~~[provide]~~ *providing* the Administrator with access to the information in the database at regular intervals established by the Administrator and upon reasonable demand ~~[.]~~ *; or*

(b) By reporting the information to the Administrator on the computerized real-time data system implemented pursuant to subsection 4 of NRS 706.8825.

Sec. 16. NRS 706.885 is hereby amended to read as follows:

706.885 1. Any person who knowingly makes or causes to be made, either directly or indirectly, a false statement on an application, account or other statement required by the Taxicab Authority or the Administrator or who violates any of the provisions of NRS 706.881 to 706.885, inclusive, *and section 3 of this act* is guilty of a misdemeanor.

2. The Taxicab Authority or Administrator may at any time, for good cause shown and upon at least 5 days' notice to the grantee of any certificate

or driver's permit, and after a hearing unless waived by the grantee, penalize the grantee of a certificate to a maximum amount of $15,000 or penalize the grantee of a driver's permit to a maximum amount of $500 or suspend or revoke the certificate or driver's permit granted by the Taxicab Authority or Administrator, respectively, for:

(a) Any violation of any provision of NRS 706.881 to 706.885, inclusive, *and section 3 of this act* or any regulation of the Taxicab Authority or Administrator.

(b) Knowingly permitting or requiring any employee to violate any provision of NRS 706.881 to 706.885, inclusive, *and section 3 of this act* or any regulation of the Taxicab Authority or Administrator.

➥ If a penalty is imposed on the grantee of a certificate pursuant to this section, the Taxicab Authority or Administrator may require the grantee to pay the costs of the proceeding, including investigative costs and attorney's fees.

3. When a driver or certificate holder fails to appear at the time and place stated in the notice for the hearing, the Administrator shall enter a finding of default. Upon a finding of default, the Administrator may suspend or revoke the license, permit or certificate of the person who failed to appear and impose the penalties provided in this chapter. For good cause shown, the Administrator may set aside a finding of default and proceed with the hearing.

4. Any person who operates or permits a taxicab to be operated in passenger service without a certificate of public convenience and necessity issued pursuant to NRS 706.8827, is guilty of a gross misdemeanor. If a law enforcement officer witnesses a violation of this subsection, the law enforcement officer may cause the vehicle to be towed immediately from the scene.

5. The conviction of a person pursuant to subsection 1 does not bar the Taxicab Authority or Administrator from suspending or revoking any certificate, permit or license of the person convicted. The imposition of a fine or suspension or revocation of any certificate, permit or license by the Taxicab Authority or Administrator does not operate as a defense in any proceeding brought under subsection 1.

Sec. 17. NRS 427A.070 is hereby amended to read as follows:

427A.070 1. The Administrator shall:

(a) Subject to the approval of the Director, adopt rules and regulations:

(1) Necessary to carry out the purposes of this chapter; and

(2) Establishing a program to subsidize the transportation by taxicab of elderly persons and persons with permanent disabilities from money received pursuant to subsection ~~[5]~~ *7* of NRS 706.8825;

(b) Establish appropriate administrative units within the Division;

(c) Appoint such personnel and prescribe their duties as the Administrator deems necessary for the proper and efficient performance of the functions of the Division;

(d) Prepare and submit to the Governor, through the Director before September 1 of each even-numbered year for the biennium ending June 30 of such year, reports of activities and expenditures and estimates of sums required to carry out the purposes of this chapter;

(e) Make certification for disbursement of funds available for carrying out the purposes of this chapter; and

(f) Take such other action as may be necessary or appropriate for cooperation with public and private agencies and otherwise to carry out the purposes of this chapter.

2. The Administrator may delegate to any officer or employee of the Division such of the powers and duties of the Administrator as the Administrator finds necessary to carry out the purposes of this chapter.

Sec. 18. 1. The Nevada Transportation Authority shall commence the process of implementing the computerized real-time data system described in subsection 3 of NRS 706.1516, as amended by section 5 of this act, not later than October 1, 2013.

2. The Taxicab Authority shall commence the process of implementing the computerized real-time data system described in subsection 4 of NRS 706.8825 as amended by section 13 of this act, not later than October 1, 2013.

3. On or before February 1, 2015, the Nevada Transportation Authority and the Taxicab Authority shall each submit a report to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature that describes the implementation and operation of the computerized real-time data system described in subsection 3 of NRS 706.1516, as amended by section 5 of this act, or subsection 4 of NRS 706.8825, as amended by section 13 of this act, as applicable.

~~[Sec. 6.]~~ *Sec. 19.* This act becomes effective on July 1, 2013.

Senator Kieckhefer moved the adoption of the amendment.

Remarks by Senator Kieckhefer.

Thank you, Mr. President. Amendment No. 794 to Senate Bill No. 430 mandates implementation of an electronic system that deals with "long hauling," instead of authorizing it. It also authorizes the Taxicab Authority to set a fee for the establishment of it, rather than establishing it in statute. It requires authorization of electronic hailing services if a licensee requests it from the Authority and various other matters properly relating thereto the issue of long hauling.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 35.

Bill read third time.

The following amendment was proposed by Senator Spearman:

Amendment No. 830.

"SUMMARY—Makes various changes to provisions governing elections. (BDR 24-398)"

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

Legislative Counsel's Digest:

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

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

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

A committee for political action that advocates the passage or defeat of a ballot question or a group of questions is required by existing law to report contributions received and expenditures made. (NRS 294A.150, 294A.220)

Sections 16 and 20 of this bill make these reporting requirements applicable even if the question or group of questions is removed from the ballot by court order.

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

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

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

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

Section 1. NRS 293.4687 is hereby amended to read as follows:

293.4687 1. The Secretary of State shall maintain a website on the Internet for public information maintained, collected or compiled by the Secretary of State that relates to elections, which must include, without limitation:

(a) The Voters' Bill of Rights required to be posted on the Secretary of State's Internet website pursuant to the provisions of NRS 293.2549;

(b) The abstract of votes required to be posted on a website pursuant to the provisions of NRS 293.388;

(c) A current list of the registered voters in this State that also indicates the petition district in which each registered voter resides;

(d) A map or maps indicating the boundaries of each petition district; and

(e) All reports ~~[on campaign contributions and expenditures]~~ submitted to the Secretary of State pursuant to the provisions of *chapter 294A of* NRS . ~~[294A.120, 294A.125, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280, 294A.360 and 294A.362 and all reports on~~

~~contributions received by and expenditures made from a legal defense fund submitted to the Secretary of State pursuant to NRS 294A.286.]~~

2. The abstract of votes required to be maintained on the website pursuant to paragraph (b) of subsection 1 must be maintained in such a format as to permit the searching of the abstract of votes for specific information.

3. If the information required to be maintained by the Secretary of State pursuant to subsection 1 may be obtained by the public from a website on the Internet maintained by a county clerk or city clerk, the Secretary of State may provide a hyperlink to that website to comply with the provisions of subsection 1 with regard to that information.

Sec. 2. Chapter 294A of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 5, inclusive, of this act.

Sec. 3. *"General election" includes:*

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

2. A general city election, as defined in NRS 293.059.

Sec. 4. *"Primary election" includes:*

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

2. A primary city election, as defined in NRS 293.079.

Sec. 4.5. ~~[*1. For the purposes of this chapter, an expenditure is not considered to be coordinated with a candidate or group of candidates if the expenditure is made:*~~

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

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

~~*2. As used in this section, "candidate or group of candidates" includes, without limitation:*~~

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

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

~~*(c) An agent of a candidate or group of candidates.]*~~ (Deleted by amendment.)

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

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

2. If the special election is held on the same day as a primary election, the final report for the special election that is required pursuant to NRS 294A.120, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220 or 294A.362 is due on or before the 15th day of the second month after the primary election.

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

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

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

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

Sec. 8. NRS 294A.0055 is hereby amended to read as follows:

294A.0055 1. "Committee for political action" means any group of natural persons or entities that solicits or receives contributions from any other person, group or entity and:

(a) Makes or intends to make contributions to candidates or other persons; or

(b) Makes or intends to make expenditures,

➥ designed to affect the outcome of any primary election, ~~[primary city election,]~~ general election, ~~[general city election,]~~ special election or question on the ballot.

2. "Committee for political action" does not include:

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

(b) An entity solely because it provides goods or services to a candidate or committee in the regular course of its business at the same price that would be provided to the general public.

(c) An individual natural person.

(d) An individual corporation or other business organization who has filed articles of incorporation or other documentation of organization with the Secretary of State pursuant to title 7 of NRS.

(e) A labor union.

(f) A personal campaign committee or the personal representative of a candidate who receives contributions or makes expenditures that are reported as ~~[campaign]~~ contributions or expenditures by the candidate.

(g) A committee for the recall of a public officer.

Sec. 9. NRS 294A.007 is hereby amended to read as follows:

294A.007 1. "Contribution" means a gift, loan, conveyance, deposit, payment, transfer or distribution of money or of anything of value other than the services of a volunteer, and includes:

(a) The payment by any person, other than a candidate, of compensation for the personal services of another person which are rendered to a:

(1) Candidate;

(2) Person who is not under the direction or control of a candidate or group of candidates or of any person involved in the campaign of ~~[the]~~ *a* candidate or group who makes an expenditure ~~[on behalf of the]~~ *for or against a* candidate or group which is not solicited or ~~*[by,]*~~ approved by ~~[the]~~ ~~*[for coordinated with]*~~ *a* candidate or group; or

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

➥ without charge to the candidate, person, committee or political party.

(b) The value of services provided in kind for which money would have otherwise been paid, such as paid polling and resulting data, paid direct mail, paid solicitation by telephone, any paid paraphernalia that was printed or otherwise produced to promote a campaign and the use of paid personnel to assist in a campaign.

2. As used in this section, "volunteer" means a person who does not receive compensation of any kind, directly or indirectly, for the services provided to a campaign.

Sec. 10. NRS 294A.100 is hereby amended to read as follows:

294A.100 1. A person shall not make or commit to make a contribution or contributions to a candidate for any office, except a federal office, in an amount which exceeds $5,000 for the primary election *,* ~~[or primary city election,]~~ regardless of the number of candidates for the office, and $5,000

for the general election , ~~[or general city election,]~~ regardless of the number of candidates for the office, during the period:

(a) Beginning from 30 days before the regular session of the Legislature immediately following the last *general* election for the office and ending 30 days before the regular session of the Legislature immediately following the next *general* election for the office, if that office is a state, district, county or township office; or

(b) Beginning from 30 days after the last election for the office and ending 30 days ~~[before]~~ *after* the next general city election for the office, if that office is a city office.

2. A candidate shall not accept a contribution or commitment to make a contribution made in violation of subsection 1.

3. A person who willfully violates any provision of this section is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 11. NRS 294A.120 is hereby amended to read as follows:

294A.120 1. Every candidate for ~~[state, district, county or township]~~ office at a primary *election* or general election shall, not later than January 15 of each year, for the period from January 1 of the previous year through December 31 of the previous year, report:

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

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

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

➥ The provisions of this subsection apply to the candidate beginning the year of the general election for that office through the year immediately preceding the next general election for that office.

2. Every candidate for ~~[state, district, county or township]~~ office at a primary *election* or general election shall, ~~[if the general election for the office for which he or she is a candidate is held on or after January 1 and before the July 1 immediately following that January 1,]~~ not later than:

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

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

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

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

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

~~3. Every candidate for state, district, county or township office at a primary or general election shall, if the general election for the office for which he or she is a candidate is held on or after July 1 and before the January 1 immediately following that July 1, not later than:~~

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

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

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

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

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

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

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

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

➥ report each ~~[campaign]~~ contribution described in subsection 1 received during the period. ~~[The report must be completed on the form designed and~~

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

~~5. Every]~~

4. Except as otherwise provided in subsection 5 and section 5 of this act, every candidate for ~~[state, district, county, municipal or township]~~ office at a special election to determine whether a public officer will be recalled shall ~~[list each of the campaign contributions received on the form designed and made available by the Secretary of State pursuant to NRS 294A.373 and signed by the candidate under an oath to God or penalty of perjury, 30 days after:~~

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

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

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

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

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

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

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

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

8. The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution in excess of $100 and contributions which a contributor has made cumulatively in excess of that amount since the beginning of the current reporting period.

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

Sec. 12. NRS 294A.125 is hereby amended to read as follows:

294A.125 1. In addition to complying with the requirements set forth in NRS 294A.120 ~~[,]~~ *and* 294A.200 *,* ~~[and 294A.360,]~~ a candidate who receives contributions in any year before the year in which the general election ~~[or general city election]~~ in which the candidate intends to seek election to public office is held shall, for:

(a) The year in which the candidate receives contributions in excess of $10,000, list:

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

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

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

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

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

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

3. The name and address of the contributor and the date on which the contribution was received must be included on the list for each contribution in excess of $100 and contributions that a contributor has made cumulatively in excess of that amount.

4. Except as otherwise provided in NRS 294A.3733, the report must be filed electronically with the Secretary of State.

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

Sec. 13. NRS 294A.128 is hereby amended to read as follows:

294A.128 1. In addition to complying with the requirements set forth in NRS 294A.120 ~~[,]~~ *and* 294A.200 *,* ~~[and 294A.360,]~~ a candidate who receives a loan which is guaranteed by a third party, forgiveness of a loan previously

made to the candidate or a written commitment for a contribution shall, for the period covered by the report filed pursuant to NRS 294A.120 ~~[,]~~ *or* 294A.200 *,* ~~[or 294A.360,]~~ report:

(a) If a loan received by the candidate was guaranteed by a third party, the amount of the loan and the name and address of each person who guaranteed the loan;

(b) If a loan received by the candidate was forgiven by the person who made the loan, the amount that was forgiven and the name and address of the person who forgave the loan; and

(c) If the candidate received a written commitment for a contribution, the amount committed to be contributed and the name and address of the person who made the written commitment.

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

3. Except as otherwise provided in NRS 294A.3733, the reports required by subsection 1 must be filed in the same manner and at the same time as the report filed pursuant to NRS 294A.120 ~~[,]~~ *or* 294A.200 . ~~[or 294A.360.]~~

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

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

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

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

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

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

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

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

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

(a) Every person who is not under the direction or control of a candidate for office *,* ~~[at a primary election, primary city election, general election or general city election,]~~ of a group of such candidates or of any person involved in the campaign of ~~[that]~~ *a* candidate or group *and* who makes an expenditure ~~[on behalf of the]~~ *for or against a* candidate or group which is not solicited or ~~*[by,]*~~ approved by ~~[the]~~ ~~*[or coordinated with]*~~ *a* candidate or group *;* ~~[,]~~ and ~~[every]~~

(b) Every committee for political action, political party and committee sponsored by a political party which receives contributions in excess of $100

or makes an expenditure ~~[on behalf of such]~~ *for or against* a candidate *for office* or *a* group of *such* candidates .

2. Every person, committee and political party described in subsection 1 shall, not later than January 15 of each year that the provisions of this subsection apply *,* ~~[to the person, committee or political party,]~~ for the period from January 1 of the previous year through December 31 of the previous year, report each ~~[campaign]~~ contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The provisions of this subsection apply to the person, committee or political party beginning the year of the general election ~~[or general city election]~~ for that office through the year immediately preceding the next general election ~~[or general city election]~~ for that office.

~~[2.]~~ *3.* Every person, committee or political party described in subsection 1 ~~[which makes an expenditure on behalf of the candidate for office at a primary election, primary city election, general election or general city election or on behalf of a group of such candidates shall, if the general election or general city election for the office for which the candidate or a candidate in the group of candidates seeks election is held on or after January 1 and before the July 1 immediately following that January 1,]~~ *shall,* not later than:

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

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

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

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

➥ report each ~~[campaign]~~ contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. ~~[The report must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee or political party under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.~~

~~3. The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution in excess of $100 and contributions which a contributor has made cumulatively in excess of $100 since the beginning of the current reporting period.~~

~~4. Every person, committee or political party described in subsection 1 which makes an expenditure on behalf of a candidate for office at a primary election, primary city election, general election or general city election or on behalf of a group of such candidates shall, if the general election or general city election for the office for which the candidate or a candidate in the group of candidates seeks election is held on or after July 1 and before the January 1 immediately following that July 1, not later than:~~

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

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

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

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

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

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

(a) Seven days before the beginning of early voting by personal appearance for the special election *,* ~~[for the office for which the candidate or a candidate in the group of candidates seeks election,]~~ for the period from the

nomination of the candidate through 12 days before the beginning of early voting by personal appearance for the special election; and

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

➥ report each ~~[campaign]~~ contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. ~~[The report must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee or political party under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.~~

~~6. Every]~~

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

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

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

➥ report each contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. ~~[The report must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the committee or political party under an oath to God or penalty of perjury, 30 days after:~~

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

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

notice of intent to circulate the petition for recall through the date of the district court's ~~[decision.~~

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

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

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

9. Every person, committee or political party described in ~~[subsection 1]~~ *this section* shall file a report required by this section even if the person, committee or political party receives no contributions.

10. The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution in excess of $100 and contributions which a contributor has made cumulatively in excess of $100 since the beginning of the current reporting period.

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

Sec. 16. NRS 294A.150 is hereby amended to read as follows:

294A.150 1. Every committee for political action that advocates the passage or defeat of a question or group of questions on the ballot at a primary election ~~[, primary city election,]~~ *or* general election ~~[or general city election]~~ shall, not later than January 15 of each year that the provisions of this subsection apply to the committee for political action, for the period from January 1 of the previous year through December 31 of the previous year, report each ~~[campaign]~~ contribution in excess of $1,000 received during that period and contributions received during the period from a contributor which cumulatively exceed $1,000. ~~[The report must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by a representative of the committee for political action under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.]~~ The provisions of this subsection apply to the committee for political action:

(a) Each year in which an election ~~[or city election]~~ is held for each question for which the committee for political action advocates passage or defeat; and

(b) The year after the year described in paragraph (a).

2. ~~[If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after January 1 and before the July 1 immediately following that January 1, every committee for political action that advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. If a question is on the ballot at a general election or general city election held on or after January 1 and before the July 1 immediately following that January 1, every committee for political action that advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection.]~~ A committee for political action described in ~~[this]~~ subsection *1* shall, not later than:

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

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

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

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

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

~~3. The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution in excess of $1,000 and contributions which a contributor has made cumulatively in excess of that amount since the beginning of the current reporting period.~~

~~4. If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after July 1 and before the January 1 immediately following that July 1, every committee for political action that advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. If a question is on the ballot at a general election or general city election held on or after July 1 and before the January 1 immediately following that July 1, every committee for political action that advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. A committee for political action described in this subsection shall, not later than:~~

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

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

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

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

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

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

3. Except as otherwise provided in section 5 of this act, every committee for political action that advocates the passage or defeat of a question or group of questions on the ballot at a special election shall, not later than:

(a) Seven days before the beginning of early voting by personal appearance for the special election, for the period from the date that the question qualified for the ballot through 12 days before the beginning of early voting by personal appearance for the special election; and

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

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

~~6. Every committee for political action that advocates the passage or defeat of a question or group of questions on the ballot at a special election to determine whether a public officer will be recalled shall report each of the contributions received on the form designed and made available by the Secretary of State pursuant to NRS 294A.373 and signed by a representative of the committee for political action under an oath to God or penalty of perjury, 30 days after:~~

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

~~(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.~~

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

~~7.~~] *4. The provisions of this section apply to a committee for political action even if the question or group of questions on the ballot that the committee for political action advocates the passage or defeat of is removed from the ballot by a court order.*

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

~~[8.]~~ *6.* A report shall be deemed to be filed on the date that it was received by the Secretary of State.

~~[9.]~~ *7.* If the committee for political action is advocating passage or defeat of a group of questions, the reports must be itemized by question or petition.

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

Sec. 17. NRS 294A.160 is hereby amended to read as follows:

294A.160 1. It is unlawful for a candidate to spend money received as a ~~[campaign]~~ contribution for the candidate's personal use.

2. Notwithstanding the provisions of NRS 294A.286, a candidate or public officer may use ~~[campaign]~~ contributions to pay for any legal expenses that the candidate or public officer incurs in relation to a campaign or serving in public office without establishing a legal defense fund. Any such candidate or public officer shall report any expenditure of ~~[campaign]~~ contributions to pay for legal expenses in the same manner and at the same time as the report filed pursuant to NRS 294A.120 ~~[,]~~ *or* 294A.200 . ~~[or 294A.360.]~~ A candidate or public officer shall not use ~~[campaign]~~ contributions to satisfy a civil or criminal penalty imposed by law.

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

(a) Return the unspent money to contributors;

(b) Use the money in the candidate's next election or for the payment of other expenses related to public office or his or her campaign, regardless of whether he or she is a candidate for a different office in the candidate's next election;

(c) Contribute the money to:

(1) The campaigns of other candidates for public office or for the payment of debts related to their campaigns;

(2) A political party; or

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

(d) Donate the money to any tax-exempt nonprofit entity; or

(e) Donate the money to any governmental entity or fund of this State or a political subdivision of this State. A candidate who donates money pursuant to this paragraph may request that the money be used for a specific purpose.

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

(a) Return the unspent money to contributors;

(b) Contribute the money to:

(1) The campaigns of other candidates for public office or for the payment of debts related to their campaigns;

(2) A political party; or

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

(c) Donate the money to any tax-exempt nonprofit entity; or

(d) Donate the money to any governmental entity or fund of this State or a political subdivision of this State. A candidate who donates money pursuant to this paragraph may request that the money be used for a specific purpose.

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

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

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

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

~~[(c)]~~ *(b)* Has contributions that are not spent or committed for expenditure remaining from a previous election,

➥ shall, not later than the 15th day of the second month after the expiration of the public officer's term of office, dispose of those contributions in the manner provided in subsection ~~[3.]~~ *4*.

7. *A public officer who:*

(a) Resigns from his or her office;

(b) Is not a candidate for any other office; and

(c) Has contributions that are not spent or committed for expenditure remaining from a previous election,

➥ *shall, not later than the 15th day of the second month after the effective date of the resignation, dispose of those contributions in the manner provided in subsection 4.*

8. A public officer who:

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

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

~~[(c)]~~ *(b)* Has contributions that are not spent or committed for expenditure remaining from a previous election,

➥ may use the unspent ~~[campaign]~~ contributions in a future election. Such a public officer is subject to the reporting requirements set forth in NRS 294A.120, 294A.125, 294A.128, 294A.200 ~~[, 294A.360]~~ and 294A.362 for as long as the public officer is a candidate for any office.

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

~~[9.]~~ *10.* Any contributions received before a candidate for ~~[a state, district, county, city or township]~~ office at a primary ~~[,]~~ *election,* general ~~[, primary city, general city]~~ *election* or special election dies that were not spent or committed for expenditure before the death of the candidate must be disposed of in the manner provided in subsection ~~[3.]~~ *4.*

~~[10.]~~ *11.* The court shall, in addition to any penalty which may be imposed pursuant to NRS 294A.420, order the candidate or public officer to dispose of any remaining contributions in the manner provided in this section.

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

Sec. 18. NRS 294A.200 is hereby amended to read as follows:

294A.200 1. Every candidate for ~~[state, district, county or township]~~ office at a primary *election* or general election shall, not later than January 15 of each year, for the period from January 1 of the previous year through December 31 of the previous year, report:

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

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

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

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

2. The provisions of subsection 1 apply to the candidate:

(a) Beginning the year of the general election for that office through the year immediately preceding the next general election for that office; and

(b) Each year immediately succeeding a calendar year during which the candidate disposes of contributions pursuant to NRS 294A.160 or 294A.286.

3. Every candidate for ~~[state, district, county or township]~~ office at a primary *election* or general election shall, ~~[if the general election for the office for which he or she is a candidate is held on or after January 1 and before the July 1 immediately following that January 1,]~~ not later than:

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

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

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

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

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

~~4. Every candidate for state, district, county or township office at a primary or general election shall, if the general election for the office for which he or she is a candidate is held on or after July 1 and before the January 1 immediately following that July 1, not later than:~~

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

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

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

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

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

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

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

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

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

~~6. Every]~~

5. Except as otherwise provided in subsection 6 and section 5 of this act, every candidate for ~~[state, district, county, municipal or township]~~ office at a special election to determine whether a public officer will be recalled shall ~~[report each of the campaign expenses described in subsection 1 incurred on the form designed and made available by the Secretary of State pursuant to NRS 294A.373 and signed by the candidate under an oath to God or penalty of perjury, 30 days after:~~

~~(a) The]~~ *, not later than:*

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

(b) ~~[If]~~ *Thirty days after* the special election ~~[is not held because]~~ *, for the remaining period through the date of the special election,*

➥ *report each of the campaign expenses described in subsection 1 incurred during the period.*

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

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

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

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

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

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

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

(a) Every person who is not under the direction or control of a candidate for ~~[an]~~ office , ~~[at a primary election, primary city election, general election or general city election,]~~ of a group of such candidates or of any person involved in the campaign of ~~[that]~~ *a* candidate or group *and* who makes an expenditure ~~[on behalf of the]~~ *for or against a* candidate or group which is not solicited or ~~*[by,]*~~ approved by ~~[the]~~ ~~*[or coordinated with]*~~ *a* candidate or group ~~[, and every]~~ *; and*

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

2. Every person, committee or political party described in subsection 1 shall, not later than January 15 of each year that the provisions of this subsection apply to the person, committee or political party, for the period from January 1 of the previous year through December 31 of the previous year, report each expenditure made during the period ~~[on behalf of the candidate, the group of candidates or a candidate in the group of candidates]~~ in excess of $100 ~~[on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee or political party under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.]~~ *and expenditures made during the period to one recipient which cumulatively exceed $100.* The provisions of this subsection apply to the person, committee or political party beginning the year of the general election ~~[or general city election]~~ for that office through the year immediately preceding the next general election ~~[or general city election]~~ for that office.

~~[2.]~~ *3.* Every person, committee or political party described in subsection 1 ~~[which makes an expenditure on behalf of a candidate for office at a primary election, primary city election, general election or general city election or a group of such candidates shall, if the general election or general city election for the office for which the candidate or a candidate in the group of candidates seeks election is held on or after January 1 and before the July 1 immediately following that January 1,]~~ *shall,* not later than:

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

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

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

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

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

~~3. Every person, committee or political party described in subsection 1 which makes an expenditure on behalf of a candidate for office at a primary election, primary city election, general election or general city election or on behalf of a group of such candidates shall, if the general election or general city election for the office for which the candidate or a candidate in the group of candidates seeks election is held on or after July 1 and before the January 1 immediately following that July 1, not later than:~~

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

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

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

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

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

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

(a) Seven days before the beginning of early voting by personal appearance for the special ~~[election for the office for which the candidate or a candidate in the group of candidates seeks]~~ election, for the period from the nomination of the candidate through 12 days before the beginning of early voting by personal appearance for the special election; and

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

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

5. ~~[Every]~~ *Except as otherwise provided in subsection 6 and section 5 of this act, every* person, committee or political party described in subsection 1 which makes an expenditure ~~[on behalf of]~~ *for or against* a candidate for office at a special election to determine whether a public officer will be recalled or ~~[on behalf of]~~ *for or against* a group of such candidates shall ~~[list each expenditure made on behalf of the candidate, the group of candidates or a candidate in the group of candidates in excess of $100 on the form designed and made available by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the committee or political party under an oath to God or penalty of perjury, 30 days after:~~

~~(a) The]~~ *, not later than:*

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

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

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

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

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

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

7. Expenditures made within the State or made elsewhere but for use within the State, including expenditures made outside the State for printing, television and radio broadcasting or other production of the media, must be included in the report.

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

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

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

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

Sec. 20. NRS 294A.220 is hereby amended to read as follows:

294A.220 1. Every committee for political action that advocates the passage or defeat of a question or group of questions on the ballot at a primary election ~~[, primary city election,]~~ *or* general election ~~[or general city election]~~ shall, not later than January 15 of each year that the provisions of this subsection apply to the committee for political action, for the period from January 1 of the previous year through December 31 of the previous year, report each expenditure made during the period ~~[on behalf of]~~ *for* or against the question, the group of questions or a question in the group of questions on the ballot in excess of $1,000 ~~[on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by a representative of the committee for political action under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.]~~ *and such expenditures made during the period to one recipient that cumulatively exceed $1,000.* The provisions of this subsection apply to the committee for political action:

(a) Each year in which an election ~~[or city election]~~ is held for a question for which the committee for political action advocates passage or defeat; and

(b) The year after the year described in paragraph (a).

2. ~~[If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after January 1 and before the July 1 immediately following that January 1, every committee for political action that advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. If a question is on the ballot at a general election or general city election held on or after January 1 and before the July 1 immediately following that January 1, every committee for political action that advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection.]~~ A committee for political action described in ~~[this]~~ subsection *1* shall, not later than:

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

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

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

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

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

~~3. If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after July 1 and before the January 1 immediately following that July 1, every committee for political action that advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. If a question is on the ballot at a general election or general city election held on or after July 1 and before the January 1 immediately following that July 1, every committee for political action that advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. A committee for political action described in this subsection shall, not later than:~~

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

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

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

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

~~➥ report each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of $1,000 on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by a representative of the committee for political action under an oath to God or penalty of perjury. A person who signs the form under an oath to God is~~

~~subject to the same penalties as if the person had signed the form under penalty of perjury.~~

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

3. Except as otherwise provided in section 5 of this act, every committee for political action that advocates the passage or defeat of a question or group of questions on the ballot at a special election shall, not later than:

(a) Seven days before the beginning of early voting by personal appearance for the special election, for the period from the date the question qualified for the ballot through 12 days before the beginning of early voting by personal appearance for the special election; and

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

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

~~5. Every committee for political action that advocates the passage or defeat of a question or group of questions on the ballot at a special election to determine whether a public officer will be recalled shall list each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of $1,000 on the form designed and made available by the Secretary of State pursuant to NRS 294A.373 and signed by a representative of the committee for political action under an oath to God or penalty of perjury, 30 days after:~~

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

~~(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.~~

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

~~[6.~~] *4.* Expenditures made within the State or made elsewhere but for use within the State, including expenditures made outside the State for printing, television and radio broadcasting or other production of the media, must be included in the report.

[7.] *5. The provisions of this section apply to a committee for political action even if the question or group of questions on the ballot that the committee for political action advocates the passage or defeat of is removed from the ballot by a court order.*

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

[8.] *7.* If an expenditure is made [on behalf of] *for or against* a group of questions, the reports must be itemized by question or petition.

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

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

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

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

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

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

(c) Making expenditures,

➥ designed to affect the outcome of any primary [,] *election,* general *election* or special election or question on the ballot.

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

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

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

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

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

➥ report each contribution received or made by the committee *for the recall of a public officer during the period* in excess of $100 [on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by a representative of the committee under an oath to

~~God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.]~~ *and contributions received from a contributor or made to one recipient which cumulatively exceed $100.*

2. If a petition for the ~~[purpose of recalling]~~ *recall of* a public officer is not filed before the expiration of the notice of intent, the committee for the recall of a public officer shall, not later than 30 days after the expiration of the notice of intent, report each contribution received by the committee ~~[,]~~ *for the recall of a public officer,* and each contribution made by the committee *for the recall of a public officer* in excess of $100 ~~[.]~~ *and contributions received from a contributor or made to one recipient which cumulatively exceed $100.*

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

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

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

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

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

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

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

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

~~[6.]~~ *7.* The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution, whether from or to a natural person, association or corporation,

in excess of $100 and contributions which a contributor or the committee has made cumulatively in excess of that amount since the beginning of the current reporting period.

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

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

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

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

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

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

2. If a petition for the ~~[purpose of recalling]~~ *recall of* a public officer is not filed before the expiration of the notice of intent, the committee for the recall of a public officer shall, not later than 30 days after the expiration of the notice of intent, report each expenditure made by the committee *for the recall of a public officer* in excess of $100 ~~[.]~~ *and expenditures made to one recipient which cumulatively exceed $100.*

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

public officer in excess of $100 ~~[.]~~ *and expenditures made to one recipient which cumulatively exceed $100.*

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

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

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

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

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

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

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

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

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

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

294A.286 1. Any candidate or public officer may establish a legal defense fund. A person who administers a legal defense fund shall:

(a) Within 5 days after the creation of the legal defense fund, notify the Secretary of State of the creation of the fund on a form provided by the Secretary of State; and

(b) For the same period covered by the report filed pursuant to NRS 294A.120 ~~[,]~~ *or* 294A.200 *,* ~~[or 294A.360,]~~ report any contribution received by or expenditure made from the legal defense fund.

2. The reports required by paragraph (b) of subsection 1 must be submitted on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the administrator of the legal defense fund under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.

3. Except as otherwise provided in NRS 294A.3733, the reports required by paragraph (b) of subsection 1 must be filed in the same manner and at the same time as the report filed pursuant to NRS 294A.120 ~~[,]~~ *or* 294A.200 . ~~[or 294A.360.]~~

4. Not later than the 15th day of the second month after the conclusion of all civil, criminal or administrative claims or proceedings for which a candidate or public officer established a legal defense fund, the candidate or public officer shall dispose of unspent money through one or any combination of the following methods:

(a) Return the unspent money to contributors; or

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

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

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

(a) A candidate;

(b) A committee for political action;

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

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

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

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

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

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

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

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

This subsection does not apply to any candidate, person, group, committee, political party, organization or nonprofit corporation if the candidate, person, group, committee, political party, organization or nonprofit corporation has actual knowledge that the source of the contribution solicited, accepted or received is a foreign national.

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

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

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

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

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

6. As used in this section:

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

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

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

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

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

Sec. 26. NRS 294A.347 is hereby amended to read as follows:

294A.347 1. A statement which:

(a) Is published within 60 days before a general election ~~[, general city election]~~ or special election or 30 days before a primary election *;* ~~[or primary city election;]~~

(b) Expressly advocates the election or defeat of a clearly identified candidate for a state or local office; and

(c) Is published by a person who receives compensation from the candidate, an opponent of the candidate or a person, *political* party or committee for political action,

➥ must contain a disclosure of the fact that the person receives compensation pursuant to paragraph (c) and the name of the person, *political* party or committee for political action providing that compensation.

2. A statement which:

(a) Is published by a candidate within 60 days before a general election ~~[, general city election]~~ or special election or 30 days before a primary election *;* ~~[or primary city election;]~~ and

(b) Contains the name of the candidate,

➥ shall be deemed to comply with the provisions of this section.

3. As used in this section, "publish" means the act of:

(a) Printing, posting, broadcasting, mailing or otherwise disseminating; or

(b) Causing to be printed, posted, broadcasted, mailed or otherwise disseminated.

Sec. 27. NRS 294A.350 is hereby amended to read as follows:

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

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

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

(c) Receives no ~~[campaign]~~ contributions;

~~[(c)]~~ *(d)* Has no campaign expenses;

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

(f) Is defeated in the primary election;

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

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

2. ~~[A]~~ *Except as otherwise provided in subsection 3, a* candidate ~~[who withdraws his or her candidacy pursuant to NRS 293.202 may file]~~ *described in paragraph (a), (b), (f) or (g) of subsection 1 may* simultaneously *file* all the reports ~~[of campaign contributions and expenses]~~ required by NRS 294A.120, *294A.125,* 294A.128, 294A.200 and ~~[294A.360 and the report of contributions received by and expenditures made from a legal defense fund required by NRS]~~ 294A.286 ~~[, so long as each report is filed on or before the last day for filing the respective report pursuant to NRS 294A.120, 294A.200 or 294A.360.]~~ *that are due after the candidate disposes of any unspent or excess contributions as provided in subsections 4 and 5 of NRS 294A.160, as applicable, if the candidate gives written notice to the Secretary of State, on the form prescribed by the Secretary of State, that the candidate is ending his or her campaign and will not accept any*

additional contributions. If the candidate has submitted a withdrawal of candidacy pursuant to NRS 293.202 or 293C.195 to an officer other than the Secretary of State, the candidate must enclose with the notice a copy of the withdrawal of candidacy. A form submitted to the Secretary of State pursuant to this subsection must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.

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

Sec. 28. NRS 294A.362 is hereby amended to read as follows:

294A.362 1. In addition to reporting information pursuant to NRS 294A.120, 294A.125, 294A.128 ~~[,]~~ *and* 294A.200 *,* ~~[and 294A.360,]~~ each candidate who is required to file a report ~~[of campaign contributions and expenses]~~ pursuant to NRS 294A.120, 294A.125, 294A.128 ~~[,]~~ *or* 294A.200 ~~[or 294A.360]~~ shall report on the form designed and made available by the Secretary of State pursuant to NRS 294A.373 goods and services provided in kind for which money would otherwise have been paid. The candidate shall list on the form:

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

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

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

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

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

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

3. Except as otherwise provided in NRS 294A.3733, the report required by subsection 1 must be filed in the same manner and at the same time as the report filed pursuant to NRS 294A.120, 294A.125, 294A.128 ~~[,]~~ *or* 294A.200 . ~~[or 294A.360.]~~

Sec. 29. NRS 294A.365 is hereby amended to read as follows:

294A.365 1. Each report ~~[of expenditures]~~ required pursuant to NRS 294A.210, 294A.220 and 294A.280 must consist of a list of each expenditure in excess of $100 or $1,000, as is appropriate, that was made during the periods for reporting. Each report ~~[of expenses]~~ required pursuant

to NRS 294A.125 and 294A.200 must consist of a list of each *campaign* expense in excess of $100 that was incurred during the periods for reporting. The list in each report must state the category and amount of the *campaign* expense or expenditure and the date on which the *campaign* expense was incurred or the expenditure was made.

2. The categories of *campaign* expense or expenditure for use on the report of *campaign* expenses or expenditures are:

(a) Office expenses;

(b) Expenses related to volunteers;

(c) Expenses related to travel;

(d) Expenses related to advertising;

(e) Expenses related to paid staff;

(f) Expenses related to consultants;

(g) Expenses related to polling;

(h) Expenses related to special events;

(i) Expenses related to a legal defense fund;

(j) Except as otherwise provided in NRS 294A.362, goods and services provided in kind for which money would otherwise have been paid;

(k) Contributions made to another candidate, a nonprofit corporation that is registered or required to be registered pursuant to NRS 294A.225, a committee for political action that is registered or required to be registered pursuant to NRS 294A.230 or a committee for the recall of a public officer that is registered or required to be registered pursuant to NRS 294A.250; and

(l) Other miscellaneous expenses.

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

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

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

(a) Advertising ~~[on behalf of]~~ *for or against* any candidate or *a* group of *such* candidates;

(b) Political advertising for any person other than a candidate; or

(c) Advertising for the passage or defeat of a question or group of questions on the ballot,

➥ shall, during the period beginning at least 10 days before each primary election ~~[, primary city election,]~~ *or* general election ~~[or general city election]~~ and ending at least 30 days after the election, make available for inspection information setting forth the cost of all such advertisements accepted and broadcast, disseminated or published. The person or entity shall make the

information available at any reasonable time and not later than 3 days after it has received a request for such information.

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

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

294A.373 1. The Secretary of State shall design forms to be used for all reports ~~[of campaign contributions and expenses or expenditures]~~ that are required to be filed pursuant to ~~[NRS 294A.120, 294A.125, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280, 294A.360 and 294A.362 and reports of contributions received by and expenditures made from a legal defense fund that are required to be filed pursuant to NRS 294A.286.]~~ *this chapter*.

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

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

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

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

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

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

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

294A.3733 1. A candidate who is required to file a report ~~[described in subsection 1 of NRS 294A.373]~~ *pursuant to this chapter* is not required to file the report electronically if the candidate:

(a) Did not receive or expend money in excess of $10,000 after becoming a candidate pursuant to NRS 294A.005; and

(b) Has on file with the Secretary of State an affidavit which satisfies the requirements set forth in subsection 2 and which states that:

(1) The candidate does not own or have the ability to access the technology necessary to file electronically the report *;* ~~[described in subsection 1 of NRS 294A.373;]~~ and

(2) The candidate does not have the financial ability to purchase or obtain access to the technology necessary to file electronically the report . ~~[described in subsection 1 of NRS 294A.373.]~~

2. The affidavit described in subsection 1 must be:

(a) In the form prescribed by the Secretary of State and signed under an oath to God or penalty of perjury. A candidate who signs the affidavit under an oath to God is subject to the same penalties as if the candidate had signed the affidavit under penalty of perjury.

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

3. A candidate who is not required to file the report electronically may file the report by transmitting the report by regular mail, certified mail, facsimile machine or personal delivery. A report transmitted pursuant to this subsection shall be deemed to be filed on the date on which it is received by the Secretary of State.

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

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

(a) Did not receive or expend money in excess of $10,000 in the previous calendar year; and

(b) Has on file with the Secretary of State an affidavit which satisfies the requirements set forth in subsection 2 and which states that:

(1) The person, committee or political party does not own or have the ability to access the technology necessary to file electronically the report *;* ~~[described in subsection 1 of NRS 294A.373;]~~ and

(2) The person, committee or political party does not have the financial ability to purchase or obtain access to the technology necessary to file electronically the report . ~~[described in subsection 1 of NRS 294A.373.]~~

2. The affidavit described in subsection 1 must be:

(a) In the form prescribed by the Secretary of State and signed under an oath to God or penalty of perjury. A person who signs the affidavit under an oath to God is subject to the same penalties as if the person had signed the affidavit under penalty of perjury.

(b) Filed:

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

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

3. A person, committee or political party that has properly filed the affidavit pursuant to this section may file the relevant report with the Secretary of State by transmitting the report by regular mail, certified mail, facsimile machine or personal delivery. A report transmitted pursuant to this subsection shall be deemed to be filed on the date on which it is received by the Secretary of State.

Sec. 34. NRS 294A.390 is hereby amended to read as follows:

294A.390 The officer from whom a candidate or entity requests a form for:

1. A declaration of candidacy;

2. An acceptance of candidacy;

3. The registration of a committee for political action pursuant to NRS 294A.230 or a committee for the recall of a public officer pursuant to NRS 294A.250; or

4. The reporting of the creation of a legal defense fund pursuant to NRS 294A.286,

➥ shall furnish the candidate or entity with the necessary forms for reporting and copies of the regulations adopted by the Secretary of State pursuant to this chapter. An explanation of the applicable provisions of NRS 294A.100, 294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270 ~~[,]~~ *or* 294A.280 ~~[or 294A.360]~~ relating to the making, accepting or reporting of ~~[campaign]~~ contributions, *campaign* expenses or expenditures and the penalties for a violation of those provisions as set forth in NRS 294A.100 or 294A.420, and an explanation of NRS 294A.286 and 294A.287 relating to the accepting or reporting of contributions received by and expenditures made from a legal defense fund and the penalties for a violation of those provisions as set forth in NRS 294A.287 and 294A.420, must be developed by the Secretary of State and provided upon request. The candidate or entity shall acknowledge receipt of the material.

Sec. 35. NRS 294A.400 is hereby amended to read as follows:

294A.400 The Secretary of State shall, within 30 days after receipt of the reports required by NRS 294A.120, 294A.125, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280, 294A.286 ~~[, 294A.360]~~ and 294A.362, prepare and make available for public inspection a compilation of:

1. The total ~~[campaign]~~ contributions, the contributions which are in excess of $100 and the total campaign expenses of each of the candidates from whom reports of those contributions and *campaign* expenses are required.

2. The total amount of loans to a candidate guaranteed by a third party, the total amount of loans made to a candidate that have been forgiven and the total amount of written commitments for contributions received by a candidate.

3. The contributions made to a committee for the recall of a public officer in excess of $100.

4. The expenditures exceeding $100 made by a:

(a) Person ~~[on behalf of]~~ *for or against* a candidate other than the person.

(b) Group of persons advocating the election or defeat of a candidate.

(c) Committee for the recall of a public officer.

5. The contributions in excess of $100 made to:

(a) A person who is not under the direction or control of a candidate or group of candidates or of any person involved in the campaign of ~~[the]~~ *a* candidate or group who makes an expenditure ~~[on behalf of the]~~ *for or against a* candidate or group which is not solicited or ~~*[by,]*~~ approved by ~~[the]~~ ~~*[or coordinated with]*~~ *a* candidate or group.

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

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

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

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

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

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

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

(a) The full name and address of the person alleging the violation;

(b) A clear and concise statement of facts sufficient to establish that the alleged violation occurred;

(c) Any evidence substantiating the alleged violation;

(d) A certification by the person alleging the violation that the facts alleged in the notice are true to the best knowledge and belief of that person; and

(e) Any other information in support of the alleged violation.

3. As soon as practicable after receiving a notice of an alleged violation pursuant to subsection 2, the Secretary of State shall provide a copy of the notice and any accompanying information to the person, if any, alleged in the

notice to have committed the violation. Any response submitted to the notice must be accompanied by a short statement of the grounds, if any, for objecting to the alleged violation and include any evidence substantiating the objection.

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

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

(a) Any person alleged in the notice to have committed the violation; or

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

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

(a) The district court in and for the county where service may be obtained on the person refusing to testify or produce the documents or records, if the person is subject to service of process in this State; or

(b) A court of another state having jurisdiction over the person refusing to testify or produce the documents or records, if the person is not subject to service of process in this State.

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

294A.420 1. If the Secretary of State receives information that a *candidate,* person, committee or entity that is subject to the provisions of NRS 294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.230, 294A.250, 294A.270, 294A.280 ~~[,]~~ *or* 294A.286 ~~[or 294A.360]~~ has not filed a report or form for registration pursuant to the applicable provisions of those sections, the Secretary of State may, after giving notice to that *candidate,* person, committee or entity, cause the appropriate proceedings to be instituted in the First Judicial District Court.

2. Except as otherwise provided in this section, a *candidate,* person, committee or entity that violates an applicable provision of this chapter is subject to a civil penalty of not more than $5,000 for each violation and payment of court costs and attorney's fees. The civil penalty must be recovered in a civil action brought in the name of the State of Nevada by the Secretary of State in the First Judicial District Court and deposited by the Secretary of State for credit to the State General Fund in the bank designated by the State Treasurer.

3. If a civil penalty is imposed because a *candidate,* person, committee or entity has reported its contributions, *campaign* expenses or expenditures after the date the report is due, except as otherwise provided in this subsection, the amount of the civil penalty is:

(a) If the report is not more than 7 days late, $25 for each day the report is late.

(b) If the report is more than 7 days late but not more than 15 days late, $50 for each day the report is late.

(c) If the report is more than 15 days late, $100 for each day the report is late.

➥ A civil penalty imposed pursuant to this subsection against a public officer who by law is not entitled to receive compensation for his or her office or a candidate for such an office must not exceed a total of $100 if the public officer or candidate received no contributions and made no expenditures during the relevant reporting periods.

4. For good cause shown, the Secretary of State may waive a civil penalty that would otherwise be imposed pursuant to this section. If the Secretary of State waives a civil penalty pursuant to this subsection, the Secretary of State shall:

(a) Create a record which sets forth that the civil penalty has been waived and describes the circumstances that constitute the good cause shown; and

(b) Ensure that the record created pursuant to paragraph (a) is available for review by the general public.

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

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

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

TEXT OF REPEALED SECTION

294A.360 Time when candidate for city office must file reports.

1. Except as otherwise provided in NRS 294A.3733, every candidate for city office at a primary city election or general city election shall file the reports in the manner required by NRS 294A.120, 294A.128 and 294A.200 for other offices not later than January 15 of each year, for the period from

January 1 of the previous year through December 31 of the previous year. The provisions of this subsection apply to the candidate:

(a) Beginning the year of the general city election for that office through the year immediately preceding the next general city election for that office; and

(b) Each year immediately succeeding a calendar year during which the candidate disposes of contributions pursuant to NRS 294A.160 or subsection 4 of NRS 294A.286.

2. Except as otherwise provided in NRS 294A.3733, every candidate for city office at a primary city election or general city election, if the general city election for the office for which he or she is a candidate is held on or after January 1 and before the July 1 immediately following that January 1, shall file the reports in the manner required by NRS 294A.120, 294A.128 and 294A.200 for other offices not later than:

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

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

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

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

3. Except as otherwise provided in NRS 294A.3733, every candidate for city office at a primary city election or general city election, if the general city election for the office for which he or she is a candidate is held on or after July 1 and before the January 1 immediately following that July 1, shall file the reports in the manner required by NRS 294A.120, 294A.128 and 294A.200 for other offices not later than:

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

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

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

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

4. Except as otherwise provided in subsection 5, every candidate for city office at a special election shall so file those reports:

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

(b) Thirty days after the special election, for the remaining period through the special election.

5. Every candidate for city office at a special election to determine whether a public officer will be recalled shall so file those reports 30 days after:

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

(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Thank you, Mr. President. Assembly Bill No. 35 relates to elections. Amendment No. 830 to Assembly Bill No. 35 strikes new language that sets out the circumstances that will not be considered coordinated expenditures with a candidate or group of candidates and makes changes throughout the bill to reflect this change.

Senator Roberson moved that the Senate recess subject to the call of the Chair.

Motion carried.

Senate in recess at 1:50 a.m.

SENATE IN SESSION

At 1:55 p.m.

President Krolicki presiding.

Quorum present.

Senator Smith moved that Assembly Bill No. 35 be taken from the General File and placed at the bottom of the General File for this agenda.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 170.

Bill read second time.

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

Amendment No. 838.

"SUMMARY—Revises provisions relating to the advanced practice of nursing. (BDR 54-778)"

"AN ACT relating to the advanced practice of nursing; replacing the term "advanced practitioner of nursing" with "advanced practice registered nurse"; making various other changes to provisions relating to the advanced practice of nursing; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law authorizes the State Board of Nursing to grant certain registered nurses a certificate of recognition as an advanced practitioner of nursing and sets forth the requirements for obtaining such certification. (NRS 632.237) This bill instead authorizes the Board to issue a license as an advanced practice registered nurse to certain registered nurses.

Section 1.5 of this bill authorizes the Board to require an advanced practice registered nurse to maintain a policy of professional liability insurance in accordance with regulations adopted by the Board.

Existing law authorizes, under certain circumstances, an advanced practice registered nurse to prescribe controlled substances. (NRS 632.237, 639.235) Sections 6, 7 and 13 of this bill prohibit an advanced practice registered nurse from prescribing a controlled substance listed in schedule II unless: (1) the nurse has at least 2 years or 2,000 hours of clinical experience; or (2) the controlled substance is prescribed pursuant to a protocol approved by a collaborating physician.

Section 39 of this bill provides that a registered nurse who possesses a valid certificate of recognition as an advanced practitioner of nursing on the effective date of this bill shall be deemed to possess a license as an advanced practice registered nurse.

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

Section 1. NRS 630.021 is hereby amended to read as follows:

630.021 "Practice of respiratory care" includes:

1. Therapeutic and diagnostic use of medical gases, humidity and aerosols and the maintenance of associated apparatus;

2. The administration of drugs and medications to the cardiopulmonary system;

3. The provision of ventilatory assistance and control;

4. Postural drainage and percussion, breathing exercises and other respiratory rehabilitation procedures;

5. Cardiopulmonary resuscitation and maintenance of natural airways and the insertion and maintenance of artificial airways;

6. Carrying out the written orders of a physician, physician assistant, certified registered nurse anesthetist or an advanced ~~[practitioner of nursing]~~ *practice registered nurse* relating to respiratory care;

7. Techniques for testing to assist in diagnosis, monitoring, treatment and research related to respiratory care, including the measurement of ventilatory volumes, pressures and flows, collection of blood and other specimens,

testing of pulmonary functions and hemodynamic and other related physiological monitoring of the cardiopulmonary system; and

8. Training relating to the practice of respiratory care.

Sec. 1.5. Chapter 632 of NRS is hereby amended by adding thereto a new section to read as follows:

The Board may require an advanced practice registered nurse to maintain a policy of professional liability insurance in accordance with regulations adopted by the Board.

Sec. 2. NRS 632.012 is hereby amended to read as follows:

632.012 "Advanced ~~[practitioner of nursing"]~~ *practice registered nurse"* means a registered nurse who:

1. Has specialized skills, knowledge and experience; and

2. Is ~~[authorized]~~ *licensed* by the Board to provide services in addition to those that other registered nurses are authorized to provide.

Sec. 3. NRS 632.017 is hereby amended to read as follows:

632.017 "Practice of practical nursing" means the performance of selected acts in the care of the ill, injured or infirm under the direction of a registered professional nurse, an advanced ~~[practitioner of nursing,]~~ *practice registered nurse,* a licensed physician, a physician assistant licensed pursuant to chapter 630 or 633 of NRS, a licensed dentist or a licensed podiatric physician, not requiring the substantial specialized skill, judgment and knowledge required in professional nursing.

Sec. 4. NRS 632.018 is hereby amended to read as follows:

632.018 "Practice of professional nursing" means the performance of any act in the observation, care and counsel of the ill, injured or infirm, in the maintenance of health or prevention of illness of others, in the supervision and teaching of other personnel, in the administration of medications and treatments as prescribed by an advanced ~~[practitioner of nursing,]~~ *practice registered nurse,* a licensed physician, a physician assistant licensed pursuant to chapter 630 or 633 of NRS, a licensed dentist or a licensed podiatric physician, requiring substantial specialized judgment and skill based on knowledge and application of the principles of biological, physical and social science, but does not include acts of medical diagnosis or prescription of therapeutic or corrective measures.

Sec. 5. NRS 632.030 is hereby amended to read as follows:

632.030 1. The Governor shall appoint:

(a) Three registered nurses who are graduates of an accredited school of nursing, are licensed as professional nurses in the State of Nevada and have been actively engaged in nursing for at least 5 years preceding the appointment.

(b) One practical nurse who is a graduate of an accredited school of practical nursing, is licensed as a practical nurse in this State and has been actively engaged in nursing for at least 5 years preceding the appointment.

(c) One nursing assistant who is certified pursuant to the provisions of this chapter.

(d) One member who represents the interests of persons or agencies that regularly provide health care to patients who are indigent, uninsured or unable to afford health care. This member may be licensed under the provisions of this chapter.

(e) One member who is a representative of the general public. This member must not be:

(1) A licensed practical nurse, a registered nurse, a nursing assistant or an advanced ~~[practitioner of nursing;]~~ *practice registered nurse;* or

(2) The spouse or the parent or child, by blood, marriage or adoption, of a licensed practical nurse, a registered nurse, a nursing assistant or an advanced ~~[practitioner of nursing.]~~ *practice registered nurse.*

2. Each member of the Board must be:

(a) A citizen of the United States; and

(b) A resident of the State of Nevada who has resided in this State for not less than 2 years.

3. A representative of the general public may not:

(a) Have a fiduciary obligation to a hospital or other health agency;

(b) Have a material financial interest in the rendering of health services; or

(c) Be employed in the administration of health activities or the performance of health services.

4. The members appointed to the Board pursuant to paragraphs (a) and (b) of subsection 1 must be selected to provide the broadest representation of the various activities, responsibilities and types of service within the practice of nursing and related areas, which may include, without limitation, experience:

(a) In administration.

(b) In education.

(c) As an advanced ~~[practitioner of nursing.]~~ *practice registered nurse.*

(d) In an agency or clinic whose primary purpose is to provide medical assistance to persons of low and moderate incomes.

(e) In a licensed medical facility.

5. Each member of the Board shall serve a term of 4 years. If a vacancy occurs during a member's term, the Governor shall appoint a person qualified under this chapter to replace that member for the remainder of the unexpired term.

6. No member of the Board may serve more than two consecutive terms. For the purposes of this subsection, service of 2 or more years in filling an unexpired term constitutes a term.

Sec. 6. NRS 632.237 is hereby amended to read as follows:

632.237 1. The Board may ~~[grant a certificate of recognition]~~ *issue a license to practice* as an advanced ~~[practitioner of nursing]~~ *practice*

registered nurse to a registered nurse who has completed an educational program designed to prepare a registered nurse to:

(a) Perform designated acts of medical diagnosis;

(b) Prescribe therapeutic or corrective measures; and

(c) Prescribe controlled substances, poisons, dangerous drugs and devices, ➥ and who meets the other requirements established by the Board for such ~~[certification.]~~ *licensure.*

2. An advanced ~~[practitioner of nursing]~~ *practice registered nurse* may:

(a) Engage in selected medical diagnosis and treatment; and

(b) If authorized pursuant to NRS 639.2351 ~~[,]~~ *and subject to the limitations set forth in subsection 3,* prescribe controlled substances, poisons, dangerous drugs and devices . ~~[.~~

~~➥ pursuant to a protocol approved by a collaborating physician. A protocol must not include and an advanced practitioner of nursing shall not engage in any diagnosis, treatment or other conduct which the advanced practitioner of nursing is not qualified to perform.]~~

3. *An advanced practice registered nurse who is authorized to prescribe controlled substances, poisons, dangerous drugs and devices pursuant to NRS 639.2351 shall not prescribe a controlled substance listed in schedule II unless:*

(a) The advanced practice registered nurse has at least 2 years or 2,000 hours of clinical experience; or

(b) The controlled substance is prescribed pursuant to a protocol approved by a collaborating physician.

4. The Board shall adopt regulations:

(a) Specifying the training, education and experience necessary for ~~[certification]~~ *licensure* as an advanced ~~[practitioner of nursing.]~~ *practice registered nurse.*

(b) Delineating the authorized scope of practice of an advanced ~~[practitioner of nursing.]~~ *practice registered nurse.*

(c) Establishing the procedure for application for ~~[certification]~~ *licensure* as an advanced ~~[practitioner of nursing.]~~ *practice registered nurse.*

Sec. 7. NRS 632.237 is hereby amended to read as follows:

632.237 1. The Board may ~~[grant a certificate of recognition]~~ *issue a license to practice* as an advanced ~~[practitioner of nursing]~~ *practice registered nurse* to a registered nurse who:

(a) Has completed an educational program designed to prepare a registered nurse to:

(1) Perform designated acts of medical diagnosis;

(2) Prescribe therapeutic or corrective measures; and

(3) Prescribe controlled substances, poisons, dangerous drugs and devices;

(b) Except as otherwise provided in subsection ~~[4,]~~ *5,* submits proof that he or she is certified as an advanced ~~[practitioner of nursing]~~ *practice*

registered nurse by the American Board of Nursing Specialties, the National Commission for Certifying Agencies of the Institute for Credentialing Excellence, or their successor organizations, or any other nationally recognized certification agency approved by the Board; and

(c) Meets any other requirements established by the Board for such ~~[certification.]~~ *licensure.*

2. An advanced ~~[practitioner of nursing]~~ *practice registered nurse* may:

(a) Engage in selected medical diagnosis and treatment; and

(b) If authorized pursuant to NRS 639.2351 ~~[,]~~ *and subject to the limitations set forth in subsection 3,* prescribe controlled substances, poisons, dangerous drugs and devices . ~~[,]~~

➥ ~~[pursuant to a protocol approved by a collaborating physician. A protocol must not include and an]~~ *An* advanced ~~[practitioner of nursing]~~ *practice registered nurse* shall not engage in any diagnosis, treatment or other conduct which the advanced ~~[practitioner of nursing]~~ *practice registered nurse* is not qualified to perform.

3. *An advanced practice registered nurse who is authorized to prescribe controlled substances, poisons, dangerous drugs and devices pursuant to NRS 639.2351 shall not prescribe a controlled substance listed in schedule II unless:*

(a) The advanced practice registered nurse has at least 2 years or 2,000 hours of clinical experience; or

(b) The controlled substance is prescribed pursuant to a protocol approved by a collaborating physician.

4. The Board shall adopt regulations:

(a) Specifying any additional training, education and experience necessary for ~~[certification]~~ *licensure* as an advanced ~~[practitioner of nursing.]~~ *practice registered nurse.*

(b) Delineating the authorized scope of practice of an advanced ~~[practitioner of nursing.]~~ *practice registered nurse.*

(c) Establishing the procedure for application for ~~[certification]~~ *licensure* as an advanced ~~[practitioner of nursing.]~~ *practice registered nurse.*

~~[4.]~~ *5.* The provisions of paragraph (b) of subsection 1 do not apply to an advanced ~~[practitioner of nursing]~~ *practice registered nurse* who obtains a ~~[certificate of recognition]~~ *license* before July 1, 2014.

Sec. 8. NRS 632.294 is hereby amended to read as follows:

632.294 1. A medication aide - certified may only administer authorized medications and perform related tasks at a designated facility under the supervision of an advanced ~~[practitioner of nursing]~~ *practice registered nurse* or a registered nurse and in accordance with standard protocols developed by the Board.

2. Except as otherwise provided by subsection 4, a medication aide - certified may only administer authorized medications by the following methods:

(a) Orally;
(b) Topically;
(c) By the use of drops in the eye, ear or nose;
(d) Vaginally;
(e) Rectally;
(f) Transdermally; and
(g) By the use of an oral inhaler.

3. Except as otherwise provided by subsection 4, a medication aide - certified shall not:
(a) Receive, have access to or administer any controlled substance;
(b) Administer parenteral or enteral medications;
(c) Administer any substances by nasogastric or gastronomy tubes;
(d) Calculate drug dosages;
(e) Destroy medication;
(f) Receive orders, either in writing or verbally, for new or changed medication;
(g) Transcribe orders from medical records;
(h) Order or administer initial medications;
(i) Evaluate reports of medication errors;
(j) Perform treatments;
(k) Conduct patient assessments or evaluations;
(l) Engage in teaching activities for patients; or
(m) Engage in any activity prohibited pursuant to subsection 4.

4. The Board may adopt regulations authorizing or prohibiting any additional activities of a medication aide - certified.

5. As used in this section, "supervision" means active oversight of the patient care services provided by a medication aide - certified while on the premises of a designated facility.

Sec. 9. NRS 632.345 is hereby amended to read as follows:

632.345 1. The Board shall establish and may amend a schedule of fees and charges for the following items and within the following ranges:

	Not less than	Not more than
Application for license to practice professional nursing (registered nurse)	$45	$100
Application for license to practice practical nursing	30	90
Application for temporary license to practice professional nursing or practical nursing pursuant to NRS 632.300, which fee must be credited toward the fee required for a regular license, if the applicant applies for a license	15	50
Application for a certificate to practice as a nursing assistant or medication aide - certified	15	50

Application for a temporary certificate to practice as a nursing assistant pursuant to NRS 632.300, which fee must be credited toward the fee required for a regular certificate, if the applicant applies for a certificate	5	40
Biennial fee for renewal of a license	40	100
Biennial fee for renewal of a certificate	20	50
Fee for reinstatement of a license	10	100
Application for ~~[recognition]~~ *a license to practice* as an advanced ~~[practitioner of nursing]~~ *practice registered nurse*	50	200
Application for recognition as a certified registered nurse anesthetist	50	200
Biennial fee for renewal of ~~[recognition]~~ *a license to practice* as an advanced ~~[practitioner of nursing]~~ *practice registered nurse* or certified registered nurse anesthetist	50	200
Examination fee for license to practice professional nursing	20	100
Examination fee for license to practice practical nursing	10	90
Rewriting examination for license to practice professional nursing	20	100
Rewriting examination for license to practice practical nursing	10	90
Duplicate license	5	30
Duplicate certificate	5	30
Proctoring examination for candidate from another state	25	150
Fee for approving one course of continuing education	10	50
Fee for reviewing one course of continuing education which has been changed since approval	5	30
Annual fee for approval of all courses of continuing education offered	100	500
Annual fee for review of training program	60	100
Certification examination	10	90
Approval of instructors of training programs	50	100
Approval of proctors for certification examinations	20	50
Approval of training programs	150	250
Validation of licensure or certification	5	25

2. The Board may collect the fees and charges established pursuant to this section, and those fees or charges must not be refunded.

Sec. 10. NRS 637A.243 is hereby amended to read as follows:

637A.243 1. A hearing aid specialist licensed pursuant to this chapter may sell hearing aids by catalog or mail if:

(a) The hearing aid specialist has received a written statement signed by a physician licensed pursuant to chapter 630 or 633 of NRS, an advanced ~~[practitioner of nursing]~~ *practice registered nurse* licensed pursuant to ~~[chapter 632 of NRS,]~~ *NRS 632.237,* an audiologist licensed pursuant to chapter 637B of NRS or a hearing aid specialist licensed pursuant to this chapter which verifies that he or she has performed an otoscopic examination of that person and that the results of the examination indicate that the person may benefit from the use of a hearing aid;

(b) The hearing aid specialist has received a written statement signed by a physician licensed pursuant to chapter 630 or 633 of NRS, audiologist licensed pursuant to chapter 637B of NRS or a hearing aid specialist licensed pursuant to this chapter which verifies that he or she has performed an audiometric examination of that person in compliance with regulations adopted by the Board and that the results of the examination indicate that the person may benefit from the use of a hearing aid;

(c) The hearing aid specialist has received a written statement signed by a hearing aid specialist licensed pursuant to this chapter which verifies that an ear impression has been taken; and

(d) The person has signed a statement acknowledging that the licensee is selling him or her the hearing aid by catalog or mail based upon the information submitted by the person in accordance with this section.

2. A hearing aid specialist who sells hearing aids by catalog or mail shall maintain a record of each sale of a hearing aid made pursuant to this section for not less than 5 years.

3. The Board may adopt regulations to carry out the provisions of this section, including, without limitation, the information which must be included in each record required to be maintained pursuant to subsection 2.

Sec. 11. NRS 639.0015 is hereby amended to read as follows:

639.0015 "Advanced ~~[practitioner of nursing"]~~ *practice registered nurse"* means a registered nurse who holds a valid ~~[certificate of recognition]~~ *license* as an advanced ~~[practitioner of nursing]~~ *practice registered nurse* issued by the State Board of Nursing ~~[.]~~ *pursuant to NRS 632.237.*

Sec. 12. NRS 639.0125 is hereby amended to read as follows:

639.0125 "Practitioner" means:

1. A physician, dentist, veterinarian or podiatric physician who holds a license to practice his or her profession in this State;

2. A hospital, pharmacy or other institution licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or administer drugs in the course of professional practice or research in this State;

3. An advanced ~~[practitioner of nursing]~~ *practice registered nurse* who has been authorized to prescribe controlled substances, poisons, dangerous drugs and devices;

4. A physician assistant who:

(a) Holds a license issued by the Board of Medical Examiners; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances, poisons, dangerous drugs or devices under the supervision of a physician as required by chapter 630 of NRS;

5. A physician assistant who:

(a) Holds a license issued by the State Board of Osteopathic Medicine; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances, poisons, dangerous drugs or devices under the supervision of an osteopathic physician as required by chapter 633 of NRS; or

6. An optometrist who is certified by the Nevada State Board of Optometry to prescribe and administer therapeutic pharmaceutical agents pursuant to NRS 636.288, when the optometrist prescribes or administers therapeutic pharmaceutical agents within the scope of his or her certification.

Sec. 13. NRS 639.1375 is hereby amended to read as follows:

639.1375 1. ~~[An]~~ *Subject to the limitations set forth in NRS 632.237, an* advanced ~~[practitioner of nursing]~~ *practice registered nurse* may dispense controlled substances, poisons, dangerous drugs and devices if the advanced ~~[practitioner of nursing:]~~ *practice registered nurse:*

(a) Passes an examination administered by the State Board of Nursing on Nevada law relating to pharmacy and submits to the State Board of Pharmacy evidence of passing that examination;

(b) Is authorized to do so by the State Board of Nursing in a ~~[certificate]~~ *license* issued by that Board; and

(c) Applies for and obtains a certificate of registration from the State Board of Pharmacy and pays the fee set by a regulation adopted by the Board. The Board may set a single fee for the collective certification of advanced ~~[practitioners of nursing]~~ *practice registered nurses* in the employ of a public or nonprofit agency and a different fee for the individual certification of other advanced ~~[practitioners of nursing.]~~ *practice registered nurses*.

2. The State Board of Pharmacy shall consider each application from an advanced ~~[practitioner of nursing]~~ *practice registered nurse* separately, and may:

(a) Issue a certificate of registration limiting:

(1) The authority of the advanced ~~[practitioner of nursing]~~ *practice registered nurse* to dispense controlled substances, poisons, dangerous drugs and devices;

(2) The area in which the advanced ~~[practitioner of nursing]~~ *practice registered nurse* may dispense;

(3) The kind and amount of controlled substances, poisons, dangerous drugs and devices which the certificate permits the advanced ~~[practitioner of nursing]~~ *practice registered nurse* to dispense; and

(4) The practice of the advanced ~~[practitioner of nursing]~~ *practice registered nurse* which involves controlled substances, poisons, dangerous drugs and devices in any manner which the Board finds necessary to protect the health, safety and welfare of the public;

(b) Issue a certificate of registration without any limitation not contained in the ~~[certificate]~~ *license* issued by the State Board of Nursing; or

(c) Refuse to issue a certificate of registration, regardless of the provisions of the ~~[certificate]~~ *license* issued by the State Board of Nursing.

3. If a certificate of registration issued pursuant to this section is suspended or revoked, the Board may also suspend or revoke the registration of the physician for and with whom the advanced ~~[practitioner of nursing]~~ *practice registered nurse* is in practice to dispense controlled substances.

4. The Board shall adopt regulations setting forth the maximum amounts of any controlled substance, poison, dangerous drug and devices which an advanced ~~[practitioner of nursing]~~ *practice registered nurse* who holds a certificate from the Board may dispense, the conditions under which they must be stored, transported and safeguarded, and the records which each such nurse shall keep. In adopting its regulations, the Board shall consider:

(a) The areas in which an advanced ~~[practitioner of nursing]~~ *practice registered nurse* who holds a certificate from the Board can be expected to practice and the populations of those areas;

(b) The experience and training of the *advanced practice registered* nurse;

(c) Distances between areas of practice and the nearest hospitals and physicians;

(d) *Whether the advanced practice registered nurse is authorized to prescribe a controlled substance listed in schedule II pursuant to a protocol approved by a collaborating physician;*

(e) Effects on the health, safety and welfare of the public; and

~~[(e)]~~ *(f)* Other factors which the Board considers important to the regulation of the practice of advanced ~~[practitioners of nursing]~~ *practice registered nurses* who hold certificates from the Board.

Sec. 14. NRS 639.2351 is hereby amended to read as follows:

639.2351 1. An advanced ~~[practitioner of nursing]~~ *practice registered nurse* may prescribe, in accordance with NRS 454.695 and 632.237, controlled substances, poisons, dangerous drugs and devices if the advanced ~~[practitioner of nursing:]~~ *practice registered nurse:*

(a) Is authorized to do so by the State Board of Nursing in a ~~[certificate]~~ *license* issued by that Board; and

(b) Applies for and obtains a certificate of registration from the State Board of Pharmacy and pays the fee set by a regulation adopted by the Board.

2. The State Board of Pharmacy shall consider each application from an advanced ~~[practitioner of nursing]~~ *practice registered nurse* separately, and may:

(a) Issue a certificate of registration; or

(b) Refuse to issue a certificate of registration, regardless of the provisions of the ~~[certificate]~~ *license* issued by the State Board of Nursing.

Sec. 15. NRS 639.2589 is hereby amended to read as follows:

639.2589 1. The form used for any prescription which is issued or intended to be filled in this state must contain a line for the signature of the practitioner.

2. Substitutions may be made in filling prescriptions contained in the orders of a physician, or of an advanced ~~[practitioner of nursing]~~ *practice registered nurse* who is a practitioner, in a facility for skilled nursing or facility for intermediate care.

3. Substitutions may be made in filling prescriptions ordered on a patient's chart in a hospital if the hospital's medical staff has approved a formulary for specific generic substitutions.

Sec. 16. NRS 640E.260 is hereby amended to read as follows:

640E.260 1. A licensed dietitian shall provide nutrition services to assist a person in achieving and maintaining proper nourishment and care of his or her body, including, without limitation:

(a) Assessing the nutritional needs of a person and determining resources for and constraints in meeting those needs by obtaining, verifying and interpreting data;

(b) Determining the metabolism of a person and identifying the food, nutrients and supplements necessary for growth, development, maintenance or attainment of proper nourishment of the person;

(c) Considering the cultural background and socioeconomic needs of a person in achieving or maintaining proper nourishment;

(d) Identifying and labeling nutritional problems of a person;

(e) Recommending the appropriate method of obtaining proper nourishment, including, without limitation, orally, intravenously or through a feeding tube;

(f) Providing counseling, advice and assistance concerning health and disease with respect to the nutritional intake of a person;

(g) Establishing priorities, goals and objectives that meet the nutritional needs of a person and are consistent with the resources of the person, including, without limitation, providing instruction on meal preparation;

(h) Treating nutritional problems of a person and identifying patient outcomes to determine the progress made by the person;

(i) Planning activities to change the behavior, risk factors, environmental conditions or other aspects of the health and nutrition of a person, a group of persons or the community at large;

(j) Developing, implementing and managing systems to provide care related to nutrition;

(k) Evaluating and maintaining appropriate standards of quality in the services provided;

(l) Accepting and transmitting verbal and electronic orders from a physician consistent with an established protocol to implement medical nutrition therapy; and

(m) Ordering medical laboratory tests relating to the therapeutic treatment concerning the nutritional needs of a patient when authorized to do so by a written protocol prepared or approved by a physician.

2. A licensed dietitian may use medical nutrition therapy to manage, treat or rehabilitate a disease, illness, injury or medical condition of a patient, including, without limitation:

(a) Interpreting data and recommending the nutritional needs of the patient through methods such as diet, feeding tube, intravenous solutions or specialized oral feedings;

(b) Determining the interaction between food and drugs prescribed to the patient; and

(c) Developing and managing operations to provide food, care and treatment programs prescribed by a physician, physician assistant, dentist, advanced ~~[practitioner of nursing]~~ *practice registered nurse* or podiatric physician that monitor or alter the food and nutrient levels of the patient.

3. A licensed dietitian shall not provide medical diagnosis of the health of a person.

Sec. 17. NRS 433A.165 is hereby amended to read as follows:

433A.165 1. Before a person alleged to be a person with mental illness may be admitted to a public or private mental health facility pursuant to NRS 433A.160, the person must:

(a) First be examined by a licensed physician or physician assistant licensed pursuant to chapter 630 or 633 of NRS or an advanced ~~[practitioner of nursing]~~ *practice registered nurse licensed pursuant to NRS 632.237* at any location where such a physician, physician assistant or advanced ~~[practitioner of nursing]~~ *practice registered nurse* is authorized to conduct such an examination to determine whether the person has a medical problem, other than a psychiatric problem, which requires immediate treatment; and

(b) If such treatment is required, be admitted for the appropriate medical care:

(1) To a hospital if the person is in need of emergency services or care; or

(2) To another appropriate medical facility if the person is not in need of emergency services or care.

2. If a person with a mental illness has a medical problem in addition to a psychiatric problem which requires medical treatment that requires more than 72 hours to complete, the licensed physician *,* ~~[or]~~ physician assistant ~~[licensed pursuant to chapter 630 or 633 of NRS or an]~~ *or* advanced ~~[practitioner of nursing]~~ *practice registered nurse* who examined the person must:

(a) On the first business day after determining that such medical treatment is necessary file with the clerk of the district court a written petition to admit the person to a public or private mental health facility pursuant to NRS 433A.160 after the medical treatment has been completed. The petition must:

(1) Include, without limitation, the medical condition of the person and the purpose for continuing the medical treatment of the person; and

(2) Be accompanied by a copy of the application for the emergency admission of the person required pursuant to NRS 433A.160 and the certificate required pursuant to NRS 433A.170.

(b) Seven days after filing a petition pursuant to paragraph (a) and every 7 days thereafter, file with the clerk of the district court an update on the medical condition and treatment of the person.

3. The examination and any transfer of the person from a facility when the person has an emergency medical condition and has not been stabilized must be conducted in compliance with:

(a) The requirements of 42 U.S.C. § 1395dd and any regulations adopted pursuant thereto, and must involve a person authorized pursuant to federal law to conduct such an examination or certify such a transfer; and

(b) The provisions of NRS 439B.410.

4. The cost of the examination must be paid by the county in which the person alleged to be a person with mental illness resides if services are provided at a county hospital located in that county or a hospital or other medical facility designated by that county, unless the cost is voluntarily paid by the person alleged to be a person with mental illness or, on the person's behalf, by his or her insurer or by a state or federal program of medical assistance.

5. The county may recover all or any part of the expenses paid by it, in a civil action against:

(a) The person whose expenses were paid;

(b) The estate of that person; or

(c) A responsible relative as prescribed in NRS 433A.610, to the extent that financial ability is found to exist.

6. The cost of treatment, including hospitalization, for a person who is indigent must be paid pursuant to NRS 428.010 by the county in which the person alleged to be a person with mental illness resides.

7. The provisions of this section do not require the Division to provide examinations required pursuant to subsection 1 at a Division facility if the Division does not have the:

(a) Appropriate staffing levels of physicians, physician assistants, advanced ~~[practitioners of nursing]~~ *practice registered nurses* or other appropriate staff available at the facility as the Division determines is necessary to provide such examinations; or

(b) Appropriate medical laboratories as the Division determines is necessary to provide such examinations.

8. The Division shall adopt regulations to carry out the provisions of this section, including, without limitation, regulations that:

(a) Define "emergency services or care" as that term is used in this section; and

(b) Prescribe the type of medical facility that a person may be admitted to pursuant to subparagraph (2) of paragraph (b) of subsection 1.

9. As used in this section, "medical facility" has the meaning ascribed to it in NRS 449.0151.

Sec. 18. NRS 442.119 is hereby amended to read as follows:

442.119 As used in NRS 442.119 to 442.1198, inclusive, unless the context otherwise requires:

1. "Health officer" includes a local health officer, a city health officer, a county health officer and a district health officer.

2. "Medicaid" has the meaning ascribed to it in NRS 439B.120.

3. "Medicare" has the meaning ascribed to it in NRS 439B.130.

4. "Provider of prenatal care" means:

(a) A physician who is licensed in this State and certified in obstetrics and gynecology, family practice, general practice or general surgery.

(b) A certified nurse midwife who is licensed by the State Board of Nursing.

(c) An advanced ~~[practitioner of nursing]~~ *practice registered nurse who is licensed by the State Board of Nursing pursuant to NRS 632.237 and* who has specialized skills and training in obstetrics or family nursing.

(d) A physician assistant licensed pursuant to chapter 630 or 633 of NRS who has specialized skills and training in obstetrics or family practice.

Sec. 19. NRS 449.0175 is hereby amended to read as follows:

449.0175 "Rural clinic" means a facility located in an area that is not designated as an urban area by the Bureau of the Census, where medical services are provided by a physician assistant licensed pursuant to chapter 630 or 633 of NRS or an advanced ~~[practitioner of nursing]~~ *practice registered nurse licensed pursuant to NRS 632.237 who is* under the supervision of a licensed physician.

Sec. 20. NRS 453.023 is hereby amended to read as follows:

453.023 "Advanced ~~[practitioner of nursing"]~~ *practice registered nurse"* means a registered nurse who holds a valid ~~[certificate of recognition]~~ *license* as an advanced ~~[practitioner of nursing]~~ *practice registered nurse* issued by the State Board of Nursing ~~[.]~~ *pursuant to NRS 632.237.*

Sec. 21. NRS 453.038 is hereby amended to read as follows:

453.038 "Chart order" means an order entered on the chart of a patient:

1. In a hospital, facility for intermediate care or facility for skilled nursing which is licensed as such by the Health Division of the Department; or

2. Under emergency treatment in a hospital by a physician, advanced ~~[practitioner of nursing,]~~ *practice registered nurse,* dentist or podiatric physician, or on the written or oral order of a physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, advanced ~~[practitioner of nursing,]~~ *practice registered nurse,* dentist or podiatric physician authorizing the administration of a drug to the patient.

Sec. 22. NRS 453.091 is hereby amended to read as follows:

453.091 1. "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a substance, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container.

2. "Manufacture" does not include the preparation, compounding, packaging or labeling of a substance by a pharmacist, physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician, advanced ~~[practitioner of nursing]~~ *practice registered nurse* or veterinarian:

(a) As an incident to the administering or dispensing of a substance in the course of his or her professional practice; or

(b) By an authorized agent under his or her supervision, for the purpose of, or as an incident to, research, teaching or chemical analysis and not for sale.

Sec. 23. NRS 453.126 is hereby amended to read as follows:

453.126 "Practitioner" means:

1. A physician, dentist, veterinarian or podiatric physician who holds a license to practice his or her profession in this State and is registered pursuant to this chapter.

2. An advanced ~~[practitioner of nursing]~~ *practice registered nurse* who holds ~~[a certificate from the State Board of Nursing and]~~ a certificate from the State Board of Pharmacy authorizing him or her to dispense or to prescribe and dispense controlled substances.

3. A scientific investigator or a pharmacy, hospital or other institution licensed, registered or otherwise authorized in this State to distribute, dispense, conduct research with respect to, to administer, or use in teaching or chemical analysis, a controlled substance in the course of professional practice or research.

4. A euthanasia technician who is licensed by the Nevada State Board of Veterinary Medical Examiners and registered pursuant to this chapter, while he or she possesses or administers sodium pentobarbital pursuant to his or her license and registration.

5. A physician assistant who:

(a) Holds a license from the Board of Medical Examiners; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances under the supervision of a physician as required by chapter 630 of NRS.

6. A physician assistant who:

(a) Holds a license from the State Board of Osteopathic Medicine; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances under the supervision of an osteopathic physician as required by chapter 633 of NRS.

7. An optometrist who is certified by the Nevada State Board of Optometry to prescribe and administer therapeutic pharmaceutical agents pursuant to NRS 636.288, when the optometrist prescribes or administers therapeutic pharmaceutical agents within the scope of his or her certification.

Sec. 24. NRS 453.128 is hereby amended to read as follows:

453.128 1. "Prescription" means:

(a) An order given individually for the person for whom prescribed, directly from a physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician, optometrist, advanced ~~[practitioner of nursing]~~ *practice registered nurse* or veterinarian, or his or her agent, to a pharmacist or indirectly by means of an order signed by the practitioner or an electronic transmission from the practitioner to a pharmacist; or

(b) A chart order written for an inpatient specifying drugs which he or she is to take home upon his or her discharge.

2. The term does not include a chart order written for an inpatient for use while he or she is an inpatient.

Sec. 25. NRS 453.226 is hereby amended to read as follows:

453.226 1. Every practitioner or other person who dispenses any controlled substance within this State or who proposes to engage in the dispensing of any controlled substance within this State shall obtain biennially a registration issued by the Board in accordance with its regulations.

2. A person registered by the Board in accordance with the provisions of NRS 453.011 to 453.552, inclusive, to dispense or conduct research with controlled substances may possess, dispense or conduct research with those substances to the extent authorized by the registration and in conformity with the other provisions of those sections.

3. The following persons are not required to register and may lawfully possess and distribute controlled substances pursuant to the provisions of NRS 453.011 to 453.552, inclusive:

(a) An agent or employee of a registered dispenser of a controlled substance if he or she is acting in the usual course of his or her business or employment;

(b) A common or contract carrier or warehouseman, or an employee thereof, whose possession of any controlled substance is in the usual course of business or employment;

(c) An ultimate user or a person in possession of any controlled substance pursuant to a lawful order of a physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, advanced ~~[practitioner of nursing,]~~ *practice registered nurse,* podiatric physician or veterinarian or in lawful possession of a schedule V substance; or

(d) A physician who:

(1) Holds a locum tenens license issued by the Board of Medical Examiners or a temporary license issued by the State Board of Osteopathic Medicine; and

(2) Is registered with the Drug Enforcement Administration at a location outside this State.

4. The Board may waive the requirement for registration of certain dispensers if it finds it consistent with the public health and safety.

5. A separate registration is required at each principal place of business or professional practice where the applicant dispenses controlled substances.

6. The Board may inspect the establishment of a registrant or applicant for registration in accordance with the Board's regulations.

Sec. 26. NRS 453.336 is hereby amended to read as follows:

453.336 1. A person shall not knowingly or intentionally possess a controlled substance, unless the substance was obtained directly from, or pursuant to, a prescription or order of a physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician, optometrist, advanced ~~[practitioner of nursing]~~ *practice registered nurse* or veterinarian while acting in the course of his or her professional practice, or except as otherwise authorized by the provisions of NRS 453.005 to 453.552, inclusive.

2. Except as otherwise provided in subsections 3 and 4 and in NRS 453.3363, and unless a greater penalty is provided in NRS 212.160, 453.3385, 453.339 or 453.3395, a person who violates this section shall be punished:

(a) For the first or second offense, if the controlled substance is listed in schedule I, II, III or IV, for a category E felony as provided in NRS 193.130.

(b) For a third or subsequent offense, if the controlled substance is listed in schedule I, II, III or IV, or if the offender has previously been convicted two or more times in the aggregate of any violation of the law of the United States or of any state, territory or district relating to a controlled substance, for a category D felony as provided in NRS 193.130, and may be further punished by a fine of not more than $20,000.

(c) For the first offense, if the controlled substance is listed in schedule V, for a category E felony as provided in NRS 193.130.

(d) For a second or subsequent offense, if the controlled substance is listed in schedule V, for a category D felony as provided in NRS 193.130.

3. Unless a greater penalty is provided in NRS 212.160, 453.337 or 453.3385, a person who is convicted of the possession of flunitrazepam or gamma-hydroxybutyrate, or any substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years.

4. Unless a greater penalty is provided pursuant to NRS 212.160, a person who is convicted of the possession of 1 ounce or less of marijuana:

(a) For the first offense, is guilty of a misdemeanor and shall be:

(1) Punished by a fine of not more than $600; or

(2) Examined by an approved facility for the treatment of abuse of drugs to determine whether the person is a drug addict and is likely to be rehabilitated through treatment and, if the examination reveals that the person is a drug addict and is likely to be rehabilitated through treatment, assigned to a program of treatment and rehabilitation pursuant to NRS 453.580.

(b) For the second offense, is guilty of a misdemeanor and shall be:

(1) Punished by a fine of not more than $1,000; or

(2) Assigned to a program of treatment and rehabilitation pursuant to NRS 453.580.

(c) For the third offense, is guilty of a gross misdemeanor and shall be punished as provided in NRS 193.140.

(d) For a fourth or subsequent offense, is guilty of a category E felony and shall be punished as provided in NRS 193.130.

5. As used in this section, "controlled substance" includes flunitrazepam, gamma-hydroxybutyrate and each substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor.

Sec. 27. NRS 453.371 is hereby amended to read as follows:

453.371 As used in NRS 453.371 to 453.552, inclusive:

1. ~~["Advanced practitioner of nursing" means a person who holds a certificate of recognition granted pursuant to NRS 632.237 and is registered with the Board.~~

~~2.]~~ "Medical intern" means a medical graduate acting as an assistant in a hospital for the purpose of clinical training.

~~[3.]~~ *2.* "Pharmacist" means a person who holds a certificate of registration issued pursuant to NRS 639.127 and is registered with the Board.

~~[4.]~~ *3.* "Physician," "dentist," "podiatric physician," "veterinarian" and "euthanasia technician" mean persons authorized by a license to practice their respective professions in this State who are registered with the Board.

~~[5.]~~ *4.* "Physician assistant" means a person who is registered with the Board and:

(a) Holds a license issued pursuant to NRS 630.273; or

(b) Holds a license issued pursuant to NRS 633.433.

Sec. 28. NRS 453.375 is hereby amended to read as follows:

453.375 A controlled substance may be possessed and administered by the following persons:

1. A practitioner.

2. A registered nurse licensed to practice professional nursing or licensed practical nurse, at the direction of a physician, physician assistant, dentist, podiatric physician or advanced ~~[practitioner of nursing,]~~ *practice registered nurse,* or pursuant to a chart order, for administration to a patient at another location.

3. An advanced emergency medical technician:

(a) As authorized by regulation of:

(1) The State Board of Health in a county whose population is less than 100,000; or

(2) A county or district board of health in a county whose population is 100,000 or more; and

(b) In accordance with any applicable regulations of:

(1) The State Board of Health in a county whose population is less than 100,000;

(2) A county board of health in a county whose population is 100,000 or more; or

(3) A district board of health created pursuant to NRS 439.362 or 439.370 in any county.

4. A respiratory therapist, at the direction of a physician or physician assistant.

5. A medical student, student in training to become a physician assistant or student nurse in the course of his or her studies at an approved college of medicine or school of professional or practical nursing, at the direction of a physician or physician assistant and:

(a) In the presence of a physician, physician assistant or a registered nurse; or

(b) Under the supervision of a physician, physician assistant or a registered nurse if the student is authorized by the college or school to administer the substance outside the presence of a physician, physician assistant or nurse.

➥ A medical student or student nurse may administer a controlled substance in the presence or under the supervision of a registered nurse alone only if the circumstances are such that the registered nurse would be authorized to administer it personally.

6. An ultimate user or any person whom the ultimate user designates pursuant to a written agreement.

7. Any person designated by the head of a correctional institution.

8. A veterinary technician at the direction of his or her supervising veterinarian.

9. In accordance with applicable regulations of the State Board of Health, an employee of a residential facility for groups, as defined in NRS 449.017, pursuant to a written agreement entered into by the ultimate user.

10. In accordance with applicable regulations of the State Board of Pharmacy, an animal control officer, a wildlife biologist or an employee designated by a federal, state or local governmental agency whose duties include the control of domestic, wild and predatory animals.

11. A person who is enrolled in a training program to become an advanced emergency medical technician, respiratory therapist or veterinary technician if the person possesses and administers the controlled substance in the same manner and under the same conditions that apply, respectively, to an advanced emergency medical technician, respiratory therapist or veterinary technician who may possess and administer the controlled substance, and under the direct supervision of a person licensed or registered to perform the respective medical art or a supervisor of such a person.

Sec. 29. NRS 453.381 is hereby amended to read as follows:

453.381 1. In addition to the limitations imposed by NRS 453.256 and 453.3611 to 453.3648, inclusive, a physician, physician assistant, dentist, advanced ~~[practitioner of nursing]~~ *practice registered nurse* or podiatric physician may prescribe or administer controlled substances only for a legitimate medical purpose and in the usual course of his or her professional practice, and he or she shall not prescribe, administer or dispense a controlled substance listed in schedule II for himself or herself, his or her spouse or his or her children except in cases of emergency.

2. A veterinarian, in the course of his or her professional practice only, and not for use by a human being, may prescribe, possess and administer controlled substances, and the veterinarian may cause them to be administered by a veterinary technician under the direction and supervision of the veterinarian.

3. A euthanasia technician, within the scope of his or her license, and not for use by a human being, may possess and administer sodium pentobarbital.

4. A pharmacist shall not fill an order which purports to be a prescription if the pharmacist has reason to believe that it was not issued in the usual course of the professional practice of a physician, physician assistant, dentist, advanced ~~[practitioner of nursing,]~~ *practice registered nurse,* podiatric physician or veterinarian.

5. Any person who has obtained from a physician, physician assistant, dentist, advanced ~~[practitioner of nursing,]~~ *practice registered nurse,* podiatric physician or veterinarian any controlled substance for administration to a patient during the absence of the physician, physician assistant, dentist, advanced ~~[practitioner of nursing,]~~ *practice registered nurse,* podiatric physician or veterinarian shall return to him or her any unused portion of the substance when it is no longer required by the patient.

6. A manufacturer, wholesale supplier or other person legally able to furnish or sell any controlled substance listed in schedule II shall not provide samples of such a controlled substance to registrants.

7. A salesperson of any manufacturer or wholesaler of pharmaceuticals shall not possess, transport or furnish any controlled substance listed in schedule II.

8. A person shall not dispense a controlled substance in violation of a regulation adopted by the Board.

Sec. 30. NRS 453.391 is hereby amended to read as follows:

453.391 A person shall not:

1. Unlawfully take, obtain or attempt to take or obtain a controlled substance or a prescription for a controlled substance from a manufacturer, wholesaler, pharmacist, physician, physician assistant, dentist, advanced ~~[practitioner of nursing,]~~ *practice registered nurse,* veterinarian or any other person authorized to administer, dispense or possess controlled substances.

2. While undergoing treatment and being supplied with any controlled substance or a prescription for any controlled substance from one practitioner, knowingly obtain any controlled substance or a prescription for a controlled substance from another practitioner without disclosing this fact to the second practitioner.

Sec. 31. NRS 454.0015 is hereby amended to read as follows:

454.0015 "Advanced ~~[practitioner of nursing"]~~ *practice registered nurse"* means a registered nurse who holds a valid ~~[certificate of recognition]~~ *license* as an advanced ~~[practitioner of nursing]~~ *practice registered nurse* issued by the State Board of Nursing ~~[.]~~ *pursuant to NRS 632.237.*

Sec. 32. NRS 454.00958 is hereby amended to read as follows:

454.00958 "Practitioner" means:

1. A physician, dentist, veterinarian or podiatric physician who holds a valid license to practice his or her profession in this State.

2. A pharmacy, hospital or other institution licensed or registered to distribute, dispense, conduct research with respect to or to administer a dangerous drug in the course of professional practice in this State.

3. When relating to the prescription of poisons, dangerous drugs and devices:

(a) An advanced ~~[practitioner of nursing]~~ *practice registered nurse* who holds ~~[a certificate from the State Board of Nursing and]~~ a certificate from the State Board of Pharmacy permitting him or her so to prescribe; or

(b) A physician assistant who holds a license from the Board of Medical Examiners and a certificate from the State Board of Pharmacy permitting him or her so to prescribe.

4. An optometrist who is certified to prescribe and administer dangerous drugs pursuant to NRS 636.288 when the optometrist prescribes or administers dangerous drugs which are within the scope of his or her certification.

Sec. 33. NRS 454.213 is hereby amended to read as follows:

454.213 A drug or medicine referred to in NRS 454.181 to 454.371, inclusive, may be possessed and administered by:

1. A practitioner.

2. A physician assistant licensed pursuant to chapter 630 or 633 of NRS, at the direction of his or her supervising physician or a licensed dental hygienist acting in the office of and under the supervision of a dentist.

3. Except as otherwise provided in subsection 4, a registered nurse licensed to practice professional nursing or licensed practical nurse, at the direction of a prescribing physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician or advanced ~~[practitioner of nursing,]~~ *practice registered nurse,* or pursuant to a chart order, for administration to a patient at another location.

4. In accordance with applicable regulations of the Board, a registered nurse licensed to practice professional nursing or licensed practical nurse who is:

(a) Employed by a health care agency or health care facility that is authorized to provide emergency care, or to respond to the immediate needs of a patient, in the residence of the patient; and

(b) Acting under the direction of the medical director of that agency or facility who works in this State.

5. A medication aide - certified at a designated facility under the supervision of an advanced ~~[practitioner of nursing]~~ *practice registered nurse* or registered nurse and in accordance with standard protocols developed by the State Board of Nursing. As used in this subsection, "designated facility" has the meaning ascribed to it in NRS 632.0145.

6. Except as otherwise provided in subsection 7, an intermediate emergency medical technician or an advanced emergency medical technician, as authorized by regulation of the State Board of Pharmacy and in accordance with any applicable regulations of:

(a) The State Board of Health in a county whose population is less than 100,000;

(b) A county board of health in a county whose population is 100,000 or more; or

(c) A district board of health created pursuant to NRS 439.362 or 439.370 in any county.

7. An intermediate emergency medical technician or an advanced emergency medical technician who holds an endorsement issued pursuant to NRS 450B.1975, under the direct supervision of a local health officer or a designee of the local health officer pursuant to that section.

8. A respiratory therapist employed in a health care facility. The therapist may possess and administer respiratory products only at the direction of a physician.

9. A dialysis technician, under the direction or supervision of a physician or registered nurse only if the drug or medicine is used for the process of renal dialysis.

10. A medical student or student nurse in the course of his or her studies at an approved college of medicine or school of professional or practical nursing, at the direction of a physician and:

(a) In the presence of a physician or a registered nurse; or

(b) Under the supervision of a physician or a registered nurse if the student is authorized by the college or school to administer the drug or medicine outside the presence of a physician or nurse.

➥ A medical student or student nurse may administer a dangerous drug in the presence or under the supervision of a registered nurse alone only if the circumstances are such that the registered nurse would be authorized to administer it personally.

11. Any person designated by the head of a correctional institution.

12. An ultimate user or any person designated by the ultimate user pursuant to a written agreement.

13. A nuclear medicine technologist, at the direction of a physician and in accordance with any conditions established by regulation of the Board.

14. A radiologic technologist, at the direction of a physician and in accordance with any conditions established by regulation of the Board.

15. A chiropractic physician, but only if the drug or medicine is a topical drug used for cooling and stretching external tissue during therapeutic treatments.

16. A physical therapist, but only if the drug or medicine is a topical drug which is:

(a) Used for cooling and stretching external tissue during therapeutic treatments; and

(b) Prescribed by a licensed physician for:

(1) Iontophoresis; or

(2) The transmission of drugs through the skin using ultrasound.

17. In accordance with applicable regulations of the State Board of Health, an employee of a residential facility for groups, as defined in NRS 449.017, pursuant to a written agreement entered into by the ultimate user.

18. A veterinary technician or a veterinary assistant at the direction of his or her supervising veterinarian.

19. In accordance with applicable regulations of the Board, a registered pharmacist who:

(a) Is trained in and certified to carry out standards and practices for immunization programs;

(b) Is authorized to administer immunizations pursuant to written protocols from a physician; and

(c) Administers immunizations in compliance with the "Standards for Immunization Practices" recommended and approved by the Advisory Committee on Immunization Practices.

20. A registered pharmacist pursuant to written guidelines and protocols developed and approved pursuant to NRS 639.2809.

21. A person who is enrolled in a training program to become a physician assistant licensed pursuant to chapter 630 or 633 of NRS, dental hygienist, intermediate emergency medical technician, advanced emergency medical technician, respiratory therapist, dialysis technician, nuclear medicine technologist, radiologic technologist, physical therapist or veterinary technician if the person possesses and administers the drug or medicine in the same manner and under the same conditions that apply, respectively, to a physician assistant licensed pursuant to chapter 630 or 633 of NRS, dental hygienist, intermediate emergency medical technician, advanced emergency medical technician, respiratory therapist, dialysis technician, nuclear medicine technologist, radiologic technologist, physical therapist or veterinary technician who may possess and administer the drug or medicine, and under the direct supervision of a person licensed or registered to perform the respective medical art or a supervisor of such a person.

22. A medical assistant, in accordance with applicable regulations of the:

(a) Board of Medical Examiners, at the direction of the prescribing physician and under the supervision of a physician or physician assistant.

(b) State Board of Osteopathic Medicine, at the direction of the prescribing physician and under the supervision of a physician or physician assistant.

Sec. 34. NRS 454.215 is hereby amended to read as follows:

454.215 A dangerous drug may be dispensed by:

1. A registered pharmacist upon the legal prescription from a practitioner or to a pharmacy in a correctional institution upon the written order of the prescribing practitioner in charge;

2. A pharmacy in a correctional institution, in case of emergency, upon a written order signed by the chief medical officer;

3. A practitioner, or a physician assistant licensed pursuant to chapter 630 or 633 of NRS if authorized by the Board;

4. A registered nurse, when the nurse is engaged in the performance of any public health program approved by the Board;

5. A medical intern in the course of his or her internship;

6. An advanced ~~[practitioner of nursing]~~ *practice registered nurse* who holds ~~[a certificate from the State Board of Nursing and]~~ a certificate from the State Board of Pharmacy permitting him or her to dispense dangerous drugs;

7. A registered nurse employed at an institution of the Department of Corrections to an offender in that institution;

8. A registered pharmacist from an institutional pharmacy pursuant to regulations adopted by the Board; or

9. A registered nurse to a patient at a rural clinic that is designated as such pursuant to NRS 433.233 and that is operated by the Division of Mental Health and Developmental Services of the Department of Health and Human Services if the nurse is providing mental health services at the rural clinic,

➥ except that no person may dispense a dangerous drug in violation of a regulation adopted by the Board.

Sec. 35. NRS 454.221 is hereby amended to read as follows:

454.221 1. A person who furnishes any dangerous drug except upon the prescription of a practitioner is guilty of a category D felony and shall be punished as provided in NRS 193.130, unless the dangerous drug was obtained originally by a legal prescription.

2. The provisions of this section do not apply to the furnishing of any dangerous drug by:

(a) A practitioner to his or her patients;

(b) A physician assistant licensed pursuant to chapter 630 or 633 of NRS if authorized by the Board;

(c) A registered nurse while participating in a public health program approved by the Board, or an advanced ~~[practitioner of nursing]~~ *practice registered nurse* who holds ~~[a certificate from the State Board of Nursing and]~~ a certificate from the State Board of Pharmacy permitting him or her to dispense dangerous drugs;

(d) A manufacturer or wholesaler or pharmacy to each other or to a practitioner or to a laboratory under records of sales and purchases that correctly give the date, the names and addresses of the supplier and the buyer, the drug and its quantity;

(e) A hospital pharmacy or a pharmacy so designated by a county health officer in a county whose population is 100,000 or more, or by a district health officer in any county within its jurisdiction or, in the absence of either, by the State Health Officer or the State Health Officer's designated Medical Director of Emergency Medical Services, to a person or agency described in subsection 3 of NRS 639.268 to stock ambulances or other authorized vehicles or replenish the stock; or

(f) A pharmacy in a correctional institution to a person designated by the Director of the Department of Corrections to administer a lethal injection to a person who has been sentenced to death.

Sec. 36. NRS 454.480 is hereby amended to read as follows:

454.480 1. Hypodermic devices which are not restricted by federal law to sale by or on the order of a physician may be sold by a pharmacist, or by a person in a pharmacy under the direction of a pharmacist, on the prescription of a physician, dentist or veterinarian, or of an advanced ~~[practitioner of nursing]~~ *practice registered nurse* who is a practitioner. Those prescriptions must be filed as required by NRS 639.236, and may be refilled as authorized

by the prescriber. Records of refilling must be maintained as required by NRS 639.2393 to 639.2397, inclusive.

2. Hypodermic devices which are not restricted by federal law to sale by or on the order of a physician may be sold without prescription for the following purposes:

(a) For use in the treatment of persons having asthma or diabetes.

(b) For use in injecting intramuscular or subcutaneous medications prescribed by a practitioner for the treatment of human beings.

(c) For use in an ambulance or by a fire-fighting agency for which a permit is held pursuant to NRS 450B.200 or 450B.210.

(d) For the injection of drugs in animals or poultry.

(e) For commercial or industrial use or use by jewelers or other merchants having need for those devices in the conduct of their business, or by hobbyists if the seller is satisfied that the device will be used for legitimate purposes.

(f) For use by funeral directors and embalmers, licensed medical technicians or technologists, or research laboratories.

Sec. 37. NRS 454.695 is hereby amended to read as follows:

454.695 ~~[1.]~~ An advanced ~~[practitioner of nursing]~~ *practice registered nurse* may prescribe poisons, dangerous drugs and devices for legitimate medical purposes in accordance with ~~[:~~

~~(a) The certificates]~~ *the certificate* he or she holds from the Board and the *license issued by the* State Board of Nursing . ~~[; and~~

~~(b) The protocol which is approved by the State Board of Nursing.~~

~~2. For the purposes of this section, "protocol" means the written agreement between a physician and an advanced practitioner of nursing which sets forth matters including the:~~

~~(a) Patients which the advanced practitioner of nursing may serve;~~

~~(b) Specific poisons, dangerous drugs and devices which the advanced practitioner of nursing may prescribe; and~~

~~(c) Conditions under which the advanced practitioner of nursing must directly refer the patient to the physician.]~~

Sec. 38. NRS 616C.115 is hereby amended to read as follows:

616C.115 1. Except as otherwise provided in subsection 2, a physician or advanced ~~[practitioner of nursing]~~ *practice registered nurse* shall prescribe for an injured employee a generic drug in lieu of a drug with a brand name if the generic drug is biologically equivalent and has the same active ingredient or ingredients of the same strength, quantity and form of dosage as the drug with a brand name.

2. A physician or advanced ~~[practitioner of nursing]~~ *practice registered nurse* is not required to comply with the provisions of subsection 1 if:

(a) The physician or advanced ~~[practitioner of nursing]~~ *practice registered nurse* determines that the generic drug would not be beneficial to the health of the injured employee; or

(b) The generic drug is higher in cost than the drug with a brand name.

Sec. 39. A person who, on July 1, 2013, possesses a valid certificate of recognition as an advanced practitioner of nursing that was granted on or before June 30, 2013, by the State Board of Nursing pursuant to NRS 632.237 shall be deemed to hold a license as an advanced practice registered nurse issued by the Board pursuant to NRS 632.237, as amended by section 6 of this act.

Sec. 39.5. The provisions of this act are not intended to expand the scope of practice of an advanced practice registered nurse beyond the scope of practice delineated by the State Board of Nursing in regulations adopted pursuant to NRS 632.237 or otherwise authorized by specific statute.

Sec. 40. In preparing supplements to the Nevada Administrative Code, the Legislative Counsel shall make such changes as necessary so that references to "advanced practitioner of nursing" are replaced with "advanced practice registered nurse."

Sec. 41. 1. This section and sections 1 to 6, inclusive, and 8 to 40, inclusive, of this act become effective on July 1, 2013.

2. Section 7 of this act becomes effective on July 1, 2014.

Senator Atkinson moved the adoption of the amendment.

Remarks by Senator Atkinson.

Thank you, Mr. President. Amendment No. 838 to Assembly Bill No. 170 prohibits an advanced practice registered nurse from prescribing a controlled substance listed in Schedule 2 unless the nurse has at least two years or 2,000 hours of clinical experience or the controlled substance is prescribed pursuant to a protocol approved by the collaborating physician.

Amendment adopted.

Senator Smith moved that all necessary rules be suspended, and that Assembly Bill No. 170 be declared an emergency measure under the Constitution and placed on third reading and final passage upon return from reprint.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 48.

Bill read third time.

Senator Spearman moved that Assembly Bill No. 48 be taken from the General File and placed at the bottom of the General File for this agenda.

Motion carried.

Assembly Bill No. 176.

Bill read third time.

The following amendment was proposed by Senator Manendo:

Amendment No. 860.

"SUMMARY—Revises provisions relating to the emissions testing of certain consigned vehicles. (BDR 40-964)"

"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 relating 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.

Senator Manendo moved the adoption of the amendment.

Remarks by Senator Manendo.

Thank you, Mr. President. Amendment No. 860 to Assembly Bill No. 176 expands the notice provisions, by requiring notice in any documents or publications listing the vehicles to be sold, to help ensure consumers are notified that emissions compliance is not guaranteed by the consignee.

Amendment adopted.

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

Assembly Bill No. 189.

Bill read third time.

Remarks by Senators Spearman and Gustavson.

SENATOR SPEARMAN:

Thank you, Mr. President. Assembly Bill No. 189 creates a new tier of not more than five special license plates that may be issued by the Department of Motor Vehicles, in addition to the existing 30 special license plates, if the applicant posts a surety bond in the amount of $20,000 and demonstrates the issuance of at least 3,000 plates to illustrate the viability of the plates. The bond and the minimum number of applications necessary to qualify for issuance of the existing 30 special license plates remain unchanged by this bill at $5,000 and 1,000 applicants, respectively. This bill is effective upon passage and approval for the purpose of performing preparatory administrative tasks, and on July 1, 2013, for all other purposes.

SENATOR GUSTAVSON:

Thank you, Mr. President. I rise in opposition to Assembly Bill No. 189. We discussed this bill in Committee, and as the presenter stated, this creates a new tier of specialty license plates. It will put that new tier in front of the people who have been waiting years to get their specialty license plates. I do not think we should be creating this new tier. People have been waiting for specialty license plates for years who have waited to get on a list, and now, to have the plates approved, they will have to wait for someone else. For that reason, I do not support this bill.

Mr. President announced that if there were no objections, the Senate would recess subject to the call of the Chair.

Senate in recess at 2:07 p.m.

SENATE IN SESSION

At 2:28 p.m.
President Krolicki presiding.
Quorum present.

Roll call on Assembly Bill No. 189:
YEAS—16.
NAYS—Atkinson, Cegavske, Gustavson, Settelmeyer, Smith—5.

Assembly Bill No. 189 having received a two-thirds majority, Mr. President declared it passed.
Bill ordered transmitted to the Assembly.

Assembly Bill No. 209.
Bill read third time.
Remarks by Senators Kieckhefer, Hardy and Smith.

SENATOR KIECKHEFER:
Thank you, Mr. President. Assembly Bill No. 209 provides that raw milk certified by the county milk commission where it is produced can be sold anywhere in the State. A county milk commission is required to adopt regulations relating to the labeling of certified raw milk, daily testing, liability insurance and the establishment of certain fees and charges to defray costs. The bill also prohibits raw milk from being imported to Nevada.

I had some consternation over this bill due to some testimony against it by public health officials, although I do believe the regulations and controls put in place will help ensure the safety of the consumer. This bill is designed to foster the creation of a professional raw milk dairy industry, which is different than drinking milk from a cow behind their house. I encourage passage.

SENATOR HARDY:
Thank you, Mr. President. I think the testimony of the public health officials was accurate. Bottom line is pasteurization works. It decreases illness, especially in young people. If you consider that raw milk is usually safe, you recognize that sometimes it is not safe. That exception can result in illness but also, possibly, in death.

SENATOR SMITH:
Thank you, Mr. President. I rise in opposition to Assembly Bill No. 209. Along with my colleague, the good doctor from Senate District No. 12, I listened carefully to our own State health officer testifying in opposition to this bill. Both the northern Nevada and southern Nevada health district representatives testified in opposition as well. While I understand the desire for the dairy industry to be able to closely monitor this business and provide better service to Nevadans, I am deeply concerned about hearing my own State health officer say she could not support this legislation. I will be voting no.

Roll call on Assembly Bill No. 209:
YEAS—17.
NAYS—Ford, Hardy, Smith, Spearman—4.

Assembly Bill No. 209 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 227.

Bill read third time.

Remarks by Senators Goicoechea, Hutchison, Cegavske, Atkinson and Denis.

SENATOR GOICOECHEA:

Thank you, Mr. President. Assembly Bill No. 227 creates the Nevada Land Management Task Force that will be funded by the Nevada Association of Counties and the counties that participate in the Task Force. They are charged with five duties. First and foremost, is the identification of lands to be transferred and the interest, rights and uses associated with those lands. I think there has been some apprehension because we do have split estates in Nevada where the mineral rights are held by one party and the surface rights held by another—even on public lands. Since this language was brought forward and drafted during this Legislative Session, we have had three other states adopt the same language: New Mexico, Montana and Idaho. They have shorter legislative sessions than we do, so they have passed their legislation already.

The question continues to be asked, "What are we going to do with our public lands? Why do not we have control over them?" This bill seeks to answer some of those questions. It has no "teeth"—there is nothing that would conflict with Congressional action or some change in policy. There are no demands like House Bill 148 in Utah. That legislation said federal lands would be returned to the state. Unfortunately, however, they did not answer the questions around what lands and how to manage. Arizona also brought a similar bill but they did not say what lands they wanted transferred; unfortunately, the voters there would not support the Grand Canyon going back into state ownership. I do not blame them. Our bill will answer a lot of the questions that are out there. It is under the oversight of the Interim Committee on Public Lands. They will meet and report at regular meetings. In the end, data will be submitted to the Interim Committee on Public Lands so it can then be brought forward to this Body. I think it is a good bill. I hope it can enjoy your support.

SENATOR HUTCHISON:

Thank you, Mr. President. I rise in support of Assembly Bill No. 227. I am in support of the Nevada Land Management Task Force. There is an important matter that needs to be addressed by this Task Force, and that is why the public lands have not been transferred to the Western states as they have to the Eastern states. If you look at a map of the United States, the vast majority of the land is under the control of the federal government west of the Rocky Mountains. East of the Rocky Mountains, the situation is different. It is appropriate for the Task Force to take a look at this question and determine what needs to be done. They can consider whether there should be a transfer of the public lands to this State, as well as to private entities.

SENATOR CEGAVSKE:

Thank you, Mr. President. I rise in support of Assembly Bill No. 227. I want to thank my colleagues from the rural areas for all of their hard work and for educating me. This is a national issue, and the Western states have geared up together. Resolution of this issue is extremely important to our State's economy. I urge your support.

SENATOR ATKINSON:

Thank you, Mr. President. I have a question about an issue that keeps coming up in the Council of State Governments West's Public Land and Water Management Committee. Utah and Arizona, their delegations speak out on this quite a bit during our annual meetings. They did a proclamation to the United States Congress, urging them to do exactly what is being proposed in this bill. I want to know if the United States Congress does take action, will this still be necessary?

SENATOR GOICOECHEA:
Thank you, Mr. President. A lot of these other states have come forward with proclamations and resolutions. They have made demands there should be Congressional action to return those lands back to the Western states on an equal footing basis like the Eastern states. We felt it would be better to have the answers. Let us really look at how we would manage those lands and what lands should be transferred. Let us see who had what interest in those lands. Let us have the answers before we go forward and say we want the lands back. We might not be able to afford to have them back. That is the scary part.

SENATOR DENIS:
Thank you, Mr. President. Could we have a discussion about the concerns raised by the Western Shoshone Tribe and their ability to participate? Could someone comment on that please?

SENATOR GOICOECHEA:
Thank you, Mr. President. The first part of the bill talks about the interested parties. There is no doubt this will be a full-blown open-meeting process. It has to be. There are clearly tribal interests in these lands.

SENATOR DENIS:
Thank you, Mr. President. I would like to comment that I appreciate the way this has been put together. I am in support of Assembly Bill No. 227.

Roll call on Assembly Bill No. 227:
YEAS—21.
NAYS—None.

Assembly Bill No. 227 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to the Assembly.

Assembly Bill No. 236.
Bill read third time.

Senator Manendo moved that the Senate recess subject to the call of the Chair.
Motion carried.

Senate in recess at 2:45 p.m.

SENATE IN SESSION

At 2:49 p.m.
President Krolicki presiding.
Quorum present.

Senator Smith moved that Assembly Bill No. 236 be taken from the General File and placed on the General File of the next agenda.
Motion carried.

Assembly Bill No. 264.
Bill read third time.
Remarks by Senators Manendo and Ford.

SENATOR MANENDO:

Thank you, Mr. President. Assembly Bill No. 264 makes a second or subsequent violation of the statutory prohibition against feeding estray or feral livestock a gross misdemeanor. The bill also establishes a gross misdemeanor for the taking up or possession of estray or feral livestock by a person who is not the owner and does not have the owner's consent. 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.

SENATOR FORD:

Thank you, Mr. President. I rise in support of Assembly Bill No. 264. I found it astonishing that under our current state of the law, there really is no punishment for those who violate this law more than once. The police will go out if someone violates the law and feeds some feral horses, giving them a slap on the hand—a warning. The second time, the same warning happens. There is literally nothing else that can be done. So, I support this. We need to strengthen law enforcement's authority to enforce this regulation.

Roll call on Assembly Bill No. 264:

YEAS—21.

NAYS—None.

Assembly Bill No. 264 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 300.

Bill read third time.

Remarks by Senator Brower.

Thank you, Mr. President. Assembly Bill No. 300 revises the information that must be included in the affidavit of authority to exercise the power of sale on a deed of trust. The bill requires the information in the affidavit to be based upon the direct, personal knowledge of the affiant or personal knowledge acquired by a review of the business records of the beneficiary, the beneficiary's successor in interest or the servicer of the obligations or debt secured by the deed. This bill is a product of a lot of hard work over the last year or so on the part of many including the Attorney General's office, several of you from this Chamber and the private sector. It passed unanimously out of the Senate Committee on Judiciary. We all urge your support.

Roll call on Assembly Bill No. 300:

YEAS—21.

NAYS—None.

Assembly Bill No. 300 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 303.

Bill read third time.

Remarks by Senator Goicoechea.

Thank you, Mr. President. Assembly Bill No. 303 authorizes the Board of the Public Employees' Benefits Program to approve the payment of an additional amount, from any money that is available for that purpose, to increase the subsidy for a retired person with State service, who obtains their health insurance coverage through an individual medical plan offered pursuant to Medicare. This measure is effective on July 1, 2013. On March 29, 2012, the Public Employees' Benefits Program Board voted to spend down $29.4 million in unrestricted or excess

reserves. Again on March 21, 2013, the Public Employees' Benefits Program Board voted to spend down $47 million in unrestricted or excess reserves. While the Public Employees' Benefits Program Board was able to use this money in various ways to help members including, but not limited to mitigating rate increases and providing one-time contributions to Health Savings Accounts and Health Reimbursement Accounts, one option that was not available to them, per State law, was an additional payment to the subsidy for Medicare-eligible retirees. This measure is effective upon passage and approval.

Roll call on Assembly Bill No. 303:

YEAS—21.

NAYS—None.

Assembly Bill No. 303 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 324.

Bill read third time.

Remarks by Senators Atkinson, Hardy and Hutchison.

SENATOR ATKINSON:

Thank you, Mr. President. Assembly Bill No. 324 provides for the regulation of practical dental assistants and certified Nevada dental assistants by the Board of Dental Examiners of Nevada. The bill specifies that a practical dental assistant or certified Nevada dental assistant may only perform intraoral tasks and dental procedures authorized by the Board and under the supervision of a licensed dentist or dental hygienist. It prescribes qualifications, terms of the certificate of registration, continuing education requirements and fees for the initial application and biennial renewal or reinstatement of a certificate of registration. It also requires the Board to adopt regulations to carry out the bill's provisions. This bill is effective on passage and approval for the purposes of adopting regulations and performing other preparatory administrative tasks and on July 1, 2015, for all other purposes.

SENATOR HARDY:

Thank you, Mr. President. I rise in opposition to the Assembly Bill No. 324. My dental friends watch the assistants under close supervision. I do not think we need this level of regulation.

SENATOR HUTCHISON:

Thank you, Mr. President. I also rise in opposition to Assembly Bill No. 324. I could support the bill if there was evidence of a public health risk with unlicensed dental assistants. However, there is none that I became aware of during the course of testimony in Committee. In fact, according to the Nevada Dental Association, dental assistants are the most supervised members of the dentist's team. *Nevada Revised Statutes* and the *Nevada Administrative Code* already establish what a dental assistant may do. The dentist is responsible professionally and legally for their assistants. Five thousand dental assistants are working fine without any evidence of an enhanced risk to public health or safety. In my view, this legislation is unnecessary.

Roll call on Assembly Bill No. 324:

YEAS—9.

NAYS—Brower, Cegavske, Denis, Goicoechea, Gustavson, Hammond, Hardy, Hutchison, Kieckhefer, Roberson, Settelmeyer, Spearman—12.

Assembly Bill No. 324 having failed to receive a two-thirds majority, Mr. President declared it lost.

Assembly Bill No. 349.

Bill read third time.

Remarks by Senator Settelmeyer.

Thank you, Mr. President. Assembly Bill No. 349 authorizes a regulatory body to grant a license by endorsement to a qualified professional who is licensed in another state or territory and is also an active member, veteran, spouse of an active member or surviving spouse of a veteran of the Armed Forces of the United States, to practice his or her respective profession in this State. A qualified health care professional who receives a license by endorsement is entitled to a 50 percent reduction in the fee for the initial issuance of a license or an examination as a prerequisite to licensure. The measure also authorizes certain regulatory bodies to enter into a reciprocal agreement with the corresponding regulatory authority in another state or territory of the United States for the purposes of authorizing a licensee to practice concurrently in Nevada and another jurisdiction. The bill authorizes a medical facility to employ or contract with a physician to provide health care to a patient. A medical facility, other than a hospital, must have credentialing and privileging standards and a process for peer review, and a physician or committee of physicians to oversee those standards and the process for peer review. This bill is effective on July 1, 2013.

Roll call on Assembly Bill No. 349:

YEAS—21.

NAYS—None.

Assembly Bill No. 349 having received a two-thirds majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 364.

Bill read third time.

Remarks by Senator Hammond.

Thank you, Mr. President. Assembly Bill No. 364 increases, from not more than 15 to not more than 39 working days in a calendar year, the period during which certain public officers or employees of the State who are active members of specified military groups must be relieved from their duties to serve under orders without loss of compensation. These provisions apply to officers and employees whose work schedules include Saturday or Sunday, and such an absence may not be part of the employees' annual vacation. The relevant military groups include the United States Army Reserve, United States Naval Reserve, United States Marine Corps Reserve, United States Coast Guard Reserve, United States Air Force Reserve or the Nevada National Guard.

Roll call on Assembly Bill No. 364:

YEAS—21

NAYS—None.

Assembly Bill No. 364 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 377.

Bill read third time.

Remarks by Senator Hammond.

Thank you, Mr. President. Assembly Bill No. 377 provides that a person, who is or was employed or volunteering in a position of authority at a school and who has sexual conduct with a pupil with whom the person has or had contact in the course of performing his or her duties, is

guilty of a felony: if the pupil is or was enrolled in or attending the school at which the person is or was employed or volunteering or the person had contact with the pupil in the course of performing his or her duties as an employee or volunteer. The bill provides that if the pupil is 16 or 17 years of age, the crime is a Category C felony, and if the pupil is 14 or 15 years of age, the crime is a Category B felony.

Roll call on Assembly Bill No. 377:
YEAS—21.
NAYS—None.

Assembly Bill No. 377 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 442.

Bill read third time.

Remarks by Senator Spearman.

Thank you, Mr. President. Assembly Bill No. 442 sets forth the criteria that may be considered by the Secretary of State in determining whether to waive the daily penalty for a failure to file timely campaign finance or registration reports by certain candidates, committees, persons, political organizations or other entities. The bill is effective on July 1, 2013.

Roll call on Assembly Bill No. 442:
YEAS—21.
NAYS—None.

Assembly Bill No. 442 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 445.

Bill read third time.

Remarks by Senator Spearman.

Thank you, Mr. President. Assembly Bill No. 445 requires the Department of Administration to establish a location on the State's official website on which public bodies must post notices of open meetings. Notices required by the Open Meeting Law must be posted on the State's website not later than 9 a.m. of the third working day before the meeting. Such notices must include a link to the public body's website or an e-mail address for contacting the public body. The Department must also establish a directory of public bodies and include it on the State's official website in a clear and conspicuous location. The Department may adopt regulations as needed. The State must have a designated location on its website in operation by January 1, 2014, for the posting of notices by State entities. Public bodies of local government must begin posting notices of open meetings no later than July 1, 2014. The bill is effective on January 1, 2014, with regard to the posting requirements, and upon passage and approval for all other purposes.

Roll call on Assembly Bill No. 445:
YEAS—21.
NAYS—None.

Assembly Bill No. 445 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 448.

Bill read third time.

Remarks by Senator Hammond.

Thank you, Mr. President. Assembly Bill No. 448 authorizes the Adjutant General to accept federal funding for personnel support and equipment supplies, arms and facilities through the United States Property and Fiscal Officer for Nevada as authorized under federal law, and it requires that any money received be deposited in the State Treasury. The bill also allows a security deposit to be required for the rental of a facility or an armory or space within an armory and authorizes the use of the money generated from the rental of such space to make repairs, construct new facilities, fund various military activities and further community and State relations. Finally, the bill deletes obsolete language referring to a $100 payment that could be made to certain Nevada National Guard members upon their return from deployment to a combat zone.

Roll call on Assembly Bill No. 448:

YEAS—21.

NAYS—None.

Assembly Bill No. 448 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 449.

Bill read third time.

Remarks by Senator Goicoechea.

Thank you, Mr. President. Assembly Bill No. 449 eliminates the provision in Section 690 of Chapter 440 of *Nevada Revised Statutes* that requires fees received for vital records services to be remitted to the State General Fund. Vital records fees will be permitted to be retained within the Division of Public and Behavioral Health to administer and carry out the provisions of Chapter 440 of *Nevada Revised Statutes*. This bill implements a recommendation included in the Executive Budget and approved by the money committees in closing the Health Statistics and Planning budget for the 2013-15 Biennium.

Roll call on Assembly Bill No. 449:

YEAS—21.

NAYS—None.

Assembly Bill No. 449 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 455.

Bill read third time.

Remarks by Senator Gustavson.

Thank you, Mr. President. Assembly Bill No. 455 makes various changes to requirements and processes concerning special license plates. Specifically, the bill: (1) revises and expands the types of information that must be provided to the Department of Motor Vehicles in an application for a special license plate; (2) requires that the Commission on Special License Plates compile and make publicly available certain information regarding special license plates that the Commission has recommended for approval; (3) changes from September 1 to July 1 the deadline by which certain charitable organizations that receive additional fees from special license plates must provide to the Commission and the Department of Motor Vehicles certain contact information; and (4) revises the process of determination, hearing, appeal and potential

adverse action if a charitable organization that receives additional fees from special license plates is found to have failed to provide certain required information or to have committed improper practices of financial administration. This bill is effective on July 1, 2013.

Roll call on Assembly Bill No. 455:
YEAS—21.
NAYS—None.

Assembly Bill No. 455 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 456.

Bill read third time.

Remarks by Senators Hardy and Cegavske.

SENATOR HARDY:

Thank you, Mr. President. Assembly Bill No. 456 requires that an advertisement for health-care services include certain information regarding the qualifications of a health-care professional to whom the advertisement pertains, including any license or certification held by the professional. Such advertisements must not include any deceptive or misleading information, and a health-care professional must communicate his or her specific licensure to all current and prospective patients, including a written disclosure statement that is conspicuously displayed in the office. The measure requires a health-care professional to comply, as applicable, with such advertising and disclosure statements in each office he or she practices, prescribes the format for certain advertisements and disclosures, and sets forth certain exceptions to such requirements. The measure requires a health-care professional, while providing care other than sterile procedures in a health-care facility, to wear a name tag that indicates his or her specific licensure or certification. The bill also prohibits a health-care professional from holding him or herself out as "board certified" unless the name of the board is disclosed and that board meets certain requirements. This bill is effective on January 1, 2014.

SENATOR CEGAVSKE:

Thank you, Mr. President. I want to thank my colleagues from Senate District No. 9 and Senate District No. 4 for working with me. I had a similar bill in the Assembly that was merged with this one. I thank them for including me and making sure this good legislation was merged with the other.

Roll call on Assembly Bill No. 456:
YEAS—21.
NAYS—None.

Assembly Bill No. 456 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 459.

Bill read third time.

Remarks by Senator Ford.

Thank you, Mr. President. Assembly Bill No. 459 authorizes a board of trustees of a school district to donate surplus personal property to other school districts in Nevada without regard to the notice, bidding, auction or other requirements for the disposal of a local government's personal property. Likewise, this bill authorizes a school district to accept donations of surplus personal property from another district. It also clarifies the circumstances under which an oversight panel must hold meetings and submit reports to the Legislature.

Roll call on Assembly Bill No. 459:
YEAS—21.
NAYS—None.

Assembly Bill No. 459 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 460.

Bill read third time.

Remarks by Senator Kihuen.

Thank you, Mr. President. Assembly Bill No. 460 removes the school accountability provisions contained in Chapter 385 of the *Nevada Revised Statutes*, and it requires Nevada's Department of Education to establish a single statewide system of accountability for all public schools and districts, regardless of their Title I status. The bill requires the new accountability system to continue to comply with the applicable requirements of federal law and sets forth certain elements that must be included in the system. It also requires the Department to monitor the impact of eliminating certain mandated supplemental services and school choice options and report to the Legislative Committee on Education during the Legislative Interim. This measure also calls for the reporting of student honor code violations at the high school level and the inclusion of the information in the annual accountability reports submitted by school districts and the State Board of Education.

Roll call on Assembly Bill No. 460:
YEAS—21.
NAYS—None.

Assembly Bill No. 460 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 471.

Bill read third time.

Remarks by Senator Kieckhefer.

Thank you, Mr. President. Assembly Bill No. 471 provides for an appropriation of $519,243 for the Health Statistics and Planning program within the Health Division of the Department of Health and Human Services. This appropriation is made so that the Health Statistics and Planning program may repay a General Fund advance received for fiscal year 2013 pursuant to Senate Bill No. 503 of the 2011 Legislature in an equal amount.

Roll call on Assembly Bill No. 471:
YEAS—21.
NAYS—None.

Assembly Bill No. 471 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 478.

Bill read third time.

Remarks by Senator Smith.

Thank you, Mr. President. I rise in support of Assembly Bill No. 478 which appropriates $14,803 from the State General Fund to the Nevada Highway Patrol Division of the Department

of Public Safety as reimbursement for unanticipated visiting dignitary protection assignments. The costs of protection for dignitaries visiting Nevada in fiscal year 2013 are projected to exceed the monies budgeted for this purpose.

Roll call on Assembly Bill No. 478:
YEAS—21.
NAYS—None.

Assembly Bill No. 478 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 483.

Bill read third time.

Remarks by Senator Segerblom.

Thank you, Mr. President. Assembly Bill No. 483 directs the State Engineer to charge a fee of not more than $1,000 each for four applications made by the Department of Wildlife in 1975 to appropriate drain and flood waters in the Humboldt Sink for wildlife purposes.

Roll call on Assembly Bill No. 483:
YEAS—21.
NAYS—None.

Assembly Bill No. 483 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 486.

Bill read third time.

Remarks by Senator Hutchison.

Thank you, Mr. President. Assembly Bill No. 486 allows certain telecommunication providers to apply to the Public Utilities Commission of Nevada for relief from the duty to provide basic network and business-line service when certain alternative services are available. The measure prescribes the procedures to be followed by the Public Utilities Commission of Nevada in reviewing such an application and allows the Public Utilities Commission of Nevada to require providers to continue service under certain circumstances. The bill also gives the Public Utilities Commission of Nevada the authority to regulate certain telecommunication providers under provisions of federal and State law. Finally, the bill removes obsolete references to telegraph lines and equipment throughout *Nevada Revised Statutes*. The testimony in the Committee hearing established that major telecommunication providers will make substantial investments in infrastructure and services in states like Nevada if this bill passes. It will provide for the continuity, certainty and stability of the legal environment regarding Internet Protocol interconnectivity and broadband services.

Roll call on Assembly Bill No. 486:
YEAS—21.
NAYS—None.

Assembly Bill No. 486 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 487.

Bill read third time.

The following amendment was proposed by Senator Denis:

Amendment No. 863.

"SUMMARY—Makes various changes relating to recycling. (BDR 40-120)"

"AN ACT relating to recycling; requiring certain solid waste management authorities in this State to adopt regulations requiring contractors to dispose of certain construction and demolition debris at a materials recovery facility under certain circumstances; increasing the goal for the amount of total solid waste generated within a municipality to be recycled; requiring each board of county commissioners to report to the 78th Session of the Nevada Legislature concerning its efforts and progress in establishing programs of single-stream recycling; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Section 1 of this bill requires certain solid waste management authorities in this State to adopt regulations requiring contractors to dispose of certain construction and demolition debris at a materials recovery facility that has been approved to operate pursuant to regulations of the State Environmental Commission, if such a facility is located within 30 miles of the site of the work.

Existing law requires the ~~[State Environmental]~~ Commission to adopt regulations to establish minimum standards for recycling with the goal of recycling at least 25 percent of the total solid waste generated within a municipality. (NRS 444A.020) Section ~~[1]~~ 1.5 of this bill increases that goal to at least 40 percent of the total solid waste generated within a municipality.

Section 2 of this bill requires the board of county commissioners of each county to submit a report by November 1, 2014, for transmittal to the Nevada Legislature in 2015 concerning the efforts and progress made by the county to establish programs of single-stream recycling.

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

Section 1. Chapter 444A of NRS is hereby amended by adding thereto a new section to read as follows:

1. A solid waste management authority shall adopt regulations which provide for the disposal of construction debris and demolition debris in the manner required by this section.

2. The regulations adopted pursuant to subsection 1:

(a) Except as otherwise provided in paragraph (b), must require a contractor who undertakes the construction, alteration, repair, maintenance or demolition of any building, structure or other work of improvement for which a building permit or demolition permit is required to dispose of the construction debris or demolition debris resulting from the work at a materials recovery facility, if a materials recovery facility is located within 30 miles of the site of the work.

(b) May provide that any recyclable material:

(1) That has been separated at the site of the work from other construction debris and demolition debris;

(2) That has been separated at the site of the work by type of recyclable material; and

(3) Which is not commingled with other recyclable material,

➥ *may be disposed of at a recycling center.*

3. As used in this section:

(a) "Debris" does not include soil, stone, masonry, concrete or asphalt pavement.

(b) "Materials recovery facility" means a solid waste management facility that provides for the extraction from solid waste of recyclable materials, materials suitable for use as a fuel or soil amendment, or any combination of those materials, and that has been approved to operate in accordance with regulations adopted by the State Environmental Commission pursuant to NRS 444.560. The term does not include:

(1) A facility that receives only recyclable materials that have been separated at the source of waste generation if further processing of the materials generates less than 10 percent waste residue by weight on an annual average;

(2) A salvage yard for the recovery of used motor vehicle parts;

(3) A facility that receives, processes or stores only concrete, masonry waste, asphalt pavement, brick, uncontaminated soil or stone for the recovery of recyclable materials; or

(4) A facility that recovers less than 10 percent by weight of the recyclable material from the solid waste received on an annual average.

(c) "Solid waste management authority" means the district board of health in any area in which a health district is created by NRS 439.362 and in any area over which the board has authority pursuant to an interlocal agreement, if the board has adopted all regulations that are necessary to carry out the provisions of NRS 444.440 to 444.620, inclusive.

~~[Section 1.]~~ *Sec. 1.5.* NRS 444A.020 is hereby amended to read as follows:

444A.020 1. The State Environmental Commission shall adopt regulations establishing minimum standards for:

(a) Separating at the source recyclable material from other solid waste originating from residential premises and public buildings where services for the collection of solid waste are provided, including, without limitation, the placement of recycling containers on the premises of apartment complexes and condominiums where those services are provided.

(b) Establishing recycling centers for the collection and disposal of recyclable material.

(c) The disposal of hazardous household products which are capable of causing harmful physical effects if inhaled, absorbed or ingested.

2. The regulations adopted pursuant to subsection 1 must be adopted with the goal of recycling at least ~~[25]~~ *40* percent of the total solid waste generated within a municipality after the second full year following the adoption of such standards.

3. The State Environmental Commission shall, by regulation, establish acceptable methods for disposing of used or waste tires consistent with the provisions of NRS 444.505, 444.507 and 444.509.

Sec. 2. 1. The board of county commissioners of each county in this State shall submit a report to the Director of the Legislative Counsel Bureau on or before November 1, 2014, for transmittal to the 78th Session of the Nevada Legislature. The report must detail the efforts and progress made by the county to establish programs of single-stream recycling.

2. As used in this section, "single-stream recycling" means a system of recycling in which all recyclable material is commingled and collected in one container and separated for recycling at a later time.

Sec. 3. 1. This section and sections 1.5 and 2 of this act ~~[becomes]~~ become effective on July 1, 2013.

2. Section 1 of this act becomes effective:

(a) On July 1, 2013, for the purpose of adopting regulations; and

(b) On January 1, 2014, for all other purposes.

Senator Denis moved the adoption of the amendment.

Remarks by Senators Denis and Settelmeyer.

SENATOR DENIS:

Thank you, Mr. President. Amendment No. 863 to Assembly Bill No. 487 is part of an effort to increase recycling to 40 percent. It requires a contractor to dispose of solid waste produced by the construction, alteration, repair, maintenance or demolition of any building, structure or other improvement work at a materials' recovery facility that has been approved to operate pursuant to regulations of the State Environmental Commission, if such a facility is located within 30 miles of the work site and if it is located in Clark County.

SENATOR SETTELMEYER:

Thank you, Mr. President. I have a question for the sponsor of the amendment: As I read this, it only applies if a county has two materials' recovery facilities and is a larger county? Also, if for some reason, this particular amendment or bill ends up going to conference committee, I would appreciate adding reinforced concrete.

SENATOR DENIS:

Thank you, Mr. President. My colleague is correct. The bill only applies if there are two materials' recovery facilities. As far as reinforced concrete, we tried to get all of the proper materials into the bill, but if we missed one, we can certainly take a look as this bill moves forward.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 494.

Bill read third time.

Remarks by Senators Jones and Settelmeyer.

SENATOR JONES:

Thank you, Mr. President. Assembly Bill No. 494 makes several changes to the structure and responsibilities of the Nevada State Funeral Board, including changing the name of the Board to the "Nevada Funeral and Cemetery Services Board." The number of Board members is increased from five to seven. The bill specifies that the terms of all current Board members expire effective October 1, 2013. The number of required Board meetings per year is increased to at least four, and the Board is required to maintain at least one office located in the State of Nevada; all records of the Board are required to be maintained in State as well. The Board is further required to terminate current employees as of October 1, 2013, who will be replaced on or before December 31, 2013, with newly appointed employees fitting the qualifications established by the Board by regulation.

Finally, the bill requires the Board to provide a report of all its activities to the Sunset Subcommittee of the Legislative Commission within six months of appointment.

SENATOR SETTELMEYER:

Thank you, Mr. President. I realize I will probably be the only person voting in opposition to Assembly Bill No. 494. I served on the Sunset Subcommittee of the Legislative Commission that was put together by one of my colleagues who represents Carson City. Under a previous bill, the Subcommittee went through 20 different agencies and came up with only three that were proposed to be eliminated. One of the other members of the Subcommittee suggested we were not reviewing enough agencies, that we should be going through our reviews in a more in-depth way. Later, he commented about how hard it is to get rid of a government agency. This Board was one of the three recommended by that Subcommittee to be eliminated. The Board complained so here we are, adding a fee to the agency. I am voting "no" on this bill.

Roll call on Assembly Bill No. 494:

YEAS—19.

NAYS—Gustavson, Settelmeyer—2.

Assembly Bill No. 494 having received a two-thirds majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 496.

Bill read third time.

Remarks by Senators Kihuen and Cegavske.

SENATOR KIHUEN:

Thank you, Mr. President. Assembly Bill No. 496 makes various changes to the Clark County Sales and Use Tax Act of 2005. These changes include: (1) temporarily suspending the provisions which prohibit these tax revenues from supplanting or replacing existing funding for police departments until July 1, 2016; (2) requiring additional reports to be filed relating to the expenditure of revenues during the period which these provisions are suspended; (3) resetting the base year for determining when the use of these sales tax revenues supplant or replace existing revenues; and (4) authorizing the imposition of an additional sales and use tax rate of up to 0.15 percent in Clark County, which may become effective no earlier than October 1, 2013 and must expire on or before September 30, 2017. In order to become effective, the rate must be approved by a two-thirds majority of the Clark County Commission. This act becomes effective upon passage and approval. Sections 1 and 2 of this act expire by limitation on October 1, 2025.

SENATOR CEGAVSKE:

Thank you, Mr. President. I rise in opposition to Assembly Bill No. 496. I have been here since the time this bill was initially introduced in the Legislature. Last Session, passage of this bill was attempted and failed. I indicated it needs to go back to the vote of a people because of the changes. I, along with other Legislators, remain concerned about supplanting. The

supplanting language has been removed. The people had certain language that was given to them. They voted on it according to how it was presented. I think it is only fair, before this is implemented, that it go back to the people for a final decision. Those are the reasons I stand in opposition to the bill.

Roll call on Assembly Bill No. 496:

YEAS—18.

NAYS—Cegavske, Gustavson, Settelmeyer—3.

Assembly Bill No. 496 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Joint Resolution No. 3.

Resolution read third time.

Remarks by Senator Goicoechea.

Thank you, Mr. President. Assembly Joint Resolution No. 3 expresses the Legislature's intent to establish and encourage the creation of a biomass industry in Nevada, in order to expand efforts to manage pinyon juniper woodlands and restore certain ecosystems on public lands. The measure also encourages Congress to extend the authority of the Bureau of Land Management and the United States Forest Service to enter into stewardship contracts or agreements for management and restoration projects on public lands beyond the current expiration date and to extend the maximum length of those contracts or agreements to 20 years.

Roll call on Assembly Joint Resolution No. 3:

YEAS—21.

NAYS—None.

Assembly Joint resolution No. 3 having received a constitutional majority, Mr. President declared it passed.

Resolution ordered transmitted to the Assembly.

Assembly Bill No. 35.

Bill read third time.

The following amendment was proposed by Senator Spearman:

Amendment No. 830.

"SUMMARY—Makes various changes to provisions governing elections. (BDR 24-398)"

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

Legislative Counsel's Digest:

Existing law requires candidates and certain other persons, committees and political parties to file reports with the Secretary of State concerning campaign contributions, loans, campaign expenses and expenditures. (NRS 294A.120, 294A.125, 294A.128, 294A.140, 294A.150, 294A.200,

294A.210, 294A.220, 294A.270, 294A.280, 294A.360, 294A.362) Currently, separate reporting requirements exist for: (1) primary or general elections; and (2) special elections. (NRS 294A.120, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.360, 294A.362) Section 5 of this bill provides that, if a special election is held on the same day as a primary election or general election, any candidate, person, committee or political party that is otherwise required to file a report relating to the special election must instead comply with the reporting requirements for the primary election or general election, as applicable.

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

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

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

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

Under existing law, a candidate is required to file reports of contributions and expenses even if the candidate withdraws his or her candidacy, receives no contributions, has no expenses, is removed from the ballot by court order or is the subject of a recall petition and the special election is not held. (NRS 294A.350) Section 27 of this bill expands this requirement to include a candidate who: (1) ends his or her campaign without formally withdrawing

his or her candidacy; (2) is not opposed in an election; or (3) is defeated in the primary election. Section 27 also prescribes a process by which a candidate under certain circumstances may end his or her campaign.

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

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

Section 1. NRS 293.4687 is hereby amended to read as follows:

293.4687 1. The Secretary of State shall maintain a website on the Internet for public information maintained, collected or compiled by the Secretary of State that relates to elections, which must include, without limitation:

(a) The Voters' Bill of Rights required to be posted on the Secretary of State's Internet website pursuant to the provisions of NRS 293.2549;

(b) The abstract of votes required to be posted on a website pursuant to the provisions of NRS 293.388;

(c) A current list of the registered voters in this State that also indicates the petition district in which each registered voter resides;

(d) A map or maps indicating the boundaries of each petition district; and

(e) All reports ~~[on campaign contributions and expenditures]~~ submitted to the Secretary of State pursuant to the provisions of *chapter 294A of* NRS . ~~[294A.120, 294A.125, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280, 294A.360 and 294A.362 and all reports on contributions received by and expenditures made from a legal defense fund submitted to the Secretary of State pursuant to NRS 294A.286.]~~

2. The abstract of votes required to be maintained on the website pursuant to paragraph (b) of subsection 1 must be maintained in such a format as to permit the searching of the abstract of votes for specific information.

3. If the information required to be maintained by the Secretary of State pursuant to subsection 1 may be obtained by the public from a website on the Internet maintained by a county clerk or city clerk, the Secretary of State may provide a hyperlink to that website to comply with the provisions of subsection 1 with regard to that information.

Sec. 2. Chapter 294A of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 5, inclusive, of this act.

Sec. 3. *"General election" includes:*

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

2. A general city election, as defined in NRS 293.059.

Sec. 4. *"Primary election" includes:*

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

2. A primary city election, as defined in NRS 293.079.

Sec. 4.5. ~~[*1. For the purposes of this chapter, an expenditure is not considered to be coordinated with a candidate or group of candidates if the expenditure is made:*~~

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

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

~~*2. As used in this section, "candidate or group of candidates" includes, without limitation:*~~

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

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

~~*(c) An agent of a candidate or group of candidates.]*~~ (Deleted by amendment.)

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

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

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

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

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

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

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

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

Sec. 8. NRS 294A.0055 is hereby amended to read as follows:

294A.0055 1. "Committee for political action" means any group of natural persons or entities that solicits or receives contributions from any other person, group or entity and:

(a) Makes or intends to make contributions to candidates or other persons; or

(b) Makes or intends to make expenditures,

➥ designed to affect the outcome of any primary election, ~~[primary city election,]~~ general election, ~~[general city election,]~~ special election or question on the ballot.

2. "Committee for political action" does not include:

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

(b) An entity solely because it provides goods or services to a candidate or committee in the regular course of its business at the same price that would be provided to the general public.

(c) An individual natural person.

(d) An individual corporation or other business organization who has filed articles of incorporation or other documentation of organization with the Secretary of State pursuant to title 7 of NRS.

(e) A labor union.

(f) A personal campaign committee or the personal representative of a candidate who receives contributions or makes expenditures that are reported as ~~[campaign]~~ contributions or expenditures by the candidate.

(g) A committee for the recall of a public officer.

Sec. 9. NRS 294A.007 is hereby amended to read as follows:

294A.007 1. "Contribution" means a gift, loan, conveyance, deposit, payment, transfer or distribution of money or of anything of value other than the services of a volunteer, and includes:

(a) The payment by any person, other than a candidate, of compensation for the personal services of another person which are rendered to a:

(1) Candidate;

(2) Person who is not under the direction or control of a candidate or group of candidates or of any person involved in the campaign of ~~[the]~~ *a* candidate or group who makes an expenditure ~~[on behalf of the]~~ *for or against a* candidate or group which is not solicited or ~~*[by,]*~~ approved by ~~[the]~~ ~~*[or coordinated with]*~~ *a* candidate or group; or

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

➥ without charge to the candidate, person, committee or political party.

(b) The value of services provided in kind for which money would have otherwise been paid, such as paid polling and resulting data, paid direct mail, paid solicitation by telephone, any paid paraphernalia that was printed or otherwise produced to promote a campaign and the use of paid personnel to assist in a campaign.

2. As used in this section, "volunteer" means a person who does not receive compensation of any kind, directly or indirectly, for the services provided to a campaign.

Sec. 10. NRS 294A.100 is hereby amended to read as follows:

294A.100 1. A person shall not make or commit to make a contribution or contributions to a candidate for any office, except a federal office, in an amount which exceeds $5,000 for the primary election *,* ~~[or primary city election,]~~ regardless of the number of candidates for the office, and $5,000 for the general election *,* ~~[or general city election,]~~ regardless of the number of candidates for the office, during the period:

(a) Beginning from 30 days before the regular session of the Legislature immediately following the last *general* election for the office and ending 30 days before the regular session of the Legislature immediately following the next *general* election for the office, if that office is a state, district, county or township office; or

(b) Beginning from 30 days after the last election for the office and ending 30 days ~~[before]~~ *after* the next general city election for the office, if that office is a city office.

2. A candidate shall not accept a contribution or commitment to make a contribution made in violation of subsection 1.

3. A person who willfully violates any provision of this section is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 11. NRS 294A.120 is hereby amended to read as follows:

294A.120 1. Every candidate for ~~[state, district, county or township]~~ office at a primary *election* or general election shall, not later than January 15 of each year, for the period from January 1 of the previous year through December 31 of the previous year, report:

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

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

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

➥ The provisions of this subsection apply to the candidate beginning the year of the general election for that office through the year immediately preceding the next general election for that office.

2. Every candidate for ~~[state, district, county or township]~~ office at a primary *election* or general election shall, ~~[if the general election for the office for which he or she is a candidate is held on or after January 1 and before the July 1 immediately following that January 1,]~~ not later than:

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

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

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

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

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

~~3. Every candidate for state, district, county or township office at a primary or general election shall, if the general election for the office for which he or she is a candidate is held on or after July 1 and before the January 1 immediately following that July 1, not later than:~~

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

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

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

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

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

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

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

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

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

~~5. Every]~~

4. Except as otherwise provided in subsection 5 and section 5 of this act, every candidate for ~~[state, district, county, municipal or township]~~ office at a special election to determine whether a public officer will be recalled shall ~~[list each of the campaign contributions received on the form designed and made available by the Secretary of State pursuant to NRS 294A.373 and signed by the candidate under an oath to God or penalty of perjury, 30 days after:~~

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

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

NRS 306.015 through *12 days before the beginning of early voting by personal appearance for* the special election; ~~[or]~~ *and*

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

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

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

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

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

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

8. The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution in excess of $100 and contributions which a contributor has made cumulatively in excess of that amount since the beginning of the current reporting period.

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

Sec. 12. NRS 294A.125 is hereby amended to read as follows:

294A.125 1. In addition to complying with the requirements set forth in NRS 294A.120 ~~[,]~~ *and* 294A.200 *,* ~~[and 294A.360,]~~ a candidate who receives contributions in any year before the year in which the general election ~~[or general city election]~~ in which the candidate intends to seek election to public office is held shall, for:

(a) The year in which the candidate receives contributions in excess of $10,000, list:

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

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

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

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

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

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

3. The name and address of the contributor and the date on which the contribution was received must be included on the list for each contribution in excess of $100 and contributions that a contributor has made cumulatively in excess of that amount.

4. Except as otherwise provided in NRS 294A.3733, the report must be filed electronically with the Secretary of State.

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

Sec. 13. NRS 294A.128 is hereby amended to read as follows:

294A.128 1. In addition to complying with the requirements set forth in NRS 294A.120 ~~[,]~~ *and* 294A.200 *,* ~~[and 294A.360,]~~ a candidate who receives a loan which is guaranteed by a third party, forgiveness of a loan previously made to the candidate or a written commitment for a contribution shall, for the period covered by the report filed pursuant to NRS 294A.120 ~~[,]~~ *or* 294A.200 *,* ~~[or 294A.360,]~~ report:

(a) If a loan received by the candidate was guaranteed by a third party, the amount of the loan and the name and address of each person who guaranteed the loan;

(b) If a loan received by the candidate was forgiven by the person who made the loan, the amount that was forgiven and the name and address of the person who forgave the loan; and

(c) If the candidate received a written commitment for a contribution, the amount committed to be contributed and the name and address of the person who made the written commitment.

2. The reports required by subsection 1 must be submitted on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to

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

3. Except as otherwise provided in NRS 294A.3733, the reports required by subsection 1 must be filed in the same manner and at the same time as the report filed pursuant to NRS 294A.120 ~~[,]~~ *or* 294A.200 . ~~[or 294A.360.]~~

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

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

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

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

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

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

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

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

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

(a) Every person who is not under the direction or control of a candidate for office *,* ~~[at a primary election, primary city election, general election or general city election,]~~ of a group of such candidates or of any person involved in the campaign of ~~[that]~~ *a* candidate or group *and* who makes an expenditure ~~[on behalf of the]~~ *for or against a* candidate or group which is not solicited or ~~*[by,]*~~ approved by ~~[the]~~ ~~*[or coordinated with]*~~ *a* candidate or group *;* ~~[,]~~ and ~~[every]~~

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

2. Every person, committee and political party described in subsection 1 shall, not later than January 15 of each year that the provisions of this subsection apply *,* ~~[to the person, committee or political party,]~~ for the period from January 1 of the previous year through December 31 of the previous year, report each ~~[campaign]~~ contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The provisions of this subsection apply to the person, committee or political party beginning the year of the general election ~~[or general city election]~~ for that office through the year immediately preceding the next general election ~~[or general city election]~~ for that office.

~~[2.]~~ *3.* Every person, committee or political party described in subsection 1 ~~[which makes an expenditure on behalf of the candidate for office at a primary election, primary city election, general election or general city election or on behalf of a group of such candidates shall, if the general~~

~~election or general city election for the office for which the candidate or a candidate in the group of candidates seeks election is held on or after January 1 and before the July 1 immediately following that January 1,]~~ *shall,* not later than:

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

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

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

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

➥ report each ~~[campaign]~~ contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. ~~[The report must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee or political party under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.~~

~~3. The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution in excess of $100 and contributions which a contributor has made cumulatively in excess of $100 since the beginning of the current reporting period.~~

~~4. Every person, committee or political party described in subsection 1 which makes an expenditure on behalf of a candidate for office at a primary election, primary city election, general election or general city election or on behalf of a group of such candidates shall, if the general election or general city election for the office for which the candidate or a candidate in the group of candidates seeks election is held on or after July 1 and before the January 1 immediately following that July 1, not later than:~~

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

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

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

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

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

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

(a) Seven days before the beginning of early voting by personal appearance for the special election *,* ~~[for the office for which the candidate or a candidate in the group of candidates seeks election,]~~ for the period from the nomination of the candidate through 12 days before the beginning of early voting by personal appearance for the special election; and

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

➥ report each ~~[campaign]~~ contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. ~~[The report must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee or political party under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.~~

~~6. Every]~~

5. Except as otherwise provided in subsection 6 and section 5 of this act, every person, committee or political party described in subsection 1 which makes an expenditure ~~[on behalf of]~~ *for or against* a candidate for office at a special election to determine whether a public officer will be recalled or ~~[on~~

~~behalf of]~~ *for or against* a group of candidates for offices at such special elections shall *, not later than:*

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

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

➥ report each contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. ~~[The report must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the committee or political party under an oath to God or penalty of perjury, 30 days after:~~

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

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

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

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

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

9. Every person, committee or political party described in ~~[subsection 1]~~ *this section* shall file a report required by this section even if the person, committee or political party receives no contributions.

10. The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution in excess of $100 and contributions which a contributor has

made cumulatively in excess of $100 since the beginning of the current reporting period.

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

Sec. 16. NRS 294A.150 is hereby amended to read as follows:

294A.150 1. Every committee for political action that advocates the passage or defeat of a question or group of questions on the ballot at a primary election ~~[, primary city election,]~~ *or* general election ~~[or general city election]~~ shall, not later than January 15 of each year that the provisions of this subsection apply to the committee for political action, for the period from January 1 of the previous year through December 31 of the previous year, report each ~~[campaign]~~ contribution in excess of $1,000 received during that period and contributions received during the period from a contributor which cumulatively exceed $1,000. ~~[The report must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by a representative of the committee for political action under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.]~~ The provisions of this subsection apply to the committee for political action:

(a) Each year in which an election ~~[or city election]~~ is held for each question for which the committee for political action advocates passage or defeat; and

(b) The year after the year described in paragraph (a).

2. ~~[If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after January 1 and before the July 1 immediately following that January 1, every committee for political action that advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. If a question is on the ballot at a general election or general city election held on or after January 1 and before the July 1 immediately following that January 1, every committee for political action that advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection.]~~ A committee for political action described in ~~[this]~~ subsection *1* shall, not later than:

(a) Twenty-one days before the primary election *,* ~~[or primary city election,]~~ for the period from the January 1 immediately preceding the

primary election ~~[or primary city election]~~ through 25 days before the primary election *;* ~~[or primary city election;]~~

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

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

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

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

~~3. The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution in excess of $1,000 and contributions which a contributor has made cumulatively in excess of that amount since the beginning of the current reporting period.~~

~~4. If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after July 1 and before the January 1 immediately following that July 1, every committee for political action that advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. If a question is on the ballot at a general election or general city election held on or after July 1 and before the January 1 immediately following that July 1, every committee for political action that advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. A committee for political action described in this subsection shall, not later than:~~

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

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

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

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

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

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

3. Except as otherwise provided in section 5 of this act, every committee for political action that advocates the passage or defeat of a question or group of questions on the ballot at a special election shall, not later than:

(a) Seven days before the beginning of early voting by personal appearance for the special election, for the period from the date that the question qualified for the ballot through 12 days before the beginning of early voting by personal appearance for the special election; and

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

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

~~6. Every committee for political action that advocates the passage or defeat of a question or group of questions on the ballot at a special election to determine whether a public officer will be recalled shall report each of the contributions received on the form designed and made available by the Secretary of State pursuant to NRS 294A.373 and signed by a representative of the committee for political action under an oath to God or penalty of perjury, 30 days after:~~

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

~~(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.~~

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

~~7.~~ *4. The provisions of this section apply to a committee for political action even if the question or group of questions on the ballot that the committee for political action advocates the passage or defeat of is removed from the ballot by a court order.*

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

~~[8.]~~ *6.* A report shall be deemed to be filed on the date that it was received by the Secretary of State.

~~[9.]~~ *7.* If the committee for political action is advocating passage or defeat of a group of questions, the reports must be itemized by question or petition.

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

Sec. 17. NRS 294A.160 is hereby amended to read as follows:

294A.160 1. It is unlawful for a candidate to spend money received as a ~~[campaign]~~ contribution for the candidate's personal use.

2. Notwithstanding the provisions of NRS 294A.286, a candidate or public officer may use ~~[campaign]~~ contributions to pay for any legal expenses that the candidate or public officer incurs in relation to a campaign or serving in public office without establishing a legal defense fund. Any such candidate or public officer shall report any expenditure of ~~[campaign]~~ contributions to pay for legal expenses in the same manner and at the same time as the report filed pursuant to NRS 294A.120 ~~[,]~~ *or* 294A.200 . ~~[or 294A.360.]~~ A candidate or public officer shall not use ~~[campaign]~~ contributions to satisfy a civil or criminal penalty imposed by law.

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

(a) Return the unspent money to contributors;

(b) Use the money in the candidate's next election or for the payment of other expenses related to public office or his or her campaign, regardless of whether he or she is a candidate for a different office in the candidate's next election;

(c) Contribute the money to:

(1) The campaigns of other candidates for public office or for the payment of debts related to their campaigns;

(2) A political party; or

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

(d) Donate the money to any tax-exempt nonprofit entity; or

(e) Donate the money to any governmental entity or fund of this State or a political subdivision of this State. A candidate who donates money pursuant to this paragraph may request that the money be used for a specific purpose.

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

(a) Return the unspent money to contributors;

(b) Contribute the money to:

(1) The campaigns of other candidates for public office or for the payment of debts related to their campaigns;

(2) A political party; or

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

(c) Donate the money to any tax-exempt nonprofit entity; or

(d) Donate the money to any governmental entity or fund of this State or a political subdivision of this State. A candidate who donates money pursuant to this paragraph may request that the money be used for a specific purpose.

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

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

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

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

~~[(c)]~~ *(b)* Has contributions that are not spent or committed for expenditure remaining from a previous election,

➥ shall, not later than the 15th day of the second month after the expiration of the public officer's term of office, dispose of those contributions in the manner provided in subsection ~~[3.]~~ *4*.

7. *A public officer who:*

(a) Resigns from his or her office;

(b) Is not a candidate for any other office; and

(c) Has contributions that are not spent or committed for expenditure remaining from a previous election,

➥ *shall, not later than the 15th day of the second month after the effective date of the resignation, dispose of those contributions in the manner provided in subsection 4.*

8. A public officer who:

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

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

~~[(c)]~~ *(b)* Has contributions that are not spent or committed for expenditure remaining from a previous election,

➥ may use the unspent ~~[campaign]~~ contributions in a future election. Such a public officer is subject to the reporting requirements set forth in NRS 294A.120, 294A.125, 294A.128, 294A.200 ~~[, 294A.360]~~ and 294A.362 for as long as the public officer is a candidate for any office.

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

~~[9.]~~ *10.* Any contributions received before a candidate for ~~[a state, district, county, city or township]~~ office at a primary ~~[,]~~ *election,* general ~~[, primary city, general city]~~ *election* or special election dies that were not spent or committed for expenditure before the death of the candidate must be disposed of in the manner provided in subsection ~~[3.]~~ *4*.

~~[10.]~~ *11.* The court shall, in addition to any penalty which may be imposed pursuant to NRS 294A.420, order the candidate or public officer to dispose of any remaining contributions in the manner provided in this section.

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

Sec. 18. NRS 294A.200 is hereby amended to read as follows:

294A.200 1. Every candidate for ~~[state, district, county or township]~~ office at a primary *election* or general election shall, not later than January 15 of each year, for the period from January 1 of the previous year through December 31 of the previous year, report:

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

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

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

(d) The total of all amounts disposed of during the period pursuant to NRS 294A.160 or subsection 4 of NRS 294A.286 which are $100 or less . ~~[,~~

➥ ~~on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.]~~

2. The provisions of subsection 1 apply to the candidate:

(a) Beginning the year of the general election for that office through the year immediately preceding the next general election for that office; and

(b) Each year immediately succeeding a calendar year during which the candidate disposes of contributions pursuant to NRS 294A.160 or 294A.286.

3. Every candidate for ~~[state, district, county or township]~~ office at a primary *election* or general election shall, ~~[if the general election for the office for which he or she is a candidate is held on or after January 1 and before the July 1 immediately following that January 1,]~~ not later than:

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

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

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

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

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

~~4. Every candidate for state, district, county or township office at a primary or general election shall, if the general election for the office for which he or she is a candidate is held on or after July 1 and before the January 1 immediately following that July 1, not later than:~~

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

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

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

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

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

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

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

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

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

~~6. Every~~]

5. Except as otherwise provided in subsection 6 and section 5 of this act, every candidate for [~~state, district, county, municipal or township~~] office at a special election to determine whether a public officer will be recalled shall [~~report each of the campaign expenses described in subsection 1 incurred on the form designed and made available by the Secretary of State pursuant to~~

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

~~(a) The~~ *, not later than:*

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

(b) ~~If~~ *Thirty days after* the special election ~~is not held because~~ *, for the remaining period through the date of the special election,*

➥ *report each of the campaign expenses described in subsection 1 incurred during the period.*

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

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

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

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

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

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

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

(a) Every person who is not under the direction or control of a candidate for ~~an~~ office *,* ~~at a primary election, primary city election, general election or general city election,~~ of a group of such candidates or of any person involved in the campaign of ~~that~~ *a* candidate or group *and* who makes an expenditure ~~on behalf of the~~ *for or against a* candidate or group which is not solicited or ~~*by,*~~ approved by ~~the~~ ~~*for coordinated with*~~ *a* candidate or group ~~, and every~~ *; and*

(b) Every committee for political action, political party or committee sponsored by a political party which receives contributions in excess of $100

or makes an expenditure ~~[on behalf of such]~~ *for or against* a candidate *for office* or *a* group of *such* candidates .

2. Every person, committee or political party described in subsection 1 shall, not later than January 15 of each year that the provisions of this subsection apply to the person, committee or political party, for the period from January 1 of the previous year through December 31 of the previous year, report each expenditure made during the period ~~[on behalf of the candidate, the group of candidates or a candidate in the group of candidates]~~ in excess of $100 ~~[on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee or political party under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.]~~ *and expenditures made during the period to one recipient which cumulatively exceed $100.* The provisions of this subsection apply to the person, committee or political party beginning the year of the general election ~~[or general city election]~~ for that office through the year immediately preceding the next general election ~~[or general city election]~~ for that office.

~~[2.]~~ *3.* Every person, committee or political party described in subsection 1 ~~[which makes an expenditure on behalf of a candidate for office at a primary election, primary city election, general election or general city election or a group of such candidates shall, if the general election or general city election for the office for which the candidate or a candidate in the group of candidates seeks election is held on or after January 1 and before the July 1 immediately following that January 1,]~~ *shall,* not later than:

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

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

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

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

➥ report each expenditure *in excess of $100* made during the period ~~[on behalf of the candidate, the group of candidates or a candidate in the group of candidates in excess of]~~ *and expenditures made during the period to one*

recipient which cumulatively exceed $100 . ~~[on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee or political party under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.~~

~~3. Every person, committee or political party described in subsection 1 which makes an expenditure on behalf of a candidate for office at a primary election, primary city election, general election or general city election or on behalf of a group of such candidates shall, if the general election or general city election for the office for which the candidate or a candidate in the group of candidates seeks election is held on or after July 1 and before the January 1 immediately following that July 1, not later than:~~

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

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

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

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

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

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

(a) Seven days before the beginning of early voting by personal appearance for the special ~~[election for the office for which the candidate or a candidate in the group of candidates seeks]~~ election, for the period from the

nomination of the candidate through 12 days before the beginning of early voting by personal appearance for the special election; and

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

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

5. ~~[Every]~~ *Except as otherwise provided in subsection 6 and section 5 of this act, every* person, committee or political party described in subsection 1 which makes an expenditure ~~[on behalf of]~~ *for or against* a candidate for office at a special election to determine whether a public officer will be recalled or ~~[on behalf of]~~ *for or against* a group of such candidates shall ~~[list each expenditure made on behalf of the candidate, the group of candidates or a candidate in the group of candidates in excess of $100 on the form designed and made available by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the committee or political party under an oath to God or penalty of perjury, 30 days after:~~

~~(a) The]~~ *, not later than:*

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

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

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

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

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

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

7. Expenditures made within the State or made elsewhere but for use within the State, including expenditures made outside the State for printing, television and radio broadcasting or other production of the media, must be included in the report.

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

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

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

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

Sec. 20. NRS 294A.220 is hereby amended to read as follows:

294A.220 1. Every committee for political action that advocates the passage or defeat of a question or group of questions on the ballot at a primary election ~~[, primary city election,]~~ *or* general election ~~[or general city election]~~ shall, not later than January 15 of each year that the provisions of this subsection apply to the committee for political action, for the period from January 1 of the previous year through December 31 of the previous year, report each expenditure made during the period ~~[on behalf of]~~ *for* or against the question, the group of questions or a question in the group of questions on the ballot in excess of $1,000 ~~[on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by a representative of the committee for political action under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.]~~ *and such expenditures made during the period to one recipient that cumulatively exceed $1,000.* The provisions of this subsection apply to the committee for political action:

(a) Each year in which an election ~~[or city election]~~ is held for a question for which the committee for political action advocates passage or defeat; and

(b) The year after the year described in paragraph (a).

2. ~~[If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after January 1 and before the July 1 immediately following that January 1, every committee for political action that advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. If a question is on the ballot at a general election or general city election held on or after January 1 and before the July 1 immediately following that January 1, every committee for political action that advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection.]~~ A committee for political action described in ~~[this]~~ subsection *1* shall, not later than:

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

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

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

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

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

~~3. If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after July 1 and before the January 1 immediately following that July 1, every committee for political action that advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. If a question is on the ballot at a general election or general city election held on or after July 1 and before the January 1 immediately following that July 1, every committee for political~~

~~action that advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. A committee for political action described in this subsection shall, not later than:~~

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

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

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

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

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

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

3. Except as otherwise provided in section 5 of this act, every committee for political action that advocates the passage or defeat of a question or group of questions on the ballot at a special election shall, not later than:

(a) Seven days before the beginning of early voting by personal appearance for the special election, for the period from the date the question qualified for the ballot through 12 days before the beginning of early voting by personal appearance for the special election; and

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

➥ report each expenditure made during the period ~~[on behalf of]~~ *for* or against the question, the group of questions or a question in the group of questions on the ballot in excess of $1,000 ~~[on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by a representative of the committee for political action under an oath to God or penalty of perjury. A person who signs the form under an~~

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

~~5. Every committee for political action that advocates the passage or defeat of a question or group of questions on the ballot at a special election to determine whether a public officer will be recalled shall list each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of $1,000 on the form designed and made available by the Secretary of State pursuant to NRS 294A.373 and signed by a representative of the committee for political action under an oath to God or penalty of perjury, 30 days after:~~

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

~~(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.~~

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

~~[6.]~~ *4.* Expenditures made within the State or made elsewhere but for use within the State, including expenditures made outside the State for printing, television and radio broadcasting or other production of the media, must be included in the report.

~~[7.]~~ *5. The provisions of this section apply to a committee for political action even if the question or group of questions on the ballot that the committee for political action advocates the passage or defeat of is removed from the ballot by a court order.*

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

~~[8.]~~ *7.* If an expenditure is made ~~[on behalf of]~~ *for or against* a group of questions, the reports must be itemized by question or petition.

~~[9.]~~ *8.* A report shall be deemed to be filed on the date that it was received by the Secretary of State.

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

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

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

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

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

(c) Making expenditures,

➥ designed to affect the outcome of any primary ~~[,]~~ *election,* general *election* or special election or question on the ballot.

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

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

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

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

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

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

2. If a petition for the ~~[purpose of recalling]~~ *recall of* a public officer is not filed before the expiration of the notice of intent, the committee for the recall of a public officer shall, not later than 30 days after the expiration of the notice of intent, report each contribution received by the committee ~~[,]~~ *for the recall of a public officer,* and each contribution made by the committee *for the recall of a public officer* in excess of $100 ~~[.]~~ *and contributions received from a contributor or made to one recipient which cumulatively exceed $100.*

3. If a *district* court ~~[does not order a special election]~~ *determines that the petition* for the recall of the public officer ~~[,]~~ *is legally insufficient pursuant to subsection 6 of NRS 306.040,* the committee for the recall of a public officer shall, not later than 30 days after the *district* court ~~[determines that an election will not be held,]~~ *orders the officer with whom the petition is filed to cease any further proceedings regarding the petition,* for the period from the

filing of the notice of intent to circulate the petition for recall through the day *of* the ~~[court determines that an election will not be held,]~~ *district court's order,* report each contribution received *or made* by the committee ~~[, and each contribution made by the committee]~~ *for the recall of a public officer* in excess of $100 ~~[.]~~ *and contributions received from a contributor or made to one recipient which cumulatively exceed $100.*

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

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

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

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

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

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

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

~~[6.]~~ *7.* The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution, whether from or to a natural person, association or corporation, in excess of $100 and contributions which a contributor or the committee has made cumulatively in excess of that amount since the beginning of the current reporting period.

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

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

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

(a) Seven days before the beginning of early voting by personal appearance for the special election to recall a public officer, for the period from the ~~[filing of]~~ *date* the notice of intent to circulate the petition for recall

is filed pursuant to NRS 306.015 through 12 days before the beginning of early voting by personal appearance for the special election; and

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

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

2. If a petition for the ~~[purpose of recalling]~~ *recall of* a public officer is not filed before the expiration of the notice of intent, the committee for the recall of a public officer shall, not later than 30 days after the expiration of the notice of intent, report each expenditure made by the committee *for the recall of a public officer* in excess of $100 ~~[.]~~ *and expenditures made to one recipient which cumulatively exceed $100.*

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

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

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

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

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

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

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

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

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

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

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

294A.286 1. Any candidate or public officer may establish a legal defense fund. A person who administers a legal defense fund shall:

(a) Within 5 days after the creation of the legal defense fund, notify the Secretary of State of the creation of the fund on a form provided by the Secretary of State; and

(b) For the same period covered by the report filed pursuant to NRS 294A.120 ~~[,]~~ *or* 294A.200 *,* ~~[or 294A.360,]~~ report any contribution received by or expenditure made from the legal defense fund.

2. The reports required by paragraph (b) of subsection 1 must be submitted on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the administrator of the legal defense fund under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.

3. Except as otherwise provided in NRS 294A.3733, the reports required by paragraph (b) of subsection 1 must be filed in the same manner and at the same time as the report filed pursuant to NRS 294A.120 ~~[,]~~ *or* 294A.200 . ~~[or 294A.360.]~~

4. Not later than the 15th day of the second month after the conclusion of all civil, criminal or administrative claims or proceedings for which a candidate or public officer established a legal defense fund, the candidate or public officer shall dispose of unspent money through one or any combination of the following methods:

(a) Return the unspent money to contributors; or

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

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

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

(a) A candidate;

(b) A committee for political action;

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

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

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

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

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

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

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

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

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

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

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

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

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

6. As used in this section:

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

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

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

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

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

Sec. 26. NRS 294A.347 is hereby amended to read as follows:

294A.347 1. A statement which:

(a) Is published within 60 days before a general election ~~[, general city election]~~ or special election or 30 days before a primary election *;* ~~[or primary city election;]~~

(b) Expressly advocates the election or defeat of a clearly identified candidate for a state or local office; and

(c) Is published by a person who receives compensation from the candidate, an opponent of the candidate or a person, *political* party or committee for political action,

➥ must contain a disclosure of the fact that the person receives compensation pursuant to paragraph (c) and the name of the person, *political* party or committee for political action providing that compensation.

2. A statement which:

(a) Is published by a candidate within 60 days before a general election ~~[, general city election]~~ or special election or 30 days before a primary election *;* ~~[or primary city election;]~~ and

(b) Contains the name of the candidate,

➥ shall be deemed to comply with the provisions of this section.

3. As used in this section, "publish" means the act of:

(a) Printing, posting, broadcasting, mailing or otherwise disseminating; or

(b) Causing to be printed, posted, broadcasted, mailed or otherwise disseminated.

Sec. 27. NRS 294A.350 is hereby amended to read as follows:

294A.350 1. ~~[Every]~~ *Except as otherwise provided in subsection 2, every* candidate for ~~[state, district, county, municipal or township]~~ office shall file the reports ~~[of campaign contributions and expenses]~~ required by

NRS 294A.120, *294A.125,* 294A.128, 294A.200 and ~~[294A.360 and reports of contributions received by and expenditures made from a legal defense fund required by NRS]~~ 294A.286, even though the candidate:

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

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

(c) Receives no ~~[campaign]~~ contributions;

~~[(c)]~~ *(d)* Has no campaign expenses;

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

(f) Is defeated in the primary election;

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

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

2. ~~[A]~~ *Except as otherwise provided in subsection 3, a* candidate ~~[who withdraws his or her candidacy pursuant to NRS 293.202 may file]~~ *described in paragraph (a), (b), (f) or (g) of subsection 1 may* simultaneously *file* all the reports ~~[of campaign contributions and expenses]~~ required by NRS 294A.120, *294A.125,* 294A.128, 294A.200 and ~~[294A.360 and the report of contributions received by and expenditures made from a legal defense fund required by NRS]~~ 294A.286 ~~[, so long as each report is filed on or before the last day for filing the respective report pursuant to NRS 294A.120, 294A.200 or 294A.360.]~~ *that are due after the candidate disposes of any unspent or excess contributions as provided in subsections 4 and 5 of NRS 294A.160, as applicable, if the candidate gives written notice to the Secretary of State, on the form prescribed by the Secretary of State, that the candidate is ending his or her campaign and will not accept any additional contributions. If the candidate has submitted a withdrawal of candidacy pursuant to NRS 293.202 or 293C.195 to an officer other than the Secretary of State, the candidate must enclose with the notice a copy of the withdrawal of candidacy. A form submitted to the Secretary of State pursuant to this subsection must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.*

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

Sec. 28. NRS 294A.362 is hereby amended to read as follows:

294A.362 1. In addition to reporting information pursuant to NRS 294A.120, 294A.125, 294A.128 ~~[,]~~ *and* 294A.200 *,* ~~[and 294A.360,]~~ each candidate who is required to file a report ~~[of campaign contributions and expenses]~~ pursuant to NRS 294A.120, 294A.125, 294A.128 ~~[,]~~ *or* 294A.200 ~~[or 294A.360]~~ shall report on the form designed and made available by the

Secretary of State pursuant to NRS 294A.373 goods and services provided in kind for which money would otherwise have been paid. The candidate shall list on the form:

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

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

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

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

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

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

3. Except as otherwise provided in NRS 294A.3733, the report required by subsection 1 must be filed in the same manner and at the same time as the report filed pursuant to NRS 294A.120, 294A.125, 294A.128 ~~[,]~~ *or* 294A.200 . ~~[or 294A.360.]~~

Sec. 29. NRS 294A.365 is hereby amended to read as follows:

294A.365 1. Each report ~~[of expenditures]~~ required pursuant to NRS 294A.210, 294A.220 and 294A.280 must consist of a list of each expenditure in excess of $100 or $1,000, as is appropriate, that was made during the periods for reporting. Each report ~~[of expenses]~~ required pursuant to NRS 294A.125 and 294A.200 must consist of a list of each *campaign* expense in excess of $100 that was incurred during the periods for reporting. The list in each report must state the category and amount of the *campaign* expense or expenditure and the date on which the *campaign* expense was incurred or the expenditure was made.

2. The categories of *campaign* expense or expenditure for use on the report of *campaign* expenses or expenditures are:

(a) Office expenses;
(b) Expenses related to volunteers;
(c) Expenses related to travel;
(d) Expenses related to advertising;
(e) Expenses related to paid staff;
(f) Expenses related to consultants;
(g) Expenses related to polling;
(h) Expenses related to special events;
(i) Expenses related to a legal defense fund;

(j) Except as otherwise provided in NRS 294A.362, goods and services provided in kind for which money would otherwise have been paid;

(k) Contributions made to another candidate, a nonprofit corporation that is registered or required to be registered pursuant to NRS 294A.225, a committee for political action that is registered or required to be registered pursuant to NRS 294A.230 or a committee for the recall of a public officer that is registered or required to be registered pursuant to NRS 294A.250; and

(l) Other miscellaneous expenses.

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

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

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

(a) Advertising ~~[on behalf of]~~ *for or against* any candidate or *a* group of *such* candidates;

(b) Political advertising for any person other than a candidate; or

(c) Advertising for the passage or defeat of a question or group of questions on the ballot,

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

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

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

294A.373 1. The Secretary of State shall design forms to be used for all reports ~~[of campaign contributions and expenses or expenditures]~~ that are required to be filed pursuant to ~~[NRS 294A.120, 294A.125, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280, 294A.360 and 294A.362 and reports of contributions received by and expenditures made from a legal defense fund that are required to be filed pursuant to NRS 294A.286.]~~ *this chapter.*

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

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

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

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

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

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

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

294A.3733 1. A candidate who is required to file a report ~~[described in subsection 1 of NRS 294A.373]~~ *pursuant to this chapter* is not required to file the report electronically if the candidate:

(a) Did not receive or expend money in excess of $10,000 after becoming a candidate pursuant to NRS 294A.005; and

(b) Has on file with the Secretary of State an affidavit which satisfies the requirements set forth in subsection 2 and which states that:

(1) The candidate does not own or have the ability to access the technology necessary to file electronically the report *;* ~~[described in subsection 1 of NRS 294A.373;]~~ and

(2) The candidate does not have the financial ability to purchase or obtain access to the technology necessary to file electronically the report . ~~[described in subsection 1 of NRS 294A.373.]~~

2. The affidavit described in subsection 1 must be:

(a) In the form prescribed by the Secretary of State and signed under an oath to God or penalty of perjury. A candidate who signs the affidavit under an oath to God is subject to the same penalties as if the candidate had signed the affidavit under penalty of perjury.

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

3. A candidate who is not required to file the report electronically may file the report by transmitting the report by regular mail, certified mail,

facsimile machine or personal delivery. A report transmitted pursuant to this subsection shall be deemed to be filed on the date on which it is received by the Secretary of State.

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

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

(a) Did not receive or expend money in excess of $10,000 in the previous calendar year; and

(b) Has on file with the Secretary of State an affidavit which satisfies the requirements set forth in subsection 2 and which states that:

(1) The person, committee or political party does not own or have the ability to access the technology necessary to file electronically the report *;* ~~[described in subsection 1 of NRS 294A.373;]~~ and

(2) The person, committee or political party does not have the financial ability to purchase or obtain access to the technology necessary to file electronically the report . ~~[described in subsection 1 of NRS 294A.373.]~~

2. The affidavit described in subsection 1 must be:

(a) In the form prescribed by the Secretary of State and signed under an oath to God or penalty of perjury. A person who signs the affidavit under an oath to God is subject to the same penalties as if the person had signed the affidavit under penalty of perjury.

(b) Filed:

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

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

3. A person, committee or political party that has properly filed the affidavit pursuant to this section may file the relevant report with the Secretary of State by transmitting the report by regular mail, certified mail, facsimile machine or personal delivery. A report transmitted pursuant to this subsection shall be deemed to be filed on the date on which it is received by the Secretary of State.

Sec. 34. NRS 294A.390 is hereby amended to read as follows:

294A.390 The officer from whom a candidate or entity requests a form for:

1. A declaration of candidacy;

2. An acceptance of candidacy;

3. The registration of a committee for political action pursuant to NRS 294A.230 or a committee for the recall of a public officer pursuant to NRS 294A.250; or

4. The reporting of the creation of a legal defense fund pursuant to NRS 294A.286,

➥ shall furnish the candidate or entity with the necessary forms for reporting and copies of the regulations adopted by the Secretary of State pursuant to this chapter. An explanation of the applicable provisions of NRS 294A.100, 294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270 ~~[,]~~ *or* 294A.280 ~~[or 294A.360]~~ relating to the making, accepting or reporting of ~~[campaign]~~ contributions, *campaign* expenses or expenditures and the penalties for a violation of those provisions as set forth in NRS 294A.100 or 294A.420, and an explanation of NRS 294A.286 and 294A.287 relating to the accepting or reporting of contributions received by and expenditures made from a legal defense fund and the penalties for a violation of those provisions as set forth in NRS 294A.287 and 294A.420, must be developed by the Secretary of State and provided upon request. The candidate or entity shall acknowledge receipt of the material.

Sec. 35. NRS 294A.400 is hereby amended to read as follows:

294A.400 The Secretary of State shall, within 30 days after receipt of the reports required by NRS 294A.120, 294A.125, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280, 294A.286 ~~[, 294A.360]~~ and 294A.362, prepare and make available for public inspection a compilation of:

1. The total ~~[campaign]~~ contributions, the contributions which are in excess of $100 and the total campaign expenses of each of the candidates from whom reports of those contributions and *campaign* expenses are required.

2. The total amount of loans to a candidate guaranteed by a third party, the total amount of loans made to a candidate that have been forgiven and the total amount of written commitments for contributions received by a candidate.

3. The contributions made to a committee for the recall of a public officer in excess of $100.

4. The expenditures exceeding $100 made by a:

(a) Person ~~[on behalf of]~~ *for or against* a candidate other than the person.

(b) Group of persons advocating the election or defeat of a candidate.

(c) Committee for the recall of a public officer.

5. The contributions in excess of $100 made to:

(a) A person who is not under the direction or control of a candidate or group of candidates or of any person involved in the campaign of ~~[the]~~ *a* candidate or group who makes an expenditure ~~[on behalf of the]~~ *for or against a* candidate or group which is not solicited or ~~*[by,]*~~ approved by ~~[the]~~ ~~*[or coordinated with]*~~ *a* candidate or group.

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

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

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

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

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

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

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

(a) The full name and address of the person alleging the violation;

(b) A clear and concise statement of facts sufficient to establish that the alleged violation occurred;

(c) Any evidence substantiating the alleged violation;

(d) A certification by the person alleging the violation that the facts alleged in the notice are true to the best knowledge and belief of that person; and

(e) Any other information in support of the alleged violation.

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

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

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

designated officer or employee of the Secretary of State determines are relevant or material to the investigation and are in the possession of:

(a) Any person alleged in the notice to have committed the violation; or

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

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

(a) The district court in and for the county where service may be obtained on the person refusing to testify or produce the documents or records, if the person is subject to service of process in this State; or

(b) A court of another state having jurisdiction over the person refusing to testify or produce the documents or records, if the person is not subject to service of process in this State.

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

294A.420 1. If the Secretary of State receives information that a *candidate,* person, committee or entity that is subject to the provisions of NRS 294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.230, 294A.250, 294A.270, 294A.280 ~~[,]~~ *or* 294A.286 ~~[or 294A.360]~~ has not filed a report or form for registration pursuant to the applicable provisions of those sections, the Secretary of State may, after giving notice to that *candidate,* person, committee or entity, cause the appropriate proceedings to be instituted in the First Judicial District Court.

2. Except as otherwise provided in this section, a *candidate,* person, committee or entity that violates an applicable provision of this chapter is subject to a civil penalty of not more than $5,000 for each violation and payment of court costs and attorney's fees. The civil penalty must be recovered in a civil action brought in the name of the State of Nevada by the Secretary of State in the First Judicial District Court and deposited by the Secretary of State for credit to the State General Fund in the bank designated by the State Treasurer.

3. If a civil penalty is imposed because a *candidate,* person, committee or entity has reported its contributions, *campaign* expenses or expenditures after the date the report is due, except as otherwise provided in this subsection, the amount of the civil penalty is:

(a) If the report is not more than 7 days late, $25 for each day the report is late.

(b) If the report is more than 7 days late but not more than 15 days late, $50 for each day the report is late.

(c) If the report is more than 15 days late, $100 for each day the report is late.

➥ A civil penalty imposed pursuant to this subsection against a public officer who by law is not entitled to receive compensation for his or her office or a candidate for such an office must not exceed a total of $100 if the public officer or candidate received no contributions and made no expenditures during the relevant reporting periods.

4. For good cause shown, the Secretary of State may waive a civil penalty that would otherwise be imposed pursuant to this section. If the Secretary of State waives a civil penalty pursuant to this subsection, the Secretary of State shall:

(a) Create a record which sets forth that the civil penalty has been waived and describes the circumstances that constitute the good cause shown; and

(b) Ensure that the record created pursuant to paragraph (a) is available for review by the general public.

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

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

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

TEXT OF REPEALED SECTION

294A.360 Time when candidate for city office must file reports.

1. Except as otherwise provided in NRS 294A.3733, every candidate for city office at a primary city election or general city election shall file the reports in the manner required by NRS 294A.120, 294A.128 and 294A.200 for other offices not later than January 15 of each year, for the period from January 1 of the previous year through December 31 of the previous year. The provisions of this subsection apply to the candidate:

(a) Beginning the year of the general city election for that office through the year immediately preceding the next general city election for that office; and

(b) Each year immediately succeeding a calendar year during which the candidate disposes of contributions pursuant to NRS 294A.160 or subsection 4 of NRS 294A.286.

2. Except as otherwise provided in NRS 294A.3733, every candidate for city office at a primary city election or general city election, if the general city election for the office for which he or she is a candidate is held on or after January 1 and before the July 1 immediately following that January 1, shall file the reports in the manner required by NRS 294A.120, 294A.128 and 294A.200 for other offices not later than:

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

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

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

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

3. Except as otherwise provided in NRS 294A.3733, every candidate for city office at a primary city election or general city election, if the general city election for the office for which he or she is a candidate is held on or after July 1 and before the January 1 immediately following that July 1, shall file the reports in the manner required by NRS 294A.120, 294A.128 and 294A.200 for other offices not later than:

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

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

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

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

4. Except as otherwise provided in subsection 5, every candidate for city office at a special election shall so file those reports:

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

(b) Thirty days after the special election, for the remaining period through the special election.

5. Every candidate for city office at a special election to determine whether a public officer will be recalled shall so file those reports 30 days after:

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

(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

Senator Spearman moved the adoption of the amendment.

Remarks by Senators Spearman and Kieckhefer.

SENATOR SPEARMAN:

Thank you, Mr. President. Assembly Bill No. 35 relates to elections. Amendment No. 830 to Assembly Bill No. 35 strikes new language that sets out the circumstances that will not be considered coordinated expenditures with a candidate or group of candidates, and makes changes throughout the bill to reflect this change.

SENATOR KIECKHEFER:

Thank you, Mr. President. Similar to my remarks made yesterday, I stand to reiterate that the removal of Section 4.5 from this legislation reduces clarity when it comes to issues of coordination between candidates and outside groups. Putting some definition into statute would provide the clarity people are looking for about independent expenditures. For that reason, I oppose Amendment No. 830 to Assembly Bill No. 35.

Motion carried on a division of the house.

Amendment adopted.

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

Assembly Bill No. 48.

Bill read third time.

The following amendment was proposed by Senator Spearman:

Amendment No. 854.

Section 16 of Assembly Bill No. 48 First Reprint is hereby amended as follows:

Sec. 16. *"Independent expenditure" means an expenditure which is made by a person who is not under the direction or control of a candidate for office, of a group of such candidates or of any person involved in the campaign of a candidate or group and which is made for or against a candidate or group and is not solicited ~~[by,]~~ or approved by ~~[or coordinated with]~~ a candidate or group.*

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Thank you, Mr. President. Assembly Bill No. 48 relates to elections. Amendment No. 854 to Assembly Bill No. 48 revises the definition of "independent expenditure" to strike the provision related to coordinated expenditures.

Motion carried on a division of the house.

Amendment adopted.

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

Assembly Bill No. 202.

Bill read third time.

Mr. President announced that if there were no objections, the Senate would recess subject to the call of the Chair.

Senate in recess at 3:47 p.m.

SENATE IN SESSION

At 3:55 p.m.
President Krolicki presiding.
Quorum present.

The following amendment was proposed by Senator Segerblom:
Amendment No. 829.
"SUMMARY—Revises various provisions relating to juveniles charged as adults for committing certain crimes. (BDR 5-64)"
"AN ACT relating to juvenile justice; revising the list of offenses that are excluded from the original jurisdiction of the juvenile court; authorizing a child who is certified for adult criminal proceedings to petition the court for placement in a state juvenile detention facility during the pendency of the proceeding; requiring the Legislative Committee on Child Welfare and Juvenile Justice to appoint a task force to study certain issues relating to juveniles; and providing other matters properly relating thereto."
Legislative Counsel's Digest:
Existing law provides that the juvenile court has exclusive jurisdiction over a child who is alleged to have committed an act designated as a criminal offense unless: (1) the criminal offense is excluded from the jurisdiction of the juvenile court; or (2) the child is alleged to have committed an offense for which the juvenile court may certify the child for criminal proceedings as an adult and the juvenile court certifies the child for criminal proceedings as an adult upon a motion by the district attorney and after a full investigation. (NRS 62B.330, 62B.390)
Under existing law, the offenses excluded from the jurisdiction of the juvenile court include, without limitation, murder and attempted murder. (NRS 62B.330) Section 1 of this bill provides that murder and attempted murder are excluded from the jurisdiction of the juvenile court only if the offense was committed by a child who was ~~[14]~~ 16 years of age or older when he or she committed the offense. Under section 11 of this bill, this provision becomes effective on October 1, 2014.
Under existing law, during the pendency of the proceeding, a child who is charged with a crime which is excluded from the original jurisdiction of the juvenile court may petition the juvenile court for temporary placement in a facility for the detention of children. (NRS 62C.030) Section 2 of this bill authorizes a child who is certified for criminal proceedings as an adult to petition the juvenile court for temporary placement in a facility for the detention of children during the pendency of the proceeding. Under section 11, this provision becomes effective on October 1, 2013.

Section 10 of this bill requires the Legislative Committee on Child Welfare and Juvenile Justice to create a task force to study certain issues relating to juvenile justice.

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

Section 1. NRS 62B.330 is hereby amended to read as follows:

62B.330 1. Except as otherwise provided in this title, the juvenile court has exclusive original jurisdiction over a child living or found within the county who is alleged or adjudicated to have committed a delinquent act.

2. For the purposes of this section, a child commits a delinquent act if the child:

(a) Violates a county or municipal ordinance;

(b) Violates any rule or regulation having the force of law; or

(c) Commits an act designated a criminal offense pursuant to the laws of the State of Nevada.

3. For the purposes of this section, each of the following acts shall be deemed not to be a delinquent act, and the juvenile court does not have jurisdiction over a person who is charged with committing such an act:

(a) Murder or attempted murder and any other related offense arising out of the same facts as the murder or attempted murder, regardless of the nature of the related offense ~~[.]~~ *, if the person was ~~[14]~~ 16 years of age or older when the murder or attempted murder was committed.*

(b) Sexual assault or attempted sexual assault involving the use or threatened use of force or violence against the victim and any other related offense arising out of the same facts as the sexual assault or attempted sexual assault, regardless of the nature of the related offense, if:

(1) The person was 16 years of age or older when the sexual assault or attempted sexual assault was committed; and

(2) Before the sexual assault or attempted sexual assault was committed, the person previously had been adjudicated delinquent for an act that would have been a felony if committed by an adult.

(c) An offense or attempted offense involving the use or threatened use of a firearm and any other related offense arising out of the same facts as the offense or attempted offense involving the use or threatened use of a firearm, regardless of the nature of the related offense, if:

(1) The person was 16 years of age or older when the offense or attempted offense involving the use or threatened use of a firearm was committed; and

(2) Before the offense or attempted offense involving the use or threatened use of a firearm was committed, the person previously had been adjudicated delinquent for an act that would have been a felony if committed by an adult.

(d) A felony resulting in death or substantial bodily harm to the victim and any other related offense arising out of the same facts as the felony, regardless of the nature of the related offense, if:

(1) The felony was committed on the property of a public or private school when pupils or employees of the school were present or may have been present, at an activity sponsored by a public or private school or on a school bus while the bus was engaged in its official duties; and

(2) The person intended to create a great risk of death or substantial bodily harm to more than one person by means of a weapon, device or course of action that would normally be hazardous to the lives of more than one person.

(e) A category A or B felony and any other related offense arising out of the same facts as the category A or B felony, regardless of the nature of the related offense, if the person was at least 16 years of age but less than 18 years of age when the offense was committed, and:

(1) The person is not identified by law enforcement as having committed the offense and charged before the person is at least 20 years, 3 months of age, but less than 21 years of age; or

(2) The person is not identified by law enforcement as having committed the offense until the person reaches 21 years of age.

(f) Any other offense if, before the offense was committed, the person previously had been convicted of a criminal offense.

Sec. 2. NRS 62C.030 is hereby amended to read as follows:

62C.030 1. If a child is not alleged to be delinquent or in need of supervision, the child must not, at any time, be confined or detained in:

(a) A facility for the secure detention of children; or

(b) Any police station, lockup, jail, prison or other facility in which adults are detained or confined.

2. If a child is alleged to be delinquent or in need of supervision, the child must not, before disposition of the case, be detained in a facility for the secure detention of children unless there is probable cause to believe that:

(a) If the child is not detained, the child is likely to commit an offense dangerous to the child or to the community, or likely to commit damage to property;

(b) The child will run away or be taken away so as to be unavailable for proceedings of the juvenile court or to its officers;

(c) The child was taken into custody and brought before a probation officer pursuant to a court order or warrant; or

(d) The child is a fugitive from another jurisdiction.

3. If a child is less than 18 years of age, the child must not, at any time, be confined or detained in any police station, lockup, jail, prison or other facility where the child has regular contact with any adult who is confined or detained in the facility and who has been convicted of a criminal offense or charged with a criminal offense, unless:

(a) The child is alleged to be delinquent;

(b) An alternative facility is not available; and

(c) The child is separated by sight and sound from any adults who are confined or detained in the facility.

4. During the pendency of a proceeding involving ~~[a]~~ *:*

(a) A criminal offense excluded from the original jurisdiction of the juvenile court pursuant to NRS 62B.330 ~~[.]~~ *; or*

(b) A child who is certified for criminal proceedings as an adult pursuant to NRS 62B.390,

➥ a child may petition the juvenile court for temporary placement in a facility for the detention of children.

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. 1. The Legislative Committee on Child Welfare and Juvenile Justice created by NRS 218E.705 shall create a task force to study certain issues relating to juvenile justice in accordance with the provisions of this section.

2. The Chair of the Legislative Committee on Child Welfare and Juvenile Justice shall appoint to the task force the following 10 voting members:

(a) One member of the Senate or Assembly, who shall serve as Chair of the task force.

(b) One member who is a district attorney.

(c) One member who is a public defender.

(d) One member from the Office of the Attorney General.

(e) One member from the Division of Child and Family Services of the Department of Health and Human Services.

(f) One member who is a judge of the juvenile court.

(g) One member who is a director of juvenile services, as defined in NRS 62A.080.

(h) One member who is a mental health professional.

(i) One member who is a representative from an organization that advocates on behalf of juveniles.

(j) The Director of the Department of Corrections.

3. The task force shall study the following issues and make its findings and any recommendations for proposed legislation:

(a) The laws in this State and other states, including an examination of best practices, pertaining to certification of juveniles as adults and offenses excluded from the jurisdiction of the juvenile court.

(b) The advantages and disadvantages of blended sentencing.

(c) The ability of adult correctional facilities and institutions to provide appropriate housing and programming for youthful offenders who are convicted of crimes as adults and incarcerated in adult facilities and institutions.

(d) The ability of juvenile detention facilities to provide appropriate housing and programming for youthful offenders who are convicted of crimes as adults and detained in juvenile detention facilities.

(e) The costs and benefits of housing juvenile offenders who are convicted of crimes as adults in adult correctional facilities and institutions and in juvenile detention facilities.

(f) Proposed legislation that is necessary to implement any necessary or desirable changes in Nevada law relating to the issues set forth in this subsection.

4. The members of the task force, other than the Chair of the task force, serve without compensation, except that each such member is entitled, while engaged in the business of the task force and within the limits of available money, to the per diem allowance and travel expenses provided for state officers and employees generally.

5. Not later than 30 days after appointment, each member of the task force, other than the Chair of the task force, shall nominate one person to serve as his or her alternate member and submit the name of the person nominated to the Chair of the task force for appointment. An alternate member shall serve as a voting member of the task force when the appointed member who nominated the alternate member is disqualified or unable to serve.

6. The members of the task force shall hold not more than four meetings at the call of the Chair of the task force.

7. To the extent that money is available, including, without limitation, money from gifts, grants and donations, the Committee may fund the costs of the task force.

8. The Committee shall submit a report of the findings of the task force and its recommendations for legislation to the 78th Session of the Nevada Legislature.

Sec. 11. 1. This section and section 10 of this act become effective on July 1, 2013.

2. Sections 2 to 9, inclusive, of this act become effective on October 1, 2013.

3. Section 1 of this act becomes effective on October 1, 2014.

Senator Segerblom moved the adoption of the amendment.

Remarks by Senator Segerblom.

Thank you, Mr. President. For everyone who was here yesterday and heard the heated debate about juveniles and when they might be treated as adults versus when they are treated as part of the juvenile justice system, I have come up with a solution, which is Amendment No. 829 to Assembly Bill No. 202, and Amendment No. 867 to Assembly Bill No. 202 will be soon proposed by my colleague from Senate District No. 15.

Amendment No. 829 to Assembly Bill No. 202 raises the age to 16 years so that anyone 16 and older will be treated as an adult for murder or attempted murder. For ages 15 years, 14 years and 13 years, the prosecutor can approach the court and ask the court to certify them as adults. For ages 13 years and under, individuals will be treated as juveniles.

These two amendments—Amendment No. 829 and Amendment No. 867 to be proposed by my colleague from Senate District No. 15—work together. We propose you adopt them both.

Amendment adopted.

The following amendment was proposed by Senator Brower:

Amendment No. 867.

"SUMMARY—Revises various provisions relating to juveniles charged as adults for committing certain crimes. (BDR 5-64)"

"AN ACT relating to juvenile justice; revising the list of offenses that are excluded from the original jurisdiction of the juvenile court; reducing the age at which a child may be certified as an adult for criminal proceedings; authorizing a child who is certified for adult criminal proceedings to petition the court for placement in a state juvenile detention facility during the pendency of the proceeding; requiring the Legislative Committee on Child Welfare and Juvenile Justice to appoint a task force to study certain issues relating to juveniles; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law provides that the juvenile court has exclusive jurisdiction over a child who is alleged to have committed an act designated as a criminal offense unless: (1) the criminal offense is excluded from the jurisdiction of the juvenile court; or (2) the child is alleged to have committed an offense for which the juvenile court may certify the child for criminal proceedings as an adult and the juvenile court certifies the child for criminal proceedings as an adult upon a motion by the district attorney and after a full investigation. (NRS 62B.330, 62B.390)

Under existing law, the offenses excluded from the jurisdiction of the juvenile court include, without limitation, murder and attempted murder. (NRS 62B.330) Section 1 of this bill provides that murder and attempted murder are excluded from the jurisdiction of the juvenile court only if the offense was committed by a child who was 14 years of age or older when he or she committed the offense. Under section 11 of this bill, this provision becomes effective on October 1, 2014.

Under existing law, a child may be certified for criminal proceedings as an adult upon a motion by the district attorney and after a full investigation if the child: (1) is charged with an offense that would have been a felony if committed by an adult; and (2) was 14 years of age or older at the time the child allegedly committed the offense. Section 1.3 of this bill reduces the minimum age of such certification from 14 years of age to 13 years of age. Under section 11, this provision becomes effective on October 1, 2014.

Under existing law, during the pendency of the proceeding, a child who is charged with a crime which is excluded from the original jurisdiction of the juvenile court may petition the juvenile court for temporary placement in a

facility for the detention of children. (NRS 62C.030) Section 2 of this bill authorizes a child who is certified for criminal proceedings as an adult to petition the juvenile court for temporary placement in a facility for the detention of children during the pendency of the proceeding. Under section 11, this provision becomes effective on October 1, 2013.

Section 10 of this bill requires the Legislative Committee on Child Welfare and Juvenile Justice to create a task force to study certain issues relating to juvenile justice.

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

Section 1. NRS 62B.330 is hereby amended to read as follows:

62B.330 1. Except as otherwise provided in this title, the juvenile court has exclusive original jurisdiction over a child living or found within the county who is alleged or adjudicated to have committed a delinquent act.

2. For the purposes of this section, a child commits a delinquent act if the child:

(a) Violates a county or municipal ordinance;

(b) Violates any rule or regulation having the force of law; or

(c) Commits an act designated a criminal offense pursuant to the laws of the State of Nevada.

3. For the purposes of this section, each of the following acts shall be deemed not to be a delinquent act, and the juvenile court does not have jurisdiction over a person who is charged with committing such an act:

(a) Murder or attempted murder and any other related offense arising out of the same facts as the murder or attempted murder, regardless of the nature of the related offense ~~[.]~~ *if the person was 14 years of age or older when the murder or attempted murder was committed.*

(b) Sexual assault or attempted sexual assault involving the use or threatened use of force or violence against the victim and any other related offense arising out of the same facts as the sexual assault or attempted sexual assault, regardless of the nature of the related offense, if:

(1) The person was 16 years of age or older when the sexual assault or attempted sexual assault was committed; and

(2) Before the sexual assault or attempted sexual assault was committed, the person previously had been adjudicated delinquent for an act that would have been a felony if committed by an adult.

(c) An offense or attempted offense involving the use or threatened use of a firearm and any other related offense arising out of the same facts as the offense or attempted offense involving the use or threatened use of a firearm, regardless of the nature of the related offense, if:

(1) The person was 16 years of age or older when the offense or attempted offense involving the use or threatened use of a firearm was committed; and

(2) Before the offense or attempted offense involving the use or threatened use of a firearm was committed, the person previously had been adjudicated delinquent for an act that would have been a felony if committed by an adult.

(d) A felony resulting in death or substantial bodily harm to the victim and any other related offense arising out of the same facts as the felony, regardless of the nature of the related offense, if:

(1) The felony was committed on the property of a public or private school when pupils or employees of the school were present or may have been present, at an activity sponsored by a public or private school or on a school bus while the bus was engaged in its official duties; and

(2) The person intended to create a great risk of death or substantial bodily harm to more than one person by means of a weapon, device or course of action that would normally be hazardous to the lives of more than one person.

(e) A category A or B felony and any other related offense arising out of the same facts as the category A or B felony, regardless of the nature of the related offense, if the person was at least 16 years of age but less than 18 years of age when the offense was committed, and:

(1) The person is not identified by law enforcement as having committed the offense and charged before the person is at least 20 years, 3 months of age, but less than 21 years of age; or

(2) The person is not identified by law enforcement as having committed the offense until the person reaches 21 years of age.

(f) Any other offense if, before the offense was committed, the person previously had been convicted of a criminal offense.

Sec. 1.3. NRS 62B.390 is hereby amended to read as follows:

62B.390 1. Except as otherwise provided in subsection 2 and NRS 62B.400, upon a motion by the district attorney and after a full investigation, the juvenile court may certify a child for proper criminal proceedings as an adult to any court that would have jurisdiction to try the offense if committed by an adult, if the child:

(a) Is charged with an offense that would have been a felony if committed by an adult; and

(b) Was ~~[14]~~ *13* years of age or older at the time the child allegedly committed the offense.

2. Except as otherwise provided in subsection 3, upon a motion by the district attorney and after a full investigation, the juvenile court shall certify a child for proper criminal proceedings as an adult to any court that would have jurisdiction to try the offense if committed by an adult, if the child:

(a) Is charged with:

(1) A sexual assault involving the use or threatened use of force or violence against the victim; or

(2) An offense or attempted offense involving the use or threatened use of a firearm; and

(b) Was 16 years of age or older at the time the child allegedly committed the offense.

3. The juvenile court shall not certify a child for criminal proceedings as an adult pursuant to subsection 2 if the juvenile court specifically finds by clear and convincing evidence that:

(a) The child is developmentally or mentally incompetent to understand the situation and the proceedings of the court or to aid the child's attorney in those proceedings; or

(b) The child has substance abuse or emotional or behavioral problems and the substance abuse or emotional or behavioral problems may be appropriately treated through the jurisdiction of the juvenile court.

4. If a child is certified for criminal proceedings as an adult pursuant to subsection 1 or 2, the juvenile court shall also certify the child for criminal proceedings as an adult for any other related offense arising out of the same facts as the offense for which the child was certified, regardless of the nature of the related offense.

5. If a child has been certified for criminal proceedings as an adult pursuant to subsection 1 or 2 and the child's case has been transferred out of the juvenile court:

(a) The court to which the case has been transferred has original jurisdiction over the child;

(b) The child may petition for transfer of the case back to the juvenile court only upon a showing of exceptional circumstances; and

(c) If the child's case is transferred back to the juvenile court, the juvenile court shall determine whether the exceptional circumstances warrant accepting jurisdiction.

Sec. 1.7. NRS 62B.400 is hereby amended to read as follows:

62B.400 1. A child shall be deemed to be a prisoner who has escaped or attempted to escape from lawful custody in violation of NRS 212.090, and proceedings may be brought against the child pursuant to the provisions of this section, if the child:

(a) Is committed to or otherwise is placed in a public or private facility for the detention or correctional care of children, including, but not limited to, all state, regional and local facilities for the detention of children; and

(b) Escapes or attempts to escape from such a facility.

2. Upon a motion by the district attorney and after a full investigation, the juvenile court may certify the child for criminal proceedings as an adult pursuant to subsection 1 of NRS 62B.390 if the child was ~~[14]~~ *13* years of age or older at the time of the escape or attempted escape and:

(a) The child was committed to or placed in the facility from which the child escaped or attempted to escape because the child had been charged with

or had been adjudicated delinquent for an unlawful act that would have been a felony if committed by an adult; or

(b) The child or another person aiding the child used a dangerous weapon to facilitate the escape or attempted escape.

3. If the child is certified for criminal proceedings as an adult pursuant to subsection 2, the juvenile court shall also certify the child for criminal proceedings as an adult for any other related offense arising out of the same facts as the escape or attempted escape, regardless of the nature of the related offense.

4. If the child is not certified for criminal proceedings as an adult pursuant to subsection 2 or otherwise is not subject to the provisions of subsection 2, the escape or attempted escape shall be deemed to be a delinquent act, and proceedings may be brought against the child pursuant to the provisions of this title.

Sec. 2. NRS 62C.030 is hereby amended to read as follows:

62C.030 1. If a child is not alleged to be delinquent or in need of supervision, the child must not, at any time, be confined or detained in:

(a) A facility for the secure detention of children; or

(b) Any police station, lockup, jail, prison or other facility in which adults are detained or confined.

2. If a child is alleged to be delinquent or in need of supervision, the child must not, before disposition of the case, be detained in a facility for the secure detention of children unless there is probable cause to believe that:

(a) If the child is not detained, the child is likely to commit an offense dangerous to the child or to the community, or likely to commit damage to property;

(b) The child will run away or be taken away so as to be unavailable for proceedings of the juvenile court or to its officers;

(c) The child was taken into custody and brought before a probation officer pursuant to a court order or warrant; or

(d) The child is a fugitive from another jurisdiction.

3. If a child is less than 18 years of age, the child must not, at any time, be confined or detained in any police station, lockup, jail, prison or other facility where the child has regular contact with any adult who is confined or detained in the facility and who has been convicted of a criminal offense or charged with a criminal offense, unless:

(a) The child is alleged to be delinquent;

(b) An alternative facility is not available; and

(c) The child is separated by sight and sound from any adults who are confined or detained in the facility.

4. During the pendency of a proceeding involving ~~[a]~~ *:*

(a) A criminal offense excluded from the original jurisdiction of the juvenile court pursuant to NRS 62B.330 ~~[,]~~ *; or*

(b) A child who is certified for criminal proceedings as an adult pursuant to NRS 62B.390,

➥ a child may petition the juvenile court for temporary placement in a facility for the detention of children.

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. 1. The Legislative Committee on Child Welfare and Juvenile Justice created by NRS 218E.705 shall create a task force to study certain issues relating to juvenile justice in accordance with the provisions of this section.

2. The Chair of the Legislative Committee on Child Welfare and Juvenile Justice shall appoint to the task force the following 10 voting members:

(a) One member of the Senate or Assembly, who shall serve as Chair of the task force.

(b) One member who is a district attorney.

(c) One member who is a public defender.

(d) One member from the Office of the Attorney General.

(e) One member from the Division of Child and Family Services of the Department of Health and Human Services.

(f) One member who is a judge of the juvenile court.

(g) One member who is a director of juvenile services, as defined in NRS 62A.080.

(h) One member who is a mental health professional.

(i) One member who is a representative from an organization that advocates on behalf of juveniles.

(j) The Director of the Department of Corrections.

3. The task force shall study the following issues and make its findings and any recommendations for proposed legislation:

(a) The laws in this State and other states, including an examination of best practices, pertaining to certification of juveniles as adults and offenses excluded from the jurisdiction of the juvenile court.

(b) The advantages and disadvantages of blended sentencing.

(c) The ability of adult correctional facilities and institutions to provide appropriate housing and programming for youthful offenders who are convicted of crimes as adults and incarcerated in adult facilities and institutions.

(d) The ability of juvenile detention facilities to provide appropriate housing and programming for youthful offenders who are convicted of crimes as adults and detained in juvenile detention facilities.

(e) The costs and benefits of housing juvenile offenders who are convicted of crimes as adults in adult correctional facilities and institutions and in juvenile detention facilities.

(f) Proposed legislation that is necessary to implement any necessary or desirable changes in Nevada law relating to the issues set forth in this subsection.

4. The members of the task force, other than the Chair of the task force, serve without compensation, except that each such member is entitled, while engaged in the business of the task force and within the limits of available money, to the per diem allowance and travel expenses provided for state officers and employees generally.

5. Not later than 30 days after appointment, each member of the task force, other than the Chair of the task force, shall nominate one person to serve as his or her alternate member and submit the name of the person nominated to the Chair of the task force for appointment. An alternate member shall serve as a voting member of the task force when the appointed member who nominated the alternate member is disqualified or unable to serve.

6. The members of the task force shall hold not more than four meetings at the call of the Chair of the task force.

7. To the extent that money is available, including, without limitation, money from gifts, grants and donations, the Committee may fund the costs of the task force.

8. The Committee shall submit a report of the findings of the task force and its recommendations for legislation to the 78th Session of the Nevada Legislature.

Sec. 11. 1. This section and section 10 of this act become effective on July 1, 2013.

2. Sections 2 to 9, inclusive, of this act become effective on October 1, 2013.

3. ~~[Section]~~ Sections 1 , 1.3 and 1.7 of this act ~~[becomes]~~ become effective on October 1, 2014.

Senator Brower moved the adoption of the amendment.

Remarks by Senators Brower, Hammond, Hutchison and Hardy.

SENATOR BROWER:

Thank you, Mr. President. As my colleague from Senate District No. 3 said, we have worked out a compromise on Assembly Bill No. 202. The amendment I am proposing is Amendment No. 867.

I appreciate the cooperation and the hard work of everyone who was involved, both from this Chamber and off the Floor. This is a reasonable compromise that should garner unanimous support. We are doing the amendments this way at the urging of legal counsel. We are running short on time, and this, we believe, is the most efficient way of handling it.

SENATOR HAMMOND:

Thank you, Mr. President. I rise in support of both Amendment No. 867, as well as Amendment No. 829 that was just adopted. I think this is a great compromise that came as a result of much negotiating. This is a reasonable conclusion. I wanted to express my support.

SENATOR HUTCHISON:

Thank you, Mr. President. Yesterday I expressed some concerns about Assembly Bill No. 202. I want to make the record clear that I am in support of both Amendment No. 867 and Amendment No. 829 to Assembly Bill No. 202. I urge passage.

SENATOR HARDY:

Thank you, Mr. President. I concur. I support both of the amendments to Assembly Bill No 202.

Amendment adopted.

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

Assembly Bill No. 348.

Bill read third time.

The following amendment was proposed by Senator Jones:

Amendment No. 839.

"SUMMARY—Revises provisions relating to foster care. (BDR 38-457)"

"AN ACT relating to foster care; establishing certain requirements for the operation of a foster care agency; requiring a foster care agency to create and maintain reports on its programs and services; allowing a foster care agency to encourage and assist a potential foster home to apply for a license; requiring a contract between a foster care agency and a provider of foster care with which the foster care agency places a child; requiring a foster care agency to provide certain services to each foster home in which the foster care agency places children; providing for the operation of independent living foster homes; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Under existing law, the Division of Child and Family Services of the Department of Health and Human Services is required to adopt regulations relating to the licensure and operation of foster homes and foster care agencies. (NRS 424.020, 424.093) Sections 4-6 of this bill establish certain requirements for the governance of a foster care agency. Sections 8-14 of this bill establish certain requirements for owners, members of the governing body, employees, paid consultants, contractors, volunteers and vendors of a foster care agency. Section 15 of this bill requires a foster care agency to create and maintain an annual report on each program or service the agency provides. Section 16 of this bill allows a foster care agency to identify potential foster homes and encourage a potential foster home to apply for licensure. Section 17 of this bill requires a foster care agency to coordinate the submission of applications for licensure as a foster home to the licensing authority and to conduct a home study of each applicant. Section 18 of this bill requires a foster care agency to execute a contract containing certain provisions with each provider of foster care with whom the foster care agency places a child and to make each such contract available to the licensing authority upon request. Sections 19 and 20 of this bill require a foster care agency which places children in a specialized foster home or an independent living foster home to develop and implement certain provisions

relating to the care the foster home provides. Section 21 of this bill requires a foster care agency to provide support to and to review and evaluate its contracted foster homes. Sections 22 and 23 of this bill require a foster care agency to make crisis intervention available to its contracted foster homes and to report certain potential violations to the licensing authority. Section 24 of this bill: (1) prohibits a foster care agency from accepting certain children for placement in certain circumstances; and (2) requires a foster care agency to give priority to assisting with the placement of children from an agency which provides child welfare services or a juvenile court. Section 25 of this bill requires a foster care agency to monitor and evaluate its programs and services and implement any necessary improvements to its programs and services revealed by its evaluations. ~~[Section 26 of this bill allows the licensing authority to charge and collect certain fees from a foster care agency.]~~

Section 35 of this bill prohibits a foster home from accepting a child placed by a juvenile court without the approval of the licensing authority. Section 35 also requires a specialized foster home or a group foster home to maintain a policy of general liability insurance. Section 36 of this bill revises the crimes that preclude a person from being employed by or being a resident of a foster home. Section 44 of this bill allows a licensing authority to release certain information at the request of a provider of foster care. ~~[upon the payment of a fee to cover the costs of the licensing authority in gathering that information.]~~

Sections 2, 34, 35, 38, 41, 42, 48, 50 and 54 of this bill provide for the licensing and regulation of independent living foster homes.

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

Section 1. Chapter 424 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 26, inclusive, of this act.

Sec. 2. *"Independent living foster home" means a foster home which provides assistance with the transition to independent living for children who have entered into an agreement to transition to independent living and for children who:*

1. Are at least 16 years of age but less than 18 years of age or who remain under the jurisdiction of a court pursuant to NRS 432B.594;

2. Are not related within the first degree of consanguinity or affinity to any natural person maintaining or operating the home; and

3. Are received, cared for and maintained for compensation or otherwise, including the provision of free care.

Sec. 3. *"Juvenile court" has the meaning ascribed to it in NRS 62A.180.*

Sec. 4. *1. A foster care agency must:*

(a) Be organized as a business entity that is registered with the Secretary of State and holds a valid state business license pursuant to chapter 76 of NRS;

(b) Have a governing body, at least one member of which has knowledge of and experience in the programs and services offered by the foster care agency; and

(c) Operate under articles of incorporation.

2. The governing body of a foster care agency must have a written constitution or bylaws which prescribe the responsibility for the operation and maintenance of the foster care agency and which must include, without limitation, provisions that:

(a) Define the qualifications for and types of membership on the governing body;

(b) Specify the process for selecting members of the governing body, the terms of office for the members and officers of the governing body and orientation for new members of the governing body;

(c) Specify how frequently the governing body must meet; and

(d) Specify prohibited conflicts of interest of members of the governing body and employees, volunteers and independent contractors of the foster care agency.

3. The governing body of a foster care agency shall appoint a person to provide oversight of the foster care agency who meets the qualifications described in section 8 of this act.

4. If the foster care agency is organized in another state, the governing body must meet at least once each year within this State or have a subcommittee whose members are residents of this State, one of whom is a member of the governing body, which is responsible to the governing body for ensuring that the foster care agency complies with the provisions of this chapter and any regulations adopted pursuant thereto.

Sec. 5. *The governing body of a foster care agency must be responsible for:*

1. Ensuring that the foster care agency is and remains fiscally sound;

2. Overseeing the management and operations of the programs and services offered by the foster care agency;

3. Ensuring that the foster care agency remains in compliance with the rules and policies of the governing body; and

4. Ensuring that the foster care agency complies with the provisions of this chapter and any regulations adopted pursuant thereto.

Sec. 6. *The governing body shall submit annually to the licensing authority or its designee:*

1. The name, address, contact information, position held on the governing body and any other information required by the licensing authority of each member of the governing body;

2. A copy of the articles of incorporation, constitution and bylaws of the foster care agency;

3. Evidence satisfactory to the licensing authority that the foster care agency has the ability to financially support and sustain its activities, which may include, without limitation, financial statements and budgets;

4. A report from an independent auditor of the complete financial information for the foster care agency for the immediately preceding fiscal year;

5. A statement of purpose; and

6. An organizational chart or other chart that sets forth the structure of the foster care agency which includes, without limitation, a job description for each position listed in the chart.

Sec. 7. (Deleted by amendment.)

Sec. 8. *1. The person appointed to provide oversight of a foster care agency by the governing body of the foster care agency pursuant to section 4 of this act must have:*

(a) A bachelor's degree or more advanced degree from an accredited college or university; and

(b) At least 7 years of experience in an agency or program which provides social services, including at least 3 years of experience as an administrator, supervisor or consultant.

2. The person appointed to provide oversight of a foster care agency is responsible for the day-to-day operations of the foster care agency, including, without limitation, employing such staff as he or she deems necessary to provide administrative services and services to families and children. The staff may include, without limitation:

(a) Program supervisors who are responsible for the supervision of members of the staff and activities relating to foster care and for assisting in formulating and carrying out the policies and programs of the foster care agency. Each program supervisor must have a bachelor's degree or more advanced degree from an accredited college or university and at least 3 years of experience in providing services to children and their families, including at least 1 year of experience as an administrator or supervisor.

(b) Caseworkers who support the operations of the foster care agency, including, without limitation, to work with children and families, perform home studies, support service plans for individualized cases and treatments, prepare and maintain records and coordinate services for children and families. Each caseworker must have:

(1) A bachelor's degree from an accredited college or university in the field of social work or a field related to social work, which may include, without limitation, psychology, sociology, education or counseling; or

(2) A bachelor's degree from an accredited college or university in any field and at least 2 years of experience in providing services to children and their families.

Sec. 9. *1. The foster care agency may accept volunteers to provide certain specified services for the foster care agency. The foster care agency shall not rely solely upon volunteers to provide any service.*

2. If the foster care agency accepts volunteers pursuant to subsection 1, the foster care agency must have a written plan for the selection, training, supervision and assignment of volunteers, and each volunteer who performs an activity that would otherwise be performed by a member of the staff must meet the same qualifications that would be required for the member of the staff.

Sec. 10. *1. The foster care agency shall develop and carry out a written plan for the orientation, training, supervision and evaluation of members of the staff.*

2. The orientation must include, without limitation, information on the policies and procedures of the foster care agency, goals for the programs and services of the foster care agency, the responsibilities of members of the staff and the provisions of this chapter and the regulations adopted pursuant to thereto that relate to licensing. The training must include, without limitation, any training required by the licensing authority. Each member of the staff must be evaluated at least once each year.

3. The foster care agency shall maintain comprehensive written policies and procedures for the personnel, services and programs of the foster care agency and make the policies and procedures readily available to the members of the staff and to the licensing authority.

4. The foster care agency shall maintain comprehensive records for personnel that, upon request, must be made available to the licensing authority.

Sec. 11. *1. The licensing authority or a person designated by the licensing authority shall obtain from appropriate law enforcement agencies information on the background and personal history of each applicant for or holder of a license to conduct a foster care agency and each owner, member of the governing body, employee, paid consultant, contractor, volunteer or vendor of that applicant or licensee who may come into direct contact with a child placed by the foster care agency, to determine whether the person investigated has been arrested for, has charges pending for or has been convicted of:*

(a) Murder, voluntary manslaughter or mayhem;

(b) Any other felony involving the use or threatened use of force or violence against the victim or the use of a firearm or other deadly weapon;

(c) Assault with intent to kill or to commit sexual assault or mayhem;

(d) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime or a felony relating to prostitution;

(e) Abuse or neglect of a child or contributory delinquency;

(f) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;

(g) Abuse, neglect, exploitation or isolation of older persons or vulnerable persons, including, without limitation, a violation of any provision of NRS 200.5091 to 200.50995, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct;

(h) Any offense involving fraud, theft, embezzlement, burglary, robbery, fraudulent conversion or misappropriation of property within the immediately preceding 7 years;

(i) Any offense relating to pornography involving minors, including, without limitation, a violation of any provision of NRS 200.700 to 200.760, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct;

(j) Prostitution, solicitation, lewdness or indecent exposure, or any other sexually related crime that is punishable as a misdemeanor, within the immediately preceding 7 years;

(k) A crime involving domestic violence that is punishable as a felony;

(l) A crime involving domestic violence that is punishable as a misdemeanor, within the immediately preceding 7 years;

(m) A criminal offense under the laws governing Medicaid or Medicare, within the immediately preceding 7 years;

(n) Any offense involving the sale, furnishing, purchase, consumption or possession of alcoholic beverages by a minor, including, without limitation, a violation of any provision of NRS 202.015 to 202.067, inclusive, or driving a vehicle under the influence of alcohol or a controlled substance in violation of chapter 484C of NRS or a law of any other jurisdiction that prohibits the same or similar conduct, within the immediately preceding 7 years; or

(o) An attempt or conspiracy to commit any of the offenses listed in this subsection within the immediately preceding 7 years.

2. ~~[The licensing authority or its approved designee may charge each person investigated pursuant to this section for the reasonable cost of that investigation.~~

~~3.]~~ Unless a preliminary Federal Bureau of Investigation Interstate Identification Index name-based check of the records of criminal history has been conducted pursuant to NRS 424.039, a person who is required to submit to an investigation pursuant to this section shall not have contact with a child in a foster home without supervision before the investigation of the background and personal history of the person is completed.

~~[4.]~~ 3. The licensing authority or its designee shall conduct an investigation of each holder of a license to conduct a foster care agency and each owner, member of a governing body, employee, paid consultant, contractor, volunteer or vendor who may come into direct contact with a

child placed by the foster care agency pursuant to this section at least once every 5 years after the initial investigation.

Sec. 12. *1. Each applicant for or holder of a license to conduct a foster care agency, and each owner, member of the governing body, employee, paid consultant, contractor, volunteer or vendor of that applicant or licensee who may come into direct contact with a child placed by the foster care agency, must submit to the licensing authority or its approved designee:*

(a) A complete set of fingerprints and written permission authorizing the licensing authority or its approved designee to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report to enable the licensing authority or its approved designee to conduct an investigation pursuant to section 11 of this act; and

(b) Written permission to conduct a child abuse and neglect screening.

2. For each person who submits the documentation required pursuant to subsection 1, the licensing authority or its approved designee shall conduct a child abuse and neglect screening of the person in every state in which the person has resided during the immediately preceding 5 years.

3. The licensing authority or its approved designee may exchange with the Central Repository or the Federal Bureau of Investigation any information respecting the fingerprints submitted.

4. When a report from the Federal Bureau of Investigation is received by the Central Repository, it shall immediately forward a copy of the report to the licensing authority or its approved designee.

5. Upon receiving a report pursuant to this section, the licensing authority or its approved designee shall determine whether the person has been arrested for, has charges pending for or has been convicted of a crime listed in section 11 of this act.

6. The licensing authority shall immediately inform the foster care agency whether an owner, member of the governing body, employee, paid consultant, contractor, volunteer or vendor of the foster care agency who may come into direct contact with a child placed by the foster care agency has been arrested for, has charges pending for or has been convicted of a crime listed in section 11 of this act.

Sec. 13. *1. Upon receiving information from the licensing authority or its approved designee pursuant to section 12 of this act or evidence from any other source that an owner, member of the governing body, employee, consultant, contractor, volunteer or vendor of a foster care agency who may come into direct contact with a child placed by the foster care agency has been arrested for, has charges pending for or has been convicted of a crime listed in section 11 of this act, the foster care agency shall terminate the employment, contract or volunteer activities of the person after allowing the person time to correct the information as required pursuant to subsection 2.*

2. If a person believes that the information provided about him or her pursuant to subsection 1 is incorrect, the person must inform the foster care agency immediately. A foster care agency that is so informed shall give the person 30 days to correct the information.

3. During the period in which a person seeks to correct information pursuant to subsection 2, it is within the discretion of the foster care agency whether to allow the person to continue to be associated with the foster care agency, except that the person must not have contact with a child in any foster home without supervision during any such period.

Sec. 14. *A member of the governing body, employee, consultant, contractor, volunteer or vendor of a foster care agency may not:*

1. Be a provider of foster care who has a contract with the foster care agency for the placement of children unless approved by the licensing authority; or

2. Be a biological parent of a child in the custody of an agency which provides child welfare services or of a child placed by a juvenile court in a foster home operated by the foster care agency.

Sec. 15. *1. A foster care agency shall create and maintain an annual report concerning each program or service provided by the foster care agency.*

2. The report must include, without limitation, a description of each program or service provided by the foster care agency, the goals for the program or service relating to family foster homes, specialized foster homes, independent living foster homes and group foster homes and information relating to any special populations of children served, including, without limitation, children who require special care for physical, mental or emotional issues or who were placed in a foster home by a juvenile court.

Sec. 16. *1. A foster care agency may identify potential foster homes and encourage a potential foster home to apply to the licensing authority for a license to conduct a foster home.*

2. A foster care agency shall ensure that each person with whom it contracts as a provider of foster care receives any training required by the provisions of this chapter or by the licensing authority, including, without limitation, specific training to meet the needs of a population that requires specific services.

Sec. 17. *1. A foster care agency shall coordinate the submission of applications for the licensing of prospective foster homes with the licensing authority.*

2. A foster care agency shall conduct a fair and impartial investigation of the home and standards of care for each prospective foster home.

3. Upon receiving a completed application for a prospective foster home from a foster care agency, the licensing authority must review the qualifications of the prospective foster home to be licensed pursuant to NRS 424.030.

4. The licensing authority may provide any training it determines to be necessary to a foster care agency for the foster care agency to fulfill the provisions of this section.

Sec. 18. *1. A foster care agency may not assist an agency which provides child welfare services or a juvenile court in the placement of a child in foster care unless a contract exists between the foster care agency and the provider of foster care for the placement of children. Such a contract must include, without limitation, provisions that:*

(a) Allow the provider of foster care to change its affiliation with the foster care agency or to terminate its affiliation with the foster care agency and become affiliated with a different foster care agency.

(b) Specify the type of foster home and related services that the provider of foster care will provide on behalf of the foster care agency, including, without limitation, the services that each party agrees to provide for foster children, biological families and foster families.

(c) Specify the financial responsibilities of each party, including, without limitation, payment for both foster care and for any other expenses or services rendered, including, without limitation, providing clothing for children in its care.

(d) Waive the right of the provider of foster care to confidentiality relating to any investigations for licensing or child protective services and allow the agency which provides child welfare services and the licensing authority to share any related information about an investigation with the foster care agency after the investigation is completed.

(e) State how emergencies which occur during and outside regular business hours will be handled.

(f) Require arrangements to be made for foster children to have visitation with their biological families.

(g) Describe expectations which ensure that children will receive appropriate medical, dental, mental health, psychological and psychiatric treatment, including, without limitation, how transportation will be provided.

(h) Require the provider of foster care to adhere to the provisions of this chapter and the regulations adopted pursuant thereto relating to licensing.

(i) State that the parties agree that the licensing authority maintains the responsibility to protect the best interests of each child, which may include removing a child from the placement with the provider of foster care if the licensing authority determines that removal is in the best interests of the child.

(j) Include the acknowledgment by the parties of any provisions determined to be appropriate by the licensing authority.

2. The foster care agency, upon request, shall make each such contract available to the licensing authority within a reasonable period after receiving its request.

Sec. 19. *1. A foster care agency which places children in a specialized foster home shall develop and carry out written policies and procedures relating to children placed in specialized foster homes which must include, without limitation:*

(a) The service and treatment philosophy of the foster care agency for children with physical, mental or emotional issues and children who are placed in a specialized foster home by a juvenile court;

(b) Specific treatment techniques that the foster care agency plans to approve for use with children described in paragraph (a) and their families;

(c) Specific strategies for behavior management that the foster care agency will allow providers of foster care to use with children described in paragraph (a); and

(d) Adequate staffing to provide the intensity of services required when caring for children described in paragraph (a).

2. A foster care agency shall require a provider of foster care to serve as an active participant in the treatment or care plan of a child who is placed in a specialized foster home. The foster care agency shall:

(a) Provide services to support the provider of foster care in reducing barriers in caring for and supporting any children placed in a specialized foster home;

(b) Arrange or provide support for the provider of foster care to arrange for the child to receive appropriate clinical services, including, without limitation, psychiatric, psychological and medication management services; and

(c) Ensure cooperation between the employees of the foster care agency, the provider of foster care, the child and the biological family of the child in meeting the goals of the child's treatment plan.

3. A foster care agency which places children in a specialized foster home shall have a written plan for alternative care in the event of an emergency if the placement of the child into a specialized foster home disrupts that specialized foster home.

Sec. 20. *1. A foster care agency which places children in an independent living foster home shall develop and implement written policies and procedures relating to children placed in independent living foster homes which must include, without limitation:*

(a) A process for ensuring that a potential location for an independent living arrangement meets any standards required by the licensing authority and is evaluated on a regular basis to ensure that it continues to meet such standards;

(b) A procedure for approving a location for an independent living arrangement;

(c) Criteria and procedures for intake and admission into the independent living foster home and discharge from the independent living foster home, including, without limitation, procedures to ensure that the child will be

discharged into the care of his or her legal guardian if he or she is less than 18 years of age at the time of his or her discharge;

(d) The conditions under which a child may be discharged from the independent living foster home, including, without limitation, criteria and procedures for implementing an emergency discharge of the child;

(e) Criteria and procedures for terminating the approval of a location for an independent living arrangement;

(f) A detailed plan for determining and maintaining the supervision and visitation of each child after he or she has been placed in a location for an independent living arrangement; and

(g) The types of services that the provider of foster care will obtain or provide to meet the needs of the child during the placement.

2. A foster care agency which places children in an independent living foster home shall coordinate with the provider of foster care to:

(a) Ensure that each child is enrolled in academic, vocational education or career and technical education services appropriate to meet the needs of the child;

(b) Monitor the educational progress of each child as often as necessary;

(c) Assist each child in obtaining routine and emergency medical care and dental care;

(d) Evaluate the needs of each child for financial assistance upon intake and monthly thereafter or more often if necessary;

(e) Provide the resources to meet the basic needs of each child, including, without limitation, clothing, food and shelter;

(f) Provide assistance to each child in locating, securing and maintaining employment;

(g) Provide training in life skills to meet the needs of each child;

(h) Support each child who remains under the jurisdiction of a court pursuant to NRS 432B.594; and

(i) Obtain and provide a system for responding to a crisis that is accessible to the child 24 hours a day, 7 days a week, including holidays, and provide training to each child on how to access and use the system.

3. A foster care agency which places children in an independent living foster home shall provide an orientation and training to each child admitted to its program for independent living.

Sec. 21. *1. A foster care agency shall provide support to each foster home with which the foster care agency has a contract for the placement of children in arranging for and accessing medical, dental, mental health, psychological and psychiatric treatment for children. The foster care agency shall ensure that each child placed in a foster home with which the foster care agency has a contract for the placement of children receives appropriate treatment and may exercise any rights granted pursuant to this chapter or chapter 432B of NRS that are necessary to discharge this duty. The foster care agency shall ensure that the provider of foster care provides*

medical records and any related documentation to the licensing authority or its designee.

2. A foster care agency shall ensure that each child in its care has his or her own supply of clothing appropriate for indoors and outdoors that is in good condition and suitable for the season.

3. When a foster home with which the foster care agency has a contract for the placement of children does not have any children placed in the home, the foster care agency must visit the home at least once every 60 days to review whether it remains in compliance with the requirements of this chapter and any regulations adopted pursuant thereto and, when necessary, notify the licensing authority of any potential violations.

4. In addition to any other review that a foster care agency performs of a foster home with which the foster care agency has a contract for the placement of children, a foster care agency shall conduct a review of the foster home any time a critical event occurs in that home and report the event to the licensing authority. As used in this subsection, "critical event" includes, without limitation:

(a) The death or disability of a family member;

(b) The sudden onset of a health condition that may impair the ability of a provider of foster care to care for the child;

(c) A change in marital status;

(d) A change in home address;

(e) A sudden or substantial loss of income; and

(f) The birth of a child.

5. A foster care agency shall conduct an evaluation of each foster home with which the foster care agency has a contract for the placement of children at least once each year and submit the results of the evaluation to the licensing authority or its designee. The evaluation must include:

(a) An interview with the provider of foster care and an assessment of the ability of the provider of foster care to relate to children, to help children reach their personal and educational goals, to work with children with particular issues and needs, to establish and maintain a consistent and stable environment with children and to work with biological families to support reunification to the extent that reunification is determined to be consistent with the plan for the permanent placement of the child pursuant to NRS 432B.393.

(b) An interview with each child placed in the foster home that includes a description of the relationship between each child placed in the foster home and each family member; and

(c) A detailed review of each instance where a child was placed in the foster home and subsequently removed from the home and a description of the reasons for the removal.

Sec. 22. *1. A foster care agency shall provide crisis intervention and assistance 24 hours a day, 7 days a week, including holidays, to each foster*

home with which the foster care agency has a contract for the placement of children.

2. Employees of the foster care agency who provide crisis intervention and assistance must be trained in and competent to handle a crisis situation and to provide necessary services to children and families to ensure child safety, permanency and well-being. The foster care agency shall train and encourage each provider of foster care to use techniques to support positive behavior that emphasize principles and methods to help children achieve desired behavior in a constructive and safe manner.

Sec. 23. *1. A provider of foster care shall not use physical restraint on a child placed with the provider unless the child presents an imminent threat of danger of harm to himself or herself or others.*

2. A foster care agency shall notify the licensing authority or its designee when any serious incident, accident or injury occurs to a child in its care within 24 hours after the incident, accident or injury. The foster care agency shall provide a written report to the licensing authority or its designee as soon as practicable after notifying the licensing authority or its designee. The written report must include, without limitation, the date and time of the incident, accident or injury, any action taken as a result of the incident, accident or injury, the name of the employee of the foster care agency who completed the written report and the name of the employee of the licensing authority or its designee who was notified.

3. A foster care agency shall report any potential violation of the provisions of this chapter or any regulations adopted pursuant thereto relating to licensing to the licensing authority within 24 hours after an employee of the foster care agency becomes aware of the potential violation. A foster care agency shall cooperate with the licensing authority in its review of such reports and support each foster home with which the foster care agency has a contract for the placement of children in completing any action required to correct a violation.

4. A foster care agency shall fully comply with any investigation of a report of the abuse or neglect of a child pursuant to NRS 432B.220.

Sec. 24. *1. A foster care agency shall notify the licensing authority before the foster care agency authorizes the placement of a child who is not being placed through the licensing authority or a juvenile court.*

2. A foster care agency may not agree to place a child who is relocating from another state unless the foster care agency first consults the licensing authority to determine whether the provisions of the Interstate Compact on the Placement of Children pursuant to NRS 127.320 to 127.350, inclusive, or the Interstate Compact for Juveniles pursuant to NRS 62I.015 apply. If the licensing authority determines that the provisions of either Compact apply, the foster care agency may not agree to place the child unless the placement would not violate the provisions of the Compact.

3. A foster care agency shall give priority to assisting with the placement of a child by an agency which provides child welfare services or a juvenile court.

Sec. 25. *1. Each foster care agency shall develop and carry out a written plan to monitor and evaluate the quality and effectiveness of its programs and services on a systemic and ongoing basis.*

2. The written plan must describe the methods for the collection, summarization and analysis of data and information and include factors defined by the licensing authority for assessing the effectiveness of the programs and services provided.

3. If the findings of an evaluation suggest that improvements to its programs and services should be made, the foster care agency shall implement any necessary improvements.

Sec. 26. ~~[*If, after investigation, a complaint regarding the licensing of a foster home with which the foster care agency has a contract for the placement of children or a report of the abuse or neglect of a child by the foster care agency or a foster home with which the foster care agency has a contract for the placement of children is determined to be substantiated or supported by evidence and any action is taken against the licensee, including, without limitation, the issuance of a plan of corrective action, the licensing authority may charge and collect from a foster care agency a reasonable fee for the cost of investigating the complaint or report. Any fee so charged must be based on the actual costs of the licensing authority in investigating the complaint or report.*]~~ (Deleted by amendment.)

Sec. 27. NRS 424.010 is hereby amended to read as follows:

424.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 424.012 to 424.018, inclusive, *and sections 2 and 3 of this act* have the meanings ascribed to them in those sections.

Sec. 28. NRS 424.013 is hereby amended to read as follows:

424.013 "Family foster home" means a family home in which one to six children who are under 18 years of age or who remain under the jurisdiction of a court pursuant to NRS 432B.594 and who are not related within the first degree of consanguinity or affinity to the person or persons maintaining the home are received, cared for and maintained, for compensation or otherwise, including the provision of ~~[permanent]~~ free care. The term includes a family home in which such a child is received, cared for and maintained pending completion of proceedings for the adoption of the child by the person or persons maintaining the home.

Sec. 29. NRS 424.0135 is hereby amended to read as follows:

424.0135 "Foster care agency" means a ~~[nonprofit corporation, for-profit corporation or sole proprietorship]~~ *business entity* that ~~[assists]~~ *recruits and enters into contracts with foster homes to assist* an agency which provides

child welfare services *and juvenile courts* in the placement of children in *such* foster ~~[care.]~~ *homes.*

Sec. 30. NRS 424.014 is hereby amended to read as follows:

424.014 "Foster home" *means a home that receives, nurtures, supervises and ensures routine educational services and medical, dental and mental health treatment for children. The term* includes a family foster home, specialized foster home *, independent living foster home* and group foster home.

Sec. 31. NRS 424.015 is hereby amended to read as follows:

424.015 "Group foster home" means a ~~[natural person, partnership, firm, corporation or association who]~~ *foster home which* provides full-time care *and services* for 7 to 15 children who are:

1. Under 18 years of age or who remain under the jurisdiction of a court pursuant to NRS 432B.594;

2. Not related within the first degree of consanguinity or affinity to any natural person maintaining or operating the home; and

3. Received, cared for and maintained for compensation or otherwise, including the provision of ~~[permanent]~~ free care.

Sec. 32. NRS 424.017 is hereby amended to read as follows:

424.017 "Provider of ~~[family]~~ foster care" means a person who is licensed to conduct a ~~[family]~~ foster home pursuant to NRS 424.030.

Sec. 33. NRS 424.018 is hereby amended to read as follows:

424.018 "Specialized foster home" means a ~~[family]~~ *foster* home which provides full-time care and services for one to six children who:

1. Require special care for physical, mental or emotional issues;

2. Are under ~~[21]~~ *18* years of age ~~[;]~~ *or who remain under the jurisdiction of a court pursuant to NRS 432B.594;*

3. Are not related within the first degree of consanguinity or affinity to any natural person maintaining or operating the home; *and*

4. Are received, cared for and maintained for compensation ~~[; and~~

~~5. Are in the custody of and placed in the home by an agency which provides child welfare services.]~~ *or otherwise, including the provision of free care.*

Sec. 34. NRS 424.020 is hereby amended to read as follows:

424.020 1. The Division, in consultation with each licensing authority in a county whose population is 100,000 or more, shall adopt regulations to:

(a) Establish procedures and requirements for the licensure of family foster homes, specialized foster homes *, independent living foster homes* and group foster homes; and

(b) Monitor such licensure.

2. The Division, in cooperation with the State Board of Health and the State Fire Marshal, shall:

(a) Establish reasonable minimum standards for family foster homes, specialized foster homes *, independent living foster homes* and group foster homes.

(b) Prescribe rules for the regulation of family foster homes, specialized foster homes *, independent living foster homes* and group foster homes.

3. All family foster homes, specialized foster homes *, independent living foster homes* and group foster homes licensed pursuant to this chapter must conform to the standards established and the rules prescribed in subsection 2.

Sec. 35. NRS 424.030 is hereby amended to read as follows:

424.030 1. No person may conduct a family foster home, a specialized foster home *, an independent living foster home* or a group foster home without receiving a license to do so from the licensing authority.

2. No license may be issued to a family foster home, a specialized foster home *, an independent living foster home* or a group foster home until a fair and impartial investigation of the home and its standards of care has been made by the licensing authority or its designee.

3. Any family foster home, specialized foster home *, independent living foster home* or group foster home that conforms to the established standards of care and prescribed rules must receive a regular license from the licensing authority, which may be in force for 2 years after the date of issuance. On reconsideration of the standards maintained, the license may be renewed upon expiration.

4. If a family foster home, a specialized foster home *, an independent living foster home* or a group foster home does not meet minimum licensing standards but offers values and advantages to a particular child or children and will not jeopardize the health and safety of the child or children placed therein, the family foster home, specialized foster home *, independent living foster home* or group foster home may be issued a special license, which must be in force for 1 year after the date of issuance and may be renewed annually. No foster children other than those specified on the license may be cared for in the home.

5. *A family foster home, a specialized foster home, an independent living foster home or a group foster home may not accept the placement of a child by a juvenile court unless licensed by the licensing authority to accept children placed by a juvenile court or otherwise approved to accept the placement by the licensing authority. A foster home that accepts the placement of such a child shall work cooperatively with the juvenile court, the licensing authority, any other children placed in the foster home and the legal guardian or other person or agency with legal authority over the child to ensure the safety of all children placed in the foster home. Nothing in this subsection shall be construed to allow the placement of a child that would otherwise be prohibited by subsection 7 of NRS 432B.390.*

6. A license must not be issued to a specialized foster home or a group foster home unless the specialized foster home or group foster home

maintains a policy of general liability insurance in an amount determined to be sufficient by the licensing authority.

7. The license must show:

(a) The name of the persons licensed to conduct the family foster home, specialized foster home *, independent living foster home* or group foster home.

(b) The exact location of the family foster home, specialized foster home *, independent living foster home* or group foster home.

(c) The number of children that may be received and cared for at one time.

(d) If the license is a special license issued pursuant to subsection 4, the name of the child or children for whom the family foster home, specialized foster home *, independent living foster home* or group foster home is licensed to provide care.

~~[6.]~~ *(e) Whether the family foster home, specialized foster home, independent living foster home or group foster home is approved to receive and care for children placed by a juvenile court.*

8. No family foster home, specialized foster home *, independent living foster home* or group foster home may receive for care more children than are specified in the license.

~~[7.]~~ *9.* In consultation with each licensing authority in a county whose population is 100,000 or more, the Division may adopt regulations regarding the issuance of ~~[provisional and]~~ special licenses.

Sec. 36. NRS 424.031 is hereby amended to read as follows:

424.031 1. The licensing authority or a person or entity designated by the licensing authority shall obtain from appropriate law enforcement agencies information on the background and personal history of each applicant for a license to conduct a foster home, person who is licensed to conduct a foster home, employee of that applicant or licensee, and resident of a foster home who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, to determine whether the person investigated has been arrested for *, has charges pending for* or *has been* convicted of:

(a) Murder, voluntary manslaughter or mayhem;

(b) Any other felony involving the use *or threatened use of force or violence against the victim or the use* of a firearm or other deadly weapon;

(c) Assault with intent to kill or to commit sexual assault or mayhem;

(d) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime ~~[.]~~ *or a felony relating to prostitution;*

(e) Abuse or neglect of a child or contributory delinquency;

(f) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;

(g) Abuse, neglect, exploitation or isolation of older persons or vulnerable persons, including, without limitation, a violation of any provision of NRS 200.5091 to 200.50995, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct; ~~[or]~~

(h) Any offense involving fraud, theft, embezzlement, burglary, robbery, fraudulent conversion or misappropriation of property within the immediately preceding 7 years ~~[.]~~ *;*

(i) Any offense relating to pornography involving minors, including, without limitation, a violation of any provision of NRS 200.700 to 200.760, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct;

(j) Prostitution, solicitation, lewdness or indecent exposure, or any other sexually related crime that is punishable as a misdemeanor, within the immediately preceding 7 years;

(k) A crime involving domestic violence that is punishable as a felony;

(l) A crime involving domestic violence that is punishable as a misdemeanor, within the immediately preceding 7 years;

(m) A criminal offense under the laws governing Medicaid or Medicare, within the immediately preceding 7 years;

(n) Any offense involving the sale, furnishing, purchase, consumption or possession of alcoholic beverages by a minor including, without limitation, a violation of any provision of NRS 202.015 to 202.067, inclusive, or driving a vehicle under the influence of alcohol or a controlled substance in violation of chapter 484C of NRS or a law of any other jurisdiction that prohibits the same or similar conduct, within the immediately preceding 7 years; or

(o) An attempt or conspiracy to commit any of the offenses listed in this subsection within the immediately preceding 7 years.

2. The licensing authority or its approved designee may charge each person investigated pursuant to this section for the reasonable cost of that investigation.

3. Unless a preliminary Federal Bureau of Investigation Interstate Identification Index name-based check of the records of criminal history has been conducted pursuant to NRS 424.039, a person who is required to submit to an investigation pursuant to this section shall not have contact with a child in a foster home without supervision before the investigation of the background and personal history of the person has been conducted.

4. The licensing authority or its designee shall conduct an investigation of each *licensee,* employee and resident pursuant to this section at least once every 5 years after the initial investigation.

Sec. 37. NRS 424.036 is hereby amended to read as follows:

424.036 Before issuing a license to conduct a ~~[family]~~ foster home pursuant to NRS 424.030, the licensing authority shall discuss with the applicant and, to the extent possible, ensure that the applicant understands:

1. The role of a provider of ~~[family]~~ foster care, the licensing authority and the members of the immediate family of a child placed in a ~~[family]~~ foster home; and

2. The personal skills which are required of a provider of ~~[family]~~ foster care and the other residents of a ~~[family]~~ foster home to provide effective foster care.

Sec. 38. NRS 424.0365 is hereby amended to read as follows:

424.0365 1. A licensee that operates a *family foster home, a* specialized foster home *, an independent living foster home* or a group foster home shall ensure that each employee who comes into direct contact with children in the home receives training within 30 days after employment and annually thereafter. Such training must include, without limitation, instruction concerning:

(a) Controlling the behavior of children;

(b) Policies and procedures concerning the use of force and restraint on children;

(c) The rights of children in the home;

(d) Suicide awareness and prevention;

(e) The administration of medication to children;

(f) Applicable state and federal constitutional and statutory rights of children in the home;

(g) Policies and procedures concerning other matters affecting the health, welfare, safety and civil and other rights of children in the home; and

(h) Such other matters as required by the licensing authority or pursuant to regulations of the Division.

2. The Division shall adopt regulations necessary to carry out the provisions of this section.

Sec. 39. NRS 424.037 is hereby amended to read as follows:

424.037 1. Before placing a child with a provider of ~~[family]~~ foster care, the licensing authority shall inform the provider of the plans, if any, which the licensing authority has developed relating to the provision of care required for that child. If the plan for the child changes, the licensing authority shall inform the provider of ~~[family]~~ foster care of the changes and the reasons for those changes.

2. The licensing authority shall consult with a provider of ~~[family]~~ foster care concerning the care to be provided to a child placed with the provider, including appropriate disciplinary actions that may be taken.

3. If issues concerning the health, safety or care of a child occur during the placement of the child with a provider of ~~[family]~~ foster care, the licensing authority shall:

(a) Consider the daily routine of the provider when determining how to respond to those issues; and

(b) To the extent possible, respond to those issues in a manner which is the least disruptive to that daily routine, unless that response would not be in the best interest of the child.

Sec. 40. NRS 424.038 is hereby amended to read as follows:

424.038 1. Before placing, and during the placement of, a child in a ~~[family]~~ foster home, the licensing authority shall provide to the provider of ~~[family]~~ foster care such information relating to the child as is necessary to ensure the health and safety of the child and the other residents of the ~~[family]~~ foster home. This information must include the medical history and previous behavior of the child to the extent that such information is available.

2. The provider of ~~[family]~~ foster care may, at any time before, during or after the placement of the child in the ~~[family]~~ foster home, request information about the child from the licensing authority. After the child has left the care of the provider, the licensing authority shall provide the information requested by the provider, unless the information is otherwise declared to be confidential by law or the licensing authority determines that providing the information is not in the best interests of the child.

3. The provider of ~~[family]~~ foster care shall maintain the confidentiality of information obtained pursuant to this section under the terms and conditions otherwise required by law.

4. The Division shall adopt regulations specifying the procedure and format for the provision of information pursuant to this section, which may include the provision of a summary of certain information. If a summary is provided pursuant to this section, the provider of ~~[family]~~ foster care may also obtain the information set forth in subsections 1 and 2.

Sec. 41. NRS 424.0385 is hereby amended to read as follows:

424.0385 1. A licensee that operates a specialized foster home *, an independent living foster home* or a group foster home shall adopt a policy concerning the manner in which to:

(a) Document the orders of the treating physician of a child;

(b) Administer medication to a child;

(c) Store, handle and dispose of medication;

(d) Document the administration of medication and any errors in the administration of medication;

(e) Minimize errors in the administration of medication; and

(f) Address errors in the administration of medication.

2. The licensee shall ensure that each employee of the specialized foster home *, independent living foster home* or group foster home who will administer medication to a child at the specialized foster home *, independent living foster home* or group foster home receives a copy of and understands the policy adopted pursuant to subsection 1.

Sec. 42. NRS 424.040 is hereby amended to read as follows:

424.040 A licensing authority or its designee shall visit every licensed family foster home, specialized foster home *, independent living foster home*

and group foster home as often as necessary to ensure that proper care is given to the children.

Sec. 43. NRS 424.045 is hereby amended to read as follows:

424.045 1. The Division shall establish, by regulation, a procedure for hearing grievances related to the reissuance, suspension or revocation of a license to conduct a ~~[family]~~ foster home.

2. A provider of ~~[family]~~ foster care may be represented by legal counsel in any proceeding related to:

(a) The reissuance, suspension or revocation of the license of the provider to conduct a ~~[family]~~ foster home; and

(b) The care given to a child by that provider.

Sec. 44. NRS 424.047 is hereby amended to read as follows:

424.047 1. A licensing authority shall, upon request, provide to a provider of ~~[family]~~ foster care access to all information, except references, in the records maintained by the licensing authority concerning that provider.

2. After reasonable notice and by appointment, a provider of ~~[family]~~ foster care may inspect the information kept in those records.

3. A licensing authority may, upon request of the provider of foster care, release to an agency which provides child welfare services or a child-placing agency, as defined in NRS 127.220, all information, except references, in the records maintained by the licensing authority concerning that provider, including, without limitation, a study conducted to determine whether to grant a license to the provider or a study of the home of the provider. ~~*[The licensing authority may charge and collect from a provider of foster care a fee for providing such information in an amount determined to cover the actual costs of the licensing authority to conduct the study or prepare the information requested by the provider to be released.]*~~

Sec. 45. NRS 424.075 is hereby amended to read as follows:

424.075 1. A provider of ~~[family]~~ foster care may:

(a) Refuse to accept the placement of a child in the ~~[family]~~ foster home; or

(b) Request that a child placed in the ~~[family]~~ foster home be removed,

➥ unless the provider has a written agreement with the licensing authority to the contrary.

2. If a provider of ~~[family]~~ foster care refuses to accept the placement of a child in, or requests the removal of a child from, a ~~[family]~~ foster home, the licensing authority may not, based solely on that refusal or request:

(a) Revoke the license of the provider to conduct a ~~[family]~~ foster home;

(b) Remove any other child placed in the ~~[family]~~ foster home;

(c) Refuse to consider future placements of children in the ~~[family]~~ foster home; or

(d) Refuse or deny any other rights of the provider as may be provided by the provisions of this chapter and any regulations adopted pursuant thereto.

Sec. 46. NRS 424.077 is hereby amended to read as follows:

424.077 1. The Division shall, in consultation with each licensing authority in a county whose population is 100,000 or more, adopt regulations for the establishment of a program pursuant to which a provider of ~~[family]~~ foster care may receive respite from the stresses and responsibilities that result from the daily care of children placed in the ~~[family]~~ foster home.

2. The licensing authority shall establish and operate a program that complies with the regulations adopted pursuant to subsection 1 to provide respite, training and support to a provider of ~~[family]~~ foster care in order to develop and enhance the skills of the provider to provide foster care.

Sec. 47. NRS 424.079 is hereby amended to read as follows:

424.079 Upon the request of a provider of ~~[family]~~ foster care, the licensing authority shall allow the provider to visit a child after the child leaves the care of the provider if:

1. The child agrees to the visitation; and

2. The licensing authority determines that the visitation is in the best interest of the child.

Sec. 48. NRS 424.085 is hereby amended to read as follows:

424.085 1. Except as otherwise provided by specific statute, a person who is licensed by the licensing authority pursuant to NRS 424.030 to conduct a family foster home, a specialized foster home *, an independent living foster home* or a group foster home is not liable for any act of a child in his or her foster care unless the person licensed by the licensing authority took an affirmative action that contributed to the act of the child.

2. The immunity from liability provided pursuant to this section includes, without limitation, immunity from any fine, penalty, debt or other liability incurred as a result of the act of the child.

Sec. 49. NRS 424.090 is hereby amended to read as follows:

424.090 The provisions of NRS 424.020 to 424.090, inclusive, do not apply to homes in which:

1. Care is provided only for a neighbor's or friend's child on an irregular or occasional basis for a brief period, not to exceed 90 days.

2. Care is provided by the legal guardian.

3. Care is provided for an exchange student.

4. Care is provided to enable a child to take advantage of educational facilities that are not available in his or her home community.

5. Any child or children are received, cared for and maintained pending completion of proceedings for adoption of such child or children, except as otherwise provided in regulations adopted by the Division.

6. Except as otherwise provided in regulations adopted by the Division, care is voluntarily provided to a minor child who is ~~[.~~

~~(a) Related]~~ *related* to the caregiver by blood, adoption or marriage . ~~[; and~~

~~(b) Not in the custody of an agency which provides child welfare services.]~~

7. Care is provided to a minor child who is in the custody of an agency which provides child welfare services pursuant to chapter 432B of NRS *or a juvenile court pursuant to title 5 of NRS* if:

(a) The caregiver is related to the child within the fifth degree of consanguinity; and

(b) The caregiver is not licensed pursuant to the provisions of NRS 424.020 to 424.090, inclusive.

Sec. 50. NRS 424.093 is hereby amended to read as follows:

424.093 The Division shall:

1. Establish reasonable minimum standards for foster care agencies.

2. In consultation with foster care agencies and each agency which provides child welfare services, adopt:

(a) Regulations concerning ~~[the operation of a]~~ foster care ~~[agency,]~~ *agencies,* including, without limitation, a foster care agency which provides family foster care, specialized foster care *, independent living foster care* or group foster care for children placed by an agency which provides child welfare services ~~[.]~~ *or a juvenile court.*

(b) ~~[Regulations regarding the issuance of nonrenewable provisional licenses to operate a foster care agency. The regulations must provide that a provisional license is valid for not more than 1 year.~~

~~(c)]~~ Regulations regarding the issuance and renewal of a license to operate a foster care agency.

~~[(d)]~~ *(c)* Any other regulations necessary to carry out its powers and duties regarding the placement of children for foster care, including, without limitation, such regulations necessary to ensure compliance with the provisions of this chapter and any regulations adopted pursuant thereto.

Sec. 51. ~~[NRS 424.094 is hereby amended to read as follows:~~

~~424.094 1. A licensing authority may license foster care agencies within its jurisdiction in accordance with the regulations adopted by the Division pursuant to NRS 424.093.~~

~~2. Except as otherwise provided in this section, if a licensing authority licenses foster care agencies, a person shall not operate a foster care agency within the jurisdiction of the licensing authority or otherwise assist an agency which provides child welfare services in placing or in arranging the placement of any child in foster care until the foster care agency has obtained a license pursuant to NRS 424.095.~~

~~3. This section does not prohibit a parent or guardian of a child from placing or arranging the placement of, or assisting in placing or arranging the placement of, the child in foster care.~~

~~4. A licensing authority that licenses foster care agencies pursuant to this section may charge a *reasonable* fee [of not more than $150] for the issuance [of a provisional license, not more than $300 for the issuance of a license and not more than $150 for the] *or* renewal of a license. Any fee so charged must [not exceed the actual cost incurred by the authority for providing or~~

~~renewing] *be set at an amount determined to cover the costs of the licensing authority to issue or renew* the license.]~~ (Deleted by amendment.)

Sec. 52. NRS 424.095 is hereby amended to read as follows:

424.095 1. An application for a license to operate a foster care agency must be in a form prescribed by the Division and submitted to the appropriate licensing authority. Such a license is effective for 2 years after the date of its issuance and may be renewed upon expiration.

2. An applicant must provide reasonable and satisfactory assurance to the licensing authority that the applicant will conform to the ~~[standards established]~~ *provisions of NRS 424.093 to 424.097, inclusive, and sections 4 to 26, inclusive, of this act* and the regulations adopted by the Division pursuant ~~[to NRS 424.093.]~~ *thereto.*

3. Upon application for renewal, the licensing authority may renew a license if the licensing authority determines that the licensee conforms to the ~~[standards established]~~ *provisions of NRS 424.093 to 424.097, inclusive, and sections 4 to 26, inclusive, of this act* and the regulations adopted by the Division pursuant ~~[to NRS 424.093.~~

~~4. A licensing authority may issue a nonrenewable provisional license in accordance with the regulations adopted by the Division pursuant to NRS 424.093.]~~ *thereto.*

Sec. 53. NRS 424.096 is hereby amended to read as follows:

424.096 1. After notice and hearing, a licensing authority may:

(a) Deny an application for a license to operate a foster care agency if the licensing authority determines that the applicant does not ~~[meet the standards established and]~~ comply with the *provisions of NRS 424.093 to 424.097, inclusive, and sections 4 to 26, inclusive, of this act and the* regulations adopted by the Division pursuant ~~[to NRS 424.093.]~~ *thereto.*

(b) Upon a finding of deficiency, require a foster care agency to prepare a plan of corrective action and, within 90 days or a shorter period prescribed by the licensing authority require the foster care agency to complete the plan of corrective action.

(c) Refuse to renew a license or may revoke a license ~~[or provisional license]~~ if the licensing authority finds that the foster care agency has refused or failed to meet any of the established standards or has violated any of the regulations adopted by the Division pursuant to NRS 424.093.

2. A notice of the time and place of the hearing must be mailed to the last known address of the applicant or licensee at least 15 days before the date fixed for the hearing.

3. When an order of a licensing authority is appealed to the district court, the trial may be de novo.

Sec. 54. NRS 424.097 is hereby amended to read as follows:

424.097 A licensed foster care agency may provide such assistance to an agency which provides child welfare services *or juvenile court* as authorized

by the agency which provides child welfare services ~~[.]~~ *or juvenile court.* Such services may include, without limitation:

1. Screening, recruiting ~~[, licensing]~~ and training of persons to provide family foster care, specialized foster care *, independent living foster care* and group foster care;

2. Case management services;

3. Referral services;

4. Supportive services for persons providing foster care to meet the needs of children in foster care;

5. Coordination of case plans and treatment plans; and

6. Services, or facilitating the provision of such services, to children placed in foster care.

Sec. 55. NRS 432.515 is hereby amended to read as follows:

432.515 "Provider of ~~[family]~~ foster care" has the meaning ascribed to it in NRS 424.017.

Sec. 56. NRS 432.540 is hereby amended to read as follows:

432.540 1. A provider of ~~[family]~~ foster care that places a child in a foster home shall:

(a) Inform the child of his or her rights set forth in NRS 432.525, 432.530 and 432.535;

(b) Provide the child with a written copy of those rights; and

(c) Provide an additional written copy of those rights to the child upon request.

2. A group foster home shall post a written copy of the rights set forth in NRS 432.525, 432.530 and 432.535 in a conspicuous place inside the group foster home.

Sec. 57. NRS 432.545 is hereby amended to read as follows:

432.545 A provider of ~~[family]~~ foster care may impose reasonable restrictions on the time, place and manner in which a child may exercise his or her rights set forth in NRS 432.525, 432.530 and 432.535 if the provider of ~~[family]~~ foster care determines that such restrictions are necessary to preserve the order, discipline or safety of the foster home.

Sec. 58. NRS 432.550 is hereby amended to read as follows:

432.550 If a child believes that his or her rights set forth in NRS 432.525, 432.530 and 432.535 have been violated, the child may raise and redress a grievance with, without limitation:

1. A provider of foster care;

2. An employee of a ~~[family foster home, as defined in NRS 424.013, group foster home or specialized]~~ foster home;

3. An agency which provides child welfare services to the child, and any employee thereof;

4. A juvenile court with jurisdiction over the child;

5. A guardian ad litem for the child; or

6. An attorney for the child.

Sec. 59. NRS 432B.180 is hereby amended to read as follows:

432B.180 The Division of Child and Family Services shall:

1. Administer any money granted to the State by the Federal Government.

2. Request appropriations from the Legislature in amounts sufficient to:

(a) Provide block grants to an agency which provides child welfare services in a county whose population is 100,000 or more pursuant to NRS 432B.2185; and

(b) Administer a program to provide additional incentive payments to such an agency pursuant to NRS 432B.2165.

3. Monitor the performance of an agency which provides child welfare services in a county whose population is 100,000 or more through data collection, evaluation of services and the review and approval of agency improvement plans pursuant to NRS 432B.2165.

4. Provide child welfare services directly or arrange for the provision of those services in a county whose population is less than 100,000.

5. Coordinate its activities with and assist the efforts of any law enforcement agency, a court of competent jurisdiction, an agency which provides child welfare services and any public or private organization which provides social services for the prevention, identification and treatment of abuse or neglect of children and for permanent placement of children.

6. Involve communities in the improvement of child welfare services.

7. Evaluate all child welfare services provided throughout the State and, if an agency which provides child welfare services is not in substantial compliance with any federal or state law relating to the provision of child welfare services, regulations adopted pursuant to those laws or statewide plans or policies relating to the provision of child welfare services, require corrective action of the agency which provides child welfare services.

8. Coordinate with and assist:

(a) Each agency which provides child welfare services in recruiting, training and licensing providers of ~~[family]~~ foster care as defined in NRS 424.017;

(b) Each foster care agency licensed pursuant to NRS 424.093 to 424.097, inclusive, *and sections 4 to 26, inclusive, of this act* in screening, recruiting, licensing and training providers of ~~[family]~~ foster care as defined in NRS 424.017; and

(c) A nonprofit or community-based organization in recruiting and training providers of ~~[family]~~ foster care as defined in NRS 424.017 if the Division determines that the organization provides a level of training that is equivalent to the level of training provided by an agency which provides child welfare services.

Sec. 60. NRS 432B.623 is hereby amended to read as follows:

432B.623 1. As a condition to the provision of assistance pursuant to the Program:

(a) A child must:

(1) Have been removed from his or her home:

(I) Pursuant to a written agreement voluntarily entered by the parent or guardian of the child and an agency which provides child welfare services; or

(II) By a court which has determined that it is in the best interests of the child for the child to remain in protective custody or to be placed in temporary or permanent custody outside his or her home;

(2) For not less than 6 consecutive months, have been eligible to receive maintenance pursuant to Part E of Title IV of the Social Security Act, 42 U.S.C. §§ 670 et seq., while residing with the relative of the child;

(3) Not have as an option for permanent placement the return to the home or the adoption of the child;

(4) Demonstrate a strong attachment to the relative;

(5) If the child is 14 years of age or older, be consulted regarding the guardianship arrangement; and

(6) Meet any other requirements for eligibility set forth in 42 U.S.C. §§ 671 and 673.

(b) A relative of the child must:

(1) Demonstrate a strong commitment to caring for the child permanently;

(2) Be a provider of ~~[family]~~ foster care as defined in NRS 424.017;

(3) Enter into a written agreement for assistance with an agency which provides child welfare services before the relative is appointed as the legal guardian of the child;

(4) Be appointed as the legal guardian of the child by a court of competent jurisdiction and comply with any requirements imposed by the court; and

(5) Meet any other requirements for eligibility set forth in 42 U.S.C. §§ 671 and 673.

2. If the sibling of a child who is eligible for assistance pursuant to the Program is not eligible for such assistance, the sibling may be placed with the child who is eligible for assistance upon approval of the agency which provides child welfare services and the relative. In such a case, payments may be made for the sibling so placed as if the sibling is eligible for the Program.

Sec. 61. NRS 392.210 is hereby amended to read as follows:

392.210 1. Except as otherwise provided in subsection 2, a parent, guardian or other person who has control or charge of any child and to whom notice has been given of the child's truancy as provided in NRS 392.130 and 392.140, and who fails to prevent the child's subsequent truancy within that school year, is guilty of a misdemeanor.

2. A person who is licensed pursuant to NRS 424.030 to conduct a ~~[family foster home, a specialized foster home or a group]~~ foster home is

liable pursuant to subsection 1 for a child in his or her foster care only if the person has received notice of the truancy of the child as provided in NRS 392.130 and 392.140, and negligently fails to prevent the subsequent truancy of the child within that school year.

Sec. 62. NRS 442.405 is hereby amended to read as follows:

442.405 1. The agency which provides child welfare services shall inquire, during its initial contact with a natural parent of a child who is to be placed in a family foster home, about consumption of alcohol or substance abuse by the mother of the child during pregnancy. The information obtained from the inquiry must be:

(a) Provided to the provider of ~~[family]~~ foster care pursuant to NRS 424.038; and

(b) Reported to the Health Division on a form prescribed by the Health Division. The report must not contain any identifying information and may be used only for statistical purposes.

2. As used in this section, "family foster home" has the meaning ascribed to it in NRS 424.013.

Sec. 63. NRS 477.030 is hereby amended to read as follows:

477.030 1. Except as otherwise provided in this section, the State Fire Marshal shall enforce all laws and adopt regulations relating to:

(a) The prevention of fire.

(b) The storage and use of:

(1) Combustibles, flammables and fireworks; and

(2) Explosives in any commercial construction, but not in mining or the control of avalanches,

➥ under those circumstances that are not otherwise regulated by the Division of Industrial Relations of the Department of Business and Industry pursuant to NRS 618.890.

(c) The safety, access, means and adequacy of exit in case of fire from mental and penal institutions, facilities for the care of children, foster homes, residential facilities for groups, facilities for intermediate care, nursing homes, hospitals, schools, all buildings, except private residences, which are occupied for sleeping purposes, buildings used for public assembly and all other buildings where large numbers of persons work, live or congregate for any purpose. As used in this paragraph, "public assembly" means a building or a portion of a building used for the gathering together of 50 or more persons for purposes of deliberation, education, instruction, worship, entertainment, amusement or awaiting transportation, or the gathering together of 100 or more persons in establishments for drinking or dining.

(d) The suppression and punishment of arson and fraudulent claims or practices in connection with fire losses.

➥ Except as otherwise provided in subsection 12, the regulations of the State Fire Marshal apply throughout the State, but except with respect to state-owned or state-occupied buildings, the State Fire Marshal’s authority to

enforce them or conduct investigations under this chapter does not extend to a school district except as otherwise provided in NRS 393.110, or a county whose population is 100,000 or more or which has been converted into a consolidated municipality, except in those local jurisdictions in those counties where the State Fire Marshal is requested to exercise that authority by the chief officer of the organized fire department of that jurisdiction or except as otherwise provided in a regulation adopted pursuant to paragraph (b) of subsection 2.

2. The State Fire Marshal may:

(a) Set standards for equipment and appliances pertaining to fire safety or to be used for fire protection within this State, including the threads used on fire hose couplings and hydrant fittings; and

(b) Adopt regulations based on nationally recognized standards setting forth the requirements for fire departments to provide training to firefighters using techniques or exercises that involve the use of fire or any device that produces or may be used to produce fire.

3. The State Fire Marshal shall cooperate with the State Forester Firewarden in the preparation of regulations relating to standards for fire retardant roofing materials pursuant to paragraph (e) of subsection 1 of NRS 472.040 and the mitigation of the risk of a fire hazard from vegetation in counties within or partially within the Lake Tahoe Basin and the Lake Mead Basin.

4. The State Fire Marshal shall cooperate with the Division of Child and Family Services of the Department of Health and Human Services in establishing reasonable minimum standards for overseeing the safety of and directing the means and adequacy of exit in case of fire from ~~[family foster homes, specialized foster homes and group]~~ foster homes.

5. The State Fire Marshal shall coordinate all activities conducted pursuant to 15 U.S.C. §§ 2201 et seq. and receive and distribute money allocated by the United States pursuant to that act.

6. Except as otherwise provided in subsection 10, the State Fire Marshal shall:

(a) Investigate any fire which occurs in a county other than one whose population is 100,000 or more or which has been converted into a consolidated municipality, and from which a death results or which is of a suspicious nature.

(b) Investigate any fire which occurs in a county whose population is 100,000 or more or which has been converted into a consolidated municipality, and from which a death results or which is of a suspicious nature, if requested to do so by the chief officer of the fire department in whose jurisdiction the fire occurs.

(c) Cooperate with the Commissioner of Insurance, the Attorney General and the Fraud Control Unit established pursuant to NRS 228.412 in any

investigation of a fraudulent claim under an insurance policy for any fire of a suspicious nature.

(d) Cooperate with any local fire department in the investigation of any report received pursuant to NRS 629.045.

(e) Provide specialized training in investigating the causes of fires if requested to do so by the chief officer of an organized fire department.

7. The State Fire Marshal shall put the National Fire Incident Reporting System into effect throughout the State and publish at least annually a summary of data collected under the System.

8. The State Fire Marshal shall provide assistance and materials to local authorities, upon request, for the establishment of programs for public education and other fire prevention activities.

9. The State Fire Marshal shall:

(a) Except as otherwise provided in subsection 12 and NRS 393.110, assist in checking plans and specifications for construction;

(b) Provide specialized training to local fire departments; and

(c) Assist local governments in drafting regulations and ordinances,

➥ on request or as the State Fire Marshal deems necessary.

10. Except as otherwise provided in this subsection, in a county other than one whose population is 100,000 or more or which has been converted into a consolidated municipality, the State Fire Marshal shall, upon request by a local government, delegate to the local government by interlocal agreement all or a portion of the State Fire Marshal's authority or duties if the local government's personnel and programs are, as determined by the State Fire Marshal, equally qualified to perform those functions. If a local government fails to maintain the qualified personnel and programs in accordance with such an agreement, the State Fire Marshal shall revoke the agreement. The provisions of this subsection do not apply to the authority of the State Fire Marshal to adopt regulations pursuant to paragraph (b) of subsection 2.

11. The State Fire Marshal may, as a public safety officer or as a technical expert on issues relating to hazardous materials, participate in any local, state or federal team or task force that is established to conduct enforcement and interdiction activities involving:

(a) Commercial trucking;

(b) Environmental crimes;

(c) Explosives and pyrotechnics;

(d) Drugs or other controlled substances; or

(e) Any similar activity specified by the State Fire Marshal.

12. Except as otherwise provided in this subsection, any regulations of the State Fire Marshal concerning matters relating to building codes, including, without limitation, matters relating to the construction, maintenance or safety of buildings, structures and property in this State:

(a) Do not apply in a county whose population is 700,000 or more which has adopted a code at least as stringent as the International Fire Code and the International Building Code, published by the International Code Council. To maintain the exemption from the applicability of the regulations of the State Fire Marshal pursuant to this subsection, the code of the county must be at least as stringent as the most recently published edition of the International Fire Code and the International Building Code within 1 year after publication of such an edition.

(b) Apply in a county described in paragraph (a) with respect to state-owned or state-occupied buildings or public schools in the county and in those local jurisdictions in the county in which the State Fire Marshal is requested to exercise that authority by the chief executive officer of that jurisdiction. As used in this paragraph, "public school" has the meaning ascribed to it in NRS 385.007.

Senator Jones moved the adoption of the amendment.

Remarks by Senators Jones and Hardy.

SENATOR JONES:

Thank you, Mr. President. Amendment No. 839 to Assembly Bill No. 348 strips out the fee provisions that were contained in the bill.

SENATOR HARDY:

Thank you, Mr. President. I rise in support of Assembly Bill No. 348. I talked with folks in Clark and Washoe Counties, and the bill will not put any new burden on a foster parent. It will, likewise, not have an adverse effect on the current adoption subsidy which is close to the foster parent subsidy. When I was talking with Clark and Washoe Counties, I was concerned about how we need to encourage adoption, and this does exactly that by removing the fee or fine for a home study that is done for adoptions, even for a fostering family. A home study is required for adoptions. In as much as these County folks are in a position to do them, they do not feel it is onerous to have the home study done at the currently discounted rate. Then they can have the adoptions take place by any other adoption agency. The foster agencies then—with the first and second amendments that have been included in this reprint trying to alleviate some of the concerns—can have the fees removed, including the fees for the punitive fines when they are investigating a potential harmful variance from expected care. The issues of regulation are going to have to be worked on in my opinion. The foster agencies then have some new obligations, some of which will be considered onerous.

There are sections in the amendment that talk about the levels of education requirements, one of which is seven years of experience and a Bachelor's Degree. If you look at the seven-year requirement—and another program supervisor, for example, has a three-year requirement, and a case worker has a two-year requirement—my question is where are you going to get the people with all of this institutional time and experience? I have not heard a good answer to this question yet, but they are going to work on it. I am in support of the amendment.

Amendment adopted.

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

UNFINISHED BUSINESS

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 22.

The following Assembly Amendment was read:

Amendment No. 635

"SUMMARY—Makes various changes relating to the Office of the Attorney General. (BDR 18-213)"

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

Legislative Counsel's Digest:

Existing law requires a court, in certain circumstances, to order a person who was extradited to this State to make restitution for the expenses incurred by the Attorney General or any other governmental entity in returning the person to this State. (NRS 179.225) Existing law also requires: (1) the State Controller to act as the collection agent for each state agency; and (2) a state agency to coordinate all its debt collection efforts through the State Controller. (NRS 353C.195) Section 8 of this bill ~~[provides]~~ specifies that if a court orders a person to make restitution to the Office of the Attorney General ~~[and any other governmental entity to which such restitution is owed must enter into a cooperative agreement with the Office of]~~ for expenses relating to extradition, the Office of the Attorney General must assign the collection of such restitution to the State Controller ~~[under which the Office of the State Controller will act as the collection agent for any such restitution.]~~ in accordance with the provisions of existing law.

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

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

Section 5 of this bill provides that if the Nevada Supreme Court holds that a provision of the Nevada Constitution or the Nevada Revised Statutes violates a provision of the Nevada Constitution or the United States

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

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

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

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

Sec. 3. (Deleted by amendment.)

Sec. 4. *1. The Office of the Extradition Coordinator within the Office of the Attorney General may establish a program that assists prosecuting attorneys and law enforcement officers in this State in coordinating with the United States Department of State to prevent criminal offenders or persons charged with a crime who are subject to court-ordered restrictions on international travel from obtaining or using a United States passport.*

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

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

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

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

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

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

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

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

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

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

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

(c) If the prisoner is temporarily returned for prosecution to this State from another state pursuant to this chapter or chapter 178 of NRS and is then returned to the sending state upon completion of the prosecution, the fees paid to the officers and agents of this State,

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

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

(a) Child support;

(b) Restitution to victims of crimes; and

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

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

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

of such restitution to the State Controller ~~[pursuant to NRS 353.650 for the collection of any restitution which a court orders a person to make pursuant to this section.]~~ in accordance with the provisions of NRS 353C.195.

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

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

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

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

2. Each state agency shall deposit in the Fund:

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

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

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

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

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

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

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

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

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

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

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

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

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

Senator Parks moved that the Senate concur in the Assembly Amendment No. 635 to Senate Bill No. 22.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 25.

The following Assembly Amendment was read:

Amendment No. 678.

"SUMMARY—Makes various changes relating to technological crimes. (BDR 18-220)"

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

Legislative Counsel's Digest:

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

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

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

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

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

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

1. The Attorney General may:

(a) Investigate and prosecute any alleged technological crime.

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

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

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

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

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

(a) A lawful arrest or search; or

(b) An inspection under an administrative warrant.

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

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

(a) Place the property under seal.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Senator Parks moved that the Senate concur in the Assembly Amendment No. 678 to Senate Bill No. 25.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 38.

The following Assembly Amendment was read:

Amendment No. 682.

"SUMMARY—Revises provisions governing the dissemination by the Central Repository for Nevada Records of Criminal History of information relating to certain offenses. (BDR 14-343)"

"AN ACT relating to criminal records; authorizing the dissemination of certain information concerning the criminal history of certain prospective and current employees and volunteers who work in positions involving children, elderly persons or persons with disabilities; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law authorizes the dissemination of certain information concerning the criminal history of prospective and current employees who work in positions involving children. (NRS 179A.180-179A.240) This bill expands these provisions: (1) to apply to persons who work in positions involving elderly persons and persons with disabilities; and (2) to authorize the dissemination of such information concerning certain prospective and current volunteers.

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

Section 1. NRS 179A.180 is hereby amended to read as follows:

179A.180 As used in NRS 179A.180 to 179A.240, inclusive, unless the context otherwise requires:

1. *"Elderly person" means a person who is 60 years of age or older.*

2. "Employee" means a person who renders time and services to an employer ~~[,]~~ *for compensation,* and whose regular course of duties places that person in a position to:

(a) Exercise supervisory or disciplinary control over children ~~[,]~~ *, elderly persons or persons with disabilities;*

(b) Have direct access to or contact with children *, elderly persons or persons with disabilities who are* served by the employer; or

(c) Have access to information or records maintained by the employer relating to identifiable children *, elderly persons or persons with disabilities who are* served by the employer,

➥ and includes a prospective employee . ~~[, but does not include a volunteer or prospective volunteer.]~~

~~[2.]~~ *3.* "Employer" means a person, or a governmental agency or political subdivision of this State that is not an agency of criminal justice, whose employees *or volunteers* regularly render services to children, *elderly persons or persons with disabilities,* including without limitation care, treatment, transportation, instruction, companionship, entertainment and custody. *The term includes, without limitation, a person, or a governmental agency or political subdivision of this State that is not an agency of criminal justice, that licenses or certifies others to render services to children, elderly persons or persons with disabilities.*

4. "Person with a disability" means a person who:

(a) Has a physical or mental impairment that substantially limits one or more of the major life activities of the person;

(b) Has a record of such an impairment; or

(c) Is regarded as having such an impairment.

5. Except as otherwise provided in this subsection, "volunteer" means a person who renders time and services to an employer without compensation, and whose regular course of duties place that person in a position to:

(a) Exercise supervisory or disciplinary control over children, elderly persons or persons with disabilities;

(b) Have direct access to or contact with children, elderly persons or persons with disabilities who are served by the employer; or

(c) Have access to information or records maintained by the employer relating to identifiable children, elderly persons or persons with disabilities who are served by the employer,

➥ *and includes a prospective volunteer. The term does not include a person who renders time and services for a public school or for an activity that is part of the program for a public school. As used in this subsection, "public school" has the meaning ascribed to it in NRS 385.007.*

Sec. 2. NRS 179A.190 is hereby amended to read as follows:

179A.190 1. Notice of information relating to the offenses listed in subsection 4 may be disseminated to employers pursuant to NRS 179A.180 to 179A.240, inclusive.

2. An employer may consider such a notice of information concerning an employee *or a volunteer* when making a decision to hire, retain, suspend or discharge the employee ~~[,]~~ *or volunteer,* and is not liable in an action alleging discrimination based upon consideration of information obtained pursuant to NRS 179A.180 to 179A.240, inclusive.

3. The provisions of NRS 179A.180 to 179A.240, inclusive, do not limit or restrict any other statute specifically permitting the dissemination or release of information relating to the offenses listed in subsection 4.

4. The offenses for which a notice of information may be disseminated pursuant to subsection 1 includes information contained in or concerning a record of criminal history, or the records of criminal history of the United States or another state, relating in any way to:

(a) A sexual offense;

(b) A conviction for a felony within the immediately preceding 7 years;

(c) An act committed outside this State that would constitute a sexual offense if committed in this State or a conviction for an act committed outside this State that would constitute a felony if committed in this State; and

(d) The aiding, abetting, attempting or conspiring to engage in any such act in this State or another state.

Sec. 3. NRS 179A.200 is hereby amended to read as follows:

179A.200 1. In addition to any other information which an employer is authorized to request pursuant to this chapter, an employer may request from the Central Repository notice of information relating to the offenses listed in subsection 4 of NRS 179A.190 concerning an employee ~~[.]~~ *or a volunteer.*

2. A request for notice of information relating to the offenses listed in subsection 4 of NRS 179A.190 from an employer must conform to the requirements of the Central Repository. The request must include:

(a) The name and address of the employer, and the name and signature of the person requesting the notice on behalf of the employer;

(b) The name and address of the employer's facility in which the employee *or volunteer* is employed *or volunteering* or *is* seeking to become employed ~~[;]~~ *or to volunteer;*

(c) The name, a complete set of fingerprints and other identifying information of the employee ~~[;]~~ *or volunteer;*

(d) Signed consent by the employee *or volunteer* authorizing:

(1) The employer to forward the fingerprints of the employee *or volunteer* to the Central Repository for submission to the Federal Bureau of Investigation for its report;

(2) A search of information relating to the offenses listed in subsection 4 of NRS 179A.190 concerning the employee ~~[.]~~ *or volunteer;* and

(3) The release of a notice concerning that information;

(e) The mailing address of the employee *or volunteer* or a signed waiver of the right of the employee *or volunteer* to be sent a copy of the information disseminated to the employer as a result of the search of the records of criminal history; and

(f) The signature of the employee *or volunteer* indicating that the employee *or volunteer* has been notified *:* ~~[of:]~~

(1) ~~[The]~~ *That his or her fingerprints will be used as the basis of a check of his or her records of criminal history;*

(2) Of the types of information for which notice is subject to dissemination pursuant to NRS 179A.210, or a description of the information;

~~[(2) The]~~

(3) Of the employer's right to require a check of the records of criminal history as a condition of employment ~~[.]~~ *or volunteering;* and

~~[(3) The]~~

(4) Of the employee's *or volunteer's* right, pursuant to NRS 179A.150, to challenge the accuracy or sufficiency of any information disseminated to the employer.

Sec. 4. NRS 179A.210 is hereby amended to read as follows:

179A.210 1. Upon receipt of a request from an employer for notice of information relating to the offenses listed in subsection 4 of NRS 179A.190, the Central Repository shall undertake a search for the information, unless the request does not conform to the requirements of the Repository. The search must be based on the fingerprints of the employee ~~[.]~~ *or volunteer,* or on a number furnished to the employee *or volunteer* for identification pursuant to a previous search, as provided by the employer, and must include:

(a) Identifying any information relating to the offenses listed in subsection 4 of NRS 179A.190 concerning the employee *or volunteer* in the Central Repository;

(b) Requesting information relating to the offenses listed in subsection 4 of NRS 179A.190 concerning the employee *or volunteer* from repositories of the United States or other states, if authorized by federal law or an agreement entered into pursuant to NRS 179A.075;

(c) If the information pertains to an arrest for which no disposition has been reported, contacting appropriate officers in the local jurisdiction where the arrest or prosecution occurred to verify and update the information; and

(d) Determining whether the information relating to the offenses listed in subsection 4 of NRS 179A.190 is the type of information for which notice is subject to dissemination pursuant to this section.

2. Notice of information relating to the offenses listed in subsection 4 of NRS 179A.190 may be disseminated to an employer who has requested it only if a check of the pertinent records indicates:

(a) A conviction for any such offense, or a conviction based on an arrest or on an initial charge for any such offense;

(b) An arrest or an initial charge for a sexual offense that is pending at the time of the request; or

(c) Two or more incidents resulting in arrest or initial charge for a sexual offense that have not resulted in a conviction.

3. If a search of the records of the Central Repository reveals no information for which notice is subject to release, the Central Repository shall submit the fingerprints of the employee *or volunteer* to the Federal Bureau of Investigation for a search of its records of criminal history. The Central Repository shall review all information received from the Federal Bureau of Investigation. Notice of any information received from the Federal Bureau of Investigation may be disseminated only if the information is of a kind for which notice is subject to release pursuant to this section.

4. Within 30 days after receipt of a request by an employer for notice of information relating to the offenses listed in subsection 4 of NRS 179A.190, the Central Repository shall send a written report of the results of the search to the employer and to the employee ~~[.]~~ *or volunteer,* except that if the employee *or volunteer* has waived the right to receive the results of the search, the report must be sent only to the employer. If the search revealed:

(a) No information for which notice is subject to release, the report must include a statement to that effect; or

(b) Information about the employee *or volunteer* for which notice is subject to release, the report must include a notice of the type of information, limited to the descriptions set forth in subsection 2, revealed by the search. The notice must not include any further facts or details concerning the information. A statement of the purpose for which the notice is being disseminated, and the procedures by which the employee *or volunteer* might challenge the accuracy and sufficiency of the information, must also be included with the report.

5. Upon receipt of corrected information relating to the offenses listed in subsection 4 of NRS 179A.190 for which notice was disseminated under this section, the Central Repository shall send written notice of the correction to:

(a) The employee *or volunteer* who was the subject of the search, unless the employee *or volunteer* has waived the right to receive such a notice;

(b) All employers to whom notice of the results of the search were disseminated within 3 months before the correction; and

(c) Upon request of the employee ~~[.]~~ *or volunteer,* any other employers who previously received the information.

6. Upon receipt of new information relating to the offenses listed in subsection 4 of NRS 179A.190 concerning an employee *or volunteer* who

was the subject of a search within the previous 3 months, for which notice is subject to dissemination under this section, the Central Repository shall send written notice of the information to:

(a) The employee *or volunteer* who was the subject of the search, unless the employee *or volunteer* has waived the right to receive such a notice;

(b) All employers to whom a report of the results of the search were disseminated within 3 months before the correction; and

(c) Upon request of the employee ~~[,]~~ *or volunteer,* any other employers who previously received a report of the results of the search.

Sec. 5. ~~[NRS 179A.230 is hereby amended to read as follows:~~

~~179A.230 1. A person who is the subject of a request for notice of information pursuant to NRS 179A.180 to 179A.240, inclusive, may recover actual damages in a civil action against:~~

~~(a) The Central Repository for an intentional or grossly negligent:~~

~~(1) Dissemination of information relating to the offenses listed in subsection 4 of NRS 179A.190 not authorized for dissemination; or~~

~~(2) Release of information relating to the offenses listed in subsection 4 of NRS 179A.190 to a person not authorized to receive the information;~~

~~(b) The Central Repository for an intentional or grossly negligent failure to correct any notice of information relating to the offenses listed in subsection 4 of NRS 179A.190 which was disseminated pursuant to NRS 179A.180 to 179A.240, inclusive; or~~

~~(c) An employer, representative of an employer or employee for an intentional or grossly negligent violation of NRS 179A.110. Punitive damages may be awarded against an employer, representative of an employer or employee whose violation of NRS 179A.110 is malicious.~~

~~2. An employer is liable to a child *, elderly person or person with a disability* served by the employer for damages suffered by the child *, elderly person or person with a disability* as a result of an offense listed in subsection 4 of NRS 179A.190 committed against the child *, elderly person or person with a disability* by an employee *or volunteer* if, at the time the employer hired the employee ~~[,]~~ *or volunteer,* the employee *or volunteer* was the subject of information relating to the offenses for which notice was available for dissemination to the employer and the employer:~~

~~(a) Failed, without good cause, to request notice of the information pursuant to NRS 179A.180 to 179A.240, inclusive; or~~

~~(b) Was unable to obtain the information because the employee *or volunteer* refused to consent to the search and release of the information, and the employer hired or retained the employee *or volunteer* despite this refusal.~~

~~3. The amount of damages for which an employer is liable pursuant to this subsection must be reduced by the amount of damages recovered by the child *, elderly person or person with a disability* in an action against the employee *or volunteer* for damages sustained as a result of an offense listed in subsection 4 of NRS 179A.190.~~

~~3. An action pursuant to this section must be brought within 3 years after:~~

~~(a) The occurrence upon which the action is based; or~~

~~(b) The date upon which the party bringing the action became aware or reasonably should have become aware of the occurrence, whichever was earlier, if the party was not aware of the occurrence at the time of the occurrence.~~

~~4. This section does not limit or affect any other rights, claims or causes of action arising by statute or common law.]~~ (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Senator Segerblom moved that the Senate concur in the Assembly Amendment No. 682 to Senate Bill No. 38.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 39.

The following Assembly Amendment was read:

Amendment No. 679.

"SUMMARY—Revises provisions governing the Nevada Commission on Homeland Security. (BDR 19-342)"

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

Legislative Counsel's Digest:

Existing law generally requires the Nevada Commission on Homeland Security to comply with the Open Meeting Law but authorizes the Commission, upon a majority vote, to hold a closed meeting to receive security briefings, discuss procedures for responding to acts of terrorism and related emergencies, or discuss deficiencies in security with respect to public services, public facilities and infrastructure. (NRS 239C.140) This bill clarifies that the exceptions to the Open Meeting Law that are provided by law for the Commission also apply to all committees appointed by the Chair of the Commission. This bill authorizes any such committee to hold a closed meeting under circumstances where the Commission may do so, with the prior approval of the Commission.

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

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

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

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

(a) Receive security briefings;

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

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

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

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

Senator Parks moved that the Senate concur in the Assembly Amendment No. 679 to Senate Bill No. 39.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 54.

The following Assembly Amendment was read:

Amendment No. 607.

"SUMMARY—Revises provisions governing the operation of certain vending stands by persons who are blind or visually impaired. (BDR 38-370)"

"AN ACT relating to persons with disabilities; restricting the ~~[devices]~~ terms of certain agreements relating to vending stands established by the Bureau of Services to Persons Who Are Blind or Visually Impaired of the Rehabilitation Division of the Department of Employment, Training and Rehabilitation; authorizing such agreements to provide for the recovery by certain persons and entities of increases in utility costs or other expenses resulting from the operation of such vending stands; revising provisions governing the Business Enterprise Account for Persons Who Are Blind; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Under existing law, the Bureau of Services to Persons Who Are Blind or Visually Impaired of the Rehabilitation Division of the Department of Employment, Training and Rehabilitation is required to establish, where suitable, vending stands in property owned, leased or occupied by the State or any of its political subdivisions, with certain exceptions, with the consent of the state or local governmental department or agency charged with maintaining the building or property. (NRS 277A.320, 426.640, 426.670)

Similar agreements for the establishment of vending stands in a privately owned building are authorized between the Bureau and the private building owner. (NRS 426.685)

Sections 1 and 2 of this bill prohibit a private building owner or governmental agency that owns or controls a building or property in or on which a vending stand is established from requiring the Bureau or the operator of the vending stand to pay any rent, fee or assessment that is based on the square footage of the portion of the building or property where the vending stand is located. An example of such a prohibited fee or assessment is a fee for the maintenance of landscaping or a common area. Sections 1 and 2 authorize such a private building owner or governmental agency to enter into an agreement with the Bureau to recover the increases in utility costs or other expenses where there is a direct, measurable and proportional increase in such costs or expenses as a result of the operation of the vending stand. Any conflicting provision in any contract or other agreement relating to such a vending stand is declared to be void. Section 3 of this bill exempts any contract or other agreement relating to a vending stand in force on the effective date of this bill between the Bureau or a licensee and the owner of a private building in which the vending stand is established from the provisions of section 2 during the current term of the contract or other agreement.

Existing law establishes the Business Enterprise Account for Persons Who Are Blind and provides that if the Account is dissolved, any money remaining in the Account reverts to the State General Fund. (NRS 426.675) Section 1.5 of this bill provides, instead, that if the Account is dissolved or the Vending Stand Program is terminated, the Administrator of the Rehabilitation Division shall, within 60 days: (1) provide an accounting of the money remaining in the Account to all licensed vending stand operators; and (2) distribute to each such operator his or her proportionate share of that money. Section 1.5 also requires the Division to adopt regulations to carry out those provisions.

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

Section 1. NRS 426.670 is hereby amended to read as follows:

426.670 1. The Bureau shall:

(a) Make surveys of public buildings or properties to determine their suitability as locations for vending stands to be operated by persons who are blind and advise the heads of departments or agencies charged with the maintenance of the buildings or properties of its findings.

(b) With the consent of the respective heads of departments or agencies charged with the maintenance of the buildings or properties, establish vending stands in those locations which the Bureau has determined to be suitable. ~~[The]~~ *Except as otherwise provided in subsection 4, the* Bureau may enter into leases *,* ~~[or]~~ licensing agreements *or other contracts or agreements* therefor.

(c) Select, train, license and assign qualified persons who are blind to manage or operate vending stands or do both.

(d) Except as otherwise provided in this paragraph, execute contracts or agreements with persons who are blind to manage or operate vending stands or do both. The agreements may concern finances, management, operation and other matters concerning the stands. The Bureau shall not execute a contract or agreement which obligates the Bureau, under any circumstances, to make payments on a loan to a person who is blind.

(e) When the Bureau deems such action appropriate, impose and collect license fees for the privilege of operating vending stands.

(f) Establish and effectuate such regulations as it may deem necessary to ensure the proper and satisfactory operation of vending stands. The regulations must provide a method for setting aside money from the revenues of vending stands and provide for the payment and collection thereof.

2. The Bureau may enter into contracts with vendors for the establishment and operation of vending stands. These contracts must include provisions for the payment of commissions to the Bureau based on revenues from the vending stands. The Bureau may assign the commissions to licensed operators for the maintenance of their incomes.

3. The Bureau may, by regulation, provide:

(a) Methods for recovering the cost of establishing vending stands.

(b) Penalties for failing to file reports or make payments required by NRS 426.630 to 426.720, inclusive, or a regulation adopted pursuant to those sections when they are due.

4. A department or agency that has care, custody and control of a public building or property in or on which a vending stand is established:

(a) Shall not require the Bureau or the operator of the vending stand to pay any rent, fee or assessment that is based on the square footage of the portion of the building or property where the vending stand is located. Such a prohibited fee or assessment includes, without limitation, a fee for the maintenance of landscaping or a common area.

(b) May enter into an agreement with the Bureau to recover the increases in utility costs or other expenses where there is a direct, measurable and proportional increase in such costs or expenses as a result of the operation of the vending stand.

➥ *Any provision in a lease, licensing agreement, contract or other agreement relating to a vending stand established pursuant to this section that conflicts with this subsection is void.*

Sec. 1.5. NRS 426.675 is hereby amended to read as follows:

426.675 1. The Business Enterprise Account for Persons Who Are Blind is hereby created within the State General Fund and must be managed by the Administrator of the Division.

2. Money received by the Bureau under the provisions of NRS 426.670, except commissions assigned to licensed vending stand operators, must:

(a) Be deposited in the Business Enterprise Account for Persons Who Are Blind.

(b) Except as otherwise provided in subsection 4, remain in the Account and not revert to the State General Fund.

(c) Be used for:

(1) Purchasing, maintaining or replacing vending stands or the equipment therein;

(2) Maintaining a stock of equipment, parts, accessories and merchandise used or planned for use in the Vending Stand Program; and

(3) Other purposes, consistent with NRS 426.640, as may be provided by regulation.

3. Purchases made pursuant to paragraph (c) of subsection 2 are exempt from the provisions of the State Purchasing Act at the discretion of the Administrator of the Purchasing Division of the Department of Administration or his or her designated representative, but the Bureau shall:

(a) Maintain current inventory records of all equipment, parts, accessories and merchandise charged to the Business Enterprise Account for Persons Who Are Blind;

(b) Conduct a periodic physical count of all such equipment, parts, accessories and merchandise; and

(c) Reconcile the results of the periodic physical count with the inventory records and cash balance in the Account.

4. If the Business Enterprise Account for Persons Who Are Blind is dissolved ~~[, any money remaining therein reverts to the State General Fund.]~~ *or the Vending Stand Program is terminated, the Administrator of the Division shall, within 60 days after the dissolution or termination:*

(a) Provide an accounting of the money remaining in the Account to all licensed vending stand operators; and

(b) Distribute any money remaining in the Account to each such operator in the same proportion as the money deposited in the Account and attributable to that operator bears to all the money remaining in the Account.

➥ *The Division shall, in consultation with the Nevada Committee of Blind Vendors or its successor organization, adopt regulations to carry out the provisions of this subsection.*

5. Money from any source which may lawfully be used for the Vending Stand Program may be transferred or deposited by the Bureau to the Business Enterprise Account for Persons Who Are Blind.

6. The interest and income earned on the money in the Business Enterprise Account for Persons Who Are Blind, after deducting any applicable charges, must be credited to the Account.

Sec. 2. NRS 426.685 is hereby amended to read as follows:

426.685 *1.* The Bureau may establish vending stands in privately owned buildings, if the building owner in each instance consents and enters into ~~[an]~~ *a contract or other* agreement approved by the Bureau.

2. The owner of a building in which a vending stand is established pursuant to subsection 1:

(a) Shall not require the Bureau or the operator of the vending stand to pay any rent, fee or assessment that is based on the square footage of the portion of the building or property where the vending stand is located. Such a prohibited fee or assessment includes, without limitation, a fee for the maintenance of landscaping or a common area.

(b) May enter into an agreement with the Bureau to recover the increases in utility costs or other expenses where there is a direct, measurable and proportional increase in such costs or expenses as a result of the operation of the vending stand.

➥ *Any provision in a contract or other agreement relating to a vending stand established pursuant to subsection 1 that conflicts with this subsection is void.*

Sec. 3. 1. The provisions of NRS 426.670, as amended by section 1 of this act, apply to any contract or other agreement relating to a vending stand entered into before, on or after the effective date of this act.

2. The provisions of NRS 426.685, as amended by section 2 of this act, do not apply to any contract or other agreement relating to a vending stand entered into before the effective date of this act during the current term of the contract or other agreement, but do apply to any extension or renewal of such a contract or other agreement and to any contract or other agreement entered into on or after the effective date of this act.

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

Senator Jones moved that the Senate concur in the Assembly Amendment No. 607 to Senate Bill No. 54.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 66.

The following Assembly Amendment was read:

Amendment No. 715.

"SUMMARY—Revises provisions governing the powers and duties of counties. (BDR 20-225)"

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

~~nonresidential property in a county;]~~ and providing other matters properly relating thereto."

Legislative Counsel's Digest:

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

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

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

~~Existing law authorizes a board of county commissioners to adopt an ordinance setting forth procedures pursuant to which the district attorney may file a court action seeking the abatement of a chronic nuisance that is located or occurring within the unincorporated area of the county, the closure of the property where the nuisance is located or occurring, penalties against the owner of the property and any other appropriate relief. (NRS 244.3603) Section 4 of this bill eliminates certain provisions which: (1) specify the procedures and provisions that the ordinance must include; (2) specify the civil penalties and costs that may be imposed against the owner of the property; and (3) define the term "chronic nuisance" to specify when such a nuisance exists.~~

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

~~Existing law authorizes a board of county commissioners to adopt an ordinance setting forth procedures pursuant to which officers, employees or other designees of the county may cover or remove certain graffiti on~~

~~residential property. (NRS 244.36935) Section 6 of this bill eliminates certain provisions that the ordinance must contain, including: (1) the circumstances under which the county may cover or remove such graffiti; and (2) the requirement that the county pay the cost of covering or removing the graffiti.~~

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

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

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

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

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

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

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

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

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

(a) The board declares an emergency; or

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

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

Sec. 1.5. ~~[NRS 244.265 is hereby amended to read as follows:~~

~~244.265 The boards of county commissioners shall have power and jurisdiction in their respective counties to make orders respecting the~~

~~property [of] *within* the county. [in conformity with any law of this State, and to take care of and preserve such property.]~~ (Deleted by amendment.)

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

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

1. The board declares an emergency; or

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

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

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

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

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

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

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

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

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

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

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

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

~~3. If it is determined in the signed, written statement provided pursuant to subsection 1 that the structure or condition is an imminent danger and the result of the imminent danger is likely to occur before the notice and an~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c)] *may:*

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

(b) Provide for the imposition of civil penalties.

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

(a) Impose a civil penalty:

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

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

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

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

(c) Order any other appropriate relief.

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

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

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

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

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

6. As used in this section:

(a) A "chronic nuisance" exists:

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

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

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

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

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

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

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

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

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

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

(e) "Nuisance activity" means:

(1) Criminal activity;

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

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

(4) Excessive noise and violations of curfew; or

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

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

(1) The owner of the property;

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

(3) The tenant of the property; or

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

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

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

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

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

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

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

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

~~(3) A single family residential unit, including, without limitation, a condominium, townhouse or home within a subdivision, if the unit is sold, leased or otherwise conveyed unit by unit, regardless of whether the unit is part of a larger building or parcel that consists of more than four units.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~6. As used in this section, "dangerous structure or condition" means a structure or condition that is a public nuisance which may cause injury to or endanger the health, life, property or safety of the general public or the~~

~~occupants, if any, of the real property on which the structure or condition is located. The term includes, without limitation, a structure or condition that:~~

~~(a) Does not meet the requirements of a code or regulation adopted pursuant to NRS 244.3675 with respect to minimum levels of health or safety; or~~

~~(b) Violates an ordinance, rule or regulation regulating health and safety enacted, adopted or passed by the board of county commissioners of a county, the violation of which is designated by the board as a public nuisance in the ordinance, rule or regulation.]]~~ (Deleted by amendment.)

Sec. 6. ~~[NRS 244.36935 is hereby amended to read as follows:~~

~~244.36935 [1.] The board of county commissioners may adopt by ordinance procedures pursuant to which officers, employees or other designees of the county may cover or remove graffiti that is:~~

~~[(a)] *1.* Placed on the exterior of a fence or wall located on the perimeter of residential property; and~~

~~[(b)] *2.* Visible from a public right-of-way.~~

~~[2. An ordinance adopted pursuant to subsection 1 must provide that:~~

~~(a) Officers, employees or other designees of the county shall not cover or remove the graffiti unless:~~

~~(1) The owner of the residential property consents to the covering or removal of the graffiti; or~~

~~(2) If the board of county commissioners or its designee is unable to contact the owner of the residential property to obtain the owner's consent, the board first provides the owner of the property with written notice that is:~~

~~(I) Sent by certified mail, return receipt requested; and~~

~~(II) Posted on the residential property on which the graffiti will be covered or from which the graffiti will be removed,~~

~~➥ at least 5 days before the officers, employees or other designees of the county cover or remove the graffiti.~~

~~(b) The county shall pay the cost of covering or removing the graffiti.]]~~ (Deleted by amendment.)

Sec. 7. ~~[NRS 244.3694 is hereby amended to read as follows:~~

~~244.3694 1. The board of county commissioners of a county may adopt by ordinance procedures pursuant to which the board or its designee may order an owner of nonresidential property within the county to cover or remove graffiti that is:~~

~~(a) Placed on that nonresidential property; and~~

~~(b) Visible from a public right-of-way,~~

~~➥ to protect the public health, safety and welfare of the residents of the county and to prevent blight upon the community.~~

~~2. An ordinance adopted pursuant to subsection 1 [must:] *may:*~~

~~(a) [Contain procedures pursuant to which the owner of the property is:~~

(1) Sent notice, by certified mail, return receipt requested, of the existence on the owner's property of graffiti and the date by which the owner must cover or remove the graffiti; and

(2) Afforded an opportunity for a hearing and an appeal before the board or its designee.

(b) Provide that the date specified in the notice by which the owner must cover or remove the graffiti is tolled for the period during which the owner requests a hearing and receives a decision.

(c)] Provide the manner in which the county will recover money expended for labor and materials used to cover or remove the graffiti if the owner fails to cover or remove the graffiti.

(b) Provide for the imposition of civil penalties.

3. [The board or its designee may direct the county to cover or remove the graffiti and may recover the amount expended by the county for labor and materials used to cover or remove the graffiti if:

(a) The owner has not requested a hearing within the time prescribed in the ordinance adopted pursuant to subsection 1 and has failed to cover or remove the graffiti within the period specified in the notice;

(b) After a hearing in which the owner did not prevail, the owner has not filed an appeal within the time prescribed in the ordinance adopted pursuant to subsection 1 and has failed to cover or remove the graffiti within the period specified in the order; or

(c) The board has denied the appeal of the owner and the owner has failed to cover or remove the graffiti within the period specified in the order.

4.] In addition to any other reasonable means of recovering money expended by the county to cover or remove the graffiti, the board may [:

(a) Provide that the cost of covering or removing the graffiti is a lien upon the nonresidential property on which the graffiti was covered or from which the graffiti was removed; or

(b) Make] *make* the cost of covering or removing the graffiti *and any civil penalty that has not been collected from the owner of the property* a special assessment against the nonresidential property on which the graffiti was covered or from which the graffiti was removed.

[5. A lien authorized pursuant to paragraph (a) of subsection 4 must be perfected by:

(a) Mailing by certified mail a notice of the lien, separately prepared for each lot affected, addressed to the last known owner of the property at his or her last known address, as determined by the real property assessment roll in the county in which the nonresidential property is located; and

(b) Filing with the county recorder of the county in which the nonresidential property is located, a statement of the amount due and unpaid and describing the property subject to the lien.

6. A special assessment authorized pursuant to paragraph (b) of subsection 4 may be collected at the same time and in the same manner as

~~ordinary county taxes are collected, and is subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary county taxes. All laws applicable to the levy, collection and enforcement of county taxes are applicable to such a special assessment.~~

~~7. As used in this section, "nonresidential property" means all real property other than residential property. The term does not include real property owned by a governmental entity.~~]] (Deleted by amendment.)

Sec. 8. This act becomes effective on January 1, 2014.

Senator Parks moved that the Senate concur in the Assembly Amendment No. 715 to Senate Bill No. 66.

Motion carried by a two-thirds majority.

Bill ordered enrolled.

Senate Bill No. 82.

The following Assembly Amendment was read:

Amendment No. 689.

"SUMMARY—Urges the Board of Wildlife Commissioners to review the hunting of black bears. (BDR S-409)"

"AN ACT relating to wildlife; urging the Board of Wildlife Commissioners to thoroughly ~~[and scientifically]~~ conduct a certain review of the hunting of black bears; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law: (1) requires the Board of Wildlife Commissioners to adopt regulations establishing seasons for hunting game mammals and the manner and means of taking wildlife; and (2) authorizes the Commission to adopt regulations setting forth the species of wildlife which may be hunted or trapped without a license or permit. (NRS 501.181, 502.010) Section 11.7 of this bill urges the Commission to thoroughly ~~[and scientifically]~~ conduct its 3-year comprehensive review of the hunting of black bears.

WHEREAS, Wildlife belongs to the people of the State of Nevada under NRS 501.100, and black bears are considered a big game mammal pursuant to NAC 502.020; and

WHEREAS, Pursuant to NRS 501.102, the Nevada Legislature has declared that hunting is a valuable activity in the management of game mammals and game birds, results in financial support for conservation programs that benefit many species, including nongame wildlife, is an excellent source of food, recreational opportunities and employment, contributes significantly to the economy of this State and the quality of life of its citizens, and provides a beneficial use for firearms, archery equipment and other legal weapons used to take game mammals and game birds, following the pioneer spirit of Nevada; and

WHEREAS, As set forth in NRS 501.100, the preservation, protection, management and restoration of wildlife within this State contribute

immeasurably to the aesthetic, recreational and economic aspects of the natural resources belonging to the people of the State of Nevada; and

WHEREAS, Outdoor recreation is a major feature of life in Nevada, and the majority of the State of Nevada is in public ownership through the Federal Government, which manages over 60 million acres, or about 86 percent of the total land area of the State of Nevada; and

WHEREAS, In February 2011, the Board of Wildlife Commissioners approved the first black bear hunt in Nevada history; and

WHEREAS, As part of this approval, the Board adopted and the Nevada Legislature approved temporary regulations setting forth parameters under which the black bear hunt would operate, including a bear hunting season beginning on the third Saturday of August 2011 and ending on the last Saturday of December 2011 or until the harvest quota was achieved; and

WHEREAS, Before the 2012 bear hunting season, the Board of Wildlife Commissioners, with the Nevada Legislature approving, amended the administrative regulations to close bear hunting in portions of the Lake Tahoe Basin and the Carson Range, leaving bear hunting open in other areas of western Nevada; and

WHEREAS, A total of 1,156 applications for bear hunting tags were received by the Department of Wildlife for the 2011 bear hunting season and 1,762 applications were received for the 2012 bear hunting season, with 45 tags issued each year; and

WHEREAS, The 2011 black bear hunt resulted in the taking of 14 bears, and the 2012 bear hunt resulted in the harvest of 11 bears; and

WHEREAS, Proponents and opponents of the black bear hunt have continuously registered their opinions relating to the bear hunt to the Department of Wildlife, the Board of Wildlife Commissioners and Nevada lawmakers; and

WHEREAS, Some Native American tribes in Nevada have expressed concerns regarding potential interference with certain traditional ceremonies and activities, such as the annual pine nut harvest in black bear habitats in the Pine Nut and Sweetwater Mountains and the Wassuk Range, because the bear hunt takes place at the same time, and in the same places, as these traditional ceremonies and activities; and

WHEREAS, Opponents of the bear hunt in Nevada have declared that the black bear hunt is not scientifically sustainable and conflicts with nonlethal priorities of bear management and conservation, the interests and concerns of the majority of Nevadans, including Nevada Native American tribes, and the various nonconsumptive forms of outdoor recreation, including hiking and camping; and

WHEREAS, Proponents of the black bear hunt have stated that the bear hunt is scientifically sound and part of a viable and proven wildlife management approach, that hunting is the preferred means by which to

manage wildlife and that a vast majority of Nevada sportsmen and sportswomen support bear hunting if it is done properly and ethically; and

WHEREAS, Scientists from the Department of Wildlife and scientists representing opponents of the bear hunt have arrived at different conclusions relating to Nevada's black bear population, the scope and range of black bear habitat in Nevada and the genetic diversity of black bears; and

WHEREAS, The Board of Wildlife Commissioners has made a public commitment to review the black bear hunt following its third season and the Department of Wildlife's Black Bear Management Plan for 2012 further commits to a 3-year scientific analysis of the black bear hunt, including a review of black bear survival, mortality rates and population trends, with the goal of achieving and maintaining healthy and productive black bear populations; now, therefore,

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 11.3. The Legislature hereby acknowledges the various perspectives on the hunting of black bears in Nevada.

Sec. 11.5. The Legislature hereby finds and declares that any hunting of black bears in Nevada should be predicated on sound scientific data that ensures a healthy, productive and viable black bear population and reduces the number of conflicts between bears and humans.

Sec. 11.7. The Nevada Legislature urges:

1. The proponents and opponents of the black bear hunt in Nevada to engage in productive and meaningful discussions with the goal of achieving a consensus on the proper management of Nevada's black bear population and which recognize and protect the rights of sportsmen and sportswomen, Native American tribes, conservationists and outdoor recreation enthusiasts in this State;

2. The continued management of black bears in Nevada by the Department of Wildlife in a way that conserves, sustains and protects the black bear population in a healthy and productive condition and minimizes threats to public safety and damage to personal property;

3. The Board of Wildlife Commissioners to thoroughly conduct its 3-year ~~[scientific]~~ comprehensive review of the black bear hunt following the 2013 bear hunting season, with the goal of ~~[evaluating]~~ :

(a) Evaluating the Department of Wildlife's 3-year scientific analysis of the black bear hunt and any other relevant and available scientific analysis of that hunt;

(b) Evaluating the overall impacts of three consecutive bear hunts ; and ~~[making]~~

(c) Making an unbiased and informed recommendation concerning the viability of hunting black bears in Nevada; and

4. The Board of Wildlife Commissioners to submit this review to the Director of the Legislative Counsel Bureau for distribution to the Chair of the Senate Committee on Natural Resources and the Chair of the Assembly Committee on Natural Resources, Agriculture, and Mining.

Sec. 12. This act becomes effective upon passage and approval.

Senator Ford moved that the Senate concur in the Assembly Amendment No. 689 to Senate Bill No. 82.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 100.

The following Assembly Amendment was read:

Amendment No. 606.

Section 51.5 of Senate Bill No. 100 First Reprint is hereby amended as follows:

Sec. 51.5. Notwithstanding the provisions of NRS 450B.025, 450B.065, 450B.085, 450B.1905, 450B.191 and 450B.195, as amended by sections 5, 7, 9, 18, 19 and 21 of this act, any person who, on December 31, 2013, holds a certificate as an emergency medical technician, intermediate emergency medical technician or advanced emergency medical technician ~~[or paramedic]~~ is exempt from the training requirements for certification prescribed pursuant to the applicable provisions of NRS 450B.1905, 450B.191 or 450B.195, as amended by sections 18, 19 and 21 of this act, through December 31, 2015.

Senator Jones moved that the Senate concur in the Assembly Amendment No. 606 to Senate Bill No. 100.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 135.

The following Assembly Amendment was read:

Amendment No. 618.

"SUMMARY—Revises provisions governing redevelopment agencies. (BDR 22-876)"

"AN ACT relating to redevelopment of communities; revising requirements for the submission of an employment plan ~~[,]~~ relating to certain redevelopment projects; requiring ~~[a]~~ certain redevelopment ~~[agency]~~ agencies to withhold a portion of any incentive provided to a developer ~~[unless]~~ until the developer satisfies certain conditions; requiring the reporting of certain information relating to the redevelopment project by certain developers; ~~[extending the duration of certain redevelopment plans;]~~ requiring ~~[an employment plan to]~~ that certain employment plans include information relating to ~~[preferences for hiring]~~ efforts to hire persons ~~[from the redevelopment area; creating a revolving loan account to loan money to small businesses for redevelopment purposes in certain cities;]~~ who reside in certain areas; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Under existing law, if a redevelopment agency provides property for development for less than the fair market value of the property or provides financial incentives of more than $100,000 to a developer, the developer must comply with certain laws relating to the payment of a prevailing wage. (NRS 279.500) Additionally, a proposal for a redevelopment project must include an employment plan, if appropriate. (NRS 279.482)

Sections 2-10 of this bill ~~[only]~~ apply to ~~[a developer for]~~ a redevelopment project if ~~[part of the redevelopment area is within an enterprise community.]~~ the project is undertaken in a redevelopment area of a city whose population is 500,000 or more (currently the City of Las Vegas). Section 7 requires public agencies who use redevelopment funds for a public work to submit an employment plan . ~~[and exempts private developers who do not construct a redevelopment project for a known owner from that requirement.]~~ Section 8 requires an agency that proposes to provide an incentive to a developer to withhold payment of an amount equal to 10 percent of the incentive until: (1) at least 15 percent of the employees of contractors, subcontractors, vendors and suppliers of the developer are residents of the redevelopment area ~~[,]~~ , an area in the city for which the city council has adopted a plan for neighborhood revitalization or which is eligible for a community development block grant, or the Southern Nevada Enterprise Community; (2) at least 15 percent of the jobs created by employers as a result of the redevelopment project are filled by residents of ~~[the redevelopment]~~ such an area; and (3) the developer ~~[or build-to-suit owner or lessee complies with the requirements in the employment plan; and (4) the developer]~~ satisfies the reporting ~~[required by]~~ requirements of section 9. Section 10 allows a developer to appeal a refusal to pay the amount provided for in section 8 to the ~~[legislative body of the community.]~~ city council.

Section 9 requires a developer that receives an incentive of more than $100,000 to report to the redevelopment agency certain information relating to the redevelopment project. Section 9 also requires a developer that receives $100,000 or less in incentives to use its best efforts to report such

information. Finally, section 9 allows the redevelopment agency to refuse to pay all or a portion of the incentive or to require repayment of any incentive already paid if a developer fails to comply.

~~[Section 10.5 of this bill creates a revolving loan account in the treasury of a city whose population is 500,000 or more (currently the City of Las Vegas) to be used to make loans at or below market rate to small businesses located within, or interested in relocating to, certain redevelopment areas of the city.~~

~~Section]~~ For a redevelopment project undertaken in a redevelopment area of a city whose population is 500,000 or more, section 13 of this bill requires that the employment plan ~~[to]~~ include information about the ~~[preference for hiring persons living within the redevelopment area used by]~~ efforts of the developer and each employer who will be relocating a business into the redevelopment area ~~[as a result of the redevelopment.~~

~~Existing law provides that a redevelopment plan adopted by a redevelopment agency before July 1, 1991, terminates at the end of the fiscal year in which the principal and interest of the last maturing securities issued before that date concerning the redevelopment area are fully paid, or 45 years after the date on which the original redevelopment plan was adopted, whichever is later. (NRS 279.438) Section 12 of this bill provides that in a county whose population is 700,000 or more (currently Clark County), such a redevelopment plan terminates at the end of the fiscal year in which the principal and interest of the last maturing securities issued before that date concerning the redevelopment area are fully paid, or 60 years after the date on which the original redevelopment plan was adopted, whichever is later.~~

~~Section 15.5 of this bill requires the redevelopment agency of a city whose population is 500,000 or more (currently the City of Las Vegas) to submit an annual report to the Director of the Legislative Counsel Bureau for transmittal to the Legislature that includes information on each loan made during the previous fiscal year from the revolving loan account created by section 10.5.]~~ to hire residents of the redevelopment area, an area in the city for which the city council has adopted a plan for neighborhood revitalization or which is eligible for a community development block grant, or the Southern Nevada Enterprise Community. Section 13 also requires a developer or employer to agree to offer and conduct training for such residents or to make a good faith effort to provide training through an available program of training.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 279 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 10.5, inclusive, of this act.

Sec. 2. ~~[*"Build-to-suit developer" means a private developer who constructs a redevelopment project in accordance with the customized specifications of a known owner or lessee to whom the developer will convey*~~

~~or lease the property upon completion of the project.]~~
(Deleted by amendment.)

Sec. 3. ~~["Build-to-suit owner or lessee" means the owner or lessee of a redevelopment project that has been constructed by a build-to-suit developer to the customized specifications of the owner or lessee.]~~
(Deleted by amendment.)

Sec. 4. *"Developer" means a person or entity that proposes to construct a redevelopment project which will receive financial assistance from an agency.*

Sec. 5. *"Southern Nevada Enterprise Community" means the area designated as the Southern Nevada Enterprise Community in section 5 of chapter 407, Statutes of Nevada 2007.*

Sec. 6. *The provisions of sections 2 to 10, inclusive, of this act* ~~[do not apply to a developer for a redevelopment project unless a portion of the redevelopment area of the redevelopment project is within an enterprise community which is currently or was previously established pursuant to 24 C.F.R. Part 597, including, without limitation, the Southern Nevada Enterprise Community.]~~ *apply only to a redevelopment project undertaken in a redevelopment area of a city whose population is 500,000 or more.*

Sec. 7. ~~[1.]~~ *A public agency that uses redevelopment funds for the design or construction of a redevelopment project being built as a public work pursuant to chapter 338 of NRS* ~~[is required to]~~ *shall submit an employment plan pursuant to NRS 279.482.*

~~[2. A developer who constructs a redevelopment project for the purpose of conveying or leasing the property to an unknown owner or lessee is not required to submit an employment plan pursuant to NRS 279.482 but may submit an employment plan voluntarily.]~~

Sec. 8. *1. Except as otherwise provided in subsection 2, if an agency proposes to provide an incentive to a developer for a redevelopment project, an amount equal to 10 percent of the amount of the proposed incentive must be withheld by the agency and must not be paid to the developer until:*

(a) At least 15 percent of all employees of contractors, subcontractors, vendors and suppliers of the developer are bona fide residents of ~~[the redevelopment area and, among such persons, preference in hiring and contracting is given to residents of]~~ *a redevelopment area described in section 6 of this act, an area in the city for which the legislative body has adopted a specific plan for neighborhood revitalization or which is eligible for a community development block grant pursuant to 24 C.F.R. Part 570, or the Southern Nevada Enterprise Community;*

(b) At least 15 percent of all jobs created by employers who relocate to the redevelopment area are filled by bona fide residents of ~~[the redevelopment area and, among such persons, preference in hiring is given to residents of the Southern Nevada Enterprise Community;]~~ *any of the areas described in paragraph (a); and*

(c) ~~[The developer or build-to-suit owner or build-to-suit lessee complies with any requirements imposed by the agency relating to the employment plan in the agreement for the redevelopment project; and~~

~~(d)]~~ The developer satisfies all reporting requirements as described in section 9 of this act.

2. If an agency provides ~~[nonmonetary]~~ incentives in a form other than cash to a developer for a redevelopment project, the developer shall deposit an amount of money with the agency equal to 10 percent of the value of ~~[the nonmonetary]~~ such incentives as agreed upon between the agency and the developer. If the developer satisfies the requirements of ~~[paragraphs (a) to (d), inclusive, of]~~ subsection 1, the agency shall return the deposit required by this subsection to the developer.

Sec. 9. *1. Except as otherwise provided in subsection 2, a developer that receives incentives from an agency for a redevelopment project shall, upon completion of the project and upon request of the agency, report, in a form prescribed by the agency, information relating to:*

(a) Outreach efforts that the developer has utilized, including, without limitation, information relating to job fairs, advertisements in publications that reach residents of the ~~[redevelopment area]~~ areas described in section 8 of this act and utilization of employment referral agencies;

(b) Training conducted for persons hired by the developer and contractors, subcontractors, vendors and suppliers of the developer and the employers within the ~~[development]~~ redevelopment project; and

(c) The execution of the redevelopment ~~[,]~~ project, including, without limitation, plans and the scope of services.

2. If a developer receives incentives from an agency for a redevelopment project with a value of $100,000 or less, the developer shall use its best efforts to satisfy the reporting requirements described in subsection 1.

3. If the developer fails to comply with the requirements of this section:

(a) The agency may refuse to pay all or any portion of an incentive; and

(b) The agency may require the developer to repay any incentive already paid to the developer.

Sec. 10. *1. A developer may appeal the refusal by an agency to pay the amount provided for in section 8 of this act to the legislative body of the community.*

2. In an appeal, the developer has the burden of demonstrating that:

(a) Specific actions were taken to substantially fulfill the requirements of section 8 of this act;

(b) An insufficient number of significant opportunities for appropriate contractors, subcontractors, vendors or suppliers to perform a commercially useful function in the project existed; and

(c) Use of appropriate contractors, subcontractors, vendors or suppliers as required by section 8 of this act would have significantly and adversely affected the overall cost of the project.

3. If the legislative body finds that the developer's appeal has satisfied the requirements of subsection 2, the agency shall pay the developer the amount provided for in section 8 of this act.

Sec. 10.5. ~~[*1. A revolving loan account is hereby created in the treasury of the community.*~~

~~*2. The money in the account must be used to make loans at or below market rate to small businesses located within the redevelopment area or interested in relocating to the redevelopment area for the costs of expanding, improving or relocating, as applicable, the existing small business. The terms of any loan made pursuant to this subsection must be limited to not more than 3 years.*~~

~~*3. The money in the account must be invested as money in other community accounts is invested. All interest and income earned on the money in the account must be credited to the account. Any money remaining in the account at the end of the fiscal year does not revert to the treasury of the community, and the balance in the account must be carried forward.*~~

~~*4. All payments of principal and interest on all the loans made to a small business from the account must be deposited for credit to the account.*~~

~~*5. Claims against the account must be paid as other claims against the community are paid.*~~

~~*6. The account may accept gifts, grants, bequests and donations from any source for deposit into the account.*~~

~~*7. The legislative body shall adopt rules prescribing:*~~

~~*(a) The standards for the applicants for a loan;*~~

~~*(b) The standards for the terms of a loan; and*~~

~~*(c) The procedures for the issuance and repayment of a loan.*~~

~~*8. The agency shall issue a loan to each applicant whose application the agency approves.*~~

~~*9. The provisions of this section apply only to a community which is a city whose population is 500,000 or more.]*~~ (Deleted by amendment.)

Sec. 11. NRS 279.384 is hereby amended to read as follows:

279.384 As used in NRS 279.382 to 279.685, inclusive, *and sections 2 to 10.5, inclusive, of this act,* unless the context otherwise requires, the words and terms defined in NRS 279.386 to 279.414, inclusive, *and sections 2 to 5, inclusive, of this act* have the meanings ascribed to them in those sections.

Sec. 12. ~~[NRS 279.438 is hereby amended to read as follows:~~

~~279.438 A redevelopment plan adopted before January 1, 1991, and any amendments to the plan must terminate at the end of the fiscal year in which the principal and interest of the last maturing of the securities issued before that date concerning the redevelopment area are fully paid or :~~

~~*1. In a county whose population is 700,000 or more, 60 years after the date on which the original redevelopment plan was adopted, whichever is later.*~~

~~*2. In a county whose population is less than 700,000, 45 years after the date on which the original redevelopment plan was adopted, whichever is later.*~~] (Deleted by amendment.)

Sec. 13. NRS 279.482 is hereby amended to read as follows:

279.482 1. An agency may obligate lessees or purchasers of property acquired in a redevelopment project to:

(a) Use the property for the purpose designated in the redevelopment plans.

(b) Begin the redevelopment of the area within a period of time which the agency fixes as reasonable.

(c) Comply with other conditions which the agency deems necessary to carry out the purposes of NRS 279.382 to 279.685, inclusive, *and sections 2 to 10.5, inclusive, of this act,* including, without limitation, the provisions of an employment plan or a contract approved for a redevelopment project.

2. ~~[.As]~~ *Except as otherwise provided in section 7 of this act, as* appropriate for the particular project, each proposal for a redevelopment project must also include an employment plan. The employment plan must include:

(a) A description of the existing opportunities for employment within the area;

(b) A projection of the effect that the redevelopment project will have on opportunities for employment within the area; ~~[and]~~

(c) A description of the manner in which an employer relocating a business into the area plans to employ persons living within the area of operation who:

(1) Are economically disadvantaged;

(2) Have a physical disability;

(3) Are members of racial minorities;

(4) Are veterans; or

(5) Are women ~~[.]~~ *; and*

(d) ~~*[4]*~~ *For a redevelopment project undertaken in a redevelopment area of a city whose population is 500,000 or more, a description of the manner in which:*

(1) The developer will , ~~[give a preference]~~ in hiring for construction jobs for the project ~~[to persons living within the redevelopment area and, among such persons, to]~~ , use its best efforts to hire veterans and other persons of both sexes and diverse ethnicities living within the redevelopment area, an area in the city for which the legislative body has adopted a specific plan for neighborhood revitalization ~~[, an area]~~ or which is eligible for a community development block grant pursuant to 24 C.F.R. Part 570 , or the Southern Nevada Enterprise Community; and

*(2) Each employer relocating a business into the area ~~[plans to give a preference in hiring to]~~ will use its best efforts to hire veterans and other persons of both sexes and diverse ethnicities living within ~~[the redevelopment~~

~~*area and, among such persons, to persons living within an area for which the legislative body has adopted a specific plan for neighborhood revitalization, an area eligible for a community development block grant pursuant to 24 C.F.R. Part 570 or the Southern Nevada Enterprise Community.]*~~ *any of the areas described in subparagraph (1).*

3. A description provided pursuant to paragraph (d) of subsection 2 must include an agreement by the developer or employer to offer and conduct training for the residents described in that paragraph or make a good faith effort to provide such training through a program of training that is offered by a governmental agency and reasonably available to the developer or employer.

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 15.5. ~~[1. On or before January 1 of each year, if a community has a revolving loan account created by section 10.5 of this act, the agency shall submit to the Director of the Legislative Counsel Bureau, for transmittal to the Legislature, or to the Legislative Commission when the Legislature is not in regular session, a report for the previous fiscal year containing information on each loan made from the account.~~

~~2. The report required pursuant to subsection 1 must be submitted for each fiscal year beginning with the Fiscal Year 2013-2014 and ending with the Fiscal Year 2016-2017.~~

~~3. As used in this section:~~

~~(a) "Agency" has the meaning ascribed to it in NRS 279.386.~~

~~(b) "Community" has the meaning ascribed to it in NRS 279.392.]~~ (Deleted by amendment.)

Sec. 16. This act becomes effective on July 1, 2013.

Senator Parks moved that the Senate concur in the Assembly Amendment No. 618 to Senate Bill No. 135.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 141.

The following Assembly Amendment was read:

Amendment No. 729

"SUMMARY—Revises provisions governing the dissemination of records of criminal history. (BDR 14-881)"

"AN ACT relating to records of criminal history; requiring an agency of criminal justice to disseminate records of criminal history to court appointed special advocate programs in certain smaller counties under certain circumstances; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law requires an agency of criminal justice, upon request, to disseminate records of criminal history to certain persons and governmental entities. (NRS 179A.100) This bill requires an agency of criminal justice to

disseminate a record of criminal history to a court appointed special advocate program in a county whose population is less than 100,000, (currently counties other than Clark and Washoe Counties) as needed to ensure the safety of a child for whom a special advocate has been appointed.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 179A.100 is hereby amended to read as follows:

179A.100 1. The following records of criminal history may be disseminated by an agency of criminal justice without any restriction pursuant to this chapter:

(a) Any which reflect records of conviction only; and

(b) Any which pertain to an incident for which a person is currently within the system of criminal justice, including parole or probation.

2. Without any restriction pursuant to this chapter, a record of criminal history or the absence of such a record may be:

(a) Disclosed among agencies which maintain a system for the mutual exchange of criminal records.

(b) Furnished by one agency to another to administer the system of criminal justice, including the furnishing of information by a police department to a district attorney.

(c) Reported to the Central Repository.

3. An agency of criminal justice shall disseminate to a prospective employer, upon request, records of criminal history concerning a prospective employee or volunteer which are the result of a name-based inquiry and which:

(a) Reflect convictions only; or

(b) Pertain to an incident for which the prospective employee or volunteer is currently within the system of criminal justice, including parole or probation.

4. In addition to any other information to which an employer is entitled or authorized to receive from a name-based inquiry, the Central Repository shall disseminate to a prospective or current employer, or a person or entity designated to receive the information on behalf of such an employer, the information contained in a record of registration concerning an employee, prospective employee, volunteer or prospective volunteer who is a sex offender or an offender convicted of a crime against a child, regardless of whether the employee, prospective employee, volunteer or prospective volunteer gives written consent to the release of that information. The Central Repository shall disseminate such information in a manner that does not reveal the name of an individual victim of an offense or the information described in subsection 7 of NRS 179B.250. A request for information pursuant to this subsection must conform to the requirements of the Central Repository and must include:

(a) The name and address of the employer, and the name and signature of the person or entity requesting the information on behalf of the employer;

(b) The name and address of the employer's facility in which the employee, prospective employee, volunteer or prospective volunteer is employed or volunteers or is seeking to become employed or volunteer; and

(c) The name and other identifying information of the employee, prospective employee, volunteer or prospective volunteer.

5. In addition to any other information to which an employer is entitled or authorized to receive, the Central Repository shall disseminate to a prospective or current employer, or a person or entity designated to receive the information on behalf of such an employer, the information described in subsection 4 of NRS 179A.190 concerning an employee, prospective employee, volunteer or prospective volunteer who gives written consent to the release of that information if the employer submits a request in the manner set forth in NRS 179A.200 for obtaining a notice of information. The Central Repository shall search for and disseminate such information in the manner set forth in NRS 179A.210 for the dissemination of a notice of information.

6. Except as otherwise provided in subsection 5, the provisions of NRS 179A.180 to 179A.240, inclusive, do not apply to an employer who requests information and to whom such information is disseminated pursuant to subsections 4 and 5.

7. Records of criminal history must be disseminated by an agency of criminal justice, upon request, to the following persons or governmental entities:

(a) The person who is the subject of the record of criminal history for the purposes of NRS 179A.150.

(b) The person who is the subject of the record of criminal history when the subject is a party in a judicial, administrative, licensing, disciplinary or other proceeding to which the information is relevant.

(c) The State Gaming Control Board.

(d) The State Board of Nursing.

(e) The Private Investigator's Licensing Board to investigate an applicant for a license.

(f) A public administrator to carry out the duties as prescribed in chapter 253 of NRS.

(g) A public guardian to investigate a ward or proposed ward or persons who may have knowledge of assets belonging to a ward or proposed ward.

(h) Any agency of criminal justice of the United States or of another state or the District of Columbia.

(i) Any public utility subject to the jurisdiction of the Public Utilities Commission of Nevada when the information is necessary to conduct a security investigation of an employee or prospective employee or to protect the public health, safety or welfare.

(j) Persons and agencies authorized by statute, ordinance, executive order, court rule, court decision or court order as construed by appropriate state or local officers or agencies.

(k) Any person or governmental entity which has entered into a contract to provide services to an agency of criminal justice relating to the administration of criminal justice, if authorized by the contract, and if the contract also specifies that the information will be used only for stated purposes and that it will be otherwise confidential in accordance with state and federal law and regulation.

(l) Any reporter for the electronic or printed media in a professional capacity for communication to the public.

(m) Prospective employers if the person who is the subject of the information has given written consent to the release of that information by the agency which maintains it.

(n) For the express purpose of research, evaluative or statistical programs pursuant to an agreement with an agency of criminal justice.

(o) An agency which provides child welfare services, as defined in NRS 432B.030.

(p) The Division of Welfare and Supportive Services of the Department of Health and Human Services or its designated representative, as needed to ensure the safety of investigators and caseworkers.

(q) The Aging and Disability Services Division of the Department of Health and Human Services or its designated representative, as needed to ensure the safety of investigators and caseworkers.

(r) An agency of this or any other state or the Federal Government that is conducting activities pursuant to Part D of Subchapter IV of Chapter 7 of Title 42 of the Social Security Act, 42 U.S.C. §§ 651 et seq.

(s) The State Disaster Identification Team of the Division of Emergency Management of the Department.

(t) The Commissioner of Insurance.

(u) The Board of Medical Examiners.

(v) The State Board of Osteopathic Medicine.

(w) The Board of Massage Therapists and its Executive Director.

(x) A court appointed special advocate program in a county whose population is less than 100,000, as needed to ensure the safety of a child for whom a special advocate has been appointed by a court.

8. Agencies of criminal justice in this State which receive information from sources outside this State concerning transactions involving criminal justice which occur outside Nevada shall treat the information as confidentially as is required by the provisions of this chapter.

Sec. 2. This act becomes effective on July 1, 2013 ~~[.]~~ , and expires by limitation on June 30, 2015.

Senator Segerblom moved that the Senate concur in the Assembly Amendment No. 729 to Senate Bill No. 141.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 152.

The following Assembly Amendment was read:

Amendment No. 713.

"SUMMARY—Revises provisions governing the administration of sales and use taxes and related taxes. (BDR 32-877)"

"AN ACT relating to taxation; making various changes governing the administration of sales and use taxes and related taxes; providing that the right of a retailer to claim certain deductions or refunds is not affected by the assignment of a debt to certain affiliated entities, the writing off by such an entity of the debt as a bad debt and the eligibility of such an entity to deduct the bad debt under federal law; ~~[providing for the retroactive application of those provisions under certain circumstances;]~~ requiring the Department of Taxation to adopt certain regulations; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

The Sales and Use Tax Act provides that a retailer who is unable to collect all or part of the sales price of a sale is entitled to receive a deduction from his or her taxable sales for that bad debt. (NRS 372.368) A corresponding provision is set forth in the Local School Support Tax Law. (NRS 374.373) Section 1 of this bill provides that the right of a retailer to claim a deduction or refund under the Sales and Use Tax Act is not affected by the assignment of a debt by the retailer to an entity which is part of an affiliated group that includes the retailer, the writing off by the entity of the debt as a bad debt and the eligibility of the entity to deduct the bad debt under federal law. Section 1 also defines what constitutes an affiliated group. Section 2 of this bill makes corresponding changes to the Local School Support Tax Law. ~~[Section 4 of this bill provides for the retroactive application of those provisions under certain circumstances.]~~ Section 3 of this bill requires the Department of Taxation to adopt regulations necessary to carry out the provisions of this bill.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 372.368 is hereby amended to read as follows:

372.368 1. If a retailer is unable to collect all or part of the sales price of a sale, the retailer is entitled to receive a deduction from his or her taxable sales for that bad debt.

2. Any deduction that is claimed pursuant to this section may not include interest.

3. The amount of any deduction claimed must equal the amount of a deduction that may be claimed pursuant to *section 166 of the Internal Revenue Code,* 26 U.S.C. § 166 *,* for that sale minus:

(a) Any finance charge or interest charged as part of the sale;

(b) Any sales or use tax charged on the sales price;

(c) Any amount not paid on the sales price because the tangible personal property that was sold has remained in the possession of the retailer until the full sales price is paid;

(d) Any expense incurred in attempting to collect the bad debt; and

(e) The value of any property sold that has been repossessed by the retailer.

4. A bad debt may be claimed as a deduction on the return that covers the period during which the bad debt is written off in the business records of the retailer that are maintained in the ordinary course of the retailer's business and is eligible to be claimed as a deduction pursuant to *section 166 of the Internal Revenue Code,* 26 U.S.C. § 166 *,* or ~~[,]~~ if the retailer is not required to file a federal income tax return, would be eligible to be claimed as a deduction pursuant to *section 166 of the Internal Revenue Code,* 26 U.S.C. § 166.

5. If a bad debt for which a deduction has been claimed is subsequently collected in whole or in part, the tax on the amount so collected must be reported on the return that covers the period in which the collection is made.

6. If the amount of the bad debt is greater than the amount of the taxable sales reported for the period during which the bad debt is claimed as a deduction, a claim for a refund may be filed pursuant to NRS 372.630 to 372.720, inclusive, except that the time within which the claim may be filed begins on the date on which the return that included the deduction was filed.

7. If the retailer has contracted with a certified service provider for the remittance of the tax due under this chapter, the service provider may, on behalf of the retailer, claim any deduction to which the retailer is entitled pursuant to this section. The service provider shall credit or refund the full amount of any deduction or refund received pursuant to this section to the retailer.

8. For the purposes of reporting a payment received on a bad debt for which a deduction has been claimed, the payment must first be applied to the sales price of the property sold and the tax due thereon, and then to any interest, service charge or other charge that was charged as part of the sale.

9. If the records of a retailer indicate that a bad debt may be allocated among other states that are members of the Streamlined Sales and Use Tax Agreement, the retailer may allocate the bad debt among those states.

10. *A retailer who assigns a debt to an entity which is part of an affiliated group that includes the retailer may claim any deduction or refund to which the retailer would otherwise be entitled pursuant to this section, notwithstanding:*

(a) The assignment of the debt to the entity;

(b) That the debt is written off as a bad debt in the business records of the entity which are maintained in the ordinary course of the entity's business; and

(c) That the bad debt is or would be eligible to be claimed by the entity as a deduction pursuant to section 166 of the Internal Revenue Code, 26 U.S.C. § 166.

11. Except as otherwise provided in subsection ~~[11,]~~ *12,* upon determining that a retailer has filed a return which contains one or more violations of the provisions of this section, the Department shall:

(a) For the first return of any retailer which contains one or more violations, issue a letter of warning to the retailer which provides an explanation of the violation or violations contained in the return.

(b) For the first or second return, other than a return described in paragraph (a), in any calendar year which contains one or more violations, assess a penalty equal to the amount of the deduction claimed or $1,000, whichever is less.

(c) For the third and each subsequent return in any calendar year which contains one or more violations, assess a penalty of three times the amount of the deduction claimed or $3,000, whichever is less.

~~[11.]~~ *12.* For the purposes of subsection ~~[10,]~~ *11,* if the first violation of this section by any retailer was determined by the Department through an audit which covered more than one return of the retailer, the Department shall treat all returns which were determined through the same audit to contain a violation or violations in the manner provided in paragraph (a) of subsection ~~[10.~~

~~12.]~~ *11.*

13. As used in this section:

(a) *"Affiliated group" means:*

(1) An affiliated group as defined in section 1504(a) of the Internal Revenue Code, 26 U.S.C. § 1504(a); or

(2) A controlled group of corporations as described in section 1563(a)(2) of the Internal Revenue Code, 26 U.S.C. § 1563(a)(2).

(b) "Bad debt" means a debt that may be deducted pursuant to *section 166 of the Internal Revenue Code,* 26 U.S.C. § 166.

~~[(b)]~~ *(c)* "Certified service provider" has the meaning ascribed to it in NRS 360B.060.

Sec. 2. NRS 374.373 is hereby amended to read as follows:

374.373 1. If a retailer is unable to collect all or part of the sales price of a sale, the retailer is entitled to receive a deduction from his or her taxable sales for that bad debt.

2. Any deduction that is claimed pursuant to this section may not include interest.

3. The amount of any deduction claimed must equal the amount of a deduction that may be claimed pursuant to *section 166 of the Internal Revenue Code,* 26 U.S.C. § 166 *,* for that sale minus:

(a) Any finance charge or interest charged as part of the sale;

(b) Any sales or use tax charged on the sales price;

(c) Any amount not paid on the sales price because the tangible personal property that was sold has remained in the possession of the retailer until the full sales price is paid;

(d) Any expense incurred in attempting to collect the bad debt; and

(e) The value of any property sold that has been repossessed by the retailer.

4. A bad debt may be claimed as a deduction on the return that covers the period during which the bad debt is written off in the business records of the retailer that are maintained in the ordinary course of the retailer's business and is eligible to be claimed as a deduction pursuant to *section 166 of the Internal Revenue Code,* 26 U.S.C. § 166 *,* or ~~,~~ if the retailer is not required to file a federal income tax return, would be eligible to be claimed as a deduction pursuant to *section 166 of the Internal Revenue Code,* 26 U.S.C. § 166.

5. If a bad debt for which a deduction has been claimed is subsequently collected in whole or in part, the tax on the amount so collected must be reported on the return that covers the period in which the collection is made.

6. If the amount of the bad debt is greater than the amount of the taxable sales reported for the period during which the bad debt is claimed as a deduction, a claim for a refund may be filed pursuant to NRS 374.635 to 374.720, inclusive, except that the time within which the claim may be filed begins on the date on which the return that included the deduction was filed.

7. If the retailer has contracted with a certified service provider for the remittance of the tax due under this chapter, the service provider may, on behalf of the retailer, claim any deduction to which the retailer is entitled pursuant to this section. The service provider shall credit or refund the full amount of any deduction or refund received pursuant to this section to the retailer.

8. For the purposes of reporting a payment received on a bad debt for which a deduction has been claimed, the payment must first be applied to the sales price of the property sold and the tax due thereon, and then to any interest, service charge or other charge that was charged as part of the sale.

9. If the records of a retailer indicate that a bad debt may be allocated among other states that are members of the Streamlined Sales and Use Tax Agreement, the retailer may allocate the bad debt among those states.

10. *A retailer who assigns a debt to an entity which is part of an affiliated group that includes the retailer may claim any deduction or refund to which the retailer would otherwise be entitled pursuant to this section, notwithstanding:*

(a) The assignment of the debt to the entity;

(b) That the debt is written off as a bad debt in the business records of the entity which are maintained in the ordinary course of the entity's business; and

(c) That the bad debt is or would be eligible to be claimed by the entity as a deduction pursuant to section 166 of the Internal Revenue Code, 26 U.S.C. § 166.

11. Except as otherwise provided in subsection ~~[11,]~~ *12,* upon determining that a retailer has filed a return which contains one or more violations of the provisions of this section, the Department shall:

(a) For the first return of any retailer which contains one or more violations, issue a letter of warning to the retailer which provides an explanation of the violation or violations contained in the return.

(b) For the first or second return, other than a return described in paragraph (a), in any calendar year which contains one or more violations, assess a penalty equal to the amount of the deduction claimed or $1,000, whichever is less.

(c) For the third and each subsequent return in any calendar year which contains one or more violations, assess a penalty of three times the amount of the deduction claimed or $3,000, whichever is less.

~~[11.]~~ *12.* For the purposes of subsection ~~[10,]~~ *11,* if the first violation of this section by any retailer was determined by the Department through an audit which covered more than one return of the retailer, the Department shall treat all returns which were determined through the same audit to contain a violation or violations in the manner provided in paragraph (a) of subsection ~~[10.~~ ~~12.]~~ *11.*

13. As used in this section:

(a) *"Affiliated group" means:*

(1) An affiliated group as defined in section 1504(a) of the Internal Revenue Code, 26 U.S.C. § 1504(a); or

(2) A controlled group of corporations as described in section 1563(a)(2) of the Internal Revenue Code, 26 U.S.C. § 1563(a)(2).

(b) "Bad debt" means a debt that may be deducted pursuant to *section 166 of the Internal Revenue Code,* 26 U.S.C. § 166.

~~[(b)]~~ *(c)* "Certified service provider" has the meaning ascribed to it in NRS 360B.060.

Sec. 3. The Department of Taxation shall, as soon as practicable on or after the date of passage and approval of this act, adopt such regulations as are necessary to carry out the provisions of this act.

Sec. 4. ~~[1. Notwithstanding the provisions of subsection 2 of NRS 372.725 and subsection 2 of NRS 374.725, the provisions of NRS 372.368, as amended by section 1 of this act, and NRS 374.373, as amended by section 2 of this act, apply retroactively with respect to a bad debt that on or after January 1, 2012, was written off in the business records of a retailer, or an entity that is part of an affiliated group which includes the retailer, and that were maintained in the ordinary course of the retailer's or entity's business.~~

~~2. As used in this section, "affiliated group" has the meaning ascribed to it in subsection 13 of NRS 372.368, as amended by section 1 of this act.]~~ (Deleted by amendment.)

Sec. 5. This act becomes effective:

1. Upon passage and approval for the purposes of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On July 1, 2013, for all other purposes.

Senator Kihuen moved that the Senate concur in the Assembly Amendment No. 713 to Senate Bill No. 152.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 169.

The following Assembly Amendment was read:

Amendment No. 623.

"SUMMARY—Revises provisions governing criminal penalties. (BDR 15-495)"

"AN ACT relating to crimes; revising criminal penalties for crimes that are gross misdemeanors; revising provisions governing the sealing of records of convictions pertaining to gross misdemeanors; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law generally provides that a person convicted of a gross misdemeanor may be punished, in lieu of or in addition to a fine, by imprisonment in the county jail for not more than 1 year. (NRS 193.140) Existing law further provides that a person convicted of certain other offenses may also be punished, in lieu of or in addition to a fine, by imprisonment in the county jail for not more than 1 year. (NRS 200.5099, 372.760, 374.765, 383.180, 453.411, 459.280, 459.595, 618.685, 638.170, 641A.440)

This bill provides that a person convicted of a gross misdemeanor may, in lieu of or in addition to any fine, only be punished by imprisonment in the county jail for a maximum of 364 days. Sections 4, 8-10, 16-18, 23, 27 and 28 of this bill also clarify that certain crimes which are punishable by imprisonment in the county jail for a maximum of 364 days constitute gross misdemeanors.

Existing law provides that a person may petition the court in which the person was convicted for the sealing of all records relating to a conviction of a gross misdemeanor after 7 years from the date of release from actual custody or discharge from probation, whichever occurs later. (NRS 179.245) Section 5 of this bill reduces the period to 5 years after the date of release from actual custody or discharge from probation, whichever occurs later.

Section 30 of this bill provides that the amendatory provisions of this bill apply to a person who is sentenced on or after October 1, 2013, for a crime committed before, on or after October 1, 2013.

Section 31 of this bill authorizes a person who was convicted of a gross misdemeanor before October 1, 2013, and sentenced to a term of imprisonment in the county jail for 1 year to file a petition with the court of original jurisdiction requesting that the court, for good cause shown, order that his or her original sentence be modified to a sentence imposing a term of imprisonment for 364 days.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 193.140 is hereby amended to read as follows:

193.140 Every person convicted of a gross misdemeanor shall be punished by imprisonment in the county jail for not more than ~~[1 year,]~~ *364 days,* or by a fine of not more than $2,000, or by both fine and imprisonment, unless the statute in force at the time of commission of such gross misdemeanor prescribed a different penalty.

Sec. 2. NRS 193.1605 is hereby amended to read as follows:

193.1605 1. Any person who commits a gross misdemeanor on the property of a public or private school, at an activity sponsored by a public or private school, or on a school bus or at a bus stop used to load and unload a school bus while the bus is engaged in its official duties:

(a) Shall be punished by imprisonment in the county jail for not fewer than 15 days but not more than ~~[1 year;]~~ *364 days;* and

(b) In addition to imprisonment, may be punished by a fine of not more than $2,000.

2. For the purposes of this section, "school bus" has the meaning ascribed to it in NRS 483.160.

Sec. 3. NRS 193.330 is hereby amended to read as follows:

193.330 1. An act done with the intent to commit a crime, and tending but failing to accomplish it, is an attempt to commit that crime. A person who attempts to commit a crime, unless a different penalty is prescribed by statute, shall be punished as follows:

(a) If the person is convicted of:

(1) Attempt to commit a category A felony, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years.

(2) Attempt to commit a category B felony for which the maximum term of imprisonment authorized by statute is greater than 10 years, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years.

(3) Attempt to commit a category B felony for which the maximum term of imprisonment authorized by statute is 10 years or less, for a category C felony as provided in NRS 193.130.

(4) Attempt to commit a category C felony, for a category D felony as provided in NRS 193.130, or for a gross misdemeanor by imprisonment in

the county jail for not more than ~~[1 year,]~~ *364 days,* or by a fine of not more than $2,000, or by both fine and imprisonment.

(5) Attempt to commit a category D felony, for a category E felony as provided in NRS 193.130, or for a gross misdemeanor by imprisonment in the county jail for not more than ~~[1 year,]~~ *364 days,* or by a fine of not more than $2,000, or by both fine and imprisonment.

(6) Attempt to commit a category E felony, for a category E felony as provided in NRS 193.130, or for a gross misdemeanor by imprisonment in the county jail for not more than ~~[1 year,]~~ *364 days,* or by a fine of not more than $2,000, or by both fine and imprisonment.

(b) If the person is convicted of attempt to commit a misdemeanor, a gross misdemeanor or a felony for which a category is not designated by statute, by imprisonment for not more than one-half the longest term authorized by statute, or by a fine of not more than one-half the largest sum, prescribed upon conviction for the commission of the offense attempted, or by both fine and imprisonment.

2. Nothing in this section protects a person who, in an unsuccessful attempt to commit one crime, does commit another and different one, from the punishment prescribed for the crime actually committed. A person may be convicted of an attempt to commit a crime, although it appears on the trial that the crime was consummated, unless the court in its discretion discharges the jury and directs the defendant to be tried for the crime itself.

Sec. 4. NRS 200.5099 is hereby amended to read as follows:

200.5099 1. Except as otherwise provided in subsection 6, any person who abuses an older person or a vulnerable person is guilty:

(a) For the first offense, of a gross misdemeanor; or

(b) For any subsequent offense or if the person has been previously convicted of violating a law of any other jurisdiction that prohibits the same or similar conduct, of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 6 years, unless a more severe penalty is prescribed by law for the act or omission which brings about the abuse.

2. Except as otherwise provided in subsection 7, any person who has assumed responsibility, legally, voluntarily or pursuant to a contract, to care for an older person or a vulnerable person and who:

(a) Neglects the older person or vulnerable person, causing the older person or vulnerable person to suffer physical pain or mental suffering;

(b) Permits or allows the older person or vulnerable person to suffer unjustifiable physical pain or mental suffering; or

(c) Permits or allows the older person or vulnerable person to be placed in a situation where the older person or vulnerable person may suffer physical pain or mental suffering as the result of abuse or neglect,

➥ is guilty of a gross misdemeanor unless a more severe penalty is prescribed by law for the act or omission which brings about the abuse or neglect.

3. Except as otherwise provided in subsection 4, any person who exploits an older person or a vulnerable person shall be punished, if the value of any money, assets and property obtained or used:

(a) Is less than $650, for a *gross* misdemeanor by imprisonment in the county jail for not more than ~~[1 year,]~~ *364 days,* or by a fine of not more than $2,000, or by both fine and imprisonment;

(b) Is at least $650, but less than $5,000, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, or by a fine of not more than $10,000, or by both fine and imprisonment; or

(c) Is $5,000 or more, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years, or by a fine of not more than $25,000, or by both fine and imprisonment,

➥ unless a more severe penalty is prescribed by law for the act which brought about the exploitation. The monetary value of all of the money, assets and property of the older person or vulnerable person which have been obtained or used, or both, may be combined for the purpose of imposing punishment for an offense charged pursuant to this subsection.

4. If a person exploits an older person or a vulnerable person and the monetary value of any money, assets and property obtained cannot be determined, the person shall be punished for a gross misdemeanor by imprisonment in the county jail for not more than ~~[1 year,]~~ *364 days,* or by a fine of not more than $2,000, or by both fine and imprisonment.

5. Any person who isolates an older person or a vulnerable person is guilty:

(a) For the first offense, of a gross misdemeanor; or

(b) For any subsequent offense, of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than $5,000.

6. A person who violates any provision of subsection 1, if substantial bodily or mental harm or death results to the older person or vulnerable person, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years, unless a more severe penalty is prescribed by law for the act or omission which brings about the abuse.

7. A person who violates any provision of subsection 2, if substantial bodily or mental harm or death results to the older person or vulnerable person, shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term

of not more than 6 years, unless a more severe penalty is prescribed by law for the act or omission which brings about the abuse or neglect.

8. In addition to any other penalty imposed against a person for a violation of any provision of NRS 200.5091 to 200.50995, inclusive, the court shall order the person to pay restitution.

9. As used in this section:

(a) "Allow" means to take no action to prevent or stop the abuse or neglect of an older person or a vulnerable person if the person knows or has reason to know that the older person or vulnerable person is being abused or neglected.

(b) "Permit" means permission that a reasonable person would not grant and which amounts to a neglect of responsibility attending the care and custody of an older person or a vulnerable person.

(c) "Substantial mental harm" means an injury to the intellectual or psychological capacity or the emotional condition of an older person or a vulnerable person as evidenced by an observable and substantial impairment of the ability of the older person or vulnerable person to function within his or her normal range of performance or behavior.

Sec. 5. NRS 179.245 is hereby amended to read as follows:

179.245 1. Except as otherwise provided in subsection 5 and NRS 176A.265, 176A.295, 179.259, 453.3365 and 458.330, a person may petition the court in which the person was convicted for the sealing of all records relating to a conviction of:

(a) A category A or B felony after 15 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(b) A category C or D felony after 12 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(c) A category E felony after 7 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(d) Any gross misdemeanor after ~~[7]~~ *5* years from the date of release from actual custody or discharge from probation, whichever occurs later;

(e) A violation of NRS 484C.110 or 484C.120 other than a felony, or a battery which constitutes domestic violence pursuant to NRS 33.018 other than a felony, after 7 years from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later; or

(f) Any other misdemeanor after 2 years from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later.

2. A petition filed pursuant to subsection 1 must:

(a) Be accompanied by current, verified records of the petitioner's criminal history received from:

(1) The Central Repository for Nevada Records of Criminal History; and

(2) The local law enforcement agency of the city or county in which the conviction was entered;

(b) Include a list of any other public or private agency, company, official or other custodian of records that is reasonably known to the petitioner to have possession of records of the conviction and to whom the order to seal records, if issued, will be directed; and

(c) Include information that, to the best knowledge and belief of the petitioner, accurately and completely identifies the records to be sealed.

3. Upon receiving a petition pursuant to this section, the court shall notify the law enforcement agency that arrested the petitioner for the crime and:

(a) If the person was convicted in a district court or justice court, the prosecuting attorney for the county; or

(b) If the person was convicted in a municipal court, the prosecuting attorney for the city.

➥ The prosecuting attorney and any person having relevant evidence may testify and present evidence at the hearing on the petition.

4. If, after the hearing, the court finds that, in the period prescribed in subsection 1, the petitioner has not been charged with any offense for which the charges are pending or convicted of any offense, except for minor moving or standing traffic violations, the court may order sealed all records of the conviction which are in the custody of the court, of another court in the State of Nevada or of a public or private agency, company or official in the State of Nevada, and may also order all such criminal identification records of the petitioner returned to the file of the court where the proceeding was commenced from, including, but not limited to, the Federal Bureau of Investigation, the California Bureau of Criminal Identification and Information, sheriffs' offices and all other law enforcement agencies reasonably known by either the petitioner or the court to have possession of such records.

5. A person may not petition the court to seal records relating to a conviction of a crime against a child or a sexual offense.

6. If the court grants a petition for the sealing of records pursuant to this section, upon the request of the person whose records are sealed, the court may order sealed all records of the civil proceeding in which the records were sealed.

7. As used in this section:

(a) "Crime against a child" has the meaning ascribed to it in NRS 179D.0357.

(b) "Sexual offense" means:

(1) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.

(2) Sexual assault pursuant to NRS 200.366.

(3) Statutory sexual seduction pursuant to NRS 200.368, if punishable as a felony.

(4) Battery with intent to commit sexual assault pursuant to NRS 200.400.

(5) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this paragraph.

(6) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence pursuant to NRS 200.408, if the crime of violence is an offense listed in this paragraph.

(7) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.

(8) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.

(9) Incest pursuant to NRS 201.180.

(10) Solicitation of a minor to engage in acts constituting the infamous crime against nature pursuant to NRS 201.195.

(11) Open or gross lewdness pursuant to NRS 201.210, if punishable as a felony.

(12) Indecent or obscene exposure pursuant to NRS 201.220, if punishable as a felony.

(13) Lewdness with a child pursuant to NRS 201.230.

(14) Sexual penetration of a dead human body pursuant to NRS 201.450.

(15) Luring a child or a person with mental illness pursuant to NRS 201.560, if punishable as a felony.

(16) An attempt to commit an offense listed in subparagraphs (1) to (15), inclusive.

Sec. 6. NRS 332.810 is hereby amended to read as follows:

332.810 1. Before a contract is awarded, a person who has bid on the contract or an officer, employee, representative, agent or consultant of such a person shall not:

(a) Make an offer or promise of future employment or business opportunity to, or engage in a discussion of future employment or business opportunity with, an evaluator or member of the governing body offering the contract;

(b) Offer, give or promise to offer or give money, a gratuity or any other thing of value to an evaluator or member of the governing body offering the contract; or

(c) Solicit or obtain from an officer, employee or member of the governing body offering the contract:

(1) Any proprietary information regarding the contract; or

(2) Any information regarding a bid on the contract submitted by another person, unless such information is available to the general public.

2. A person who violates any of the provisions of subsection 1 is guilty of a gross misdemeanor and shall be punished by imprisonment in the county jail for not more than ~~[1 year,]~~ *364 days,* or by a fine of not less than $2,000 nor more than $50,000, or by both fine and imprisonment.

Sec. 7. NRS 333.800 is hereby amended to read as follows:

333.800 1. Before a contract is awarded, a person who has provided a bid or proposal on the contract or an officer, employee, representative, agent or consultant of such a person shall not:

(a) Make an offer or promise of future employment or business opportunity to, or engage in a discussion of future employment or business opportunity with, the Administrator, a purchasing officer or an employee of the using agency for which the contract is being offered;

(b) Offer, give or promise to offer or give money, a gratuity or any other thing of value to the Administrator, a purchasing officer or an employee of the using agency for which the contract is being offered; or

(c) Solicit or obtain from the Administrator, a purchasing officer or an employee of the using agency for which the contract is being offered:

(1) Any proprietary information regarding the contract; or

(2) Any information regarding a bid or proposal on the contract submitted by another person, unless such information is available to the general public.

2. A person who violates any of the provisions of subsection 1 is guilty of a gross misdemeanor and shall be punished by imprisonment in the county jail for not more than ~~[1 year,]~~ *364 days,* or by a fine of not less than $2,000 nor more than $50,000, or by both fine and imprisonment.

Sec. 8. NRS 372.760 is hereby amended to read as follows:

372.760 Any person required to make, render, sign or verify any report who makes any false or fraudulent return, with intent to defeat or evade the determination of an amount due required by law to be made, *is guilty of a gross misdemeanor and* shall for each offense be fined not less than $300 nor more than $5,000, or be imprisoned for not more than ~~[1 year]~~ *364 days* in the county jail, or be punished by both fine and imprisonment.

Sec. 9. NRS 374.765 is hereby amended to read as follows:

374.765 Any person required to make, render, sign or verify any report who makes any false or fraudulent return, with intent to defeat or evade the determination of an amount due required by law to be made, *is guilty of a gross misdemeanor and* shall for each offense be fined not less than $300 nor more than $5,000, or be imprisoned for not ~~[exceeding 1 year]~~ *more than 364 days* in the county jail, or be subject to both fine and imprisonment.

Sec. 10. NRS 383.180 is hereby amended to read as follows:

383.180 1. Except as otherwise provided in NRS 383.170, a person who willfully removes, mutilates, defaces, injures or destroys the cairn or

grave of a native Indian *is guilty of a gross misdemeanor and* shall be punished by a fine of $500 for the first offense, or by a fine of not more than $3,000 for a second or subsequent offense, and may be further punished by imprisonment in the county jail for not more than ~~[1 year.]~~ *364 days*.

2. A person who fails to notify the Office of the discovery and location of an Indian burial site in violation of NRS 383.170 *is guilty of a gross misdemeanor and* shall be punished by a fine of $500 for the first offense, or by a fine of not more than $1,500 for a second or subsequent offense, and may be further punished by imprisonment in the county jail for not more than ~~[1 year.]~~ *364 days*.

3. A person who:

(a) Possesses any artifact or human remains taken from the cairn or grave of a native Indian on or after October 1, 1989, in a manner other than that authorized by NRS 383.170;

(b) Publicly displays or exhibits any of the human remains of a native Indian, except during a funeral ceremony; or

(c) Sells any artifact or human remains taken from the cairn or grave of a native Indian,

➥ is guilty of a category D felony and shall be punished as provided in NRS 193.130.

4. This section does not apply to:

(a) The possession or sale of an artifact:

(1) Discovered in or taken from a location other than the cairn or grave of a native Indian; or

(2) Removed from the cairn or grave of a native Indian by other than human action; or

(b) Action taken by a peace officer in the performance of his or her duties.

Sec. 11. NRS 383.435 is hereby amended to read as follows:

383.435 1. Except as otherwise provided in this section, a person who knowingly and willfully removes, mutilates, defaces, excavates, injures or destroys a historic or prehistoric site or resource on state land or who receives, traffics in or sells cultural property appropriated from state land without a valid permit, unless a greater penalty is provided by a specific statute:

(a) For a first offense, is guilty of a misdemeanor and shall be punished by a fine of $500.

(b) For a second or subsequent offense, is guilty of a gross misdemeanor and shall be punished by imprisonment in the county jail for not more than ~~[1 year]~~ *364 days* or by a fine of not more than $3,000, or by both fine and imprisonment.

2. This section does not apply to any action taken:

(a) In accordance with an agreement with the Office entered into pursuant to NRS 383.430; or

(b) In accordance with the provisions of NRS 381.195 to 381.227, inclusive, by the holder of a permit issued pursuant to those sections.

3. In addition to any other penalty, a person who violates a provision of this section is liable for civil damages to the state agency or political subdivision which has jurisdiction over the state land in an amount equal to the cost or, in the discretion of the court, an amount equal to twice the cost of the restoration, stabilization and interpretation of the site plus any court costs and fees.

Sec. 12. NRS 398.496 is hereby amended to read as follows:

398.496 1. An athlete's agent shall not, with the intent to induce a student athlete to enter into any contract:

(a) Give any materially false or misleading information or make a materially false promise or representation;

(b) Furnish anything of value to the student athlete before the student athlete enters into the contract; or

(c) Furnish anything of value to a natural person other than the student athlete or another registered athlete's agent.

2. An athlete's agent shall not intentionally:

(a) Initiate communication, direct or indirect, with a student athlete to recruit or solicit the student athlete to enter into a contract of agency, unless the agent is registered pursuant to NRS 398.400 to 398.620, inclusive;

(b) Refuse or fail to retain or permit inspection of records required to be retained pursuant to NRS 398.480;

(c) Fail to register when required pursuant to NRS 398.448;

(d) Include materially false or misleading information in an application for registration or renewal of registration;

(e) Predate or postdate a contract of agency; or

(f) Fail to notify a student athlete, before the student athlete signs or otherwise authenticates a contract of agency for a particular sport, that the signing or authentication will make the student athlete ineligible to participate as a student athlete in that sport.

3. A person who willfully violates:

(a) A provision of NRS 398.400 to 398.620, inclusive;

(b) A regulation adopted by the Secretary of State pursuant to NRS 398.400 to 398.620, inclusive; or

(c) An order denying, suspending or revoking the effectiveness of a registration, or an order to cease and desist, issued by the Secretary of State pursuant to NRS 398.400 to 398.620, inclusive,

➥ is guilty of a gross misdemeanor and shall be punished by imprisonment in the county jail for not more than ~~[1 year,]~~ *364 days,* or by a fine of not more than $25,000, or by both fine and imprisonment. In addition to any other penalty, the court shall order the person to pay restitution.

4. A person who violates:

(a) A regulation adopted by the Secretary of State pursuant to NRS 398.400 to 398.620, inclusive; or

(b) An order denying, suspending or revoking the effectiveness of a registration, or an order to cease and desist, issued by the Secretary of State pursuant to NRS 398.400 to 398.620, inclusive,

➥ without knowledge of the regulation or order, is guilty of a misdemeanor and shall be punished by a fine of not more than $25,000.

5. The provisions of NRS 398.400 to 398.620, inclusive, do not limit the power of the State of Nevada to punish a person for conduct which constitutes a crime pursuant to any other law.

Sec. 13. NRS 444.630 is hereby amended to read as follows:

444.630 1. A person who places, deposits or dumps, or who causes to be placed, deposited or dumped, or who causes or allows to overflow, any sewage, sludge, cesspool or septic tank effluent, or accumulation of human excreta, or any solid waste, in or upon any street, alley, public highway or road in common use, or upon any public park or other public property other than property designated or set aside for such a purpose by the governing body having charge thereof, or upon any private property, is guilty of:

(a) For a first offense within the immediately preceding 2 years, a misdemeanor.

(b) For a second offense within the immediately preceding 2 years, a gross misdemeanor and shall be punished by imprisonment in the county jail for not less than 14 days but not more than ~~[1 year.]~~ *364 days.*

(c) For a third or subsequent offense within the immediately preceding 2 years, a gross misdemeanor and shall be punished by imprisonment in the county jail for ~~[1 year.]~~ *364 days.*

2. In addition to any criminal penalty imposed pursuant to subsection 1, any civil penalty imposed pursuant to NRS 444.635 and any administrative penalty imposed pursuant to NRS 444.629, a court shall sentence a person convicted of violating subsection 1:

(a) If the person is a natural person, to clean up the dump site and perform 10 hours of community service under the conditions prescribed in NRS 176.087.

(b) If the person is a business entity:

(1) For a first or second offense within the immediately preceding 2 years, to:

(I) Clean up the dump site; and

(II) Perform 40 hours of community service cleaning up other dump sites identified by the solid waste management authority.

(2) For a third or subsequent offense within the immediately preceding 2 years, to:

(I) Clean up the dump site; and

(II) Perform 200 hours of community service cleaning up other dump sites identified by the solid waste management authority.

3. If a person is sentenced to clean up a dump site pursuant to subsection 2, the person shall:

(a) Within 3 calendar days after sentencing, commence cleaning up the dump site; and

(b) Within 5 business days after cleaning up the dump site, provide to the solid waste management authority proof of the lawful disposal of the sewage, solid waste or other matter that the person was convicted of disposing of unlawfully.

➥ The solid waste management authority shall prescribe the forms of proof which may be provided to satisfy the provisions of paragraph (b).

4. In addition to any other penalty prescribed by law, if a business entity is convicted of violating subsection 1:

(a) Such violation constitutes reasonable grounds for the revocation of any license to engage in business that has been issued to the business entity by any governmental entity of this State; and

(b) The solid waste management authority may seek the revocation of such a license by way of any applicable procedures established by the governmental entity that issued the license.

5. Except as otherwise provided in NRS 444.585, ownership of solid waste does not transfer from the person who originally possessed it until it is received for transport by a person authorized to dispose of solid waste pursuant to this chapter or until it is disposed of at a municipal disposal site. Identification of the owner of any solid waste which is disposed of in violation of subsection 1 creates a reasonable inference that the owner is the person who disposed of the solid waste. The fact that the disposal of the solid waste was not witnessed does not, in and of itself, preclude the identification of its owner.

6. All:

(a) Health officers and their deputies;

(b) Game wardens;

(c) Police officers of cities and towns;

(d) Sheriffs and their deputies;

(e) Other peace officers of the State of Nevada; and

(f) Other persons who are specifically designated by the local government to do so,

➥ shall, within their respective jurisdictions, enforce the provisions of this section.

7. A district health officer or a deputy of the district health officer or other person specifically designated by the local government to do so may issue a citation for any violation of this section which occurs within the jurisdiction of the district health officer.

8. To effectuate the purposes of this section, the persons charged with enforcing this section may request information from any:

(a) Agency of the State or its political subdivisions.

(b) Employer, public or private.

(c) Employee organization or trust of any kind.

(d) Financial institution or other entity which is in the business of providing credit reports.

(e) Public utility.

➥ Each of these persons and entities, their officers and employees, shall cooperate by providing any information in their possession which may aid in the location and identification of a person believed to be in violation of subsection 1. A disclosure made in good faith pursuant to this subsection does not give rise to any action for damages for the disclosure.

Sec. 14. NRS 445A.705 is hereby amended to read as follows:

445A.705 1. Except as otherwise provided in NRS 445A.710 or unless a greater penalty is prescribed by NRS 459.600, a person who intentionally or with criminal negligence violates NRS 445A.465 or 445A.575, any limitation established pursuant to NRS 445A.525 and 445A.530, the terms or conditions of a permit issued pursuant to NRS 445A.495 to 445A.515, inclusive, or any final order issued under NRS 445A.690, except a final order concerning a diffuse source, is guilty of a gross misdemeanor and shall be punished by a fine of not more than $25,000 for each day of the violation or by imprisonment in the county jail for not more than ~~[1 year,]~~ *364 days,* or by both fine and imprisonment.

2. If the conviction is for a second violation of the provisions indicated in subsection 1, the person is guilty of a category D felony and shall be punished as provided in NRS 193.130.

3. The penalties imposed by subsections 1 and 2 are in addition to any other penalties, civil or criminal, provided pursuant to NRS 445A.300 to 445A.730, inclusive.

Sec. 15. NRS 445A.710 is hereby amended to read as follows:

445A.710 1. Any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan or other document filed or required to be maintained by the provisions of NRS 445A.300 to 445A.730, inclusive, or by any permit, rule, regulation or order issued pursuant thereto, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required to be maintained under the provisions of NRS 445A.300 to 445A.730, inclusive, or by any permit, rule, regulation or order issued pursuant thereto, is guilty of a gross misdemeanor and shall be punished by a fine of not more than $10,000 or by imprisonment in the county jail for not more than ~~[1 year,]~~ *364 days,* or by both fine and imprisonment.

2. The penalty imposed by subsection 1 is in addition to any other penalties, civil or criminal, provided pursuant to NRS 445A.300 to 445A.730, inclusive.

Sec. 16. NRS 453.411 is hereby amended to read as follows:

453.411 1. It is unlawful for a person knowingly to use or be under the influence of a controlled substance except in accordance with a lawfully issued prescription.

2. It is unlawful for a person knowingly to use or be under the influence of a controlled substance except when administered to the person at a rehabilitation clinic established or licensed by the Health Division of the Department, or a hospital certified by the Department.

3. Unless a greater penalty is provided in NRS 212.160, a person who violates this section shall be punished:

(a) If the controlled substance is listed in schedule I, II, III or IV, for a category E felony as provided in NRS 193.130.

(b) If the controlled substance is listed in schedule V, *for a gross misdemeanor* by imprisonment in the county jail for not more than ~~[1 year,]~~ *364 days,* and may be further punished by a fine of not more than $1,000.

Sec. 17. NRS 459.280 is hereby amended to read as follows:

459.280 1. A person who is employed at an area used for the disposal of radioactive waste and removes from the disposal area any of that waste, or without prior written authorization from the State Health Officer removes from the disposal area for his or her own personal use any machinery or equipment belonging to the operator of the area and used within the area where the waste is buried, *is guilty of a gross misdemeanor and* shall be punished by imprisonment in the county jail for not more than ~~[1 year,]~~ *364 days,* or by a fine of not more than $10,000, or by both fine and imprisonment.

2. If a person who violates this section is employed by the operator of the disposal area, the operator may be assessed an administrative penalty of not more than $10,000, in addition to any other penalty provided by law.

Sec. 18. NRS 459.595 is hereby amended to read as follows:

459.595 Any person who:

1. Knowingly makes any false statement, representation or certification on any application, record, report, manifest, plan or other document filed or required to be maintained by any provision of NRS 459.400 to 459.560, inclusive, NRS 459.590 or by any regulation adopted or permit or order issued pursuant to those sections; or

2. Falsifies, tampers with or knowingly renders inaccurate any device or method for continuing observation required by a provision of NRS 459.400 to 459.560, inclusive, or by any regulation adopted or permit or order issued pursuant to those sections,

➥ *is guilty of a gross misdemeanor and* shall be punished by imprisonment in the county jail for not more than ~~[1 year,]~~ *364 days,* or by a fine of not more than $25,000, or by both fine and imprisonment. Each day the false document remains uncorrected or a device or method described in subsection 2 remains inaccurate constitutes a separate violation of this section for purposes of determining the maximum fine.

Sec. 19. NRS 482.551 is hereby amended to read as follows:

482.551 1. Except as otherwise provided in subsection 3, a person who knowingly:

(a) Buys with the intent to resell;

(b) Disposes of;

(c) Sells; or

(d) Transfers,

➥ a motor vehicle or part from a motor vehicle that has an identification number or mark that has been falsely attached, removed, defaced, altered or obliterated to misrepresent the identity or to prevent the identification of the motor vehicle or part from a motor vehicle is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and may be further punished by a fine of not more than $60,000, or by both fine and imprisonment.

2. Except as otherwise provided in subsection 3 and NRS 482.5505, or if a greater penalty is otherwise provided by law, a person who takes possession of a motor vehicle or part from a motor vehicle knowing that an identification number or mark has been falsely attached, removed, defaced, altered or obliterated is guilty of a gross misdemeanor and shall be punished by imprisonment in the county jail for not more than ~~[1 year,]~~ *364 days,* or by a fine of not more than $10,000, or by both fine and imprisonment.

3. The provisions of this section do not apply to an owner of or person authorized to possess a motor vehicle or part of a motor vehicle:

(a) If the motor vehicle or part of the motor vehicle was recovered by a law enforcement agency after having been stolen;

(b) If the condition of the identification number or mark of the motor vehicle or part of the motor vehicle is known to, or has been reported to, a law enforcement agency; or

(c) If the motor vehicle or part from the motor vehicle has an identification number attached to it which has been assigned or approved by the Department in lieu of the original identification number or mark.

Sec. 20. NRS 554.090 is hereby amended to read as follows:

554.090 Any corporation, common carrier, agent or employee of any corporation, or any other person violating or assisting in violating any of the provisions of NRS 554.020 to 554.090, inclusive, is guilty of a gross misdemeanor and shall be punished by imprisonment in the county jail for not more than ~~[1 year,]~~ *364 days,* or by a fine of not more than $5,000, or by both fine and imprisonment. The prosecuting attorney and the State Department of Agriculture may recover the costs of the proceeding, including investigative costs, against a person convicted of a gross misdemeanor pursuant to this section.

Sec. 21. NRS 581.445 is hereby amended to read as follows:

581.445 1. Except as otherwise provided in subsection 2, a person who violates any provision of NRS 581.415 is guilty of a gross misdemeanor and shall be punished:

(a) For the first offense, by imprisonment in the county jail for not more than 6 months, or by a fine of not less than $500 or more than $2,000, or by both fine and imprisonment.

(b) For a second or subsequent offense, by imprisonment in the county jail for not more than ~~[1 year,]~~ *364 days,* or by a fine of not less than $2,000 or more than $5,000, or by both fine and imprisonment.

2. A person who:

(a) Intentionally violates any provision of this chapter or any regulation adopted pursuant thereto;

(b) Is convicted pursuant to subsection 1 more than three times in a 2-year period; or

(c) Uses or has in his or her possession any device which has been altered to facilitate fraud,

➥ is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 22. NRS 582.320 is hereby amended to read as follows:

582.320 1. Except as otherwise provided in subsection 2, a person who by himself or herself, by a servant or agent, or as the servant or agent of another person, violates any provision of this chapter is guilty of a gross misdemeanor and shall be punished by imprisonment in the county jail for not less than 6 months or more than ~~[1 year,]~~ *364 days,* or by a fine of not less than $1,000 or more than $5,000, or by both fine and imprisonment.

2. A person who by himself or herself, by a servant or agent, or as the servant or agent of another person:

(a) Intentionally violates any provision of this chapter or any regulation adopted pursuant thereto; or

(b) Is convicted pursuant to subsection 1 more than three times in a 2-year period,

➥ is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 23. NRS 618.685 is hereby amended to read as follows:

618.685 Any employer who willfully violates any requirement of this chapter, or any standard, rule, regulation or order promulgated or prescribed pursuant to this chapter, where the violation causes the death of any employee, shall be punished:

1. For a first offense, *for a misdemeanor* by a fine of not more than $50,000 or by imprisonment in the county jail for not more than 6 months, or by both fine and imprisonment.

2. For a second or subsequent offense, *for a gross misdemeanor* by a fine of not more than $100,000 or by imprisonment in the county jail for not more than ~~[1 year,]~~ *364 days,* or by both fine and imprisonment.

Sec. 24. NRS 623.360 is hereby amended to read as follows:

623.360 1. It is unlawful for any person to:

(a) Hold himself or herself out to the public or to solicit business as an architect, registered interior designer or residential designer in this State without having a certificate of registration or temporary certificate issued by the Board. This paragraph does not prohibit a person who is exempt, pursuant to NRS 623.330, from the provisions of this chapter from holding himself or herself out to the public or soliciting business as an interior designer.

(b) Advertise or put out any sign, card or other device which indicates to the public that he or she is an architect, registered interior designer or residential designer or that he or she is otherwise qualified to:

(1) Engage in the practice of architecture or residential design; or

(2) Practice as a registered interior designer,

➥ without having a certificate of registration issued by the Board.

(c) Engage in the practice of architecture or residential design or practice as a registered interior designer without a certificate of registration issued by the Board.

(d) Violate any other provision of this chapter.

2. Any person who violates any of the provisions of subsection 1:

(a) For the first violation, is guilty of a misdemeanor and shall be punished by a fine of not less than $500 nor more than $1,000, and may be further punished by imprisonment in the county jail for not more than 6 months.

(b) For the second or any subsequent violation, is guilty of a gross misdemeanor and shall be punished by a fine of not less than $1,000 nor more than $2,000, and may be further punished by imprisonment in the county jail for not more than ~~[1 year.]~~ *364 days.*

3. If any person has engaged or is about to engage in any acts or practices which constitute or will constitute an offense against this chapter, the district court of any county, on application of the Board, may issue an injunction or other appropriate order restraining such conduct. Proceedings pursuant to this subsection are governed by Rule 65 of the Nevada Rules of Civil Procedure, except that no bond or undertaking is required in any action commenced by the Board.

Sec. 25. NRS 624.750 is hereby amended to read as follows:

624.750 1. It is unlawful for a person to commit any act or omission described in subsection 1 of NRS 624.3012, subsection 2 of NRS 624.3013, NRS 624.3014 or subsection 1, 3 or 7 of NRS 624.3016.

2. Unless a greater penalty is otherwise provided by a specific statute, any person who violates subsection 1, NRS 624.305, subsection 1 of NRS 624.700 or NRS 624.720 or 624.740:

(a) For a first offense, is guilty of a misdemeanor and shall be punished by a fine of not more than $1,000, and may be further punished by imprisonment in the county jail for not more than 6 months.

(b) For the second offense, is guilty of a gross misdemeanor and shall be punished by a fine of not less than $2,000 nor more than $4,000, and may be further punished by imprisonment in the county jail for not more than ~~[1 year.]~~ *364 days*.

(c) For the third or subsequent offense, is guilty of a category E felony and shall be punished by a fine of not less than $5,000 nor more than $10,000 and may be further punished by imprisonment in the state prison for not less than 1 year and not more than 4 years.

3. It is unlawful for a person to receive money for the purpose of obtaining or paying for services, labor, materials or equipment if the person:

(a) Willfully fails to use that money for that purpose by failing to complete the improvements for which the person received the money or by failing to pay for any services, labor, materials or equipment provided for that construction; and

(b) Wrongfully diverts that money to a use other than that for which it was received.

4. Unless a greater penalty is otherwise provided by a specific statute, any person who violates subsection 3:

(a) If the amount of money wrongfully diverted is $1,000 or less, is guilty of a gross misdemeanor and shall be punished by a fine of not less than $2,000 nor more than $4,000, and may be further punished by imprisonment in the county jail for not more than ~~[1 year.]~~ *364 days.*

(b) If the amount of money wrongfully diverted is more than $1,000, is guilty of a category E felony and shall be punished by a fine of not less than $5,000 nor more than $10,000, and may be further punished by imprisonment in the state prison for not less than 1 year and not more than 4 years.

5. Imposition of a penalty provided for in this section is not precluded by any disciplinary action taken by the Board against a contractor pursuant to the provisions of NRS 624.300 to 624.305, inclusive.

Sec. 26. NRS 624.965 is hereby amended to read as follows:

624.965 1. A violation of any provision of NRS 624.900 to 624.965, inclusive, or any regulation adopted by the Board with respect to contracts for work concerning a residential pool or spa by a contractor constitutes cause for disciplinary action pursuant to NRS 624.300.

2. It is unlawful for a person to violate any provision of NRS 624.900 to 624.965, inclusive.

3. Any person who violates any provision of NRS 624.900 to 624.965, inclusive:

(a) For a first offense, is guilty of a misdemeanor and shall be punished by a fine of not more than $1,000, and may be further punished by imprisonment in the county jail for not more than 6 months.

(b) For the second offense, is guilty of a gross misdemeanor and shall be punished by a fine of not less than $2,000 nor more than $4,000, and may be

further punished by imprisonment in the county jail for not more than ~~[1 year.]~~ *364 days*.

(c) For the third or subsequent offense, is guilty of a ~~[class]~~ *category* E felony and shall be punished by a fine of not less than $5,000 nor more than $10,000 and may be further punished by imprisonment in the state prison for not less than 1 year and not more than 4 years.

4. The imposition of a penalty provided for in this section is not precluded by any disciplinary action taken by the Board against a contractor pursuant to the provisions of NRS 624.300 to 624.305, inclusive.

Sec. 27. NRS 638.170 is hereby amended to read as follows:

638.170 1. Except as otherwise provided in subsections 2 and 3 of this section and NRS 638.1525, a person who violates any of the provisions of this chapter is guilty of a misdemeanor.

2. A person who practices veterinary medicine without a license issued pursuant to the provisions of this chapter is guilty of a category D felony and shall be punished as provided in NRS 193.130.

3. A person who practices as a veterinary technician without a license issued pursuant to the provisions of this chapter *is guilty of a gross misdemeanor and* shall be punished by imprisonment in the county jail for not more than ~~[1 year,]~~ *364 days,* or by a fine of not more than $2,000, or by both fine and imprisonment.

Sec. 28. NRS 641A.440 is hereby amended to read as follows:

641A.440 Any person who violates any of the provisions of this chapter or, having had his or her license suspended or revoked, continues to represent himself or herself as a marriage and family therapist, marriage and family therapist intern, clinical professional counselor or clinical professional counselor intern *is guilty of a gross misdemeanor and* shall be punished by imprisonment in the county jail for not more than ~~[1 year]~~ *364 days* or by a fine of not more than $5,000, or by both fine and imprisonment. Each violation is a separate offense.

Sec. 29. NRS 645F.430 is hereby amended to read as follows:

645F.430 A foreclosure purchaser who engages in any conduct that operates as a fraud or deceit upon a homeowner in connection with a transaction that is subject to the provisions of NRS 645F.300 to 645F.450, inclusive, including, without limitation, a foreclosure reconveyance, is guilty of a gross misdemeanor and shall be punished by imprisonment in the county jail for not more than ~~[1 year,]~~ *364 days,* or by a fine of not more than $50,000, or by both fine and imprisonment.

Sec. 30. The amendatory provisions of this act apply to a person who is sentenced on or after October 1, 2013, for a crime committed before, on or after October 1, 2013.

Sec. 31. 1. A person who was convicted of a gross misdemeanor and sentenced before October 1, 2013, to serve a term of imprisonment in the county jail for 1 year may file a petition with the court of original jurisdiction

requesting that the court, for good cause shown, order that his or her original sentence be modified to a sentence imposing a term of imprisonment for 364 days.

2. No person has a right to modification of a sentence pursuant to this section, and the granting or denial of a petition pursuant to this section does not establish a basis for any cause of action against this State, any political subdivision of this State or any agency, board, commission, department, officer, employee or agent of this State or a political subdivision of this State.

Senator Segerblom moved that the Senate concur in the Assembly Amendment No. 623 to Senate Bill No. 169.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 199.

The following Assembly Amendment was read:

Amendment No. 660.

"SUMMARY—Makes it a felony to perform certain medical procedures without a license. (BDR 15-504)"

"AN ACT relating to crimes; making it a felony to perform certain health care procedures or surgical procedures without a license; revising the provision defining when a person is deemed to be practicing dentistry; providing a penalty; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law requires various medical professionals to be licensed to practice in this State (Chapters 630-637, 639 and 640 of NRS) Sections 5 and 6 of this bill make it a felony to perform certain health care procedures or surgical procedures without a license and set forth specific penalties for engaging in such unlawful conduct.

Sections ~~[7-18]~~ 7-9 and 10-18 of this bill amend various provisions of existing law which impose penalties for the practice of certain medical professions without a license to specify that if the provisions of section 5 or 6 provide a greater penalty for engaging in the unlawful conduct, the greater penalty must apply. Section 9.5 of this bill revises the provision defining when a person is deemed to be practicing dentistry.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 200 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. *As used in sections 2 to 6, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Health care procedure" means any medical procedure, other than a surgical procedure, that requires a license to perform pursuant to chapters 630 to 637, inclusive, 639 or 640 of NRS.*

Sec. 4. *"Surgical procedure" means any invasive medical procedure where a break in the skin is created and there is contact with the mucosa or any minimally invasive medical procedure where a break in the skin is created or which involves manipulation of the internal body cavity beyond a natural or artificial body orifice which requires a license to perform pursuant to chapters 630 to 637, inclusive, 639 or 640 of NRS.*

Sec. 5. *A person who performs a health care procedure on another person without a license which results in:*

1. Substantial bodily harm other than death to the person who received the procedure:

(a) For a first offense, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

(b) For any subsequent offense, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years and shall be further punished by a fine of not less than $2,000 but not more than $5,000.

2. The death of the person who received the procedure, unless a greater penalty is provided by statute, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years and shall be further punished by a fine of not less than $2,000 but not more than $5,000. A sentence imposed pursuant to this subsection may not be suspended nor may probation be granted.

Sec. 6. *A person who performs a surgical procedure on another person without a license which results in:*

1. No substantial bodily harm to the person who received the procedure:

(a) For a first offense, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

(b) For a second or subsequent offense, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years and shall be further punished by a fine of not less than $2,000 but not more than $5,000.

2. Substantial bodily harm other than death to the person who received the procedure is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years and shall be further punished by a fine of not less than $2,000 but not more than $5,000.

3. The death of the person who received the procedure, unless a greater penalty is provided by statute, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years and shall be further punished by a fine of not less than $2,000 but not more than $5,000.

A sentence imposed pursuant to this subsection may not be suspended nor may probation be granted.

Sec. 7. NRS 630.400 is hereby amended to read as follows:

630.400 A person who:

1. Presents to the Board as his or her own the diploma, license or credentials of another;

2. Gives either false or forged evidence of any kind to the Board;

3. Practices medicine, perfusion or respiratory care under a false or assumed name or falsely personates another licensee;

4. Except as otherwise provided by a specific statute, practices medicine, perfusion or respiratory care without being licensed under this chapter;

5. Holds himself or herself out as a perfusionist or uses any other term indicating or implying that he or she is a perfusionist without being licensed by the Board;

6. Holds himself or herself out as a physician assistant or uses any other term indicating or implying that he or she is a physician assistant without being licensed by the Board; or

7. Holds himself or herself out as a practitioner of respiratory care or uses any other term indicating or implying that he or she is a practitioner of respiratory care without being licensed by the Board,

➥ is guilty of a category D felony and shall be punished as provided in NRS 193.130 ~~[.]~~ *, unless a greater penalty is provided pursuant to section 5 or 6 of this act.*

Sec. 8. NRS 630A.590 is hereby amended to read as follows:

630A.590 A person who:

1. Presents to the Board as his or her own the diploma, license, certificate or credentials of another;

2. Gives either false or forged evidence of any kind to the Board;

3. Practices homeopathic medicine under a false or assumed name; or

4. Except as otherwise provided in NRS 629.091, *or unless a greater penalty is provided pursuant to section 5 or 6 of this act,* practices homeopathic medicine without being licensed or certified under this chapter,

➥ is guilty of a category D felony and shall be punished as provided in NRS 193.130.

Sec. 9. NRS 630A.600 is hereby amended to read as follows:

630A.600 Except as otherwise provided in NRS 629.091, a person who practices homeopathic medicine without a license or certificate issued pursuant to this chapter is guilty of a category D felony and shall be punished as provided in NRS 193.130 ~~[.]~~ *, unless a greater penalty is provided pursuant to section 5 or 6 of this act.*

Sec. 9.5. NRS 631.215 is hereby amended to read as follows:

631.215 1. Any person shall be deemed to be practicing dentistry who:

(a) Uses words or any letters or title in connection with his or her name which in any way represents the person as engaged in the practice of dentistry, or any branch thereof;

(b) Advertises or permits to be advertised by any medium that the person can or will attempt to perform dental operations of any kind;

(c) ~~[Diagnoses,]~~ *Evaluates or diagnoses,* professes to *evaluate or* diagnose or treats or professes to treat *, surgically or nonsurgically,* any of the diseases *, disorders, conditions* or lesions of the oral cavity, ~~[teeth, gingiva or the supporting structures thereof;]~~ *maxillofacial area or the adjacent and associated structures and their impact on the human body.*

(d) Extracts teeth;

(e) Corrects malpositions of the teeth or jaws;

(f) Takes impressions of the teeth, mouth or gums, unless the person is authorized by the regulations of the Board to engage in such activities without being a licensed dentist;

(g) Examines a person for, or supplies artificial teeth as substitutes for natural teeth;

(h) Places in the mouth and adjusts or alters artificial teeth;

(i) Does any practice included in the clinical dental curricula of accredited dental colleges or a residency program for those colleges;

(j) Administers or prescribes such remedies, medicinal or otherwise, as are needed in the treatment of dental or oral diseases;

(k) Uses X-ray radiation or laser radiation for dental treatment or dental diagnostic purposes, unless the person is authorized by the regulations of the Board to engage in such activities without being a licensed dentist;

(l) Determines:

(1) Whether a particular treatment is necessary or advisable; or

(2) Which particular treatment is necessary or advisable; or

(m) Dispenses tooth whitening agents or undertakes to whiten or bleach teeth by any means or method, unless the person is:

(1) Dispensing or using a product that may be purchased over the counter for a person's own use; or

(2) Authorized by the regulations of the Board to engage in such activities without being a licensed dentist.

2. Nothing in this section:

(a) Prevents a dental assistant, dental hygienist or qualified technician from making radiograms or X-ray exposures or using X-ray radiation or laser radiation for dental treatment or dental diagnostic purposes upon the direction of a licensed dentist.

(b) Prohibits the performance of mechanical work, on inanimate objects only, by any person employed in or operating a dental laboratory upon the written work authorization of a licensed dentist.

(c) Prevents students from performing dental procedures that are part of the curricula of an accredited dental school or college or an accredited school of dental hygiene or an accredited school of dental assisting.

(d) Prevents a licensed dentist or dental hygienist from another state or country from appearing as a clinician for demonstrating certain methods of technical procedures before a dental society or organization, convention or dental college or an accredited school of dental hygiene or an accredited school of dental assisting.

(e) Prohibits the manufacturing of artificial teeth upon receipt of a written authorization from a licensed dentist if the manufacturing does not require direct contact with the patient.

(f) Prohibits the following entities from owning or operating a dental office or clinic if the entity complies with the provisions of NRS 631.3452:

(1) A nonprofit corporation organized pursuant to the provisions of chapter 82 of NRS to provide dental services to rural areas and medically underserved populations of migrant or homeless persons or persons in rural communities pursuant to the provisions of 42 U.S.C. § 254b or 254c.

(2) A federally-qualified health center as defined in 42 U.S.C. § 1396d(l)(2)(B) operating in compliance with other applicable state and federal law.

(3) A nonprofit charitable corporation as described in section 501(c)(3) of the Internal Revenue Code and determined by the Board to be providing dental services by volunteer licensed dentists at no charge or at a substantially reduced charge to populations with limited access to dental care.

(g) Prevents a person who is actively licensed as a dentist in another jurisdiction from treating a patient if:

(1) The patient has previously been treated by the dentist in the jurisdiction in which the dentist is licensed;

(2) The dentist treats the patient only during a course of continuing education involving live patients which:

(I) Is conducted at an institute or organization with a permanent facility registered with the Board for the sole purpose of providing postgraduate continuing education in dentistry; and

(II) Meets all applicable requirements for approval as a course of continuing education; and

(3) The dentist treats the patient only under the supervision of a person licensed pursuant to NRS 631.2715.

(h) Prohibits a person from providing goods or services for the support of the business of a dental practice, office or clinic owned or operated by a licensed dentist or any entity not prohibited from owning or operating a dental practice, office or clinic if the person does not:

(1) Provide such goods or services in exchange for payments based on a percentage or share of revenues or profits of the dental practice, office or clinic; or

(2) Exercise any authority or control over the clinical practice of dentistry.

3. The Board shall adopt regulations identifying activities that constitute the exercise of authority or control over the clinical practice of dentistry, including, without limitation, activities which:

(a) Exert authority or control over the clinical judgment of a licensed dentist; or

(b) Relieve a licensed dentist of responsibility for the clinical aspects of the dental practice.

➥ Such regulations must not prohibit or regulate aspects of the business relationship, other than the clinical practice of dentistry, between a licensed dentist or professional entity organized pursuant to the provisions of chapter 89 of NRS and the person or entity providing goods or services for the support of the business of a dental practice, office or clinic owned or operated by the licensed dentist or professional entity.

Sec. 10. NRS 631.400 is hereby amended to read as follows:

631.400 1. A person who engages in the illegal practice of dentistry in this State is guilty of a category D felony and shall be punished as provided in NRS 193.130 ~~[.]~~ *, unless a greater penalty is provided pursuant to section 5 or 6 of this act.*

2. ~~[A]~~ *Unless a greater penalty is provided pursuant to section 5 or 6 of this act, a* person who practices or offers to practice dental hygiene in this State without a license, or who, having a license, practices dental hygiene in a manner or place not permitted by the provisions of this chapter:

(a) If it is his or her first or second offense, is guilty of a gross misdemeanor.

(b) If it is his or her third or subsequent offense, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

3. Unless a greater penalty is provided by specific statute, a person who is licensed to practice dentistry who practices dentistry in a manner or place not permitted by the provisions of this chapter:

(a) If it is his or her first or second offense, is guilty of a gross misdemeanor.

(b) If it is his or her third or subsequent offense, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

4. The Board may assign a person described in subsection 1, 2 or 3 specific duties as a condition of renewing a license.

5. If a person has engaged or is about to engage in any acts or practices which constitute or will constitute an offense against this chapter, the district court of any county, on application of the Board, may issue an injunction or other appropriate order restraining the conduct. Proceedings under this subsection are governed by Rule 65 of the Nevada Rules of Civil Procedure, except that no bond or undertaking is required in any action commenced by the Board.

Sec. 11. NRS 632.315 is hereby amended to read as follows:

632.315 1. For the purposes of safeguarding life and health and maintaining high professional standards among nurses in this State, any person who practices or offers to practice nursing in this State shall submit evidence that he or she is qualified to practice and must be licensed as provided in this chapter.

2. Any person who:

(a) Practices or offers to practice nursing in this State or uses any title, abbreviation, sign, card or device to indicate that he or she is practicing nursing in this State unless that person has been licensed pursuant to the provisions of this chapter; or

(b) Does not hold a valid and subsisting license to practice nursing issued pursuant to the provisions of this chapter who practices or offers to practice in this State as a registered nurse, licensed practical nurse, graduate nurse, trained nurse, certified nurse or under any other title or designation suggesting that the person possesses qualifications and skill in the field of nursing,

➥ is guilty of a misdemeanor ~~[.]~~ *, unless a greater penalty is provided pursuant to section 5 or 6 of this act.*

3. The Executive Director of the Board may, on behalf of the Board, issue an order to cease and desist to any person who practices or offers to practice nursing without a license issued pursuant to the provisions of this chapter.

4. The Executive Director of the Board shall forward to the appropriate law enforcement agency any information submitted to the Board concerning a person who practices or offers to practice nursing without a license issued pursuant to the provisions of this chapter.

Sec. 12. NRS 633.741 is hereby amended to read as follows:

633.741 A person who:

1. Except as otherwise provided in NRS 629.091, practices:

(a) Osteopathic medicine without a valid license to practice osteopathic medicine under this chapter;

(b) As a physician assistant without a valid license under this chapter; or

(c) Beyond the limitations ordered upon his or her practice by the Board or the court;

2. Presents as his or her own the diploma, license or credentials of another;

3. Gives either false or forged evidence of any kind to the Board or any of its members in connection with an application for a license;

4. Files for record the license issued to another, falsely claiming himself or herself to be the person named in the license, or falsely claiming himself or herself to be the person entitled to the license;

5. Practices osteopathic medicine or practices as a physician assistant under a false or assumed name or falsely personates another licensee of a like or different name;

6. Holds himself or herself out as a physician assistant or who uses any other term indicating or implying that he or she is a physician assistant, unless the person has been licensed by the Board as provided in this chapter; or

7. Supervises a person as a physician assistant before such person is licensed as provided in this chapter,

➥ is guilty of a category D felony and shall be punished as provided in NRS 193.130 ~~[.]~~ *, unless a greater penalty is provided pursuant to section 5 or 6 of this act.*

Sec. 13. NRS 634.227 is hereby amended to read as follows:

634.227 1. A person who:

(a) Presents to the Board as his or her own the diploma, license or credentials of another;

(b) Gives false or forged evidence of any kind to the Board; or

(c) Practices chiropractic under a false or assumed name or falsely personates another licensee,

➥ is guilty of a misdemeanor.

2. Except as otherwise provided in NRS 634.105 and 634.1375, a person who does not hold a license issued pursuant to this chapter and:

(a) Practices chiropractic in this State;

(b) Holds himself or herself out as a chiropractor;

(c) Uses any combination, variation or abbreviation of the terms "chiropractor," "chiropractic" or "chiropractic physician" as a professional or commercial representation; or

(d) Uses any means which directly or indirectly conveys to another person the impression that he or she is qualified or licensed to practice chiropractic,

➥ is guilty of a category D felony and shall be punished as provided in NRS 193.130 ~~[.]~~ *, unless a greater penalty is provided pursuant to section 5 or 6 of this act.*

Sec. 14. NRS 634A.230 is hereby amended to read as follows:

634A.230 Any person who represents himself or herself as a practitioner of Oriental medicine, or any branch thereof, or who engages in the practice of Oriental medicine, or any branch thereof, in this State without holding a valid license issued by the Board is guilty of a gross misdemeanor ~~[.]~~ *, unless a greater penalty is provided pursuant to section 5 or 6 of this act.*

Sec. 15. NRS 635.167 is hereby amended to read as follows:

635.167 Any person who:

1. Presents to the Board as his or her own the diploma, license or credentials of another;

2. Gives either false or forged evidence of any kind to the Board;

3. Practices podiatry under a false or assumed name or falsely personates another licensee;

4. Except as otherwise provided by specific statute, practices podiatry without being licensed under this chapter; or

5. Uses the title "D.P.M.," "Podiatrist," "Podiatric Physician," "Podiatric Physician-Surgeon" or "Physician-Surgeon D.P.M." when not licensed by the Board pursuant to this chapter, unless otherwise authorized by a specific statute,

➥ is guilty of a gross misdemeanor ~~[.]~~ *, unless a greater penalty is provided pursuant to section 5 or 6 of this act.*

Sec. 16. NRS 636.410 is hereby amended to read as follows:

636.410 A violation of this chapter shall constitute a gross misdemeanor and shall be punishable as such ~~[.]~~ *, unless a greater penalty is provided pursuant to section 5 or 6 of this act.*

Sec. 17. NRS 637.200 is hereby amended to read as follows:

637.200 The following acts constitute misdemeanors ~~[.]~~ *, unless a greater penalty is provided pursuant to section 5 or 6 of this act:*

1. The insertion of a false or misleading statement in any advertising in connection with the business of ophthalmic dispensing.

2. Making use of any advertising statement of a character tending to indicate to the public the superiority of a particular system or type of eyesight examination or treatment.

3. Furnishing or advertising the furnishing of the services of a refractionist, optometrist, physician or surgeon.

4. Changing the prescription of a lens without an order from a person licensed to issue such a prescription.

5. Filling a prescription for a contact lens in violation of the expiration date or number of refills specified by the prescription.

6. Violating any provision of this chapter.

Sec. 18. NRS 639.285 is hereby amended to read as follows:

639.285 Any person not licensed by the Board, who sells, displays or offers for sale any drug, device or poison, the sale of which is restricted to prescription only or by a registered pharmacist or under his or her direct and immediate supervision, is guilty of a misdemeanor ~~[.]~~ *, unless a greater penalty is provided pursuant to section 5 or 6 of this act.*

Senator Segerblom moved that the Senate concur in the Assembly Amendment No. 660 to Senate Bill No. 199.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 213.

The following Assembly Amendment was read:

Amendment No. 690.

"SUMMARY—Revises certain provisions relating to trapping. (BDR 45-450)"

"AN ACT relating to trapping; requiring the registration of each trap, snare or similar device used in the taking of wild mammals; ~~[authorizing the removal or disturbance of a trap, snare or similar device under certain circumstances;]~~ providing that any information in the possession of the Department of Wildlife concerning the registration of a trap, snare or similar device is confidential; requiring the Board of Wildlife Commissioners to adopt regulations prescribing the frequency of required visits for a trap, snare or similar device; providing a penalty; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law provides that any person who intentionally steals, takes and carries away personal goods or property of another person with a value of less than $650 or who knowingly buys, receives, possesses or withholds such property is guilty of a misdemeanor. (NRS 205.240, 205.275) Section 1.6 of this bill provides that a person who intentionally steals, takes and carries away traps, snares or similar devices with an aggregate value of less than $650 or who knowingly buys, receives, possesses or withholds stolen traps, snares or similar devices with an aggregate value of less than $650 is guilty of a gross misdemeanor.

Existing law requires a person who takes fur-bearing mammals by any legal method or unprotected mammals by trapping to obtain a trapping license. (NRS 503.454) Existing law also provides that each trap, snare or similar device used in the taking of wild mammals may bear a number registered with the Department of Wildlife or may be permanently marked with the name and address of the owner or trapper using it. If a trap is registered, the registration is permanent and the registrant must pay a one-time fee of $10 at the time the first trap, snare or similar device is registered. (NRS 503.452) Section 3 of this bill amends those provisions by: (1) requiring each trap, snare or similar device used in the taking of wild mammals to be registered with the Department ; ~~[of Wildlife;]~~ and (2) requiring each registered trap, snare or similar device to bear a number which is assigned by the Department ~~[.]~~ and is affixed to the trap, snare or similar device in the manner specified by regulations adopted by the Board of Wildlife Commissioners.

Under existing law, ~~[it is]~~ every person who takes fur-bearing mammals by any legal method is required to obtain a trapping license. Existing law also makes it unlawful to move or disturb a lawfully-set trap. (NRS 503.454) Section 4 of this bill ~~[removes this prohibition for a trap, snare, or similar device that creates immediate and obvious risk or injury or death to persons, pets and service animals.]~~ : (1) requires every person who takes fur-bearing mammals by trap, snare or similar device to obtain a trapping license; and (2) clarifies that the prohibition against moving or disturbing a lawfully-set trap also includes any lawfully-set snare or similar device.

Existing law requires each person who sets or places a trap, snare or similar device to visit those devices at least once every 96 hours and requires the removal of trapped mammals from the devices. (NRS 503.570) Section 5 of this bill requires the ~~[Board of Wildlife Commissioners]~~ Commission to adopt regulations prescribing the frequency at which a person who sets or places a trap, snare or similar device is required to visit the trap, snare or similar device, which must be at least once every 96 hours.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 501 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.3 and 1.6 of this act.

Sec. 1.3. *"Trap" means a device that is designed, built or made to close upon or hold fast any portion of an animal.*

Sec. 1.6. *1. Any person who intentionally steals, takes and carries away one or more traps, snares or similar devices owned by another person with an aggregate value of less than $650 is guilty of a gross misdemeanor.*

2. Any person who buys, receives, possesses or withholds one or more traps, snares or similar devices owned by another person with an aggregate value of less than $650:

(a) Knowing that the traps, snares or similar devices are stolen property; or

(b) Under such circumstances as should have caused a reasonable person to know that the traps, snares or similar devices are stolen property,

➥ *is guilty of a gross misdemeanor.*

Sec. 2. NRS 501.001 is hereby amended to read as follows:

501.001 As used in this title, unless the context otherwise requires, the words and terms defined in NRS 501.003 to 501.097, inclusive, *and section 1.3 of this act* have the meanings ascribed to them in those sections.

Sec. 3. NRS 503.452 is hereby amended to read as follows:

503.452 *1.* Each trap, snare or similar device used in the taking of wild mammals ~~[may]~~ *must be registered with the Department before it is used. Each registered trap, snare or similar device must* bear a number ~~[registered with]~~ *which is assigned by* the Department ~~*[.]*~~ ~~[or be permanently marked with the name and address of the owner or trapper using it. If a trap is registered, the]~~ *and is affixed to or marked on the trap, snare or similar device in the manner specified by regulations adopted by the Commission. The* registration *of a trap, snare or similar device* is ~~[permanent.]~~ *valid until the trap, snare or similar device is sold or ownership of the trap, snare or similar device is otherwise transferred.*

2. A registration fee of $10 for each registrant is payable only once ~~[.]~~ *, by each person who registers a trap, snare or similar device. The fee must be paid* at the time the first trap, snare or similar device is registered.

3. ~~[A trap, snare or similar device sold or for which ownership is otherwise transferred on or after July 31, 2013, must not bear the~~

~~*registration number of the seller or transferor unless the trap, snare or similar device was permanently marked with the registration number of the person before that date.*~~

~~*4.]*~~ *It is unlawful :*

(a) For a person to whom a trap, snare or similar device is registered to allow another person to possess or use the trap, snare or similar device without providing to that person written authorization to possess or use the trap, snare or similar device.

(b) For a person to possess or use a trap, snare or similar device registered to another person without obtaining the written authorization ~~*[from the person to whom the trap, snare or similar device is registered.*~~

~~*5.]*~~ *required pursuant to paragraph (a). If a person obtains written authorization to possess or use a trap, snare or similar device pursuant to paragraph (a), the person shall ensure that the written authorization, together with his or her trapping license, is in his or her possession during any period in which he or she uses the trap, snare or similar device to take fur-bearing mammals.*

4. A person to whom a trap, snare or similar device is registered pursuant to this section shall report any theft of the trap, snare or similar device to the Department as soon as it is practical to do so after the person discovers the theft.

~~*[6.]*~~ *5. Any information in the possession of the Department concerning the registration of a trap, snare or similar device is confidential and the Department shall not disclose that information unless required to do so by law or court order.*

Sec. 4. NRS 503.454 is hereby amended to read as follows:

503.454 1. Every person who takes fur-bearing mammals by ~~[any legal method]~~ *trap, snare or similar device* or unprotected mammals by trapping or sells raw furs for profit shall procure a trapping license.

2. It is unlawful to remove or disturb the trap *, snare or similar device* of any holder of a trapping license while the trap *, snare or similar device* is being legally used by the holder on public land or on land where the holder has permission to trap . ~~*[unless the trap, snare or similar device creates an immediate and obvious risk of injury or death to any person, pet or service animal.*~~

~~*3. As used in this section, "service animal" has the meaning ascribed to it in NRS 426.097.]*~~

Sec. 5. NRS 503.570 is hereby amended to read as follows:

503.570 1. A person taking or causing to be taken wild mammals by means of traps, snares or ~~[any other]~~ *similar* devices which do not, or are not designed to, cause immediate death to the mammals, shall, if the traps, snares or *similar* devices are placed or set to take mammals, visit or cause to be visited ~~[at least once each 96 hours]~~ each trap, snare or ~~[other]~~ *similar* device *at a frequency specified in regulations adopted by the Commission pursuant*

to subsection 3 during all of the time the trap, snare or *similar* device is placed, set or used to take wild mammals, and remove therefrom any mammals caught therein.

2. The provisions of subsection 1 do not apply to employees of the State Department of Agriculture or the United States Department of Agriculture when acting in their official capacities.

3. The Commission shall adopt regulations setting forth the frequency at which a person who takes or causes to be taken wild mammals by means of traps, snares or similar devices which do not, or are not designed to, cause immediate death to the mammals must visit a trap, snare or similar device. The regulations must require the person to visit a trap, snare or similar device at least once each 96 hours. In adopting the regulations, the Commission shall consider requiring a trap, snare or similar device placed in close proximity to a populated or heavily used area by persons to be visited more frequently than a trap, snare or similar device which is not placed in close proximity to such an area.

Sec. 5.5. NRS 205.240 is hereby amended to read as follows:

205.240 1. Except as otherwise provided in NRS 205.220, 205.226, 205.228 and 475.105, *and section 1.6 of this act,* a person commits petit larceny if the person:

(a) Intentionally steals, takes and carries away, leads away or drives away:

(1) Personal goods or property, with a value of less than $650, owned by another person;

(2) Bedding, furniture or other property, with a value of less than $650, which the person, as a lodger, is to use in or with his or her lodging and which is owned by another person; or

(3) Real property, with a value of less than $650, that the person has converted into personal property by severing it from real property owned by another person.

(b) Intentionally steals, takes and carries away, leads away, drives away or entices away one or more domesticated animals or domesticated birds, with an aggregate value of less than $650, owned by another person.

2. Unless a greater penalty is provided pursuant to NRS 205.267, a person who commits petit larceny is guilty of a misdemeanor. In addition to any other penalty, the court shall order the person to pay restitution.

Sec. 5.6. NRS 205.275 is hereby amended to read as follows:

205.275 1. ~~[A]~~ *Except as otherwise provided in section 1.6 of this act, a* person commits an offense involving stolen property if the person, for his or her own gain or to prevent the owner from again possessing the owner's property, buys, receives, possesses or withholds property:

(a) Knowing that it is stolen property; or

(b) Under such circumstances as should have caused a reasonable person to know that it is stolen property.

2. A person who commits an offense involving stolen property in violation of subsection 1:

(a) If the value of the property is less than $650, is guilty of a misdemeanor;

(b) If the value of the property is $650 or more but less than $3,500, is guilty of a category C felony and shall be punished as provided in NRS 193.130; or

(c) If the value of the property is $3,500 or more or if the property is a firearm, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and by a fine of not more than $10,000.

3. In addition to any other penalty, the court shall order the person to pay restitution.

4. A person may be prosecuted and convicted pursuant to this section whether or not the principal is or has been prosecuted or convicted.

5. Possession by any person of three or more items of the same or a similar class or type of personal property on which a permanently affixed manufacturer's serial number or manufacturer's identification number has been removed, altered or defaced, is prima facie evidence that the person has violated this section.

6. For the purposes of this section, the value of the property involved shall be deemed to be the highest value attributable to the property by any reasonable standard.

7. As used in this section, "stolen property" means property that has been taken from its owner by larceny, robbery, burglary, embezzlement, theft or any other offense that is a crime against property, whether or not the person who committed the taking is or has been prosecuted or convicted for the offense.

Sec. 6. 1. This section, sections 1 to 2, inclusive, 4, 5.5 and 5.6 of this act become effective upon passage and approval.

2. Sections 3 and 5 of this act become effective upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act and on July 31, 2013, for all other purposes.

Senator Ford moved that the Senate concur in the Assembly Amendment No. 690 to Senate Bill No. 213.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 273.

The following Assembly Amendment was read:

Amendment No. 720.

"SUMMARY—Revises provisions relating to deputy sheriffs. (BDR 20-470)"

"AN ACT relating to sheriffs; revising provisions governing the removal of deputy sheriffs in certain smaller counties; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Under existing law, a peace officer must be certified by the Peace Officers' Standards and Training Commission within 1 year after beginning employment as a peace officer, unless an extension is granted. (NRS 289.550) In a county that does not have a metropolitan police department or whose population is less than 100,000 (currently counties other than Clark and Washoe Counties), a deputy sheriff who has completed a 12-month probationary period may be terminated from employment only for cause. (NRS 248.040, 248.045) In this context, ~~[for these smaller counties,]~~ this bill provides that , in a county whose population is less than 45,000 (currently Churchill, Esmeralda, Eureka, Humboldt, Lander, Lincoln, Mineral, Nye, Pershing, Storey and White Pine Counties), "cause" includes a deputy's failure to become certified by the Peace Officers' Standards and Training Commission within the required time, the loss of that certification or the deputy's failure to maintain a valid driver's license.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 248.040 is hereby amended to read as follows:

248.040 1. Except as provided in NRS 248.045, each sheriff may:

(a) Appoint, in writing signed by him or her, one or more deputies, who may perform all the duties devolving on the sheriff of the county and such other duties as the sheriff may from time to time direct. The appointment of a deputy sheriff must not be construed to confer upon that deputy policymaking authority for the office of the sheriff or the county by which the deputy sheriff is employed.

(b) Except as otherwise provided in this paragraph, only remove a deputy who has completed a probationary period of 12 months for cause. A deputy who functions as the head of a department or an administrative employee or who has not completed the probationary period may be removed at the sheriff's pleasure. ~~*[As used in this paragraph,]*~~

2. For the purposes of paragraph (b) of subsection 1, in any county whose population is less than 45,000, "cause" includes, without limitation:

~~*[(1)]*~~ *(a) Failure to be certified by the Peace Officers' Standards and Training Commission within the time required by NRS 289.550;*

~~*[(2)]*~~ *(b) Loss of the certification by the Peace Officers' Standards and Training Commission required by NRS 289.550; or*

~~*[(3)]*~~ *(c) Failure to maintain a valid driver's license.*

~~[2.]~~

➥ *This subsection does not limit or impair any internal grievance procedure, grievance procedure negotiated pursuant to chapter 288 of NRS or administrative remedy otherwise available to a deputy.*

3. No deputy sheriff is qualified to act as such unless he or she has taken an oath to discharge the duties of the office faithfully and impartially. The oath, together with the written appointment, must be recorded in the office of the recorder of the county within which the sheriff legally holds and exercises office. Revocations of such appointments must be recorded as provided in this subsection. From the time of the recording of the appointments or revocations therein, persons shall be deemed to have notice of the appointments or revocations.

~~[3.]~~ *4.* The sheriff may require of his or her deputies such bonds as to the sheriff seem proper.

Sec. 2. This act becomes effective on July 1, 2013.

Senator Parks moved that the Senate concur in the Assembly Amendment No. 720 to Senate Bill No. 273.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 305.

The following Assembly Amendment was read:

Amendment No. 609.

"SUMMARY—Revises provisions relating to education. (BDR 34-694)"

"AN ACT relating to education; authorizing ~~[a qualified]~~ high school ~~[pupil]~~ pupils who ~~[completes]~~ satisfy certain qualifications to complete a public or private internship ~~[to]~~ and receive credit toward ~~[his or her]~~ the academic credit requirements for graduation from high school; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law establishes the academic subjects and courses of study which are required for pupils to receive a standard high school diploma in this State. (NRS 389.018-389.180) Section 1 of this bill authorizes a ~~[qualified]~~ high school pupil who is enrolled in grade 11 or 12 and who satisfies the qualifications prescribed by the board of trustees of the school district or the governing body of the charter school in which the pupil is enrolled to receive one elective credit toward ~~[his or her]~~ the academic credit requirements for graduation from high school by completing a public or private internship of not less than 60 hours. Section 1 also requires the board of trustees of a school district or the governing body of a charter school to obtain the approval of the State Board of Education before authorizing pupils to participate in such internships.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 389 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A pupil enrolled in grade 11 or 12 at a public school who is at least 16 years of age must be allowed to apply not more than one credit toward the total number of credits required for graduation from high school if the pupil

successfully completes a public or private internship which has been approved pursuant to subsection 2 and which is of a duration of not less than 60 hours in a school year. The credit must be applied toward the pupil's elective course credits and not toward a course that is required for graduation from high school.

2. ~~[With]~~ If the board of trustees of a school district or the governing body of a charter school obtains the approval of the State Board, the board of trustees ~~[of a school district]~~ or the governing body ~~[of a charter school]~~ may authorize ~~[a qualified pupil]~~ pupils enrolled in the school district or charter school who satisfy the qualifications prescribed pursuant to subparagraph (2) of paragraph (a) to participate in a public or private internship for the purpose of obtaining credit pursuant to subsection 1. If a board of trustees or governing body of a charter school authorizes the participation in a public or private internship, the board of trustees or governing body shall:

(a) Prescribe:

(1) The fields, trades or occupations in which a pupil may complete a public or private internship, including, without limitation, agriculture, medical and health sciences, manufacturing and construction;

(2) The qualifications of a pupil for participation in a public or private internship;

(3) The manner in which a qualified pupil must apply for participation in a public or private internship; and

(4) The manner for verifying that a pupil has completed the requisite number of hours to qualify for credit; and

(b) Establish and maintain a nonexclusive list of participating businesses, agencies and organizations which offer the employment and supervision of pupils for the purposes of obtaining academic credit in a public or private internship pursuant to this section.

Sec. 2. (Deleted by amendment.)

Sec. 3. This act becomes effective:

1. Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On July 1, 2013, for all other purposes.

Senator Woodhouse moved that the Senate concur in the Assembly Amendment No. 609 to Senate Bill No. 305.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 345.

The following Assembly Amendment was read:

Amendment No. 610.

"SUMMARY—Creates the Advisory Council on Science, Technology, Engineering and Mathematics. (BDR S-700)"

"AN ACT relating to education; creating the Advisory Council on Science, Technology, Engineering and Mathematics; prescribing the membership and duties of the Council; requiring the Council to submit to the State Board of Education, the Governor and the Legislature a written report which includes recommendations concerning the instruction and curriculum in courses of study in science, technology, engineering and mathematics in public schools in this State; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Section 1 of this bill creates the Advisory Council on Science, Technology, Engineering and Mathematics within the Department of Education. The members of the Council include: (1) the Superintendent of Public Instruction or his or her designee; (2) the Chancellor of the Nevada System of Higher Education or his or her designee; (3) the Executive Director of the Office of Economic Development or his or her designee; (4) the Director of the Department of Employment, Training and Rehabilitation or his or her designee; and (5) ~~[11]~~ 13 members appointed by the Governor, the Majority Leader and Minority Leader of the Senate and the Speaker and Minority Leader of the Assembly from among persons who are ~~[professional educators]~~ classroom teachers in the fields of science, technology, engineering and mathematics , administrators of public schools or school districts with an education program relating to the fields of science, technology, engineering and mathematics or persons who represent businesses that employ persons in careers which are enhanced by education in science, technology, engineering and mathematics. Section 2 of this bill requires the Council to develop: (1) a strategic plan for the development of educational resources in the fields of science, technology, engineering and mathematics to serve as a foundation for workforce development, college preparedness and economic development in this State; (2) a plan for identifying and awarding recognition to pupils in this State who demonstrate exemplary achievement in the fields of science, technology, engineering and mathematics; and (3) a plan for identifying and awarding recognition to not more than 15 schools in this State that demonstrate exemplary performance in the fields of science, technology, engineering and mathematics. Section 2 also requires the Council to conduct a survey of education programs and proposed programs relating to the fields of science, technology, engineering and mathematics in this State and in other states to identify recommendations for the implementation of such programs by public schools in this State. Section 2 further requires the Council to submit to the State Board of Education, the Governor and the Legislature a report which includes recommendations concerning the instruction and curriculum in courses of study in science, technology, engineering and mathematics in public schools in this State. Additionally, section 2 requires the Council to apply for grants on behalf of the State of Nevada relating to the development and expansion of education programs in the fields of science, technology, engineering and

mathematics and to identify a nonprofit corporation to assist in the implementation of the programs developed by the Council. Section 2 also requires the State Board to consider the plans and reports of the Council and adopt such regulations to carry out the Council's recommendations as the State Board deems necessary.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. 1. The Advisory Council on Science, Technology, Engineering and Mathematics is hereby created within the Department of Education. The Council consists of:

(a) The following ex officio members:

(1) The Superintendent of Public Instruction or his or her designee;

(2) The Chancellor of the Nevada System of Higher Education or his or her designee;

(3) The Executive Director of the Office of Economic Development or his or her designee; and

(4) The Director of the Department of Employment, Training and Rehabilitation or his or her designee;

(b) Three members appointed by the Governor ~~[from among the persons described in]~~ pursuant to subsection 2;

(c) Four members appointed by the Majority Leader of the Senate ~~[from among the persons described in subsection 2; and]~~ pursuant to subsections 2 and 3;

(d) Four members appointed by the Speaker of the Assembly ~~[from among the persons described in subsection 2.]~~ pursuant to subsections 2 and 3;

(e) One member appointed by the Minority Leader of the Senate pursuant to subsection 4; and

(f) One member appointed by the Minority Leader of the Assembly pursuant to subsection 4.

2. The ~~[members appointed pursuant to paragraphs (b), (c) and (d) of subsection 1 must be persons]~~ Governor, Majority Leader of the Senate and Speaker of the Assembly shall each appoint:

(a) One member who ~~[are professional educators]~~ is a classroom teacher in the ~~[fields]~~ field of science, technology, engineering ~~[and]~~ or mathematics ~~[or persons]~~ ;

(b) One member who is an administrator of a public school or school district in this State with an education program relating to the fields of science, technology, engineering and mathematics; and

(c) One member who ~~[represent]~~ represents businesses that employ persons in careers which are enhanced by education in science, technology, engineering and mathematics, including, without limitation, careers relating to manufacturing, information technology, aerospace engineering, health sciences and mining.

3. The Majority Leader of the Senate and the Speaker of the Assembly shall each appoint one additional member from among the persons described in paragraphs (a), (b) and (c) of subsection 2.

4. The Minority Leader of the Senate and the Minority Leader of the Assembly shall each appoint one member from among the persons described in paragraphs (a), (b) and (c) of subsection 2.

5. Any vacancy occurring in the membership of the Council must be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs.

~~[4.]~~ 6. The Council shall hold its first regular meeting as soon as practicable on or after July 1, 2013, at the call of the Governor. At the first regular meeting of the Council, the members of the Council shall elect a Chair by majority vote.

~~[5.]~~ 7. The Council shall meet not more than four times each year at the call of the Chair.

~~[6.]~~ 8. A majority of the members of the Council constitutes a quorum for the transaction of business, and a majority of those members present at any meeting is sufficient for any official action taken by the Council.

~~[7.]~~ 9. The Chair may appoint such subcommittees of the Council as the Chair determines necessary to carry out the duties of the Council.

~~[8.]~~ 10. The members of the Council serve without compensation.

Sec. 2. 1. The Advisory Council on Science, Technology, Engineering and Mathematics created by section 1 of this act shall:

(a) Develop a strategic plan for the development of educational resources in the fields of science, technology, engineering and mathematics to serve as a foundation for workforce development, college preparedness and economic development in this State;

(b) Develop a plan for identifying and awarding recognition to pupils in this State who demonstrate exemplary achievement in the fields of science, technology, engineering and mathematics;

(c) Develop a plan for identifying and awarding recognition to not more than 15 schools in this State that demonstrate exemplary performance in the fields of science, technology, engineering and mathematics;

(d) Conduct a survey of education programs and proposed programs relating to the fields of science, technology, engineering and mathematics in this State and in other states to identify recommendations for the implementation of such programs by public schools in this State and report the information gathered by the survey to the State Board of Education;

(e) Apply for grants on behalf of the State of Nevada relating to the development and expansion of education programs in the fields of science, technology, engineering and mathematics;

(f) Identify a nonprofit corporation to assist in the implementation of the plans developed pursuant to paragraphs (a), (b) and (c); and

(g) Prepare a written report which includes, without limitation, recommendations based on the survey conducted pursuant to paragraph (d) and any other recommendations concerning the instruction and curriculum in courses of study in science, technology, engineering and mathematics in public schools in this State and, on or before January 31 of each odd-numbered year, submit a copy of the report to the State Board of Education, the Governor and the Director of the Legislative Counsel Bureau for transmittal to the Legislature.

2. The Council or a subcommittee of the Council may seek the input, advice and assistance of persons and organizations that have knowledge, interest or expertise relevant to the duties of the Council.

3. The State Board of Education shall consider the plans developed by the Advisory Council on Science, Technology, Engineering and Mathematics pursuant to paragraphs (a), (b) and (c) of subsection 1 and the written report submitted pursuant to paragraph (g) of subsection 1 and adopt such regulations as the State Board deems necessary to carry out the recommendations in the written report.

Sec. 3. (Deleted by amendment.)

Sec. 4. This act becomes effective on July 1, 2013, and expires by limitation on June 30, 2017.

Senator Woodhouse moved that the Senate concur in the Assembly Amendment No. 610 to Senate Bill No. 345.

Motion carried by a constitutional majority.

Bill ordered enrolled.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Denis moved that the Senate recess until 5:00 p.m.

Motion carried.

Senate in recess at 4:23 p.m.

SENATE IN SESSION

At 6:04 p.m.

President Krolicki presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Finance, to which was re-referred Senate Bill No. 479, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Finance, to which was re-referred Senate Bill No. 454, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass as amended.

Also, your Committee on Finance, to which was referred Senate Bill No. 484, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DEBBIE SMITH, *Chair*

Mr. President:

Your Committee on Government Affairs, to which was referred Assembly Bills Nos. 283, 374, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID R. PARKS, *Chair*

Mr. President:

Your Committee on Natural Resources, to which were referred Assembly Bills Nos. 345, 346, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

AARON D. FORD, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Senator Smith moved that all necessary rules be suspended, and that Assembly Bills Nos. 283, 345, 346, 374, just reported out of Committee, be declared emergency measures under the Constitution and placed on third reading and final passage.

Motion carried.

Senator Smith moved that Senate Bill No. 415 and Assembly Bill No. 54 be taken from the Secretary's Desk and placed on the General File, for this legislative day.

Motion carried.

Senator Smith moved that Assembly Bills Nos. 313, 365, 378, be taken from the Secretary's Desk and placed at the bottom of the General File for this agenda.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 484.

Bill read second time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 855.

"SUMMARY—Makes an appropriation to the Mental Health Information System Account of the Division of Mental Health and Developmental Services of the Department of Health and Human Services for new software to implement the Department's technology policies. (BDR S-1181)"

"AN ACT making an appropriation to the Mental Health Information System Account of the Division of Mental Health and Developmental Services of the Department of Health and Human Services for new software to implement the Department's technology policies; and providing other matters properly relating thereto."

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. There is hereby appropriated from the State General Fund to the Mental Health Information System Account of the Division of Mental Health and Developmental Services of the Department of Health and Human

Services the sum of ~~[$204,000]~~ $126,000 for new software to implement the Department's technology policies.

Sec. 2. Any remaining balance of the appropriation made by section 1 of this act must not be committed for expenditure after June 30, 2015, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2015, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2015.

Sec. 3. This act becomes effective upon passage and approval.

Senator Kieckhefer moved the adoption of the amendment.

Remarks by Senator Kieckhefer.

Thank you, Mr. President. Amendment No. 855 to Senate Bill No. 484 revises downward the one-shot appropriation from $204,000 to $126,000.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Parks moved to withdraw Amendment No. 760 from Assembly Bill No. 283.

Motion carried.

Senator Parks moved to withdraw Amendment No. 758 from Assembly Bill No. 374.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 283.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

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 ~~[to]~~ :

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 ~~[:~~

~~*[(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* , ~~*[or]*~~ *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.

~~[15.]~~ *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.

~~[16.]~~ *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.

~~[17.]~~ *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.

~~[18.]~~ *17.* "Specialty contractor" means a person who is licensed to conduct business as described in subsection 4 of NRS 624.215.

~~[19.]~~ *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 ~~[16]~~ *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 ~~[17]~~ *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 ~~[16]~~ *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 ~~[17]~~ *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 ~~[or 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. ~~[; or~~

~~(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. ~~[; or~~

~~(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 ~~[A]~~

1. Subject to the provisions of subsection 2, a public body may construct a public work by:

~~[1.]~~ *(a)* Selecting a construction manager at risk pursuant to the provisions of NRS 338.1691 to 338.1696, inclusive; and

~~[2.]~~ *(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

~~[(b)]~~ *(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 ~~[;]~~ *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

~~[(i)]~~ *(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 ~~[;]~~ *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 ~~[;]~~ 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) ~~[(k)]~~ 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 $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 ~~[a]~~ *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 ~~[,]~~ *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 ~~[338.16995,]~~ *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 ~~[12]~~ *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 ~~[13]~~ *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.

Senator Parks moved the adoption of the amendment.

Remarks by Senator Parks.

Thank you, Mr. President. Amendment No. 866 to Assembly Bill No. 283 deletes language from Section 2 of the bill in order to maintain the current definition of "contractor" in Chapter 338 of *Nevada Revised Statutes*. It also adds language expressing legislative intent regarding public works that present unique and complex construction challenges. The definition of "horizontal construction" is expanded to include water treatment facilities and vertical ancillary components thereof, and the applicability of Chapter 338 of *Nevada Revised Statutes* to transportation-related contracts awarded by the Department of Transportation is also clarified.

Provisions of the bill addressing highway work do not apply in instances where they would preclude the State receiving federal assistance. Counties with populations of less than 100,000 are limited into entering into two construction manager at-risk public works projects per calendar year. The amendment also expands the types of work that can be included in an explanation of work experience that an applicant can offer in support of an application for a construction manager at-risk project, and a public body must make the names of all construction manager at-risk applicants publicly available. Penalties apply if a construction manager at risk makes improper substitutions of subcontractors contrary to statute.

The Department of Transportation is required to conduct a study on the benefits to the State of entering into construction manager at-risk contracts for highway work and to report back to the Legislature on or before January 31, 2017. Similarly, any public body that enters into a contact for a public work with a construction manager at risk must, on or before January 1 of each year, report to the Legislature or the Legislative Commission as appropriate on the success of any project entered into during the preceding year.

Finally, the amendment sunsets all new provisions relating to construction managers at risk on July 1, 2017.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 345.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 882.

"SUMMARY—Revises provisions governing the management of certain wildlife. (BDR 45-273)"

"AN ACT relating to wildlife; requiring that the wildlife in this State be managed according to the best science available; revising provisions relating to the authorized use of certain money in the Wildlife Fund Account in the State General Fund; requiring the Board of Wildlife Commissioners to establish policies for certain programs, activities and research relating to predatory wildlife; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Under existing law, the Nevada Legislature has declared that wildlife in this State is part of the natural resources belonging to the people of the State of Nevada and that preserving, protecting, managing and restoring wildlife in this State contributes immeasurably to the aesthetic, recreational and economic aspects of those natural resources. (NRS 501.100) Section 1 of this bill revises the legislative declaration to require that the wildlife in this State be managed according to the best science available.

Under existing law, in addition to the fee for a game tag, the Department of Wildlife charges an additional fee of $3 for processing each application for a game tag, the revenue from which must be deposited into the Wildlife Fund Account in the State General Fund and be used by the Department for costs related to: (1) programs for the management and control of injurious predatory wildlife; (2) wildlife management activities relating to the protection of certain game animals and wildlife habitat; and (3) research to determine successful techniques for managing and controlling predatory wildlife. Any program developed or wildlife management activity or research conducted must be developed or conducted under the guidance of the Board of Wildlife Commissioners. (NRS 501.181, 502.253) Section 2 of this bill requires the Department to use at least 50 percent of the money credited to the Wildlife Fund Account from the additional $3 processing fee for use related to the management and control of injurious predatory wildlife other than research. Section 2 further requires the Commission, in providing guidance relating to any wildlife management activity, the development of a program to control any species of predatory wildlife or any research concerning that species, to establish a policy for the activity, program or research that specifies the goals and required results of the activity, program or research.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 501.100 is hereby amended to read as follows:

501.100 1. Wildlife in this State not domesticated and in its natural habitat is part of the natural resources belonging to the people of the State of Nevada ~~[.]~~ *and must be managed according to the best science available.*

2. The preservation, protection, management and restoration of wildlife within the State contribute immeasurably to the aesthetic, recreational and economic aspects of these natural resources.

Sec. 2. NRS 502.253 is hereby amended to read as follows:

502.253 1. In addition to any fee charged and collected pursuant to NRS 502.250, a fee of $3 must be charged for processing each application for a game tag, the revenue from which must be accounted for separately, deposited with the State Treasurer for credit to the Wildlife Fund Account in the State General Fund and *, except as otherwise provided in subsection 2,* used by the Department for costs related to:

(a) Programs for the management and control of *, and research relating to,* injurious predatory *wildlife for the benefit of all other species of* wildlife;

(b) Wildlife management activities relating to the protection of nonpredatory game animals, sensitive wildlife species and *other species of game animals which are historically subject to or are at risk of excessive predation by predatory wildlife, and* related wildlife habitat;

(c) Conducting research, as needed, to determine successful techniques for managing and controlling predatory wildlife, including studies necessary to ensure effective programs for the management and control of injurious predatory wildlife; and

(d) Programs for the education of the general public concerning the management and control of predatory wildlife.

2. ~~[The]~~ *Each year, the Department of Wildlife shall use at least 50 percent of the money credited to the Wildlife Fund Account, from revenue received pursuant to subsection 1, for the uses described in paragraph (a) of that subsection other than research.*

3. Except as otherwise provided in subsection 2, the Department of Wildlife is hereby authorized to expend a portion of the money collected pursuant to subsection 1 to enable the State Department of Agriculture to develop and carry out the programs described in subsection 1.

~~[3.]~~ *4.* Any program developed or wildlife management activity or research conducted pursuant to this section must be developed or conducted under the guidance of the Commission pursuant to subsection 2 of NRS 501.181.

~~[4.]~~ *In providing guidance for the development of a program to control any species of predatory wildlife or for conducting any wildlife management activity or research concerning that species, the Commission shall establish a policy for the program, activity or research. Each policy must specify the*

goals and required results of the program, activity or research, including, without limitation, provisions:

(a) Setting forth a specific geographic area in this State in which the program, activity or research must be conducted;

(b) Setting forth the reasons for conducting the program, activity or research in the geographic area;

(c) Setting forth the estimated population or density of each species of predatory wildlife and the location of the estimated population or density in the geographic area which must be included in the program, activity or research; and

(d) Requiring the submission of a report to the Commission upon the completion of the program, activity or research setting forth the results of the program, activity or research and the extent to which the program, activity or research achieved the goals and required results established for the program, activity or research.

5. The money in the Wildlife Fund Account remains in the Account and does not revert to the State General Fund at the end of any fiscal year.

Sec. 3. (Deleted by amendment.)

Sec. 4. This act becomes effective on July 1, 2013.

Senator Segerblom moved the adoption of the amendment.

Remarks by Senator Segerblom.

Thank you, Mr. President. Amendment No. 882 to Assembly Bill No. 345 specifies that at least 50 percent of the money credited to the Wildlife Fund Account from the $3 game-tag fee must be used specifically for predator control.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 346.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 883.

"SUMMARY—Revises provisions governing mining reclamation. (BDR 46-1035)"

"AN ACT relating to mining; requiring certain plans for reclamation of an exploration project or mining operation to provide for public nonmotorized access to the water level of a pit lake; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Under existing law, a person who applies for a permit for a mining operation from the Division of Environmental Protection of the State Department of Conservation and Natural Resources must file with the Division a plan for the reclamation of any land damaged as a result of the mining operation. (NRS 519A.210) Existing law also requires a person who applies for a permit to engage in an exploration project to agree in writing to

assume responsibility for the reclamation of any surface area damaged as a result of the exploration project. (NRS 519A.190) Existing law imposes certain requirements on a plan for reclamation regarding the timing of reclamation activities, the provision of vegetative cover and the stability of the land disturbed by the mining operation or exploration project. The operator of the mining operation or exploration project may request from the Division an exception for open pits and rock faces which may not be feasible to reclaim. If such an exception is granted, the Division must require the operator to take sufficient measures to ensure public safety. (NRS 519A.230) Section 3 of this bill requires that a plan for reclamation of an exploration project or mining operation must provide for the reclamation of a pit lake if the pit lake will have a predicted filled surface area of more than 200 acres. The plan for reclamation for such a pit lake must , if feasible, and subject to the right of the landowner to determine the final and ultimate use of the premises, provide for at least one point of public nonmotorized access for traffic to the water level of the pit lake. Section 3 also provides that certain past or present owners, operators, lessees or occupants of the premises for which public access to a pit lake is provided pursuant to a plan for reclamation owe no duty to keep the premises safe or to give warning of certain hazardous conditions, and do not incur liability for certain injuries that may occur on the premises in certain circumstances. Section 4 of this bill requires that an operator who has an ongoing reclamation plan on file with the Division before October 1, 2013, and whose mining operation or exploration project resulted in or included a pit lake provide, ~~[if feasible,]~~ on or before July 1, 2014, if feasible, and subject to the right of the landowner to determine the final and ultimate use of the premises, for at least one point of public nonmotorized access to the pit lake as required in section 3.

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. NRS 519A.230 is hereby amended to read as follows:

519A.230 1. A plan for reclamation must provide:

(a) That reclamation activities, particularly those relating to the control of erosion, must be conducted simultaneously with the mining operation to the extent practicable, and otherwise must be initiated promptly upon the completion or abandonment of the mining operation in any area that will not be subject to further disturbance. Reclamation activities must be completed within the time set by the regulations adopted by the Commission pursuant to NRS 519A.160.

(b) For vegetative cover if appropriate to the future use of the land.

(c) For the reclamation of all land disturbed by the exploration project or mining operation to a stability comparable to that of adjacent areas.

2. The operator may request the Division to grant an exception for open pits and rock faces which may not be feasible to reclaim. If an exception is granted, *other than for a pit lake for which public access is provided in a plan for reclamation pursuant to subsection 3,* the Division shall require the operator to take sufficient measures to ensure public safety.

3. ~~*[For]*~~ *Except as otherwise provided in this subsection, for a pit lake that will have a predicted filled surface area of more than 200 acres, a plan for reclamation must provide, in consultation with the operator and each landowner, including any federal land manager, and, if feasible, for at least one point of public nonmotorized access to the water level of the pit lake when the pit in which the pit lake is located reaches at least 90 percent of its predicted maximum capacity. This subsection:*

(a) Must not be construed to impede the ability of any landowner, including any federal land manager, of any premises on which a pit lake is located to determine the final and ultimate use of those premises;

(b) Does not require any landowner, including any federal land manager, who is consulted pursuant to this subsection to agree to allow access to any pit lake; and

(c) Does not alter any contract or agreement entered into before October 1, 2013, between an operator and a landowner, including any federal land manager.

4. A protected person with respect to any premises for which public access to a pit lake is provided in a plan for reclamation pursuant to subsection 3 owes no duty to keep the premises, including, without limitation, the access area and the pit lake and its surroundings, safe for entry or use by any other person for participation in any activity, or to give a warning of any hazardous condition, activity or use of the premises to any person entering the premises.

5. If a protected person gives permission to another person to access or engage in any activity with respect to any premises specified in subsection 4, the protected person does not thereby extend any assurance that the premises are safe for that activity or any other purpose or assume responsibility for or incur any liability for any injury to any person or property caused by any act of a person to whom the permission is granted. The provisions of this subsection do not confer any liability upon a protected person for any injury to any other person or property, whether actual or implied, or create a duty of care or ground of liability for any injury to any person or property.

6. Except in the case of an emergency, an operator shall not depart from an approved plan for reclamation without prior written approval from the Division.

~~[4.]~~ *7.* Reclamation activities must be economically and technologically practicable in achieving a safe and stable condition suitable for the use of the land.

8. As used in this section:

(a) "Pit lake" means a body of water that has resulted, after the completion of an exploration project or mining operation, from an open pit that has penetrated the water table of the area in which the pit is located.

(b) "Protected person" means any past or present:

(1) Owner of any estate or interest in any premises for which public access to a pit lake is provided in a plan for reclamation pursuant to subsection 3;

(2) Operator of all or any part of the premises, including, without limitation, any entity that has conducted or is conducting a mining operation or any reclamation activity with respect to the premises;

(3) Lessee or occupant of all or any part of the premises; or

(4) Contractor, subcontractor, employee or agent of any such owner, operator, lessee or occupant.

Sec. 4. 1. On or before July 1, 2014, a plan for reclamation of an exploration project or mining operation filed with the Division of Environmental Protection of the State Department of Conservation and Natural Resources before October 1, 2013, that includes a pit lake having a filled surface area of more than 200 acres must provide, in consultation with the operator of the exploration project or mining operation and each landowner, including any federal land manager, and, if feasible, for at least one point of public nonmotorized access to the water level of the pit lake when the pit in which the pit lake is located reaches at least 90 percent of its predicted maximum capacity. If it is determined that such access is warranted, the plan for reclamation may be amended and refiled. This subsection:

(a) Must not be construed to impede the ability of any landowner, including any federal land manager, of any premises on which a pit lake is located to determine the final and ultimate use of those premises;

(b) Does not require any landowner, including any federal land manager, who is consulted pursuant to this subsection to agree to allow access to any pit lake; and

(c) Does not alter any contract or agreement entered into before October 1, 2013, between an operator and a landowner, including any federal land manager.

2. As used in this section, "pit lake" has the meaning ascribed to it in subsection 8 of NRS 519A.230, as amended by section 3 of this act.

Senator Goicoechea moved the adoption of the amendment.

Remarks by Senator Goicoechea.

Thank you, Mr. President. Amendment No. 883 to Assembly Bill No. 346 clarifies that the owner of a pit lake may make the final determination on the ultimate use of the property and also provides that any private property owner, who is consulted regarding the access to a pit lake, is under no obligation to allow access to that lake.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 374.

Bill read second time.

The following amendment was proposed by Senator Parks:

Amendment No. 872.

"SUMMARY—Revises provisions relating to ~~[the authority of a board of county commissioners to regulate certain assemblies, events or activities.]~~ counties. (BDR 20-520)"

"AN ACT relating to counties; ~~[prohibiting, with certain exceptions,]~~ authorizing a board of county commissioners ~~[from regulating or licensing, or requiring a permit or fee relating to,]~~ to enter into agreements exempting certain persons, organizations and assemblies ~~[, events or activities]~~ occurring on federal lands ~~[; providing, under certain circumstances, that]~~ from certain requirements and prohibitions relating to assemblies ~~[do not apply to assemblies that occur on federal lands;]~~ ; requiring such agreements to include certain provisions; prohibiting certain actions regarding such agreements and the application of certain requirements and prohibitions relating to certain assemblies occurring on federal lands; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law requires each board of county commissioners to adopt an ordinance regulating and licensing outdoor assemblies, requires certain persons to obtain a license for an assembly and prohibits certain conduct and activities relating to certain assemblies. (NRS 244.354, 244.3542, 244.3548)

~~[Sections]~~ Section 1 ~~[and 2]~~ of this bill ~~[prohibit, with certain exceptions,]~~ authorizes a board of county commissioners ~~[from regulating, licensing, or requiring any type of permit or fee for organizing, managing or attending, any assembly, event or activity occurring on certain federal land if a federal agency has issued a license or permit, or otherwise authorized, the assembly, event or activity.~~

~~Sections 3 and 4 of this bill provide, under certain circumstances, that the licensing requirement for certain assemblies and the prohibition on certain conduct and activities relating to assemblies do not apply to any assembly, event or activity occurring on federal land if a federal agency has issued a license or permit, or otherwise authorized, the assembly, event or activity.]~~ to enter into an agreement with a person or organization that organizes an outdoor assembly occurring on federal land for which a federal agency issues a license or permit or otherwise authorizes the assembly. The agreement may exempt the assembly, and the person or organization that organizes the assembly, from the provisions of the ordinance adopted by the board regulating and licensing outdoor assemblies and also from the statutory provisions regulating outdoor assemblies. The agreement may be rescinded only by mutual agreement of the parties. For the duration of the agreement, a future board of county commissioners may not require the application of the statutory provisions regulating outdoor assemblies or make any changes to

the terms of the agreement. The agreement must contain certain provisions relating to the services of a coroner if a death occurs at the assembly. Also, the parties may enter into a separate agreement for the county to provide reasonable and necessary services for the assembly and to receive compensation for those services.

Existing law prohibits a board of county commissioners from entering into certain contracts and other transactions beyond the term of office of any member of the board unless the board appropriates money to pay for the duration of the contract. Sections 1 and 1.5 of this bill provide that any agreement entered into pursuant to section 1 is not subject to such limitations.

Section 1 provides that the provisions thereof shall not be construed to prohibit, prevent or limit the power of the Legislature.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[Except as otherwise provided in subsection 2, a]~~ A board of county commissioners ~~[shall not regulate or license, or require any type of permit or fee for organizing, managing or attending, any]~~ may enter into an agreement with any person or organization described in paragraph (b) to exempt from the provisions of any ordinance adopted by that board of county commissioners pursuant to NRS 244.354 and the provisions of NRS 244.354 to 244.3548, inclusive:

(a) Any assembly ~~[, event or activity]~~ occurring on federal land ~~[if]~~ for which a federal agency ~~[has issued]~~ issues a license or permit ~~[for the assembly, event or activity]~~ or ~~[has]~~ otherwise ~~[authorized]~~ authorizes the assembly ~~[, event or activity.~~

~~*2. A board of county commissioners may:*~~

~~*(a) Enter into an agreement, with a person or organization which has been issued a license or permit by a federal agency for an assembly, event or activity occurring on federal land, for]*~~ ; and

(b) The person or organization that permits, maintains, promotes, conducts, advertises, operates, undertakes, organizes, manages or sells or gives away tickets to any such assembly.

2. In determining whether to enter into an agreement pursuant to subsection 1, a board of county commissioners may consider, without limitation, whether a person or organization described in paragraph (b) of subsection 1 has demonstrated to the satisfaction of the board that:

(a) The federal agency that issues a license or permit for or otherwise authorizes an assembly described in paragraph (a) of subsection 1 has ensured that conditions which otherwise may be imposed by the board pursuant to NRS 244.3545 are addressed during the process of issuing the license or permit for or otherwise authorizing the assembly; and

(b) The assembly will not present an unreasonable danger to the health or safety of any resident of the county.

3. Except as otherwise provided in subsection 6, an agreement entered into pursuant to subsection 1 may be rescinded only by mutual agreement of the parties to the agreement. For the duration of the agreement, no future board of county commissioners of that county may adopt an ordinance requiring, or in any other way require:

(a) The application of the provisions of NRS 244.354 to 244.3548, inclusive, to the assembly that is the subject of the agreement, the person or organization with whom the board enters into the agreement, or any other person who permits, maintains, promotes, conducts, advertises, operates, undertakes, organizes, manages or sells or gives away tickets to the assembly; or

(b) Any changes to the terms of the agreement.

4. If a board of county commissioners enters into an agreement pursuant to subsection 1:

(a) The agreement must require the person or organization described in paragraph (b) of subsection 1 to call upon the services of the office of the county coroner if a death of a person occurs at the assembly;

(b) The agreement must provide for the office of the county coroner to receive compensation for such services, including, without limitation, compensation:

(1) For the expenses of any travel and subsistence incurred in the provisions of such services;

(2) For the expenses relating to an autopsy and the transportation and storage of the body of the deceased; and

(3) For any other reasonable expenses relating to the provision of such services; and

(c) The board of county commissioners or any board of county commissioners that takes office after the effective date of the agreement may enter into a separate agreement with the person or organization described in paragraph (b) of subsection 1 which provides for the county to provide reasonable and necessary ~~[law enforcement]~~ services for the assembly ~~[, event or activity]~~ and to receive compensation for the provision of such services. ~~[; and~~

~~*(b) Regulate or license, or require any type of permit or fee for organizing, managing or attending, any assembly, event or activity occurring on federal land that is the subject of a:*~~

~~*(1) Lease between the Federal Government and the county; or*~~

~~*(2) License for recreational or other public purposes from the Federal Government to the county.]*~~

5. Notwithstanding the provisions of NRS 244.320, any agreement entered into pursuant to this section may extend beyond the terms of the county commissioners in office and voting on the agreement regardless of

whether the board appropriates money for the agreement beyond the terms of office.

6. Nothing contained in this section shall be construed to prohibit, prevent or limit the power of the Legislature.

Sec. 1.5. NRS 244.320 is hereby amended to read as follows:

244.320 1. A board of county commissioners may enter into any *agreement,* contract, lease, franchise, exchange of property or other transaction which extends beyond the terms of the county commissioners then in office and voting on the matter, but except as otherwise provided by law, the *agreement,* contract, lease, franchise, exchange or other transaction is binding beyond those terms of office only to the extent that money is appropriated therefor, or for a like item or service.

2. This section does not affect any *agreement,* contract, lease, franchise, exchange of property or other transaction which does not extend beyond the term of office of any member of the board who is part of the quorum voting thereon.

Sec. 2. [NRS 244.354 is hereby amended to read as follows:

244.354 ~~[~~The~~]~~ ~~*Except as otherwise provided in section 1 of this act, the*~~ board of county commissioners of each county shall adopt an ordinance regulating and licensing outdoor assemblies. The minimum requirements set forth in NRS 244.354 to 244.3548, inclusive, ~~*and section 1 of this act*~~ may be incorporated in such ordinance.] (Deleted by amendment.)

Sec. 3. NRS 244.3542 is hereby amended to read as follows:

244.3542 ~~[~~Every~~]~~

~~*[*~~ *1.]* ~~*Except as otherwise provided in [subsection 2,]*~~ *section 1 of this act, every* person who permits, maintains, promotes, conducts, advertises, operates, undertakes, organizes, manages, sells or gives away tickets to an actual or reasonably anticipated assembly of 1,000 or more individuals shall obtain a license from the board of county commissioners of the county in which such assembly is proposed, in accordance with the provisions of NRS 244.354 to 244.3548, inclusive . ~~*[, and section 1 of this act.*~~

~~*2. The provisions of this section do not apply to a person who permits, maintains, promotes, conducts, advertises, operates, undertakes, organizes, manages, sells or gives away tickets to an actual or reasonably anticipated assembly that is held on federal land if:*~~

~~*(a) A federal agency has issued a license or permit for the assembly or has otherwise authorized the assembly; and*~~

~~*(b) The federal land is not the subject of a:*~~

~~*(1) Lease for recreational or other public purposes between the Federal Government and the county; or*~~

~~*(2) License for recreational or other public purposes from the Federal Government to the county.]*~~

Sec. 4. NRS 244.3548 is hereby amended to read as follows:

244.3548 ~~[~~It~~]~~

~~[~~ ~~1.]~~ *Except as otherwise provided in* ~~[subsection 2,]~~ *section 1 of this act, it* is unlawful for any licensee or any employee, agent or associate of a licensee to:

1. ~~[(a)]~~ Hold an actual or reasonably anticipated assembly of 1,000 or more persons without first procuring a license to do so.

2. ~~[(b)]~~ Sell tickets to such an assembly without a license first having been obtained.

3. ~~[(c)]~~ Hold such an assembly in such a manner as to create a public or private nuisance.

4. ~~[(d)]~~ Exhibit, show or conduct within the place of such an assembly any obscene, indecent, vulgar or lewd exhibition, show, play, entertainment or exhibit, no matter by what name designated.

5. ~~[(e)]~~ Allow any person on the premises of the licensed assembly to cause or create a disturbance in, around or near any place of the assembly, by offensive or disorderly conduct.

6. ~~[(f)]~~ Knowingly allow any person to consume, sell or be in possession of intoxicating liquor while in such assembly except where the consumption or possession is expressly authorized by the board and under the laws of the State of Nevada.

7. ~~[(g)]~~ Knowingly allow any person at the licensed assembly to use, sell or be in possession of any controlled substance while in, around or near a place of the assembly.

~~[2. The provisions of this section do not apply to an assembly, or conduct or activity at or during an assembly, that is held on federal land if:~~

~~(a) A federal agency has issued a license or permit for the assembly or has otherwise authorized the assembly; and~~

~~(b) The federal land is not the subject of a:~~

~~(1) Lease for recreational or other public purposes between the Federal Government and the county; or~~

~~(2) License for recreational or other public purposes from the Federal Government to the county.]~~

Sec. 5. This act becomes effective on July 1, 2013.

Senator Parks moved the adoption of the amendment.

Remarks by Senator Parks.

Thank you, Mr. President. This started off as the Burning Man piece of legislation, and it grew to be far more than what was initially intended. Amendment No. 872 to Assembly Bill No. 374 is a substantial rewrite of the bill based on a late agreement reached by the bill sponsor and several concerned parties. The amendment strikes language prohibiting a county from regulating, permitting, licensing or requiring a fee for an event that takes place on federal land and is licensed by a federal agency. Instead the amendment provides that a Board of County Commissioners may enter into agreements with a person or organization that conducts such an event to exempt the event from provisions of applicable county ordinances provided the board is satisfied that the event has met certain requirements including: (1) that the permitting federal agency has ensured that conditions that would otherwise be imposed by the board pursuant to ordinance have been addressed in the permitting process; (2) the event will not present an unreasonable danger to the health or safety of any resident of the county.

The amendment also provides that once entered into such an agreement, it cannot be modified or rescinded except by mutual agreement of the parties to the agreement. The person or organization conducting the event is required to call on the services of the county coroner in the event of a death occurring at the event and compensate the coroner for related expenses. Instead of the bill providing for only one agreement between a board of county supervisors and a person or organization that is conducting an event on federal land, the amendment allows for a separate agreement or agreements that may be entered into requiring the county to provide other reasonable and necessary services for the event and to be compensated appropriately. The initial agreement entered into by the parties can extend beyond the terms of the commissioners who entered into it. Finally, the amendment specifically stipulates that no provision of the bill shall be construed to limit the power of the Legislature.

A lot of work went into this amendment, as well as the previous amendment I spoke to on Assembly Bill No. 283. I would like to acknowledge the hard work of the Vice Chair of the Senate Committee on Government Affairs, getting both of these bills where they are today. I certainly hope you will support them.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 50.

Bill read third time.

The following amendment was proposed by Senator Smith:

Amendment No. 884.

"SUMMARY—Revises provisions relating to local government finance. (BDR 22-253)"

"AN ACT relating to local government finance; revising the termination date of certain redevelopment plans; requiring certain redevelopment agencies to make available to the public certain reports concerning proposed redevelopment projects; requiring certain redevelopment agencies to include additional information in certain annual reports; revising provisions governing the set aside and use of certain revenues from taxes imposed on property in a redevelopment area; eliminating the prohibition on certain local governments creating a tourism improvement district that includes any property within the boundaries of a redevelopment area; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law provides that a redevelopment plan adopted by a redevelopment agency of a city or county before January 1, 1991, terminates at the end of the fiscal year in which the later of the following events occurs: (1) the principal and interest of the last maturing securities issued before that date concerning the redevelopment area are fully paid; or (2) 45 years after the date on which the original redevelopment plan was adopted. (NRS 279.438) Section 1.5 of this bill extends the deadline for that second event from 45 years to 60 years with respect to a redevelopment plan adopted by the redevelopment agency of a city whose population is 500,000 or more (currently the City of Las Vegas) if certain requirements are met.

Under existing law, the redevelopment agency of a city or county, with the consent of the governing body of the city or county, is authorized, in certain circumstances, to pay all or part of the value of the land for and the cost of the construction of a building, facility, structure or other improvement to real property or installation of an improvement which is publicly or privately owned and is located within or without a redevelopment area for which the agency has adopted a redevelopment plan. (NRS 279.486) Section 2 of this bill requires the redevelopment agency of a city whose population is 500,000 or more (currently the City of Las Vegas) to make available to the general public a detailed report concerning such a proposed expenditure for land or improvements by the agency at least 14 days before a meeting at which the governing body of the city is scheduled to consider the proposed expenditure.

Under existing law, a redevelopment agency that has adopted a redevelopment plan for a redevelopment area on or after July 1, 2011, is required to submit soon after the adoption of the plan one report to the Legislature and the governing body of the city or county, as applicable, containing certain initial information about the redevelopment area. Existing law also requires a redevelopment agency that has adopted a redevelopment plan for a redevelopment area at any time to submit to the Legislature and the governing body of the city or county, as applicable, an annual report containing information about the redevelopment area for the previous fiscal year. (NRS 279.6025) Section 3 of this bill requires the redevelopment agency of a city whose population is 500,000 or more (currently the City of Las Vegas) to include certain additional information in the annual report.

Under existing law, a city whose population is 500,000 or more (currently the City of Las Vegas) is required to set aside 18 percent of the revenue received from taxes levied upon taxable property in a redevelopment area each year to increase, improve and preserve the number of: (1) dwelling units in the community for low-income households; and (2) educational facilities within the redevelopment area. Section 3.5 of this bill instead requires that 18 percent of such revenues received on or after October 1, 2011, but before March 6, 2031, be set aside to: (1) increase, improve, preserve or enhance the operating viability of dwelling units in the community for low-income households; and (2) improve existing public educational facilities located within a redevelopment area or within 1 mile of a redevelopment area. Section 3.5 requires that on or after March 6, 2031, 18 percent of such revenues be set aside and used to improve existing public educational facilities located within a redevelopment area or within 1 mile of a redevelopment area. Section 1 of this bill prohibits a school district from using any money received pursuant to section 3.5 to reduce or supplant the amount of any money which the school district would otherwise expend to improve such public educational facilities.

Section 5 of this bill eliminates the prohibition in existing law against a city or county creating a tourism improvement district after October 1, 2009,

that includes within its boundaries any property included within the boundaries of a redevelopment area. In the case of a tourism improvement district created after October 1, 2009, that includes within its boundaries any property included within the boundaries of a redevelopment area, section 5 prohibits a redevelopment agency and the governing body of a county or city from providing financing or reimbursement pursuant to the financing and reimbursement mechanisms of both a tourism improvement district and a redevelopment area.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 279 of NRS is hereby amended by adding thereto a new section to read as follows:

A school district shall not use any money received pursuant to subparagraph (2) of paragraph (b) of subsection 1 of NRS 279.685 or paragraph (c) of subsection 1 of NRS 279.685 to reduce or supplant the amount of any money which the school district would otherwise expend for the purposes described in subparagraph (2) of paragraph (b) of subsection 1 of NRS 279.685 and paragraph (c) of subsection 1 of NRS 279.685, respectively.

Sec. 1.5. NRS 279.438 is hereby amended to read as follows:

279.438 *1.* A redevelopment plan adopted before January 1, 1991, and any amendments to the plan must terminate at the end of the fiscal year in which the principal and interest of the last maturing of the securities issued before that date concerning the redevelopment area are fully paid or *:*

(a) With respect to a redevelopment plan adopted by the agency of a city whose population is 500,000 or more, if the requirements set forth in subsection 2 are met, 60 years after the date on which the original redevelopment plan was adopted, whichever is later.

(b) With respect to any other redevelopment plan, including a redevelopment plan adopted by an agency of a city whose population is 500,000 or more, if the requirements set forth in subsection 2 are not met, 45 years after the date on which the original redevelopment plan was adopted, whichever is later.

2. A redevelopment plan adopted by an agency of a city whose population is 500,000 or more may terminate on the date prescribed by paragraph (a) of subsection 1 only if the legislative body adopts an extension of the redevelopment plan by ordinance and, on the date on which the extension is adopted:

(a) The assessed value of each redevelopment project in the redevelopment area is not less than the assessed value of the redevelopment project in the year in which the redevelopment plan was adopted;

(b) The assessed value of the redevelopment area is not less than 75 percent of the assessed value of the redevelopment area in the year in which the redevelopment plan was adopted; and

(c) The agency has $100 million or more in total outstanding indebtedness represented by bonds and other securities.

Sec. 2. NRS 279.486 is hereby amended to read as follows:

279.486 1. An agency may, with the consent of the legislative body, pay all or part of the value of the land for and the cost of the construction of any building, facility, structure or other improvement and the installation of any improvement which is publicly or privately owned and located within or without the redevelopment area.

2. Within 14 days before a meeting at which the legislative body of a city whose population is 500,000 or more is scheduled to consider an action proposed by the agency of the city pursuant to subsection 1, the agency shall make available to the public a detailed report which includes, without limitation:

(a) A copy of any contract, memorandum of understanding or other agreement between the agency or the legislative body and any other person relating to the redevelopment project.

(b) A summary of the redevelopment project which includes, without limitation:

(1) A full and complete description of:

(I) The costs of the redevelopment project, including, without limitation, the costs of acquiring any real property, clearance costs, relocation costs, the costs of any improvements which will be paid by the agency and the amount of the anticipated interest on any bonds issued or sold to finance the project.

(II) The estimated current value of the real property interest to be conveyed or leased, determined at its highest and best use permitted under the redevelopment plan.

(III) The estimated value of the real property interest to be conveyed or leased, determined at the use and with the conditions, covenants and restrictions, and development costs required by the sale or lease, and the current purchase price or present value of the lease payments which the lessee is required to make during the term of the lease. If the sale price or present value of the total rental amount to be paid to the agency or legislative body is less than the fair market value of the real property interest to be conveyed or leased, determined at the highest and best use permitted under the redevelopment plan, the agency shall provide an explanation of the reason for the difference.

(2) An explanation of how the project will assist in the elimination of blight, including, without limitation, reference to all supporting facts and materials relied on in reaching the conclusions presented in the explanation.

3. Before the legislative body may give its consent ~~[,]~~ *to an action proposed by the agency pursuant to subsection 1,* it must determine that:

(a) The buildings, facilities, structures or other improvements are of benefit to the redevelopment area or the immediate neighborhood in which the redevelopment area is located; and

(b) No other reasonable means of financing those buildings, facilities, structures or other improvements are available.

➥ Those determinations by the agency and the legislative body are final and conclusive.

~~[2.]~~ *4.* In reaching its determination that the buildings, facilities, structures or other improvements are of benefit to the redevelopment area or the immediate neighborhood in which the redevelopment area is located, the legislative body shall consider:

(a) Whether the buildings, facilities, structures or other improvements are likely to:

(1) Encourage the creation of new business or other appropriate development;

(2) Create jobs or other business opportunities for nearby residents;

(3) Increase local revenues from desirable sources;

(4) Increase levels of human activity in the redevelopment area or the immediate neighborhood in which the redevelopment area is located;

(5) Possess attributes that are unique, either as to type of use or level of quality and design;

(6) Require for their construction, installation or operation the use of qualified and trained labor; and

(7) Demonstrate greater social or financial benefits to the community than would a similar set of buildings, facilities, structures or other improvements not paid for by the agency.

(b) The opinions of persons who reside in the redevelopment area or the immediate neighborhood in which the redevelopment area is located.

(c) Comparisons between the level of spending proposed by the agency and projections, made on a pro forma basis by the agency, of future revenues attributable to the buildings, facilities, structures or other improvements.

~~[3.]~~ *5.* If the value of that land or the cost of the construction of that building, facility, structure or other improvement, or the installation of any improvement has been, or will be, paid or provided for initially by the community or other governmental entity, the agency may enter into a contract with that community or governmental entity under which it agrees to reimburse the community or governmental entity for all or part of the value of that land or of the cost of the building, facility, structure or other improvement, or both, by periodic payments over a period of years. The obligation of the agency under that contract constitutes an indebtedness of the agency which may be payable out of taxes levied and allocated to the agency under paragraph (b) of subsection 1 of NRS 279.676, or out of any other available money.

Sec. 3. NRS 279.6025 is hereby amended to read as follows:

279.6025 1. In addition to the report required pursuant to the provisions of subsection 2, for each redevelopment area for which a redevelopment plan is adopted pursuant to the provisions of NRS 279.586 on or after July 1, 2011, the agency shall, on or before the January 1 next after the adoption of the plan, submit to the Director of the Legislative Counsel Bureau, for transmittal to the Legislature, and to the legislative body a report on a form prescribed by the Committee on Local Government Finance that includes, without limitation, the following information for the redevelopment area:

(a) A legal description of the boundaries of the redevelopment area;

(b) The date on which the redevelopment plan for the redevelopment area was adopted;

(c) The scheduled termination date of the redevelopment plan;

(d) The total sum of the assessed value of the taxable property in the redevelopment area for:

(1) The fiscal year immediately preceding the adoption of the redevelopment plan; and

(2) The fiscal year during which the redevelopment plan was adopted, if such fiscal year ends before the reporting deadline;

(e) The combined overlapping tax rate of the redevelopment area;

(f) The property tax rate of the redevelopment area;

(g) The property tax revenue expected to be received from any tax increment area, as defined in NRS 278C.130, within the redevelopment area during the first fiscal year that the agency will receive an allocation pursuant to the provisions of NRS 279.676;

(h) Copies of any memoranda of understanding into which the agency enters during the fiscal year in which the redevelopment plan was adopted; and

(i) The amortization schedule for any debt incurred for the redevelopment area and the reasons for incurring the debt.

2. On or before January 1 of each year, for each redevelopment area for which a redevelopment plan has been adopted pursuant to the provisions of NRS 279.586, the agency shall submit to the Director of the Legislative Counsel Bureau, for transmittal to the Legislature, and to the legislative body a report on a form prescribed by the Committee on Local Government Finance that includes, without limitation, the following information for the redevelopment area for the previous fiscal year:

(a) The property tax revenue received from any tax increment area, as defined in NRS 278C.130, within the redevelopment area;

(b) The combined overlapping tax rate of the redevelopment area;

(c) The property tax rate of the redevelopment area;

(d) The total sum of the assessed value of the taxable property in the redevelopment area;

(e) If the amount reported pursuant to the provisions of paragraph (d) is less than the total sum of the assessed value of the taxable property in the

redevelopment area for any other previous fiscal year, an explanation of the reason for the difference;

(f) Copies of any memoranda of understanding into which the agency enters;

(g) The amortization schedule for any debt incurred for the redevelopment area and the reasons for incurring the debt; and

(h) Any change to the boundary of the redevelopment area and an explanation of the reason for the change.

3. *In addition to the information required pursuant to the provisions of subsection 2, an agency of a city whose population is 500,000 or more shall include in the report submitted pursuant to subsection 2 the following information for the redevelopment area for the previous fiscal year:*

(a) A statement of all revenues and expenditures of the agency.

(b) A statement of efforts by the agency to promote the goals of the regional development authority, as defined in NRS 231.009, including, without limitation, an explanation of the extent to which the activities of the agency have promoted private investment, the formation of businesses and the creation of jobs.

4. Any report for a redevelopment area submitted pursuant to the provisions of subsection 1 must be submitted with the report for the redevelopment area submitted pursuant to the provisions of subsection 2.

Sec. 3.5. NRS 279.685 is hereby amended to read as follows:

279.685 1. Except as otherwise provided in this section, an agency of a city whose population is 500,000 or more that receives revenue from taxes pursuant to paragraph (b) of subsection 1 of NRS 279.676 shall set aside not less than:

(a) Fifteen percent of that revenue received on or before October 1, 1999, and 18 percent of that revenue received after October 1, 1999, but before October 1, 2011, to increase, improve and preserve the number of dwelling units in the community for low-income households; ~~[and]~~

(b) Eighteen percent of that revenue received on or after October 1, 2011, *but before March 6, 2031,* to ~~[increase,]~~ *:*

(1) Increase, improve *,* ~~[and]~~ preserve ~~[the number of:~~

~~(1) Dwelling]~~ *or enhance the operating viability of dwelling* units in the community for low-income households; and

(2) ~~[Educational]~~ *Improve existing public educational* facilities *located* within ~~[the]~~ *a* redevelopment area ~~[.]~~ *or within 1 mile of a redevelopment area; and*

(c) Eighteen percent of that revenue received on or after March 6, 2031, to improve existing public educational facilities described in subparagraph (2) of paragraph (b).

➥ *For each fiscal year, the agency shall prepare a written report concerning the amount of money expended for the purposes set forth in subparagraph (2) of paragraph (b) or paragraph (c), as applicable, and shall, on or before*

November 30 of each year, submit a copy of the report to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission, if the report is received during an odd-numbered year, or to the next session of the Legislature, if the report is received during an even-numbered year.

2. The obligation of an agency to set aside not less than 15 percent of the revenue from taxes allocated to and received by the agency pursuant to paragraph (b) of subsection 1 of NRS 279.676 is subordinate to any existing obligations of the agency. As used in this subsection, "existing obligations" means the principal and interest, when due, on any bonds, notes or other indebtedness whether funded, refunded, assumed or otherwise incurred by the agency before July 1, 1993, to finance or refinance in whole or in part, the redevelopment of a redevelopment area. For the purposes of this subsection, obligations incurred by an agency after July 1, 1993, shall be deemed existing obligations if the net proceeds are used to refinance existing obligations of the agency.

3. The obligation of an agency to set aside an additional 3 percent of the revenue from taxes allocated to and received by the agency pursuant to paragraph (b) of subsection 1 of NRS 279.676 is subordinate to any existing obligations of the agency. As used in this subsection, "existing obligations" means the principal and interest, when due, on any bonds, notes or other indebtedness whether funded, refunded, assumed or otherwise incurred by the agency before October 1, 1999, to finance or refinance in whole or in part, the redevelopment of a redevelopment area. For the purposes of this subsection, obligations incurred by an agency after October 1, 1999, shall be deemed existing obligations if the net proceeds are used to refinance existing obligations of the agency.

4. From the revenue set aside by an agency pursuant to paragraph (b) of subsection 1, not more than 50 percent of that amount may be used to:

(a) Increase, improve *,* ~~[and]~~ preserve ~~[the number]~~ *or enhance the operating viability* of dwelling units in the community for low-income households; or

(b) ~~[Increase, improve and preserve the number of]~~ *Improve existing public* educational facilities *located* within ~~[the]~~ *a* redevelopment area ~~[,]~~ *or within 1 mile of a redevelopment area,*

➥ unless the agency establishes that such an amount is insufficient to pay the cost of a project identified in the redevelopment plan for the redevelopment area.

5. Except as otherwise provided in ~~[paragraph]~~ *paragraphs* (b) *and (c)* of subsection 1 and subsection 4, the agency may expend or otherwise commit money for the purposes of subsection 1 outside the boundaries of the redevelopment area.

Sec. 4. (Deleted by amendment.)

Sec. 5. NRS 271A.070 is hereby amended to read as follows:

271A.070 1. Except as otherwise provided in this section and NRS 271A.080, the governing body of a municipality may:

(a) Create a tourism improvement district for the purposes of carrying out this chapter and revise the boundaries of the district by adopting an ordinance describing the boundaries of the district and generally describing the types of projects which may be financed within the district pursuant to this chapter.

(b) Without any election, acquire, improve, equip, operate and maintain a project within a district created pursuant to paragraph (a). The project may be owned by the municipality, another governmental entity, any other person, or any combination thereof.

(c) For the purposes of carrying out paragraph (b), include in an ordinance adopted pursuant to paragraph (a) the pledge of a single percentage specified in the ordinance, which must not exceed 75 percent, of:

(1) An amount equal to the proceeds of the taxes imposed pursuant to NRS 372.105 and 372.185 with regard to tangible personal property sold at retail, or stored, used or otherwise consumed, in the district during a fiscal year, after the deduction of a sum equal to 1.75 percent of the amount of those proceeds;

(2) The amount of the proceeds of the taxes imposed pursuant to NRS 374.110 and 374.190 with regard to tangible personal property sold at retail, or stored, used or otherwise consumed, in the district during a fiscal year, after the deduction of 0.75 percent of the amount of those proceeds; and

(3) The amount of the proceeds of the tax imposed pursuant to NRS 377.030 with regard to tangible personal property sold at retail, or stored, used or otherwise consumed, in the improvement district during a fiscal year, after the deduction of 1.75 percent of the amount of those proceeds.

2. A district created pursuant to this section by:

(a) A city must be located entirely within the boundaries of that city.

(b) A county must be located entirely within the boundaries of that county and, when the district is created, entirely outside of the boundaries of any city.

3. If any property within the boundaries of a district is also included within the boundaries of any other tourism improvement district or any improvement district for which any money has been pledged pursuant to NRS 271.650, the total amount of money pledged pursuant to this section and NRS 271.650 with respect to such property by all such districts must not exceed the amount authorized pursuant to this section.

4. ~~[The]~~ *If the* governing body of a municipality ~~[shall not, after October 1, 2009, create]~~ *creates* a tourism improvement district *:*

(a) On or before October 1, 2009, that includes within its boundaries any property included within the boundaries of a redevelopment area established pursuant to chapter 279 of NRS, the governing body and agency may provide financing or reimbursement related to a project or redevelopment project

pursuant to the provisions of both NRS 271A.120 and 279.610 to 279.685, inclusive.

(b) After October 1, 2009, that includes within its boundaries any property included within the boundaries of a redevelopment area established pursuant to chapter 279 of NRS [.] *, the governing body and an agency:*

[(a)] (1) May provide financing or reimbursement related to a project or redevelopment project pursuant to the provisions of NRS 271A.120 or 279.610 to 279.685, inclusive, whichever is applicable.

[(b)] (2) Shall not provide such financing or reimbursement related to the project or redevelopment project pursuant to the provisions of both NRS 271A.120 and 279.610 to 279.685, inclusive.

5. As used in this section:

(a) "Agency" has the meaning ascribed to it in NRS 279.386.

(b) "Redevelopment project" has the meaning ascribed to it in NRS 279.412.

Sec. 6. This act becomes effective upon passage and approval.

Senator Smith moved the adoption of the amendment.

Remarks by Senator Smith.

Thank you, Mr. President. Amendment No. 884 to Assembly Bill No. 50 clarifies a date regarding when tourism districts may be created and the benefits that can be taken before or after October 1, 2009. The amendment to the bill is in order to allow it to correspond with other legislation that is in process, rather than conflict.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 454.

Bill read third time.

Remarks by Senators Woodhouse, Kieckhefer and Settelmeyer.

SENATOR WOODHOUSE:

Thank you, Mr. President. Senate Bill No. 454 creates the Silver State Health Insurance Exchange Account and indicates that money received in the Account does not revert to the General Fund at the end of each fiscal year.

Additionally, this bill authorizes the Exchange to offer policies for dental and vision benefits, as well as supplemental coverage, to individuals purchasing qualified health plans through the Exchange.

The bill revises requirements governing appointments to the Board of Directors of the Silver State Health Insurance Exchange and duties of the Board. Additionally, it repeals unused definitions relating to the Exchange.

The bill authorizes insurers to deduct fees imposed by the Exchange before paying tax on any premium written by the qualified health plans offered on the Exchange. The sections of the bill that allow the Exchange to offer dental and vision benefits and other supplemental coverage become effective upon passage and approval. All other sections of the bill become effective July 1, 2013.

SENATOR KIECKHEFER:

Thank you, Mr. President. I rise in reluctant support of Senate Bill No. 454 even though my remarks may not indicate it. This bill is consistent with how we close the budget so I think it is important that it pass. It ensures that we do not charge tax on top of a fee that we are also charging. For that reason, I think the bill also makes sense. However, there are a lot of

underlying policies in this bill that are not good. First, this is a key implementation component of the Affordable Care Act, and it was sold to us originally as an entity that would be self-sustaining and self-sufficient. The Silver State Health Insurance Exchange was going to pay for itself and be a self-funded entity. The Board of the Silver State Health Insurance Exchange has proposed rolling the fees that are charged to fund the Exchange into the overall total premium that will be charged for insurance within the Exchange. They had an option to charge that fee on top of the premium, but they chose to roll it in instead. Due to the regulations that have been promulgated by the federal government, however, all premiums, both inside and outside the Exchange for similar plans, need to be the same. This means that there will be cost shifts to outside the Exchange in order to finance it. This is the first of what will probably be many "bait and switches" by the federal government over how this program is going to be implemented. The idea that this will be a self-sufficient entity—that it will fund itself based on the fees it generates—is a falsehood. This is the first example of it.

In conclusion, while I feel the bill is necessary to pass, unfortunately some of the underlying facts are certainly disheartening.

SENATOR SETTELMEYER:

Thank you, Mr. President. I appreciate the comments of my colleague from Senate District No. 16. He articulated the exact reason why some committee members voted against this bill in the Senate Committee on Commerce, Labor and Energy. We completely concurred with Sections 4, 5 and 6—they make perfect sense. We indicated we were not in agreement with Sections 1, 2 and 3. We felt the type of changes in these sections should have been done through *Nevada Administrative Code*, rather than *Nevada Revised Statutes.* The most common answer we got from an individual testifying—John Hagar, who is the Director of the Silver State Health Insurance Exchange—was "we do not know." Every time we asked him a question, we got that answer. If the provisions were put in *Nevada Administrative Code,* they can remain flexible so that as the Affordable Care Act continues to evolve it could be dealt with. Therefore, members of the Committee were in opposition.

Roll call on Senate Bill No. 454:

YEAS—14.

NAYS—Brower, Cegavske, Gustavson, Hammond, Hutchison, Roberson, Settelmeyer—7.

Senate Bill No. 454 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 479.

Bill read third time.

Remarks by Senator Smith.

Thank you, Mr. President. Senate Bill No. 479 authorizes an insurer to carry forward credits against the premium tax paid for its policies of industrial insurance. The credits do not expire and may be carried forward into subsequent years until entirely used. This piece of legislation will clear up some legal issues that have been pending around this matter.

Roll call on Senate Bill No. 479:

YEAS—21.

NAYS—None.

Senate Bill No. 479 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 395.

Bill read third time.

Remarks by Senator Segerblom.

Thank you, Mr. President. Senate Bill No. 395 defines "collateral consequence of conviction" and requires the Attorney General to prepare and publish a collection of citations to the provisions of existing Nevada law, which impose or authorize a collateral consequence of conviction or allow relief from collateral consequence of conviction on or before January 1, 2014. The collection must be updated no later than 45 days after each regular Legislative Session and must remain available on the Internet no later than 14 days after it is updated.

Roll call on Senate Bill No. 395:

YEAS—21.

NAYS—None.

Senate Bill No. 395 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 430.

Bill read third time.

Remarks by Senators Smith and Gustavson.

SENATOR SMITH:

Thank you, Mr. President. Senate Bill No. 430 requires the Transportation Services Authority and the Taxicab Authority to authorize certificate holders, such as limousine operators and taxicab motor carriers, to use computerized real-time data systems for the purpose of offering to the public cooperative dispatch and electronic hailing services in Clark County. The bill establishes the minimum performance criteria and operational capabilities a computerized real-time data system must demonstrate before such a system can be implemented. The legislation allows the Transportation Services Authority and the Taxicab Authority the option of operating a computerized real-time data system themselves or entering into a contract for this service. If a contract is entered into, each respective regulating authority must ensure the information and data collected is under their control.

Senate Bill No. 430 requires limousine operators and taxicab motor carriers to charge and collect a technology fee which is established by Transportation Services Authority and the Taxicab Authority. The fee collected must be remitted to each respective regulating authority, and must be used to implement technological improvements in safety, reliability and efficiency, including the implementation of a computerized real-time data system to assist with administration and enforcement. For my colleagues from Southern Nevada who are familiar with the so-called long-haul issue, this attempts to address the concern that came about in a recent audit by our own State auditor.

SENATOR GUSTAVSON:

Thank you, Mr. President. I rise in opposition to Senate Bill No. 430. In the bill, it states these technology changes must be in real time and that the systems should be implemented no later than October 1, 2013. That is not enough time to implement such systems in my opinion. Also, this is an unfunded mandate to those taxicab companies. I do not think we should be placing the burden on them all at once. How many of these systems are available within the time frame? Is there more than one system out there that can accomplish the requirements of this bill or will it be one company they all have to buy from?

SENATOR SMITH:

Thank you, Mr. President. To my colleague from Senate District No. 14, the legislation does not say the bill must be implemented by October 1, 2013. It says the Taxicab Authority would commence the process of implementation by that date. Furthermore, we heard in testimony that this would go through a normal process of contracting, and would use the State's regular system for that. It would not require the systems to come from any one contractor. The fee will be set by the Taxicab Authority. They are enabled in this legislation to do that.

SENATOR GUSTAVSON:

Thank you, Mr. President. I apologize. I missed a word when I was reading the implementation date, I see now that it does state that is the date to commence the process. I still object to the additional fee put on taxicab fares. It would be a lot less expensive to place a flat rate on travel to and from the Airport. It would be less expensive for the taxicab companies and for the consumers as well. For those reasons, I will not be supporting this bill.

Roll call on Senate Bill No. 430:

YEAS—20.

NAYS—Gustavson.

Senate Bill No. 430 having received a two-thirds majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 18.

Bill read third time.

Remarks by Senator Manendo.

Thank you, Mr. President. Assembly Bill No. 18 allows the Nevada Department of Transportation and certain local governments to enter into agreements for the relinquishment or trade of any portion of a State highway or local road. Before a relinquishment or trade may take place, the parties must agree in writing to terms of the trade, including requirements for bringing the highway or local road into good repair or, if necessary, for ensuring equitable compensation or equitable trade considerations. The bill also requires the Nevada Department of Transportation, in cooperation with local governments, to adopt regulations governing procedural documents that address the process by which portions of roadways are to be relinquished. This bill is effective on October 1, 2013.

Roll call on Assembly Bill No. 18:

YEAS—21.

NAYS—None.

Assembly Bill No. 18 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Mr. President announced that if there were no objections, the Senate would recess subject to the call of the Chair.

Senate in recess at 6:44 p.m.

SENATE IN SESSION

At 6:54 p.m.

President Krolicki presiding.

Quorum present.

Assembly Bill No. 147.

Bill read third time.

The following amendment was proposed by Senator Segerblom:

Amendment No. 868.

"SUMMARY—Requires the notification of patients regarding breast density . ~~[and supplementary mammographic screening tests.]~~ (BDR 40-172)"

"AN ACT relating to mammography; requiring a statement of the density of the patient's breasts and a notice prescribed by the State Board of Health regarding breast density to be included in a report provided to a patient; authorizing an administrative fine for failure to ~~[provide]~~ comply with such ~~[notice;]~~ requirements; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Under federal law, a facility that performs a mammogram must provide directly to each patient a summary report describing the results of the mammogram written in terms that are easily understood by a lay person. (42 U.S.C. § 263b) Existing state law imposes certain requirements on the operation of a machine used to perform mammography and further provides for the imposition of an administrative fine for operation in violation of those requirements. (NRS 457.182-457.187) This bill requires the owner, lessee or other person responsible for the radiation machine for mammography that was used to perform a mammogram to ensure that the summary report required by federal law includes a statement of the density of the patient's breasts and a notice ~~[encouraging the patient to discuss the notice with his or her physician or other provider of health care.]~~ prescribed by the State Board of Health that includes certain information relating to breast density, breast cancer and the impact of breast density on the effectiveness of mammography. In addition, this bill authorizes the Health Division of the Department of Health and Human Services to impose an administrative fine for failure to provide such notice. (NRS 457.187)

~~[WHEREAS, Forty percent of women have dense breast tissue; and~~

~~WHEREAS, Breast density is one of the strongest predictors of the failure of mammography to detect cancer; and~~

~~WHEREAS, Breast density is a greater risk factor for breast cancer than having two first-degree relatives with breast cancer; and~~

~~WHEREAS, The vast majority of women are unaware of the density of their breasts; and~~

~~WHEREAS, Less than 1 in 10 women with dense breast tissue learn about their dense breast tissue from their doctors; and~~

~~WHEREAS, Several states, including Connecticut, Texas, Virginia, New York and California, have enacted legislation relating to notification of breast density; now, therefore,]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 457 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a patient undergoes mammography, the owner, lessee or other person responsible for the radiation machine for mammography that was

used to perform the mammography must ensure that each report provided to the patient pursuant to 42 U.S.C. § 263b(f)(1)(G)(ii)(IV) includes, without limitation, a statement of the category of the patient's breast density which is determined based on the Breast Imaging Reporting and Database System or ~~[subsequent]~~ such other guidelines ~~[established by the American College of Radiology, or its successor organization,]~~ as required by the State Board of Health by regulation, and ~~[the following]~~ the notice ~~[:~~

~~*The information about the results of your mammography report in relation to the density of your breast tissue is provided to you to raise your awareness. Dense breast tissue is common and not abnormal. As breast density increases, the ability of a mammogram to identify cancer or suspicious abnormalities decreases, which may increase the risk of breast cancer not being detected until a later stage. Density may change over time and generally diminishes with age, but varies by person. Many factors affect a person's risk of developing breast cancer, including family history, personal medical history, smoking and, according to some studies, increased breast density. Use this letter when you speak with your physician or other provider of health care about your own individual risk factors for breast cancer. At that time, ask your physician or other provider of health care if further testing might be useful.*~~

~~]~~ prescribed by the State Board of Health pursuant to subsection 2.

2. The State Board of Health shall prescribe by regulation the notice to be included in a report pursuant to subsection 1. The notice must include:

(a) A statement regarding the benefits, risks and limitations of mammograms;

(b) A description of factors that may affect the accuracy of a mammogram, including, without limitation, the density of breast tissue or the presence of breast implants;

(c) A statement that encourages the patient to discuss with his or her provider of health care the patient's specific risk factors for developing breast cancer; and

(d) A statement that encourages the patient to discuss with his or her provider of health care whether the patient should adjust his or her schedule for mammograms or consider other appropriate screening options as a result of the patient's breast density.

3. The notice prescribed by regulation pursuant to subsection 2 may include, without limitation:

(a) A statement regarding the prevalence of dense breast tissue, the relationship between breast density and breast cancer and the manner in which breast density may change over time; and

(b) A description of the factors that affect the risk of developing breast cancer.

4. Nothing in this section shall be construed to:

(a) Create a duty of care or other legal obligation beyond the duty to provide the notice as set forth in this section.

(b) Require a notice to be provided to a patient that is inconsistent with the notice required by the provisions of 42 U.S.C. § 263b or any regulations promulgated pursuant thereto.

Sec. 2. NRS 457.182 is hereby amended to read as follows:

457.182 As used in NRS 457.182 to 457.187, inclusive, *and section 1 of this act,* unless the context otherwise requires:

1. "Mammography" means radiography of the breast to enable a physician to determine the presence, size, location and extent of cancerous or potentially cancerous tissue in the breast.

2. "Radiation" means radiant energy which exceeds normal background levels and which is used in radiography.

3. "Radiography" means the making of a film or other record of an internal structure of the body by passing X rays or gamma rays through the body to act on film or other receptor of images.

Sec. 3. NRS 457.187 is hereby amended to read as follows:

457.187 1. The Health Division may impose an administrative fine, not to exceed $5,000, against the owner, lessee or other person responsible for a radiation machine for mammography for a violation of the provisions of NRS 457.182 to 457.186, inclusive, *and section 1 of this act,* or for a violation of a regulation adopted pursuant thereto.

2. Any money collected as a result of an administrative fine imposed pursuant to subsection 1 must be deposited in the State General Fund.

Sec. 4. On or before January 1, 2014, the State Board of Health shall adopt the regulations required by section 1 of this act.

Sec. 5. This act becomes effective upon passage and approval for the purpose of adopting regulations and any other preparatory administrative tasks and on January 1, 2014, for all other purposes.

Senator Segerblom moved the adoption of the amendment.

Remarks by Senators Segerblom and Hardy.

SENATOR SEGERBLOM:

Thank you, Mr. President. Amendment No. 868 to Assembly Bill No. 147 changes the statutory mandate to a regulatory process whereby the State would adopt regulations to determine what information should be given to women who have mammograms. To my knowledge the amendment has been coordinated with the Senator from Boulder City to make sure it corresponds to current medical practices.

SENATOR HARDY:

Thank you, Mr. President. I support Amendment No. 868 to Assembly Bill No. 147. I appreciate the statement of my colleague.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 54.

Bill read third time.

Remarks by Senator Hutchison.

Thank you, Mr. President. Assembly Bill No. 54 adopts a revised schedule of fees a justice of the peace must charge and collect on the commencement of actions, the preparation and filing of affidavits and orders, the appearance of defendants, the preparation of transcripts and other actions in justice court. The bill requires 25 percent of the portion of these fees payable to the county treasurer to be deposited into a special account for the benefit of the justice courts in the county. The funds in the special account may only be used for the construction of additional facilities; the expansion or renovation of existing facilities; acquisition of equipment, fixtures and furniture; equipment or staff for enhanced security; and certain other items.

The bill also requires a county treasurer to, if necessary, reduce the amount deposited in the special account to ensure that the total fees paid the county treasurer in any fiscal year are not less than the amount paid in Fiscal Year 2012-2013.

Finally the bill authorizes a Board of County Commissioners to impose, by ordinance, a filing fee on the commencement of an action or the filing of an answer in justice court, to offset a portion of the cost of operating a law library in the county. This passed unanimously out of the Senate Committee on Judiciary, and we strongly urge your support.

Roll call on Senate Bill No. 54:

YEAS—20.

NAYS—Gustavson.

Senate Bill No. 54 having received a two-thirds majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 170.

Bill read third time.

Remarks by Senators Atkinson, Hardy, Hutchison, Jones, Settelmeyer, Goicoechea, Denis, Cegavske and Gustavson.

SENATOR ATKINSON:

Thank you, Mr. President. Assembly Bill No. 170 makes various changes relating to the advanced practice of nursing. The term "advanced practitioner of nursing" is replaced throughout the *Nevada Revised Statutes* with the term "advanced practice registered nurse." The bill requires the State Board of Nursing to issue a license to such a nurse, rather than a certificate of recognition; the requirements for issuance are unchanged. The bill prohibits an advanced practice registered nurse from prescribing a controlled substance listed in Schedule 2, unless the nurse has at least two years or 2,000 hours of clinical experience; or the controlled substance is prescribed utilizing a protocol approved by a collaborating physician. This bill is effective on July 1, 2013.

SENATOR HARDY:

Thank you, Mr. President. It is a true fact that we need more nurses. It would be nice if this bill allowed us to get more nurses. The definition change does not actually change the reality of what the nurse practitioner can do. The experience called for in the bill is "clinical experience" which is undefined. It could be anything they have ever done. The Board of Nursing will delineate the scope of practice. This Board may not have the expertise of the nurse that is requesting the scope of practice to be either expanded or limited. The physician's path to specialization is a three- to ten-year process. The nurse specialization is somewhat of a "shortcut."

Section 19 of the bill addresses something that is unique in that we talk about rural communities being advantaged by this. It talks about a physician assistant or advanced-practice nurse who is under the supervision of a licensed physician. The concept of autonomy is not really granted for the rural areas by this legislation—albeit the rural communities would benefit from, and would want, the nurse practitioners in their areas. We have yet to see the rural

communities benefitted from those who have specializations as their impetus to become nurse practitioners. I will not be supporting the bill.

SENATOR HUTCHISON:

Thank you, Mr. President. I rise in opposition to Assembly Bill No. 170. I join my colleague from Senate District No. 12 in expressing concern that we are asking advanced-practice nurses, as good as they are, to do more than they are trained or experienced to do. I do not think the way we solve the problem of the few medical professionals is to ask those who, in my view, lack the proper training or proper clinical experience compared with the medical doctors and physicians in those same areas. For that reason, I am concerned about the overall impact of this bill on the health and welfare of Nevadans. I will not be supporting it.

SENATOR JONES:

Thank you, Mr. President. I rise in support of Assembly Bill No. 170. We have a health-care crisis in our State, and we are only able to address that crisis by expanding the scope of those who are providing health care. I believe that should apply to advanced-practice nurses. I want to thank the sponsor of the bill, Assemblywoman Carlton. There were some concerns raised at the hearing related to nurses coming out of nursing school and dispensing certain types of drugs immediately after graduation. I was thankful to the Assemblywoman for meeting with me and accepting an amendment, which I believe addresses the concern I raised. I ask my colleagues to support this bill.

SENATOR SETTELMEYER:

Thank you, Mr. President. I rise in support of Assembly Bill No. 170. The reality is the Affordable Care Act is now law. We do not have enough doctors. It is that simple. We need to have more medical personnel out in the rural communities. It was mentioned during the testimony on this bill, and it is a reality for the other states who have passed similar legislation, that those individuals have stayed in their communities instead of migrating to larger cities. This has helped provide rural care, which is desperately needed in our State.

There was also testimony in detail about the number of hours the advanced-practice nurses have in schooling. It is not anywhere near the hours required for doctors, but in the same respect, they do not have the same responsibilities. I feel this bill is reasonable given the crisis we are facing.

SENATOR ATKINSON:

Thank you, Mr. President. As Chair of the Senate Committee on Commerce, Labor and Energy, I feel the need to rise and show my support for Assembly Bill No. 170. I respect my colleague from Senate District No. 12. However, I disagree to a certain extent that this does not help the rural areas. From everything I know—through reading and in reviewing the testimony from the Committee—I think it helps the rural communities more than it helps any other area.

My colleague from Senate District No. 9 spent a lot of time with the amendment and considering what may help get us there. That amendment made sure these practitioners have training. It also reduced the level of medicine they can administer. I think we did a good job addressing everyone's needs and concerns with this measure. I urge your support.

SENATOR GOICOECHEA:

Thank you, Mr. President. I rise in support of Assembly Bill No. 170. I have the utmost respect for my colleague from Senate District No. 12. However, in the true rural areas, we do not have physician's assistants or supervising doctors that will come and review those charts once per week. When we talk about an advanced-practice nurse, that is a higher level of care than what is affordably offered to us today. Anything we can do to improve the situation, and clearly the skills that are required—even at 2,000 hours—will be an improvement. Many of these small rural clinics only have, in many cases, a licensed practical nurse and a certified nursing assistant staffing them. I ask you to please support this bill. It does help the rural areas in our State.

SENATOR DENIS:

Thank you, Mr. President. I want to chime in and join my colleagues. When we heard testimony on Assembly Bill No. 170 in Committee, it stood out to me that this bill can help

provide some of the needed medical support, especially in rural areas. As my rural colleagues have mentioned, this will be helpful to them. Therefore, I am in support.

SENATOR CEGAVSKE:

Thank you, Mr. President. I have a question. Since it seems the rural areas are the focus of the conversation, is this legislation only for the rural areas or does it incorporate all areas of the State?

SENATOR ATKINSON:

Thank you, Mr. President. If I recollect, most of the testimony came from the rural folks, but there are no limitations to the bill based on the population of counties. It applies to all areas of the State.

SENATOR GUSTAVSON:

Thank you, Mr. President. I rise in support of Assembly Bill No. 170. I represent some of the rural areas in our State, and I think this would be of benefit to them. I urge your support of this measure.

Roll call on Assembly Bill No. 170:

YEAS—14.

NAYS—Brower, Cegavske, Hammond, Hardy, Hutchison, Kieckhefer, Roberson—7.

Assembly Bill No. 170 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 176.

Bill read third time.

Remarks by Senator Hardy.

Thank you, Mr. President. Assembly Bill No. 176 exempts a consignee from a requirement to provide the buyer or long-term lessee of a vehicle with evidence of compliance certifying that the vehicle is equipped with pollution control devices and complies with certain requirements of the State Environmental Commission. Instead, the bill requires the consignee to: (1) inform the buyer that he or she may be responsible for obtaining an emissions inspection or testing before the vehicle may be registered; (2) post a notice at the site of the consignment auction, in printed documents or on a website if applicable, stating that the consignee is exempt from the requirement to obtain an emissions inspection or testing of any vehicle sold by consignment auction; and (3) make the vehicle available for inspection before the auction.

Roll call on Assembly Bill No. 176:

YEAS—21.

NAYS—None

Assembly Bill No. 176 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 223.

Bill read third time.

Remarks by Senators Goicoechea, Settelmeyer and Parks.

SENATOR GOICOECHEA:

Thank you, Mr. President. Assembly Bill No. 223 authorizes a constable, subject to approval by the Board of County Commissioners, to appoint clerical and operational staff. The bill provides that such staff members do not have the powers of peace officers and may not possess a weapon or carry a concealed firearm while performing their duties for the constable. A constable

of a township containing a city with a population of 150,000 or more, currently Henderson, Las Vegas, North Las Vegas, and Reno, must be certified by the Peace Officer Standards and Training Commission as a Category I or II peace officer within one year of taking his or her position. Assembly Bill 223 also authorizes a Board of County Commissioners to establish, by resolution or ordinance, penalties for the failure of a constable to file any oath, report or other document required by law to be filed with the county or with the Peace Officer Standards and Training Commission. The bill further requires the constable's oath to be filed and recorded in the office of the county recorder in the county where the constable holds office. Finally, the authority of the constable to issue a citation to the owner or driver of a vehicle that is not properly registered applies only to vehicles located in the constable's township at the time the citation is issued.

SENATOR SETTELMEYER:
Thank you, Mr. President. I am curious, and I want to make sure for the record. If you are in a county with a population of 100,000 or less, and you do not have a city, will a constable still be able to arrest? I would appreciate someone clarifying that for me.

SENATOR PARKS:
Thank you, Mr. President. To my colleague from Senate District No. 17, there are only a limited number of constables in the State. Most of them are in Clark County, and this bill deals primarily with those constable offices in Clark County. In most of the State, with the exception of Incline Village, the constable's activities are handled through the civil bureaus and the respective sheriffs' offices.

SENATOR SETTELMEYER:
Thank you, Mr. President. Again, for clarification, I want to make sure that constables in counties with populations of less than 100,000 that do not have cities, will still be able to arrest. I believe it is what the bill allows, but I want to make sure.

SENATOR PARKS:
Thank you, Mr. President. That is correct.

Roll call on Assembly Bill No. 223:
YEAS—21.
NAYS—None.

Assembly Bill No. 223 having received a constitutional majority, Mr. President declared it passed, as amended.
Bill ordered transmitted to the Assembly.

Assembly Bill No. 312.
Bill read third time.
Remarks by Senator Hammond.
Thank you, Mr. President. Assembly Bill No. 312 revises the appointment process and terms of service for the members of the Charter Committee of Carson City. The measure provides that the Mayor, each Supervisor and each member of the Senate and Assembly delegation representing the residents of Carson City appoint one member to the Committee. Each member serves at the pleasure of his or her appointing public officer throughout that public officer's term. The bill also revises the duties of the Charter Committee. The Charter Committee will meet jointly with the Board of Supervisors to advise the Board in regard to the Committee's recommendations for amendments to the Charter. Should the Board elect to submit the Committee's recommendations to the Legislature, the Committee will assist in the preparation and presentation of the recommendations. If the Board chooses 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.

Roll call on Assembly Bill No. 312:

YEAS—21.

NAYS—None.

Assembly Bill No. 312 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Smith moved that Assembly Bill No. 351 be taken from the General File and placed on the Secretary's Desk.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 415.

Bill read third time.

Remarks by Senator Segerblom.

Thank you, Mr. President. Assembly Bill No. 415 provides that the crime of burglary does not include the act of entering a commercial establishment during business hours with the intent to commit petit larceny, unless the person who enters has two or more previous convictions for petit larceny within the last seven years or a felony conviction.

Roll call on Assembly Bill No. 415:

YEAS—21.

NAYS—None.

Assembly Bill No. 415 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 453.

Bill read third time.

Remarks by Senator Gustavson.

Thank you, Mr. President. Assembly Bill No. 453 provides for the registration of two or more vehicles as a fleet if they are all covered by a commercial liability policy. This bill also provides that verification of the required liability insurance for fleet vehicles is satisfied when an insurer submits to the Department of Motor Vehicles the policy number and the name of the registered owner of those vehicles. This bill is effective on October 1, 2013.

Roll call on Assembly Bill No. 453:

YEAS—21.

NAYS—None.

Assembly Bill No. 453 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 487.

Bill read third time.

Remarks by Senator Manendo.

Thank you, Mr. President. Assembly Bill No. 487 raises from 25 to 40 percent the recycling goal that must be taken into account when the State Environmental Commission adopts certain regulations related to recycling and the disposal of hazardous household products. It also directs the Board of County Commissioners of each county to report to the 2015 Legislature regarding efforts and progress made to establish programs for single-stream recycling.

Roll call on Assembly Bill No. 487:

YEAS—21.

NAYS—None.

Assembly Bill No. 487 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 236.

Bill read third time.

Remarks by Senators Manendo and Gustavson.

SENATOR MANENDO:

Thank you, Mr. President. Assembly Bill No. 236 allows a person to drive a motorcycle between stationary vehicles occupying adjacent traffic lanes. While driving between other vehicles traveling in the same direction as the motorcycle, the following conditions apply: (1) the person must drive in a manner that is reasonable and proper, having due regard for the traffic, surface and width of the highway, the weather, and other highway conditions; and (2) the motorcycle must travel at a speed of 10 miles per hour or less.

SENATOR GUSTAVSON:

Thank you, Mr. President. I rise in opposition to Assembly Bill No. 236. I have supported motorcyclist issues for years—most of them, not all. This is one I objected to in Committee, but after the amendment, I went ahead and supported it reserving the right to change my vote. The more I think about it, when you have one or two motorcyclists riding around, there is not generally a problem. But during summertime, in general, and during special events, you have motorcyclists riding in groups. They get along both sides of the cars at red lights while all of traffic is stopped. As soon as the light changes, they all take off and scatter into different lanes, leaving the car sitting in the intersection waiting to go. I do not think this is a safe idea, and I urge your no vote.

Roll call on Assembly Bill No. 236:

YEAS—5.

NAYS—Brower, Cegavske, Ford, Goicoechea, Gustavson, Hammond, Hutchison, Jones, Kieckhefer, Kihuen, Parks, Roberson, Settelmeyer, Smith, Spearman, Woodhouse—16.

Assembly Bill No. 236 having failed to receive a constitutional majority, Mr. President declared it lost.

Mr. President announced that if there were no objections, the Senate would recess subject to the call of the Chair.

Senate in recess at 7:30 p.m.

SENATE IN SESSION

At 7:32 p.m.

President Krolicki presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Segerblom moved that the action whereby the Senate concurred in Assembly Amendment No. 682 to Senate Bill No. 38 be rescinded.

Motion carried.

Senator Hutchison moved that the Senate recess subject to the call of the Chair.

Motion carried.

Senate in recess at 7:33 p.m.

SENATE IN SESSION

At 8:51 p.m.

President Krolicki presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Natural Resources, to which was referred Assembly Bill No. 246, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

AARON D. FORD, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Senator Smith moved that all necessary rules be suspended, and that Assembly Bill No. 246, just reported out of Committee, be declared an emergency measure under the Constitution and placed on third reading and final passage.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 35.

Bill read third time.

Remarks by Senators Spearman and Settelmeyer.

SENATOR SPEARMAN:

Thank you, Mr. President. Assembly Bill No. 35 consolidates campaign-finance reporting requirements for general elections and special elections held on the same day as a primary or general election. The measure expands campaign-finance reporting requirements to recall elections and makes reporting for special elections more consistent with general election reporting. The bill clarifies terms used in categorizing contributions and expenditures, including: (1) when an expenditure will not be considered to be "coordinated with" a candidate or group of candidates; and (2) that contributions and expenditures "against" a candidate must be reported in addition to those "for" a candidate. The measure makes clear that campaign-finance reports are required even if a ballot question does not appear on the ballot, or a candidate informally ends his or her campaign, runs unopposed, or loses in the primary.

Candidates who are removed from the ballot or not elected and public officers, who resign from office and are not candidates for another office, must comply with the laws governing the disposition of unspent contributions. The bill creates a voluntary procedure for formally ending a campaign and streamlining compliance with applicable campaign finance laws. Assembly Bill No. 35 eliminates or consolidates redundant provisions and repeals an obsolete provision on

reporting in city elections. Finally, the bill clarifies that remedies and penalties for violations are cumulative and in addition to any other remedies and penalties set forth in the law, including criminal penalties. Assembly Bill No. 35 is related to, and overlaps, changes to election and campaign finance laws in Assembly Bill No. 48 of the 2013 Session. The bill is effective on July 1, 2013.

SENATOR SETTELMEYER:

Thank you, Mr. President. I rise in opposition to Assembly Bill No. 35. I do not appreciate the language being deleted by the amendment previously adopted. I feel it helped with clarity. Now, the bill is more vague about coordination, and I will oppose the bill because of it.

Roll call on Assembly Bill No. 35:

YEAS—17.

NAYS—Cegavske, Goicoechea, Gustavson, Settelmeyer—4.

Assembly Bill No. 35 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 48.

Bill read third time.

Remarks by Senators Spearman and Settelmeyer.

SENATOR SPEARMAN:

Thank you, Mr. President. Assembly Bill No. 48 makes it a crime to vote or attempt to vote if the person: (1) knows he or she is not a qualified voter; or (2) is using the name of another person. These crimes are punishable as Category D felonies. If a late vacancy occurs in a nonpartisan office, a person may become a candidate by filing a declaration of candidacy and paying the required fee no later than the fourth Friday in June. The bill changes the date for minor political parties to file their certificates of nomination, by approximately one week, to the last Tuesday in August.

The bill requires each county clerk to provide a certified list of candidates to the Secretary of State prior to the primary and general elections. If a voter registers by mail or computer and the voter registration card is returned by the United States Postal Service, the voter must present proof of residency before voting. The bill extends the deadline for online voter registration to the third Tuesday before an election and adds definitions for "committee sponsored by a political party" and "independent expenditure." The threshold for reporting contributions or independent expenditures by persons and political parties or committees, is increased from $100 to $1,000.

As to the Secretary of State, the bill (1) changes the deadline to have regulations in place governing elections; (2) removes the requirement for the Legislative Commission to approve expense forms; and (3) changes the due date and content of compiled campaign-finance reports. The bill also makes changes consolidating reporting requirements, repealing an obsolete provision and eliminating repetitive language. The bill is effective on July 1, 2013.

SENATOR SETTELMEYER:

Thank you, Mr. President. I rise in opposition to Assembly Bill No. 48 because I feel that the language that was deleted will allow for the coordination between the candidates and the parties and so forth, and I think that was not the intent of the bill. Additionally, the Independent American Party came forth to oppose Assembly Bill No. 48 with the concerns that the date was changed, which was against their wishes. I do not think it is right for us to change it without having their consultation.

Roll call on Assembly Bill No. 48:

YEAS—15.

NAYS—Cegavske, Goicoechea, Gustavson, Hammond, Hardy, Settelmeyer—6.

Assembly Bill No. 48 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 147.

Bill read third time.

Remarks by Senator Segerblom, Cegavske, Ford and Hardy.

SENATOR SEGERBLOM:

Thank you, Mr. President. Assembly Bill No. 147 is the mammography bill we talked about earlier that my colleague from District No. 8 supports.

SENATOR CEGAVSKE:

Thank you, Mr. President. I stand to agree with my colleague from Senate District No. 3 and want to make sure that everyone votes in favor of Assembly Bill No. 147 because it is a great bill.

SENATOR FORD:

Thank you, Mr. President. I have a question for my colleague from District No. 12. I am wondering if he thinks the language is appropriate and that it will not unnecessarily frighten women who have breast cancer results or breast examination results.

SENATOR HARDY:

Thank you, Mr. President. I do not think anyone will be prevented from being afraid. What we want to do is give them appropriate information, without scaring them, about potential things that they do not have, and if they do have proven results, we want to let them know exactly what they have. This bill allows the State to come up with the language that addresses all the appropriate things that one should know when they get a report back. I trust that answers your question.

Roll call on Assembly Bill No. 147:

YEAS—21.

NAYS—None.

Assembly Bill No. 147 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 202.

Bill read third time.

Remarks by Senator Hammond.

Thank you, Mr. President. Assembly Bill No. 202, which was discussed and amended on the Floor earlier today, raises the age to 16 years for a juvenile to be tried as adult for criminal proceedings, and lowering it to 13 years for those to be certified as an adult by the court for such proceedings.

Roll call on Assembly Bill No. 202:

YEAS—21.

NAYS—None.

Assembly Bill No. 202 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 246.

Bill read third time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 890.

"SUMMARY—Prohibits the sale or transfer of ownership of a live animal at a swap meet under certain circumstances. (BDR 50-747)"

"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; ~~[or 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 (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,]~~ 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).

~~[(c)]~~ (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.

Senator Manendo moved the adoption of the amendment.

Remarks by Senator Manendo.

Thank you, Mr. President. Amendment No. 890 to Assembly Bill No. 246 clarifies the prohibition for selling, offering for adoption or transferring ownership of a live animal at a swap meet.

Amendment adopted.

Senator Smith moved that all rules be suspended, that the reprinting of Assembly Bill No. 246 be dispensed with, that the Secretary be authorized to insert Amendment No. 890 adopted by the Senate, and that the bill be placed on the General File and considered next.

Motion carried.

Bill read third time.

Roll call on Assembly Bill No. 246:

YEAS—21.

NAYS—None.

Assembly Bill No. 246 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered reprinted and transmitted to the Assembly.

Assembly Bill No. 313.

Bill read third time.

The following amendment was proposed by Senator Smith:

Amendment No. 888.

"SUMMARY—~~[Creates a statutory subcommittee of]~~ Requires the Advisory Commission on the Administration of Justice ~~[. (BDR 14-421)]~~ to consider certain items regarding criminal procedure. (BDR S-421)"

"AN ACT relating to criminal procedure; ~~[creating a statutory subcommittee of]~~ requiring the Advisory Commission on the Administration of Justice to consider issues concerning electronic surveillance by law enforcement ~~[;]~~ , traffic laws and certain laws relating to motor vehicles, and language access in the courts; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law establishes the Advisory Commission on the Administration of Justice and directs the Commission, among other duties, to identify and study the elements of this State's system of criminal justice. (NRS 176.0123, 176.0125) This bill ~~[creates in statute the Subcommittee on Search and Seizure Law and Technology of]~~ requires the ~~[Advisory]~~ Commission ~~[on the Administration of Justice. This bill requires: (1) the Chair of the Commission to appoint the members of the Subcommittee; (2) that the Subcommittee consist of legislative members and certain nonlegislative members; (3) the Chair of the Subcommittee to be a legislative member of the Commission; and (4) the Subcommittee]~~ to : (1) consider issues concerning electronic surveillance by law enforcement ~~[and to evaluate, review and submit a report to the Commission with findings and recommendations concerning such issues for proposed legislation. This bill also sets forth the salaries and per diem that members of the Subcommittee may receive.]~~ ; (2) evaluate issues related to certain traffic laws and laws relating to drivers' licenses and to the registration of and insurance for motor vehicles, and the treatment of

violations of such laws as criminal offenses or civil infractions; and (3) evaluate issues concerning language access in the courts.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[Chapter 176 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. There is hereby created the Subcommittee on Search and Seizure Law and Technology of the Commission.*~~

~~*2. The Chair of the Commission shall appoint the members of the Subcommittee. The Subcommittee must consist of legislative and nonlegislative members, including, without limitation:*~~

~~*(a) A representative of the public defender's office in Washoe County.*~~

~~*(b) A representative of the public defender's office in Clark County.*~~

~~*(c) A representative of the State Public Defender's Office.*~~

~~*(d) A member of the private criminal defense bar.*~~

~~*(e) A representative of a civil liberties organization.*~~

~~*(f) A representative of the district attorney's office in Washoe County.*~~

~~*(g) A representative of the district attorney's office in Clark County.*~~

~~*(h) A representative of the Attorney General.*~~

~~*(i) A representative of a law enforcement agency located within the jurisdiction of Washoe County.*~~

~~*(j) A representative of a law enforcement agency located within the jurisdiction of Clark County.*~~

~~*(k) A representative of the academic community with specialized knowledge in the field of search and seizure law and technology.*~~

~~*(l) A representative from the compliance division of a national telecommunications carrier authorized to do business in this State.*~~

~~*3. The Chair of the Commission shall designate one of the legislative members of the Commission as Chair of the Subcommittee.*~~

~~*4. The Subcommittee shall meet at the times and places specified by a call of the Chair. A majority of the members of the Subcommittee constitutes a quorum, and a quorum may exercise any power or authority conferred on the Subcommittee.*~~

~~*5. The Subcommittee shall consider issues concerning electronic surveillance by law enforcement, including, without limitation, access by a law enforcement agency to historical and prospective geolocation data generated by a telecommunications device for tracking purposes and the use of mobile tracking devices, and shall evaluate, review and submit a report to the Commission with findings and recommendations concerning such issues for proposed legislation.*~~

~~*6. Any Legislators who are members of the Subcommittee are entitled to receive the salary provided for a majority of the members of the Legislature during the first 60 days of the preceding session for each day's attendance at a meeting of the Subcommittee.*~~

~~*7. While engaged in the business of the Subcommittee, to the extent of legislative appropriation, each member of the Subcommittee is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.]*~~ (Deleted by amendment.)

Sec. 2. ~~[NRS 176.0121 is hereby amended to read as follows:~~

~~176.0121 As used in NRS 176.0121 to 176.0129, inclusive, *and section 1 of this act,* "Commission" means the Advisory Commission on the Administration of Justice.]~~ (Deleted by amendment.)

Sec. 2.5. The Advisory Commission on the Administration of Justice created pursuant to NRS 176.0123 shall, at a meeting held by the Commission, include as an item on the agenda a discussion of the following issues:

1. A review of the use of electronic surveillance by law enforcement, including, without limitation, access by a law enforcement agency to historical and prospective geolocation data generated by a telecommunications device for tracking purposes and the use of mobile tracking devices.

2. An evaluation of the policies and practices relating to criminal violations of traffic laws and laws relating to drivers' licenses and to the registration of and insurance for motor vehicles, with consideration as to whether it is feasible and advisable to treat such violations as civil matters and, if so, the issues involved in implementing a system to treat such violations as civil matters.

3. An evaluation of:

(a) The current system used in this State to provide court interpreters in criminal and civil proceedings;

(b) The systems used in other states to provide court interpreters in criminal and civil proceedings; and

(c) The current condition of federal and state laws regarding the provision of court interpreters in criminal and civil proceedings.

4. Recommendations regarding, without limitation:

(a) Necessary statutory changes to facilitate language access in the courts;

(b) Necessary statutory changes to comply with any federal law related to language access in the courts; and

(c) Methods for raising any revenue necessary to provide court interpreters in criminal and civil proceedings or to increase language access in the courts.

Sec. 3. This act becomes effective on July 1, 2013 . ~~[, and expires by limitation on July 31, 2015.]~~

Senator Smith moved the adoption of the amendment.

Remarks by Senator Smith.

Thank you, Mr. President. Amendment No. 888 to Assembly Bill No. 313 adds some language to try and consolidate the assignments of the Commission on Administration of Justice.

Amendment adopted.

Senator Smith moved that all necessary rules be suspended, that the reprinting of Assembly Bill No. 313 be dispensed with, that the Secretary be authorized to insert Amendment No. 888 adopted by the Senate, and that the bill be placed on the General File and considered next.

Motion carried.

Bill read third time.

Remarks by Senator Hammond.

Thank you, Mr. President. Assembly Bill No. 313 creates a statutory Subcommittee on Search and Seizure Law and Technology of the Advisory Commission on the Administration of Justice.

Roll call on Assembly Bill No. 313

YEAS—21.

NAYS—None.

Assembly Bill No. 313 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered reprinted and transmitted to the Assembly.

Assembly Bill No. 345.

Bill read third time.

Remarks by Senators Segerblom and Goicoechea.

SENATOR SEGERBLOM:

Thank you, Mr. President. Assembly Bill No. 345 provides that the $3 fee on game-tag application be split between research and predator control.

SENATOR GOICOECHEA:

Thank you, Mr. President. I rise in opposition to Assembly Bill No. 345. I believe the $3 fee paid by the sportsmen was for predator control. I appreciate the efforts to amend the bill. I voted against it when it came out of Committee, and I do again tonight. Unfortunately, we cannot study predators to death.

Roll call on Senate Bill No. 345:

YEAS—16.

NAYS—Cegavske, Goicoechea, Gustavson, Hammond, Hardy—5.

Senate Bill No. 345 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 346.

Bill read third time.

Remarks by Senator Goicoechea.

Thank you, Mr. President. Assembly Bill No. 346 pertains to pit lakes. If the land mass is 200 acres and the pit lake is 90 percent filled, they ultimately can be determined to be a pit lake and therefore, be accessed by the public. This bill makes it perfectly clear there are no responsibilities or liabilities for certain persons. The property owner does not assume responsibility or incur liability regarding access to the premises. The bill provides that relevant reclamation plans that were filed before the bill takes effect must provide for public access to a pit lake as set forth in the bill. These plans may be amended and re-filed if it is determined that such access is warranted.

Roll call on Assembly Bill No. 346:
YEAS—21.
NAYS—None.

Assembly Bill No. 346 having received a constitutional majority, Mr. President declared it passed, as amended.
Bill ordered transmitted to the Assembly.

Assembly Bill No. 348.
Bill read third time.
Remarks by Senator Kieckhefer.
Thank you, Mr. President. Assembly Bill No. 348 establishes certain requirements for the governance of a foster care agency, as well as certain requirements for the owners, members, volunteers and vendors. A foster care agency must report certain information, execute contracts with a foster care provider with whom children are placed, and implement certain provisions for independent living foster homes among other requirements. This bill is effective on October 1, 2013. During the earlier amendment, we did strike the fee language. There has been some chatter about the amount of regulation we are putting into statute with this bill. I say the child welfare system was designed to protect children, so if we are going to err on one side of the equation, we should err on the side of protecting children.

Roll call on Assembly Bill No. 348:
YEAS—21.
NAYS—None.

Assembly Bill No. 348 having received a constitutional majority, Mr. President declared it passed, as amended.
Bill ordered transmitted to the Assembly.

Assembly Bill No. 374.
Bill read third time.
Remarks by Senator Spearman.
Thank you, Mr. President. An agreement entered into under Assembly Bill No. 374 requires the person or organization holding an outdoor assembly to contact the county coroner if a death occurs at the assembly and to compensate the coroner for any related expenses. An additional agreement or agreements may be entered into authorizing the county to provide other services and to receive compensation for such services. Finally, the bill stipulates that none of its provisions shall be construed to limit the power of the Legislature. This bill is effective on July 1, 2013.

Roll call on Assembly Bill No. 374:
YEAS—21.
NAYS—None.

Assembly Bill No. 374 having received a constitutional majority, Mr. President declared it passed, as amended.
Bill ordered transmitted to the Assembly.

Assembly Bill No. 50.
Bill read third time.
Remarks by Senator Spearman.
Thank you, Mr. President. Assembly Bill No. 50 extends the termination date of the redevelopment plan adopted by the agency of a city whose population is 500,000 or more,

currently the City of Las Vegas, from 45 to 60 years after the date on which the original redevelopment plan was adopted. The measure provides for the set-aside and use of certain revenues from taxes imposed on property in a redevelopment area for education-related and other purposes. If a tourism improvement district created after October 1, 2009, has within its boundaries any portion of a redevelopment area, a redevelopment agency and the governing body of a city or county are prohibited from providing financing, or reimbursement or both to the tourism district and the redevelopment area. This measure is effective upon passage and approval.

Roll call on Assembly Bill No. 50:

YEAS—21.

NAYS—None.

Assembly Bill No. 50 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 365.

Bill read third time.

Remarks by Senator Kihuen.

Thank you, Mr. President. Assembly Bill No. 365 requires the Court Administrator to adopt necessary regulations establishing the criteria and procedures for the appointment of alternate court interpreters for persons with language barriers. The bill requires the regulations to express a preference for appointment of a certified court interpreter before an alternate interpreter. It requires an interpreter to be appointed at public expense for a person with a language barrier who is a criminal defendant or witness, or who is the child, parent, guardian or witness in a juvenile proceeding. I urge the passage of this bill.

Roll call on Assembly Bill No. 365:

YEAS—21.

NAYS—None.

Assembly Bill No. 365 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 378.

Bill read third time.

Remarks by Senators Ford, Hutchison, Jones, Brower, Roberson, Segerblom, Smith and Spearman.

SENATOR FORD:

Thank you, Mr. President. Assembly Bill No. 378 provides that a transfer of property to a self-settled spendthrift trust is presumed to be made with the actual intent to defraud an oblige named in a family support order and is void if: (1) the transfer is made after the commencement of a domestic relations proceeding; (2) the transfer is made less than two years before the commencement of such a proceeding; (3) the transfer is made while the settlor is subject to certain family support orders; or (4) a court order expressly requires the settlor to transfer the property to his or her child, spouse or former spouse, or a domestic partner or former domestic partner, or for the benefit of such a person.

The measure also provides that under certain circumstances, a trustee of a self-settled spendthrift trust is required to provide written notice of certain distributions from the trust to an oblige named in a family support order. If the settlor of the spendthrift trust is also a beneficiary of the trust, the measure prohibits the following persons from being a distribution trustee or a

distribution adviser: the settlor; the spouse or domestic partner of the settlor; a person related to the settlor by blood, adoption or marriage within the second degree of consanguinity or affinity; an employee of the settlor; a subordinate employee of the settlor or the settlor's business; or a business entity in which the settlor or any of the previously-listed persons holds at least 30 percent of the total voting power. This measure is effective on October 1, 2013.

SENATOR HUTCHISON:

Thank you, Mr. President. I rise in opposition to Senate Bill No. 378. This is one of those bills that is not necessary. It is incredibly harmful to Nevada's standing as the leading jurisdiction for forming self-settled spendthrift trusts. In the 16-plus years, and in the 15 jurisdictions where these trusts have been created and are operating, there has never been one single case where a child support or alimony creditor was not paid because of these trusts. In fact, Julia Gold, a long-time trust attorney, testified before the Senate Committee on Judiciary that she had spoken to family court judges, who have presided over thousands of these cases, and the judges had never seen a case where one of these trusts had prevented payment of child support or alimony.

People do not put all, or substantially all, of their assets or net worth into an asset-protection trust. The reason is because under Nevada law one of the factors in evaluating a fraudulent conveyance is whether a person put all or substantially all of the person's assets or net worth into an asset-protection trust. If the answer is yes, it is likely a fraudulent conveyance and is unwound by the court. There will be assets available for the purpose of alimony or child support payment.

Nevada is currently the leading self-settled spendthrift trust jurisdiction in the United States. The difference between being the leader and being second means millions of dollars to professionals and businesses in the State of Nevada. The leading position brings assets to our financial institutions. It creates jobs. It creates significant Secretary of State revenue from all of the Limited Liability Corporations and Limited Partnerships that are created with these trusts. Once our reputation is tarnished, it would take years to repair that reputation.

Existing law already provides for fraudulent conveyance disallowances. It already requires a passage of two years before the assets of the trust vest and are protected. Therefore, we do not have the problems the bill seeks to remedy. Even though the alimony and child support exceptions have now been modified with the amendment to this bill, so that they appear to be a presumption, we do not know how jurisdictions throughout the Country will react to this. If the presumption is deemed legally insufficient there may be serious estate-tax repercussions, imposing unnecessary State taxes on these trusts.

There are many other problems with this bill. I will spare you all of the details. We have thousands of these self-settled spendthrift trusts created in Nevada. What do we do once we pass this bill into law? How are lawyers supposed to notify the thousands of people that they now have new rules for transfers made on or after October 1, 2013. This scenario is not considered within the provisions of this bill. I urge your rejection of Assembly Bill No. 378.

SENATOR JONES:

Thank you, Mr. President. I rise in support of Assembly Bill No. 378. I had concerns with some of the provisions including some of the issues raised by my colleague from Senate District No. 6. I asked that the Probate and Trust Section of the State Bar of Nevada get together and get on the same page. They did not. What we have, today, is an imperfect bill. However, in speaking and working with the sponsor of the bill over the last two weeks, I am hopeful that by passing this bill today, we can still get to a resolution with the Probate and Trust Section of the State Bar of Nevada through a conference committee.

SENATOR BROWER:

Thank you, Mr. President. I am going to offer some of the details that my colleague from Senate District No. 6 spared us a moment ago. Assembly Bill No. 378 tries to solve a problem that does not exist in our State. The bill introduces redundant requirements for property rights between spouses or domestic partners that are already codified in *Nevada Revised Statutes*. The bill creates a presumption of fraudulent conveyance to a self-settled spendthrift trust that are already treated as fraudulent conveyances under *Nevada Revised Statutes.* This bill potentially exposes residents of all 50 states to Nevada family law since such trusts in Nevada may be used by residents of any state.

The bill was never reviewed or approved by the Probate and Trust Section of the State Bar of Nevada prior to its introduction. And since its introduction, as has been pointed out, it has not been endorsed by that section of the State Bar of Nevada. Many of us in this Body know that is a unusual situation for a bill that has made it out of Committee.

The bill conflicts with the Internal Revenue Service code and certain Internal Revenue Service pronouncements regarding the splitting of the trusts at divorce and the Income Estate and Gift Tax consequences associated with such a split. Finally, let me just add, that in my time here I have never experienced a situation where virtually 99 percent of the true experts on a topic in our State have agreed that a bill is a bad idea. Yet, the bill somehow finds it way to the Floor. I urge the Body to oppose this bill. It is simply not good for our status as the gold standard for trust law in the United States. It has the potential to dissuade millions of dollars of trust assets from finding their way to our State.

SENATOR ROBERSON:

Thank you, Mr. President. I want to echo the comments of my colleagues from Senate District No. 6 and Senate District No. 15. My colleague from Senate District No. 9 indicated this is an imperfect bill—yes, this is an imperfect bill. It is an ill-conceived bill. Assembly Bill No. 378 is such a bad bill. Please vote against it.

SENATOR SEGERBLOM:

Thank you, Mr. President. With all due respect to my colleague from Henderson, Assembly Bill No. 378 is actually a great bill. The experts that my colleague from Senate District No. 15 points to all make their living off of creating these trusts which, incredibly, if you have a child-support order or an alimony order, you cannot go after the assets of your spouse. We have created in Nevada a law which protects assets from the wife and the children even after they have been ordered by a divorce court. This bill addresses that issue. It is important. We do not want to live in a State, where we are so eager for business and willing to make rich lawyers even richer, that we are going to allow them to draft these trusts which protect assets from court orders for spousal and child support. I encourage your support for this bill.

SENATOR FORD:

Thank you, Mr. President. I want to highlight that the comments from my colleagues from Senate District No. 6 and Senate District No. 15 are the quintessential examples of what lawyers do: the contentions are debatable. Whether the provisions violate the code of the Internal Revenue Service—we heard arguments on both sides of that in Committee. Some of the issues that are raised in opposition are, in fact, debatable.

The primary issue for me, relative to this type of trust—and for the edification of the Body, what this allows you to do is put all your money in a trust which is run by a trustee, and that trustee cannot give any money out, cannot do anything with the money, unless you tell them to. If you tell them to not pay your child-support, he will not pay the child support—even if there is an order in place that says he is supposed to pay child-support. For me, that is sufficient to say I am not interested in creating a haven for deadbeat dads. I have said that in Committee, and I am saying it, again, now. I support this in principle for that reason. Spousal support is important as well. There are different idiosyncrasies we have to deal with for that. On the child-support front, I do not think we should be holding child-support payments hostage to a trust. Assembly Bill No. 378 goes a long way in making certain kids can be taken care of pursuant to a court order. I encourage you to vote in support of this bill.

SENATOR HUTCHISON:

Thank you, Mr. President. I rise to correct the record. Just think about this—we are trying to fix a problem with trusts that does not exist. The idea is someone can put all of their assets into a trust, and as a result they do not have to pay child-support or spousal-support obligations. First, you cannot put all of your assets into a trust without it triggering a fraudulent-conveyance legal challenge that subjects a transfer to being unwound by a court; that is already addressed in fraudulent-conveyance law. To suggest you can transfer all of your assets into a trust is inaccurate. Second, you would think, if these trusts were used as a vehicle for creating a safe haven for deadbeat dads, there would be one case during the 16 years and in the 15 jurisdictions

where these trusts have been created and functioning. Somebody would have come forward to the Committee and advised us of a problem. The exact opposite was true. We asked witness after witness whether they had experienced that scenario before as legal practitioners—some of them have trust and estate practice nationwide—whether they had heard of any of their colleagues or judges experiencing this problem. Not one said they had. This type of trust is not a vehicle for deadbeat dads. Those who are trying to avoid their child-support obligations often do not even have trusts created for any purpose, let alone to transfer all of their assets into those trusts. They have assets outside the trusts as they are required to have for fraudulent-conveyance purposes. We are chasing a ghost with this bill that does not exist. In the meantime, we are going to crater and irreparably harm our status as a State as the number one jurisdiction for creating these trusts. There are tens of millions or hundreds of millions of dollars invested over the course of the lifetime of these trusts. Do not forget the jobs and the economic growth that goes along with it. This is ill-conceived legislation that is completely unnecessary. I urge you not to vote in favor of this bill.

SENATOR BROWER:

Thank you, Mr. President. I am now reminded of how this bill did get out of Committee. This whole issue has been horribly distorted. The rhetoric is flat-out wrong, although well intentioned, but also intended to distort and inflame the issue so as to take our eyes off the ball. Frankly, this bill is about giving a member of the other Body a bill.

Again, I have never seen a bill that was disapproved by the relevant section of the State Bar of Nevada get a hearing, let alone a vote out of Committee. The experts tell us this is a bad idea. The deadbeat dad piece—this has nothing to do with deadbeat dads. It would not be as big a deal, and I do not think you would see so much floor debate if it was not such an important issue. This is the kind of bill that is so potentially destructive to the economic vitality of our State that if we pass it, I guarantee we will come to regret it. Let us not make that mistake. Let us do with this bill what should be done. Let us put it to rest. I urge your "no" vote on this bill.

SENATOR SMITH:

Thank you, Mr. President. I would like to ask one of my colleagues who has referred to the amount of money that is being brought into this State if we have any tax revenue off of any of that money beyond sales tax and property tax.

SENATOR HUTCHISON:

Thank you, Mr. President. I can tell you there are thousands of Limited Partnerships and Limited Liability Corporations in connection with the spendthrift trusts—those are revenues that come into the State which the Secretary of State will lose out on if we pass this bill. We also know there are dozens, if not hundreds, of certified public accountants and professionals within this State who service this industry. They generate revenue and pay taxes on that revenue. We know there are investment advisors who bring in and manage the investment assets, who charge thousands of dollars each year to the trusts to do so. They generate fees and revenue for the State. Banks charge fees for the accounts that are set up in these trusts in Nevada. The trust companies hire employees to administer these trusts, and likewise earn revenue based on these fees. All of this, of course, is subject to the Modified Business Tax and state unemployment taxes based on their own payrolls. Those are a few examples. If we pass this law, South Dakota will pass us up and take a lot of that revenue from Nevada.

SENATOR SPEARMAN:

Thank you, Mr. President. I got lost along the way. I believe my colleague from Sparks was asking if there is any direct revenue that comes in. I would like to get an answer to that question. Second, of all the businesses that were just named by our colleague from Senate District No. 6, are those businesses currently in the State of Nevada, or are those the folks we expect to come if we do not pass this bill?

SENATOR HUTCHISON:

Thank you, Mr. President. I am happy to respond to my colleague from Senate District No. 1. I can tell you the Modified Business Tax brings revenue into this State. The Secretary of State's

fees that are charged every time a Limited Partnership and a Limited Liability Corporation is created brings revenue into this State. I can tell you every time someone pays an employee based on the services rendered by the trusts, the investments and the related businesses that are brought into this State, they too will pay payroll taxes or the Modified Business Tax. Employees who are hired will pay sales tax, property tax and all of the other taxes that the rest of us pay. Those are the ways we see the tax revenue.

Do you mean, do these trust officers or these trusts actually move here—the people who are the beneficiaries or the settlors of the trust? Some do, some do not. A lot of them are outside the State of Nevada. We want to make the State of Nevada—and we have over years and years of passing statutes related to these trusts—the gold standard for these trusts. If you go back and look at the history of these trusts, the ones who championed these laws are both Democrats and Republicans. It was a bipartisan effort to make us the gold standard. Every state in the Union is trying to catch up to us now. Assembly Bill No. 378 would be a major step backwards for the first time in Nevada's history concerning these trusts.

SENATOR ROBERSON:

Thank you, Mr. President. I have a question for my colleague from Senate District No. 11. I have a lot of respect for his intelligence and his abilities as an attorney. When he said this would create a haven for deadbeat dads, I was, frankly, taken aback. I had not heard that before. I heard my colleague from Senate District No. 6 indicate in the 16 years that these trusts have been around, and in the 15 jurisdictions, there is no evidence of that. Therefore, I respectfully ask my colleague from Senate District No. 11—when you make an inflammatory statement like that—what is the factual basis for your statement? If it truly does create a haven for deadbeat dads, I will vote with you. None of us want that. What is the factual basis for that statement?

SENATOR FORD:

Thank you, Mr. President. My response is simple. We do not always pass laws on a reactive basis. We try to prevent things from happening all the time with some of the laws we pass. We heard testimony about how this *could* be used, and it scared me. I walked into the airport when I was headed home, last Friday, and stopped at that bar right by Gate B-5. A lady there said, "You're Senator Ford aren't you?" I said, "Yes." She told me she was one of the trust lawyers that had been emailing me all week. I asked her if she was against Assembly Bill No. 378. She said she was. I asked her about the child-support concerns I had mentioned. She told me that the times she has seen that happen are when athletes, for example, are able to shield their assets. At the hearing, we did not get information about athletes being able to use trusts and avoid the payment of child support. You cannot put all of your assets in a trust, but you can bide your time. People do all kinds of things like file bankruptcy and whatever else they can to avoid being responsible for their obligations.

So, it is not going to happen necessarily, but I would much rather send someone to South Dakota if their impetus is going to be to shield an asset from child support or spousal support. For me, this is a child-support issue because spousal support may have other issues related to it. I do not necessarily think we can address that right now. This is not my bill. This is less about me doing something for myself, or even giving a bill to someone across the hallway. It is about giving a bill the opportunity to be worked out, as my colleague said, in conference committee. The State Bar of Nevada is involved in the negotiations. Things are not in final form just yet, but if it passes out, it can go to conference, and everyone can continue to work on it. It could die there, or maybe it will be worked out and be passed. The bottom line is: there is an opportunity here to address a law that gives the perception to anyone looking in Nevada that, even though it may not have happened in the past, we have prevented it from happening in the future. We do not have to have an example of past behavior. I do not want an example.

Senators Atkinson, Smith and Jones moved the previous question.

Motion carried.

The question being on the passage of Assembly Bill No. 378.

Roll call on Assembly Bill No. 378:

YEAS—11.

NAYS—Brower, Cegavske, Goicoechea, Gustavson, Hammond, Hardy, Hutchison, Kieckhefer, Roberson, Settelmeyer—10.

Assembly Bill No. 378 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 283.

Bill read third time.

Remarks by Senator Parks.

Thank you, Mr. President. I have a lengthy floor statement here concerning Assembly Bill No. 283 that I am reluctant to read because everything I stated when I read the amendment explanation related to this bill earlier today, more or less covers things. So, I will just add one paragraph of additional information to ensure the record is complete.

Assembly Bill No. 283 makes various changes to public works laws including, but not limited to, revising certain requirements for bidding. It clarifies that, a person who performs work that does not otherwise require licensure by the State Contractors Board, is not required to be licensed to provide services on the public work. The bill sunsets all new provisions relating to construction managers at risk on July 1, 2017.

Roll call on Assembly Bill No. 283:

YEAS—21.

NAYS—None.

Assembly Bill No. 283 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Senate Bills Nos. 4, 80, 284, 285, 286, 287, 288, 304, 309, 310, 317, 318, 325, 335, 338, 342, 343, 344, 350, 351; Assembly Bills Nos. 21, 60, 73, 129, 165, 198, 263, 305, 326, 327, 333, 334, 337, 341.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Kieckhefer, the privilege of the Floor of the Senate Chamber for this day was extended to the students, teachers and parent volunteers from Fremont Elementary School; students: David Bradt, Alicia Contreras, Hannah Dobney, Samantha Dominguez Hernandez, Jayden Dunlap, Tyler Germain, Vladimir Gonzalez, Joshua Holmes, Ivan Iza, Vivian Lathrop, Lydicia Mancillas, Olivia Martin, Anthony Meyer, Cali Moore, Kaleb Nix, Sutter Reynolds, Anay Romero Estupinan, Yanelly Salgado, Samantha Silva, Brooklyn Wall, Christopher Zierten and teacher, Mrs. Simmons; Steven Arraiz, Owen Carlson, Deanina Dunn, Chloe Empeno, Isaac Harrison, Edgar Iza, Amberlee Ketten, Daniel Logan, Monique Martin, Christopher McCorkle, Adan Nunez-Soto, Nicole Orio, Lance Pabst, Isarai Partida Lopez, Zander Plunkett, Brigette Quintero, Nathan Reynolds, Michael Rhodes, Zephyn Sellars, Dylan Wygant,

Makenzee Valentine, Elysia Teruya, Mya Wilson and teacher, Miss Gordon; Ricardo Andrade, Christian Apodaca, Nicholas Arraiz, Abbie Cherpeski, George Cox Jr., Cassandra Dominguez, Bryce Fettic, Michael Garrett Jr., Jacqueline Guitron, Haley Illig, Kristopher Jovel, Sarah Laney, Philip Maita, Jacob Nichols, Guillermo Perez, Emma Pitman, Ryan Pitman, Kaleb Schumacher, Bella Settle, Todd Smith, Haylee Solorio, Savannah Souza, Tiger Zenner and teacher, Miss Boltz; Angelina Amaya, Kaleb Berryman, Kenny Brus, Mira Caraway, Laura Carrillo, Josh Castaneda, Lucia Chavez, Shawn DeLaBruere, Ashley Fitzpatrick, Alexis Fox, Morgan Golden, Anthony Gomez-Salas, Miguel Herrera-Munoz, Michael Hogan, Alyssa Jordan, David Kimball, Silas Littlewolf, Taylor Matthews, Robbie Munoz, Cameron North, James Schultz and teacher, Ms. Twichell; and parent volunteers: Janice Fitzpatrick and Stephanie Munoz.

Senator Denis moved that the Senate adjourn until Monday, May 27, 2013, at 11:30 a.m.

Motion carried.

Senate adjourned at 9:51 p.m.

Approved:

BRIAN K. KROLICKI
President of the Senate

Attest: DAVID A. BYERMAN
Secretary of the Senate